


THE REPUBLIC OF KENYA

LAWS OF KENYA

# THE PEST CONTROL PRODUCTS (INSPECTION AND CERTIFICATION) REGULATIONS

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Kenya

Pest Control Products Act

# The Pest Control Products (Inspection and Certification) Regulations

Legal Notice 193 of 2024

Legislation as at 27 December 2024

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The Pest Control Products (Inspection and Certification) Regulations (Legal Notice 193 of 2024)
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# PEST CONTROL PRODUCTS ACT

# THE PEST CONTROL PRODUCTS (INSPECTION AND CERTIFICATION) REGULATIONS

## LEGAL NOTICE 193 OF 2024

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**Commenced on 29 November 2024**
*Note: KGS Publication Date*

### 1. Citation

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

### 2. Interpretation

In these Regulations, unless the context otherwise requires—

**"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

**"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 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. Object of the Regulations

(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.

(2) Without prejudice to the generality of subregulation (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. Sample collection

(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.

(2) The inspector shall provide the following information to the Board in respect of samples under collected subregulation (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 subregulation (1) in Form A as set out in the Schedule.

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

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

## 5. Certification of business premises and businesses handling pest control products

(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.

(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. Provisional certificate

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

(2) The certificate issued under subregulation (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. Issuance of a premises certificate

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

(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 subregulation (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. Layout and construction of manufacturing, formulating, packaging and storing premises

(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—

(a) is of suitable design, layout and construction including permanent walling, concreate 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 E set out in the Schedule.

## 9. Protection of worker and, operators

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—

(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 checkups including cholinesterase levels; and

(e) the premise is in compliance with the requirements of the Occupational Safety and Health Act (Cap. 286A).

## 10. Quality assurance of pest control products

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—

(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. Requirements for distributors and retailers of pest control products

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

(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 storesfrom 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. Qualifications for operating a pest control product business

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

(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. Distribution

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

(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. Restricted Class 1 pest control products for fumigation purposes

(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.

(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. Seizure of non-complying pest control products

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

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

## 16. Register of premises and commercial spray service providers

(1) The Board shall maintain a register of certified premises and businesses dealing with pest control products and certified 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. Records

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

## 18. Suspension of a certificate

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

(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. Cancellation of a certificate

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

(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 subregulation (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. General penalty

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.

### 21. Revocation. L.N. No. 100 of 2024.

The Pest Control Products (Inspection and Certificate) Regulations, 2024, are revoked.

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

## FORMS

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM A (r. 5(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 Name..... Location.....

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

Tel.....

Sampled by:

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

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

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

---

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**THE PEST CONTROL PRODUCTS BOARD**

**FORM B (r. 5(4)**

**LABORATORY SAMPLE RECEIPT FORM**

**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.

_____

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**THE PEST CONTROL PRODUCTS BOARD**

**FORM C (r. 5(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.....

---

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM D r. 6(2)**

**APPLICATION FOR A CERTIFICATE**

The Chief Executive Officer/Secretary

Pest Control Products Board

Loresho-off waiyaki way

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 Number ..... Signature of receiving Officer.....

---

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM D (r. 6(2)**

**APPLICATION FOR A CERTIFICATE**

The Chief Executive Officer/Secretary

Pest Control Products Board

Loresho-off waiyaki way

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 Number ..... Signature of receiving Officer.....

---

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**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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**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**THE PEST CONTROL PRODUCTS BOARD**

**FORM E2 r. 8(1), r. 9(2)**

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.....

---

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM F r. 9(2)**

**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 incharge 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 | |
| 1. | Suitable design, layout and construction for manufactures: evidence of compliance to Occupational Safety And Health Act | | | |
| 2. | Sufficient space for free movement of personnel, products and equipment | | | |
| 3. | Floors-Smooth & impermeable | | | |
| 4. | Adequate Ventilation/Aeration allow free movement of air | | | |
| 5. | General cleanliness | | | |
| | PROTECTION FOR WORKERS | | | |
| 6. | Separate areas for workers who are not handling pesticides | | | |

| | | | | |
|---|---|---|---|---|
| 7. | Suitable Personal Protective clothing | | | |
| 8. | Adequate First Aid measures | | | |
| 9. | Appropriate Fire extinguisher | | | |
| 10. | Adequate running water within premises | | | |
| 11. | Pesticides risks register and records of incidences/ occurrence for manufacturers and large scale users | | | |
| 12. | Periodic (6 months) medical assessment for personnel handling pesticides | | | |
| 13. | Compliance with operational good manufacturing practices/Good Agricultural practices for Manufacturers large scale users | | | |
| | PROTECTION OF THE PUBLIC AND MAINTENANCE OF PRODUCT QUALITY | | | |
| 14. | Physical separation of pharmaceuticals and animal feeds from pesticides | | | |
| 15. | Proper Storage and stacking of products | | | |
| 16. | All products must be registered and labelled as required by Law | | | |
| 17. | All labels should show date of manufacture and shelf life | | | |
| 18. | Stock records kept | | | |
| 19. | Qualified operators for manufacturing, formulation/ large scale use premises | | | |
| 20. | Qualified operator for store and dispensing premises/ pest control operators | | | |
| | PROTECTION OF THE ENVIRONMENT | | | |
| 21. | Appropriate waste disposal mechanisms e.g saw dust, sand, soil | | | |

| | | | | |
|---|---|---|---|---|
| 22. | Sufficient banding of store-part of design | | | |
| 23. | Dustbin for disposal | | | |
| 24. | 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.

———————

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM G (r. 15(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.....

_____

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**THE PEST CONTROL PRODUCTS BOARD**

**FORM H (r. 15(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 |
| |

---

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM I r. 16(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_____

_____

**THE PEST CONTROL PRODUCTS ACT**

**(Cap. 346)**

**PEST CONTROL PRODUCTS BOARD**

**FORM J (r. 18)**

**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 |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |