

LEGAL NOTICE NO. 100

THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

THE PEST CONTROL PRODUCTS (INSPECTION AND
CERTIFICATION) REGULATIONS, 2024

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THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

IN EXERCISE of the powers conferred by section 15 of the Pest Control Products Act, the Cabinet Secretary for Agriculture and Livestock Development, after consultation with the Pest Control Products Board, makes the following Regulations—

THE PEST CONTROL PRODUCTS (INSPECTION AND CERTIFICATION) REGULATIONS, 2024

1. These Regulations may be cited as the Pest Control Products (Inspection and Certification) Regulations, 2024. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“agro dealer” means a person who sells, supplies, transports or deals in agriculture inputs including seed, fertilizer, stock remedies, agrochemicals, animal feed and pest control products;

“banned pest control product” means a pest control product where all uses have been prohibited by final regulatory action;

“business handling pest control products” means a manufacturing plant, formulation plant, warehouse, retail outlet, digital marketplace or an online market store;

“cholinesterase level” means amount of the enzyme that helps passing of messages in the nervous system;

“dispensing premises” means a store and shop where pest control products are sold;

“disposal” means any operation to recycle, neutralize destroy or isolate pest control product waste, used container or contaminated material;

“efficacy” means effectiveness of a pest control product against a target pest;

“Restricted Class 1 product” means a product that has potential to cause unacceptable adverse effects to the environment and people without added precautions; and

“restricted pest control product” means a pest control product whose specific use is allowed.

3. (1) The object of these Regulations is to provide for the procedure for inspection and certification of pest control products and premises to ensure quality of pest control products and proper storage of pest control products. Object of the Regulations.

(2) Without prejudice to the generality of sub-regulation (1), the object of these Regulations is to provide for the—

- (a) sampling of pest control products for quality monitoring;
- (b) requirements for certification of business premises and businesses handling pest control products;

- (c) minimum academic qualifications for persons operating a pest control product business;
- (d) procedure of seizure of non-compliant pest control products; and
- (e) conditions for the suspension or cancellation of a certificate issued under these Regulations.

4. (1) An inspector appointed under section 8 of the Act may collect samples of a pest control product from an agro-dealer or user for analysis by the Board for quality control.

Sample collection.

(2) The inspector shall provide the following information to the Board in respect of samples collected under sub-regulation (1) —

- (a) a description of the pest control product;
- (b) a code of the sample;
- (c) the location of the sample product;
- (d) the date of collection of the sample;
- (e) the name and contacts of the agro-dealer or user; and
- (f) the test required for the samples.

(3) An inspector shall record the particulars of the sample of the pest control product collected under sub-regulation (1) in Form A as set out in the Schedule.

(4) The samples collected under sub-regulation (1) shall be delivered to the Board's laboratory for analysis and shall be recorded in Form B as set out in the Schedule.

(5) Upon analysis, the analyst shall issue a Certificate of analysis in Form C as set out in the Schedule.

5. (1) A person who intends to use any premises or, being the owner or occupier thereof, permits the premises to be used for purposes of manufacturing, formulating, packaging, selling or storing pest control products shall apply to the Board for a certificate for the premises.

Certification of business premises and businesses handling pest control products.

(2) An application for a premises certificate shall be in Form D set out in the Schedule and shall be accompanied by —

- (a) the prescribed fees; and
- (b) the registration certificate of the business.

(3) The Board may request an applicant for a premises certificate to supply additional information relevant to the issuance of the certificate.

6. (1) The Board may issue an applicant for a premises certificate under regulation 5 with a provisional certificate pending the inspection required under regulation 7.

Provisional certificate.

(2) The certificate issued under sub-regulation (1) shall be in Form E1 as set out in the Schedule.

(3) A provisional certificate shall be valid for a period not exceeding three months.

7. (1) The Board shall issue the applicant with a Premises Certificate in Form E2 as set out in the Schedule if satisfied that the—

Issuance of a premises certificate.

- (a) application contains the requisite information required under these Regulations;
- (b) applicant has paid the prescribed fees; and
- (c) the premises were inspected for compliance with the requirements set out in the Act and in Form F set out in the Schedule.

(2) Where the Board does not approve an application for a certificate under these Regulations, the Board shall, within fourteen days of the decision, give reasons to the applicant in writing.

(3) The Certificate issued under sub-regulation (1) shall expire on the 31st December following the date of issue.

(4) A certificate holder who does not renew the certificate by 31st January of the current year shall be liable for a penalty of ten per centum of the outstanding amount due the previous year.

8. (1) A person intending to use any place or premises for the manufacturing, formulating, packaging or storing of pest control products shall ensure that the place or premises—

Layout and construction of manufacturing, formulating, packaging and storing premises

- (a) is of suitable design, layout and construction including permanent walling, concrete floor, enough lighting and aeration;
- (b) has sufficient space for the placement of equipment and storage of materials;
- (c) has separate areas, either by physical partition, location or other effective means, for those operations which do not require workers to be exposed to pest control products; and
- (d) where applicable, has a certificate of compliance with the provisions of the Occupational Safety and Health Act.

Cap. 236A.

(2) The Board shall issue the applicant with a premise certificate if the applicant satisfies the requirements under regulation 7.

(3) The Premises Certificate shall be in Form E2 set out in the Schedule.

9. A person who owns, operates or is in charge of premises used for the manufacturing, formulating, packaging, distribution or storing of pest control products shall ensure that—

Protection of worker and operators.

- (a) the personnel working in the premises wear protective clothing;
- (b) the premises are well supplied with first-aid facilities to the satisfaction of the Board to cater for accidental poisoning;
- (c) the general health of the persons working in the premises is catered for;
- (d) operators in formulation facilities, large stores, and large commercial farms are subjected to periodical medical check-ups including cholinesterase levels; and
- (e) the premise is in compliance with the requirements of the Occupational Safety and Health Act.

Cap. 286A.

10. A person who owns, operates or is in charge of premises used for the manufacturing, formulating, packaging, distribution or storing of pest control products shall ensure that—

Quality assurance of pest control products.

- (a) the pest control products in the premises are registered by the Board and are of the approved quality; and
- (b) no person in the premises manufactures, repacks, stocks, or sells counterfeit, expired, unregistered, smuggled and improperly packed pest control products.

11. A person who owns, operates or is in charge of premises dealing with pest control products shall—

Requirements for distributors and retailers of pest control products.

- (a) ensure that the products are packaged and well labelled;
- (b) have adequate knowledge of efficacy, uses and handling precautions of all pest control products within the premises in accordance with the provisions of the Act and Regulations;
- (c) provide adequate water and general cleanliness to facilitate safe dispensing of the products;
- (d) ensure physical separation of pest control products stores from food stores;
- (e) maintain stock records for the pest control products in the premises for a period of five years;
- (f) have appropriate pest control products waste disposal facilities to safeguard human health and environment; and
- (g) have the relevant qualification and a photograph of qualified persons operating within the premises conspicuously displayed in the premises.

12. (1) A person who owns, operates or is in charge of a pest control product manufacturing or formulating plant shall possess the following qualifications—

Qualifications for operating a pest control product business.

- (a) bachelor of science degree in chemistry or related sciences for conventional pest control products;
- (b) bachelor of science degree in biological sciences; or
- (c) bachelor of science degree in agriculture or related sciences for biopesticides.

(2) A person who is in charge of packaging and repacking of pest control products shall have a diploma in chemistry or related sciences.

(3) A person who is in charge of storage and use of pest control products shall have a certificate in agriculture or related sciences.

(4) A person who operates or is in charge of retail outlets or distribution of pest control products shall have a certificate in agriculture, animal health or related science.

(5) A person who operates or is in charge of spray service of pest control products shall have—

- (a) a certificate in agriculture, animal health or related sciences, and
- (b) attended spray service providers training organized by the Board or any other institution recognized by Board.

(6) A person who is in charge of pest control service shall have—

- (a) a certificate in agriculture, animal health or related science; and
- (b) attended a pest control operator training organized by the Board or any other institution recognized by the Board.

13. (1) A person shall not distribute a pest control product that is not registered under the Act. Distribution.

(2) The distribution of a pest control product under this regulation shall be in accordance with the conditions stipulated in the registration certificate including the—

- (a) specified restrictions due to toxicity, consumer or environmental safety concerns;
- (b) area of use; and
- (c) registered uses of the pest control product.

14. (1) A person who handles, uses, distributes, transports or deals in Restricted Class 1 pest control products for fumigation purposes shall apply to the Board for a certificate in Form G as set out in the Schedule.

Restricted Class 1 pest control products for fumigation purposes.

(2) The Board may issue the applicant with a certificate in Form H set out in the Schedule if satisfied that the application contains the information required under these Regulations.

(3) A person who handles, uses, distributes, transports or deals in a Restricted Class 1 pest control products for fumigation purposes without a certificate issued by the Board commits an offence.

15. (1) An inspector may seize any pest control product that does not comply with the requirements under the Act and these Regulations.

Seizure of non-complying pest control products.

(2) The inspector shall take an inventory of the pest control product seized under sub-regulation (1) in Form I as set out in the Schedule.

16. (1) The Board shall maintain a register of certified premises and businesses dealing with pest control products and certified commercial spray service providers.

Register of premises and commercial spray service providers.

(2) The Board shall give access to the register to the public in accordance with the Access to Information Act.

Cap. 7M,

17. A person issued with a certificate under these Regulations shall maintain records in Form J as set out in the Schedule.

Records.

18. (1) The Board may suspend a certificate issued under these Regulations for a period not exceeding six months, if satisfied that—

Suspension of a certificate.

- (a) the holder, an employee or the holder's agent has committed a breach of any of the conditions of the permit;
- (b) the holder, an employee or the holder's agent has contravened the provisions of these Regulations; or
- (c) the holder, an employee or the holder's agent has failed to maintain records required under regulation 17.

(2) Before suspending a certificate under sub-regulation (1), the Board shall give the certificate holder a twenty-eight days' notice to show cause why the permit should not be suspended.

(3) The Board may lift the suspension of a certificate under this regulation if satisfied that the certificate holder has complied with the terms and conditions upon which the suspension was made.

(4) If the breach contemplated under sub-regulation (1) poses serious danger to human health or the environment, the Board may cancel the certificate summarily.

19. (1) The Board may cancel a certificate issued under these Regulations if satisfied that the—

Cancellation of a certificate.

- (a) certificate holder, employee or agent has contravened the provisions of these Regulations; or
- (b) certificate holder, employee or agent has been convicted of an offence under these Regulations; or
- (c) certificate holder, employee or agent has breached the conditions of the certificate; or
- (d) production, use, storage or sale of the pest control products presents an imminent danger to public health, the environment or natural resources.

(2) Before cancelling the certificate under sub-regulation (1), the Board shall give the certificate holder a twenty-eight days' notice to

show cause why the certificate should not be cancelled and the Board's decision in the matter shall be final.

20. A person who commits an offence under these Regulations for which no penalty is provided shall be liable on conviction to the penalty specified under section 12A of the Act. General penalty.

21. The Pest Control Products (Licensing of Premises) Regulations are revoked. Revocation.
Sub-Leg.

SCHEDULE

(rr. 4(3), (4), (5), 5(2), 6(2), 7(1), 8(3), 14(1), (2), 15(2), 17)

FORMS



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PEST CONTROL PRODUCTS BOARD

FORM A

(r.4(3))

PEST CONTROL PRODUCTS BOARD

SAMPLE COLLECTION FORM

i) Product Details

Trade name

PCPB No.....Product owner.....

Active ingredient (s)Concentration

No. of samples Batch No.....

Date of manufacture.....Expiry Date.....

Sample code

Test required

Business NameLocation

Address..... E-mail.....

Tel.....

Sampled by:

Name.....Signature.....Date

Name.....Signature.....Date

Issued by.....Signature.....Date



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FORM B
LABORATORY SAMPLE RECEIPT FORM

(r.4(4))

Product Details

Trade name
Active ingredient (s) Concentration
Sample size Date of manufacture
Expiry Date
Sampled by No. of samples Date

Submission details

Client's Name
Address E-mail
Tel Date
Submitted by Signature

Delivery details

Charges (Ksh)
Name Signature Date

Lab Code No.	Client's code	Batch No.	Source of sample

NB. Samples submitted to the laboratory become property of PCPB.



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THE PEST CONTROL PRODUCTS BOARD

FORM C

(r.4(5))

PCPB REF:

Date.....

CERTIFICATE OF ANALYSIS

1. Lab. Sample No: Date analyzed:

Date received:

2. Client Name and address

3. Product sampled and submitted to the laboratory by:

4. Description of sample:

5. Analysis Requested

6. Manufacture Date: Expiry Date:

7. Results of analysis

Active (s) ingredient	Client Identification Code	Batch No.	Conc. as per the label	Conc. as per Analysis

8. Laboratory comments:

.....

.....

.....

Name of Analyst.....

Signature.....



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PEST CONTROL PRODUCTS BOARD

FORM D

(r.5(2))

APPLICATION FOR A CERTIFICATE

The Chief Executive Officer/Secretary
 Pest Control Products Board
 Loresho-off waiyaki way
 P.O. Box 13794-00800,
 Nairobi

1. Name and address of applicant (s)
 2. Name and address of person, firm or company to be issued with certificate
 Telephone..... Email
 3. Full names of partners and/or directors (where applicable)
 4. Type of business for which a certificate is required
 6. Plot No./L.R.No.
 7. Physical Location Road/Street
 8. Town /market..... County
 9. Name and qualifications of the person under whom operation/trading will be undertaken (Attach evidence
 Date.....Signature of applicant
- For Official Use Only
- Fee paid.....Date
- Receipt NumberSignature of receiving Officer

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THE PEST CONTROL PRODUCTS BOARD



FORM E1

(r.7(2))

PROVISIONAL CERTIFICATE

RECEIPT NO..... CERTIFICATE NO.....

This certificate is granted to

Type of business

Plot No./LR No.

Situated at

Chief Executive Officer/Secretary	Inspector

Date of issue.....

(a) This certificate is not transferable to any other person without the approval of the Board

(b) This certificate is valid for three months from date of issue

This provisional certificate is only applicable to existing premises/ businesses previously certified by PCPB

This certificate can be revoked on non-compliance

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FORM E 2

(r.7(1), r8(3))

RECEIPT NO..... CERTIFICATE NO.....

This certificate is granted to

Type of business

Plot No./LR No.

Situated at

Chief Executive Officer/Secretary	Inspector

Date

- (a) This certificate is not transferable to any other person without the approval of the Board
- (b) This certificate expires 31st December.....



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FORM F

(r.7(1)(c))

PREMISES INSPECTION REPORT*A. Inspection of Premises*

During inspection of Pest control Products Premises, the following Items shall be examined and comments made in order that the correct action can be taken with regard to Certification. A copy of the Inspection report shall be left with the owner or person in-charge of the premise. The original shall be returned to the Pest Control Products Board

Name and Address of Applicant/ Business _____

1. Type of Business _____
2. Physical Location of Premises _____
3. L.R. No. / Plot No. _____
4. Fees Paid _____
5. Receipt No _____

B. Specific Requirements

ITEM		COMPLIANCE WITH REQUIREMENTS		INSPECTOR'S RECOMMENDATION TO OWNER
	PHYSICAL FACILITIES	YES	NO	
	Suitable design, layout and construction for manufactures: evidence of compliance to Occupational Safety And Health Act			
	Sufficient space for free movement of personnel, products and equipment			

ITEM	COMPLIANCE WITH REQUIREMENTS	INSPECTOR'S RECOMMENDATION TO OWNER
Floors- Smooth & impermeable		
Adequate Ventilation/Aeration allow free movement of air		
General cleanliness		
PROTECTION FOR WORKERS		
Separate areas for workers who are not handling pesticides		
Suitable Personal Protective clothing		
Adequate First Aid measures		
Appropriate Fire extinguisher		
Adequate running water within premises		
Pesticides risks register and records of incidences/occurrence for manufacturers and large scale users		
Periodic (6 months) medical assessment for personnel handling pesticides		
Compliance with operational good manufacturing practices/Good Agricultural practices for Manufacturers large scale users		
PROTECTION OF THE PUBLIC AND MAINTENANCE OF PRODUCT QUALITY		
Physical separation of pharmaceuticals and animal feeds from pesticides		
Proper Storage and stacking of products		
All products must be registered and labelled as required by Law		
All labels should show date of manufacture and shelf life		

ITEM		COMPLIANCE WITH REQUIREMENTS		INSPECTOR'S RECOMMENDATION TO OWNER
	Stock records kept			
	Qualified operators for manufacturing, formulation/large scale use premises			
	Qualified operator for store and dispensing premises/pest control operators			
PROTECTION OF THE ENVIRONMENT				
	Appropriate waste disposal mechanisms e.g saw dust, sand, soil			
	Sufficient banding of store-part of design			
	Dustbin for disposal			
	Pest control products effluent deactivation system in place for manufacturers and large scale users			

C. General Recommendations

I certify that I have inspected the premises described above and it is my considered opinion that a certificate should/should not be issued /withdrawn for the premises.

The following defects should be rectified (Specify items by numbers).

1. Signature of Inspector: _____

2. Date _____

Name of Inspector: _____

3. Signature of Inspector: _____

4. Date _____

Name of Inspector: _____

NOTE

In case the Inspector's report reveals defects in the fulfilment of the requirements by the Pest Control Products Act, and therefore a recommendation not to provide a certificate to the owner of the premise by copy of this report shall be allowed a period of 60 days to rectify the defects and comply with the law. He will be allowed a further 14 days in which to re-apply for a certificate. If after a subsequent inspection the premise fails to meet the requirements, the business shall forthwith be closed and court actions taken in case of further default.



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PEST CONTROL PRODUCTS BOARD

FORM G

(r.14(1))

APPLICATION FOR CERTIFICATE TO DEAL IN PEST CONTROL PRODUCTS
UNDER RESTRICTED CLASS

Name and address of applicant

Status and address of applicant (Manufacturer, Agent, Registrant, Distributor, User)

.....

Name and address of registrant of pest control product

Trade name, Formulation, Concentration

Registration No

Target pest/disease

Package type

Quantity

Signature of applicant

Date



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FORM H (r.14(2))

CERTIFICATE TO DEAL IN PEST CONTROL PRODUCTS UNDER RESTRICTED
CLASS

This certificate is granted to

To sell/store/transport/use product

Registration Number.....At plot number

L.R. NO.....Situated

Date

Chief Executive Officer/Secretary

Prince 3024
Kings 3040
Dahlia 2736



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PEST CONTROL PRODUCTS BOARD

FORM I

(r.15(2))

IMPOUNDING FORM

Your Ref: _____ Date: _____

Our Ref: _____

RE: UNREGISTERED/ SMUGGLED/COUNTERFEIT PEST CONTROL
PRODUCTS/OPERATING WITHOUT PREMISES CERTIFICATE

The following Pest Control Products were found in your premises on _____ contrary to the provision of the Pest Control Act (Cap 346) and the regulations made thereunder.

1. _____
2. _____
3. _____

By virtue of Sect 10(1), the undersigned Pest Control Products Board Inspectors hereby seize the above products pending prosecution.

INSPECTORS NAME.....

SIGNATURE..... DATE.....

CERTIFICATE.....

I _____ ID No. _____ of
Position _____

certify that the above products were found in my premise on _____

Signature _____



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PEST CONTROL PRODUCTS BOARD

FORM J

(r.17)

PEST CONTROL PRODUCTS STOCK RECORDS FORM

Name of the Premises:

Location of the Premises:

No	Date of purchase	Name and address of supplier	Supplier Certificate Number/ Identification Number	Trade name of product supplied	Quantity Litres/kg	Batch Number

Made on the 22nd May, 2024.

MITHIKA LINTURI,
Cabinet Secretary for
Agriculture and Livestock Development.