

Legal Notice No.....

PLANT PROTECTION (GENERAL) REGULATIONS, 2021

IN EXERCISE of the powers conferred by section 61 of the Plant Protection Act, 2021 the Cabinet Secretary for Agriculture makes the following Regulations.

PART I—PRELIMINARY	
<p>1. These regulations may be cited as the Plant Protection (General) Regulations, 2021</p>	<p>Citation</p>
<p>2. In these regulations unless the context otherwise requires—</p> <p>“Areas of low pest prevalence” means an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest is present at low levels and which is subject to effective surveillance or control measures.</p> <p>“Authorized Officer” Means the Managing director of Kenya Plant Health Inspectorate Service;</p> <p>“Competent Authority” means the lead agency mandated to carry out regulatory function in their area of mandate;</p> <p>“County Director” Means Director responsible for Agriculture in the County;</p> <p>“Disinfect” means to free a plant, plant product or regulated articles of pathogens;</p> <p>“Disinfest” means to free a plant, plant product or regulated articles from arthropod pests;</p> <p>“Infected area” means any area or place in which a pest or disease exists and which has been declared by the Cabinet Secretary, by order, to be an</p>	<p>Interpretation</p>

infected area for the purposes of this Regulations;

“Inspector” means a suitably qualified person appointed or authorized under the Plant Protection Act;

“Hoppers” means immature locusts that are not yet able to fly;

“Locusts” means the insect *Schistocerca gregaria*, *Locusta migratoria*, *Nomadacris septemfasciata*, or any other species of the family Acridiidae that have the swarming habit;

“Migratory pests” means pests that move seasonally in swarms, flocks, infestations for several kilometers across borders and cause significant economic losses to plants;

“Pest” any species strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

“Pest free area” means an area in which a specific pest is absent as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained by The Service;

“Pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“phytosanitary measure” means any legislation or official procedure for the prevention of the introduction or spread of pests;

“Plant product” means any unmanufactured material of plant origin including grain and those manufactured products that, by their nature or their processing, may create a risk of the introduction and spread of pests;

<p>“Plant quarantine procedures” means procedures followed for importation of risk-associated materials that require quarantine;</p> <p>“Quarantine pest” means a pest of potential economic significance to the area endangered and not yet present there, or present but not widely distributed and being officially controlled;</p> <p>“Quarantine station” means an official station for holding plants, plant products and other regulated articles under quarantine;</p> <p>“Regulated article” means any packaging, conveyance, container, soil and other organism, object or material capable of harbouring or spreading pests, that requires phytosanitary measures;</p> <p>“Service” means Kenya Plant Health Inspectorate Service;</p> <p>“Treatment” means an officially authorized procedure for the killing, removal or rendering of pests inactive or infertile;</p>	
<p>3. These Regulations shall apply to:-</p> <p>a) Prevention of the establishment and spread of pests through plants, plant products and other regulated articles being stored, moved, propagated, researched, cultivated or growing in the wild whether for commercial or other purposes;</p> <p>b) Pest surveillance and management;</p> <p>c) Certification of organic plants and plant products; and</p> <p>d) Monitoring of plant protection product residues and heavy metals in plants, plant products and regulated articles.</p>	<p>Scope of application</p>
<p>4. (1) The purpose of these regulations is to provide for the protection of plant health, safe movement and trade in plants, plant products and</p>	<p>Purpose of the regulations</p>

	<p>other regulated articles in Kenya and pest management.</p> <p>(2) Without prejudice to the generality of sub regulation (1), these Regulations shall provide for :-</p> <ul style="list-style-type: none"> a) Prevention of establishment and spread of pests and Pest management; b) Plant clinics; c) Management of Migratory pests; d) Phytosanitary Containment measures; e) Pest surveillance; f) Establishment of Pest Free Areas and Areas of low pest prevalence; g) Nursery Plant Health Certification; h) Monitoring of plant protection product residues, heavy metals and other contaminants in agricultural produce; i) Organic certification: and j) Authorisation of Laboratories. 	
	<p>PART II - NATIONAL AND COUNTY PLANT HEALTH EMERGENCY RESPONSE UNITS</p>	
	<p>5. (1) The National Plant Health Emergency Response Unit set out in the section 24 of the Plant Protection Act shall comprise of:-</p> <ul style="list-style-type: none"> a) Principal Secretary in the Ministry of Agriculture in Charge of crops who shall be the Chair; b) Head of Plant Protection Services Division of the Ministry of Agriculture; c) Managing Director- Kenya Plant Health Inspectorate Service who shall be the Secretary; d) Chief Executive Officer -Pest Control Products Board; 	<p>Membership of National Plant Health Emergency Response Unit</p>

	<p>e) Director General-Kenya Agricultural and Livestock Research Organization;</p> <p>f) Director General -National Museums of Kenya;</p> <p>g) Director General –Kenya Wildlife Services;</p> <p>h) Director General- Agriculture and Food Authority;</p> <p>i) Managing Director- Kenya Forest Research Institute;</p> <p>j) A Representative from universities;</p> <p>k) Representative of the Council of Governors;</p> <p>(2) The National Plant Health Emergency Response Unit may co- opt any other member with relevant specialization as need arises.</p>	
	<p>6. (1) The National Plant Health Emergency Response Unit shall be convened by the Permanent Secretary upon the request of the Service or any member in the event of a pest incursion in any part of the country.</p> <p>(2) Without prejudice to sub regulation (1) above the NPHERU shall meet at least once a year and shall regulate the conduct of its business and affairs.</p> <p>(3) The National Plant Health Emergency Response Unit (NPHERU) shall implement its mandate as provided for under the Act.</p>	<p>Operations of National Plant Health Emergency Response Unit</p>
	<p>7. (1) The County Plant Health Emergency Response Unit established in Section 24 of the Plant Protection Act shall comprise of: -</p> <p>a) County Executive Committee Member in charge of Agriculture who shall be the Chair;</p> <p>b) The County Director of Agriculture who shall be the Secretary;</p> <p>c) A Representative of the Service;</p>	<p>Membership of County Plant Health Emergency Response Unit</p>

	<p>d) A Representative of County Commissioner;</p> <p>e) A Private sector representative within the county;</p> <p>f) A representative of Kenya Agricultural and Livestock Research Organization;</p> <p>g) A representative of Agriculture and Food Authority;</p> <p>h) A representative of Pest Control Products Board</p> <p>i) A representative of Kenya Forest Service</p> <p>j) At least three representatives of Sub-county Agricultural office</p> <p>k) A representative from a farmer group/cooperative;</p> <p>(2) The County Plant Health Emergency Response Unit may co- opt any other member as need arise.</p>	
8.	<p>(1) The County Plant Health Emergency Response Unit shall be convened by the County Executive Committee Member twice a year or in the event of a pest incursion within the County.</p> <p>(2) Without prejudice to sub regulation (1) the County Plant Health Emergency Response Unit shall regulate the conduct of its business and affairs.</p> <p>(3) The County Plant Health Emergency Response Unit shall implement its mandate as provided for under the Act.</p>	Conduct of business of County Plant Health Emergency Response Unit
	<p>PART III - PREVENTION OF ESTABLISHMENT, SPREAD AND MANAGEMENT OF PESTS</p>	
9.	<p>(1) All persons shall report the occurrence of unknown pests or migratory pest to the County Director or an inspector of the Service through form PPGR 1 as set out in the First Schedule.</p> <p>(2) Without prejudice to sub regulation (1), the occurrence of the unknown pest or migratory pest may be recorded by County Director or an inspector of the Service in the prescribed form PPGR 1 or any other appropriate format with the information in the PPGR 1 form captured.</p> <p>(3) The County Director or the inspector of the Service shall verify and</p>	Pest Reporting, rapid response to new pests

analyse the pest report, conduct field visits where appropriate to determine the identity of the pest.

(4) Where the pest identification reveals that the pest is endemic to the area, the County Director or an inspector of the Service shall prescribe pest management measures to the person who reported the pest occurrence.

(5) Where the County Director or an inspector of the Service establishes that the pest:-

- i. Causes economic damage beyond acceptable thresholds; or
- ii. Is spreading beyond farmers capacity to manage the pest; or
- iii. Is new to the County;

(a) The County Director or the inspector of the Service shall prescribe pest management measures and notify CIPHERU to consider the pest to be of concern.

(b) The County Plant Health Emergency Response Unit shall:-

- i. Develop a County Plant health emergency plan for the specific pest of concern;
- ii. Recommend measures for the management of the pest.
- iii. Provide prescribed pest management measures to the land occupier or owner of land within the County.

(5) Where the County Director or an inspector of the Service establishes that the pest is deemed to be a pest of concern to the County, The County Director or the inspector of the Service shall inform the land occupier or owner of land of the identity of the pest and control measures to be implemented.

(6) If it is determined that the pest is a migratory pest the provisions of (Part IV) shall apply.

(7) Where the pest is deemed to be an unknown pest, The County Director or the inspector of the Service shall take a sample of the pest or

plants infected for laboratory identification and diagnosis at designated or authorized laboratories.

(8) If upon diagnosis the pest is identified to be a pest which is established in Kenya or a pest of concern, then the provisions of sub regulation (4) and (6) shall apply.

(9) Where the pest is deemed to be a new pest not previously reported in Kenya:

- a. Where the report was made to The County Director, he shall notify The Service and CIPHERU of the occurrence of the new pest concurrently.
- b. The Service shall carry out pest risk analysis to establish whether the new pest warrants regulation.
- c. Where the Service determines that the new pest be classified as a regulated pest, The Service shall request the chair of NIPHERU to convene a meeting to inform the committee of the occurrence of the new regulated pest and develop an emergency response action plan.
- d. NIPHERU shall then notify CIPHERU of the emergency response action plan for implementation.
- e. Where the new regulated pest is determined to occur or have spread to more than one County, NIPHERU shall coordinate the implementation of the emergency response action plan within the affected Counties.
- f. The County Executive Committee Member may convene a CIPHERU meeting to discuss mechanisms for implementation of the recommendations of NIPHERU and other rapid response systems as they may determine and inform land occupiers or owners of land in the county of the new regulated pest and pest management measures.

	<p>g. The land occupiers or owners of land shall adopt and implement the prescribed pest management measures including eradication and containment at their own cost.</p> <p>h. NPHERU shall notify all other CIPHERUs in the country of the occurrence of the new regulated pest and inform them of mechanisms for management.</p>	
	<p>10. (1) Any person who intends to publish in print, electronic or declare in broadcast media presence of a new pest previously not officially reported in Kenya shall notify the service and provide a report prior to publication as prescribed in form PPGR 2 set out in the First Schedule and a specimen of the pest where applicable.</p> <p>(2) The Service upon receipt of the new pest report shall: -</p> <ul style="list-style-type: none"> a) Acknowledge the receipt of the notification within 7 working days. b) Evaluate the status and may approve the pest report for publication where the pest report is accompanied with more than one laboratory diagnostic confirmatory reports. c) Evaluate the pest report and shall confirm the identity of the pest and status within a period of 2 months. d) Approve for publication upon confirmation and notify the person or e) Seek further information for evaluation where the confirmation of pest identity and status is not conclusively determined. <p>(3) The service may in line with international obligations report occurrence of news pests in the country to trading partners.</p>	<p>Publication of a new pest</p>
	<p>11.(1) Where NPHERU or CIPHERU has prescribed eradication as an appropriate control measure for the new regulated pest in one County the County Executive Committee Member shall: -</p> <ul style="list-style-type: none"> a) Declare an area to be under containment and restrict; movement, research, cultivation and harvesting of plants; b) Prescribe rapid pest control measures for eradication of the pest; 	<p>Containment and Eradication of new regulated pests</p>

- c) Provide prescribed pest management measures to the occupiers of land and land owners within the County.
- d) Seek approval from the Cabinet Secretary prior to giving an order for destruction of plants, plant products and other regulated articles in the case of gazetted protected areas which include ports, military barracks, national parks and forests.

(2) Where NPHERU has prescribed eradication of the new regulated pests in more than one County:

- a) The Cabinet Secretary in consultation with the National Plant Health Emergency Response Unit shall Gazette the area(s) to be under containment, impose temporary restrictions and prescribe additional pest management measures.
- b) The Service shall following the gazette notice provide any further guidance as may be required to the County Executive Committee Members, monitor and report the implementation of the pest management measures to the NPHERU.
- c) The County Executive Committee Member shall provide prescribed pest management measures to the occupiers of land and land owners within the County

(3) Every occupier or, in the absence of the occupier, every owner of land shall implement the prescribed measures for the eradication of the pest prescribed by the County Executive Committee Member.

(4) County Executive Committee Member may in collaboration with the Service implement the prescribed measures where the land occupier fails to implement.

(5) The County Executive Committee Member may in collaboration with the Service monitor the pest status in the area under containment and give reports to CPHERU.

(6) The CPHERU shall consider the pest status reports and may

<p>recommend institution of more stringent measures where the pest is not eradicated.</p> <p>(7) Where the pest has been eradicated the CIPHERU shall advise the County Executive Committee Member to lift the containment measures and the NIPHERU shall advise the Cabinet Secretary to lift the containment measures where applicable.</p> <p>(8) Where it is determined that eradication is no longer tenable CIPHERU shall inform the Service in writing and may prescribe further containment and management measures for the pest.</p> <p>(9) The Service shall evaluate the information and request the Cabinet Secretary to convene the NIPHERU to evaluate the pest management status and may prescribe further containment measures or prescribe further management measures where applicable</p> <p>(10) The Service shall inform the County Executive Committee Member(s) on the further containment measures or prescribe further management measures where applicable.</p>	
<p>12.(1) The Service shall keep an updated list of regulated pests and areas under containment.</p> <p>(2) The Service shall prescribe phytosanitary measures to mitigate the spread of regulated pests through:</p> <ul style="list-style-type: none"> a) Restricting movement of plants, plant products and regulated articles likely to harbour the regulated pest. b) Approving and monitoring research activities conducted in areas under containment c) Testing for regulated pests on plants, plant products and other regulated articles meant for propagation purposes before distribution d) Inspecting and approval of commercial sites for production of propagation material. 	<p>Measures for containment of Regulated pests</p>

<p>e) Prohibiting propagation of certain crops for set periods in infected areas as provided for in the Act.</p> <p>(3) All persons moving plants, plant products or other regulated articles likely to be affected by the Regulated Pests from areas declared infected shall seek approval from the Service through form PPGR 3 as set out in the First Schedule.</p> <p>(4) The Service shall ascertain that the plants, plant products or other regulated articles in sub regulation 2(a) are free from regulated pests through testing and if compliant authorise movement of plants as provided for in PPGR 4 as set out in the First Schedule upon payment of prescribed fees.</p> <p>(3) All consignments of plants, plant products or other regulated articles moved without authorisation from areas under containment into other areas shall be intercepted.</p> <p>(4) Any person who contravenes the provisions of this regulation commits an offence and if found guilty shall be liable to a fine not exceeding one million or imprisonment of a term not exceeding one year or both.</p>	
<p>13.(1) The County Governments may establish plant clinics for farmer advisory on pest management and good agricultural practises.</p> <p>(2) The County Governments shall maintain a register of all the plant clinics established within their counties.</p> <p>(3) The established plant clinics may submit samples to the Service for confirmation at a fee as prescribed in the Second Schedule.</p> <p>(4) The Service in collaboration with other stakeholders may carry out capacity building of plant health advisors offering services at the plant clinics at County level.</p> <p>(5) Plant health advisors who will offer services at the plant clinics shall have the following minimum qualifications: -</p> <p>a) A certificate in Agriculture or relevant discipline;</p>	<p>Establishment and management of Plant Clinics</p>

	b) Two years' experience in the same field.	
	PART IV - MANAGEMENT OF MIGRATORY PESTS	
	<p>14.(1) The Director in charge of Crops shall put in place mechanisms for early warning systems for migratory pests that shall include: -</p> <ul style="list-style-type: none"> a) Monitoring and rapid detection of pest out breaks; b) Data recording and transmission systems suitable for remote and difficult locations where monitoring is a challenge; c) Resource mobilisation and budgetary allocations; d) Capacity building in collection of data for forecasting; e) Development of incident command mechanisms for improved coordination amongst different stakeholders; f) Development of tools for vulnerable communities to establish systems to respond to emergencies: and g) Promote knowledge exchange on pest management. <p>(2) The Director in charge of Crops shall maintain an updated list of migratory pests reported in Kenya for continuous monitoring.</p>	Early warning systems for migratory pests
	<p>15. (1) The occupier or owner of land whose land has been infested with any developmental stage (egg, larvae or hoppers and adults) of migratory pests shall report the occurrence of the migratory pest to the County Director or the Director in charge of Crops stating the locality of the land where the migratory pest has been sighted through form PPGR 1 as set out in the First Schedule.</p> <p>(2) Without prejudice to sub regulation (1) above, the occurrence of the migratory pest may be recorded by County Director or the Director in charge of Crops stating the locality of the land where the migratory pest has been sighted in the prescribed form PPGR 1 or any other appropriate format with the information in the PPGR 1 form captured.</p> <p>(3) The County Director or the Director in charge of Crops shall analyse the pest information provided, conduct field visit to verify the pest report</p>	Reporting of migratory pests

<p>and determine the pest identity.</p> <p>(4) The County Director or Director in charge of Crops shall upon confirmation of the pest identity as a migratory pest, give written instructions or recommend the adoption of such measures for the destruction of the pests.</p> <p>(5) The occupier or owner of infested land shall carry out such instructions or adopt such measures as may be so given or recommended.</p>	
<p>16.(1) The management of migratory pests may be undertaken by the application of a broad-spectrum pesticide except:-</p> <ul style="list-style-type: none"> a) over any public or private water; b) over any visible standing water; c) over any populated area; d) on land within the borders of an excluded area as declared by the County Governments. <p>(2) The control of migratory pests with pesticides may be executed only according to the specifications prescribed on the label of the product.</p> <p>(3) No person or institution may use a pesticide as described in sub regulation (2) unless the pesticide is registered by the Pest Control Products Board.</p> <p>(4) Without prejudice in sub regulation (2) the Cabinet Secretary may authorise use of unregistered pest control products for emergency use.</p> <p>(5) Any land owner or occupier on whose land migratory pests occur, shall use his uttermost endeavours for the control of the migratory pests by approved methods.</p> <p>(6) Any person who executes area wide management of migratory pests must be certified by the Director in charge of Crops or the County Executive Member.</p> <p>(7) Any person that carries out management of migratory pest shall report on each swarm, flock or infestation controlled, according to</p>	<p>Requirements for management of migratory pests</p>

	<p>specifications laid down by the Director in charge of Crops.</p> <p>(8) The Service shall monitor the management of migratory pests and shall inform the Cabinet Secretary the status of the migratory pests in the Country periodically.</p> <p>(9) The Cabinet Secretary shall regularly publish the status of migratory pests in the Country and mobilize extra resources for management whenever need arises.</p>	
PART V- SURVEILLANCE		
	<p>17.(1) The County Government shall periodically carry out pest surveillance to:-</p> <ul style="list-style-type: none"> a) Determine pest status in the County or in an area within the County; b) Develop appropriate pest management measures. <p>(2) The County Executive Committee Member may update CIPHERU on the pest surveillance status reports for consideration.</p> <p>(3) The County Executive Committee Member may share the pest surveillance status reports with The Service for updating the country pest status.</p>	County Surveillance
	<p>18.(1) The Service may in collaboration with County Governments and other stakeholders undertake surveillance in areas under cultivation such as fields, plantations, nurseries, gardens, green houses and in wild flora, at points of entry and exit and in areas where plant products are in storage or on transit.</p> <p>(2) The Service shall conduct surveillance to:</p> <ul style="list-style-type: none"> a) determine pest status in the country or in an area; b) detect new pests introduced in an area; and c) develop appropriate phytosanitary measures; d) develop and or update Pest list; e) develop appropriate phytosanitary measures for import and 	National Surveillance

	<p>export certification;</p> <p>f) monitor the population dynamics of the regulated pest.</p>	
	<p>19.(1) The Service is the national centre for coordination of surveillance.</p> <p>(2) In carrying out of surveillance activities: -</p> <p>a) the general public and producers shall report any new pests to the Service;</p> <p>b) Government, research, educational, private institutions and any other relevant institution shall share pest survey reports and may conduct joint surveys with the Service.</p> <p>(3) The Service shall develop national surveillance protocols in line with international standards for use during surveillance activities.</p>	<p>Coordination of surveillance activities</p>
	<p>PART VI - ESTABLISHMENT OF PEST FREE AREAS AND AREAS OF LOW PEST PREVALENCE</p>	
	<p>20.(1) The Service in collaboration with the County Government and relevant stakeholders may establish pest free areas and areas of low pest prevalence as pest risk management options for meeting phytosanitary requirements for domestic and export markets.</p> <p>(2) The Service in collaboration with the County Government and relevant stakeholder may, identify and delimit specific areas or farms or production units as pest free areas and areas of low pest prevalence with officially recognised boundaries, core-areas and buffer zones where applicable.</p>	<p>Establishment of pest free areas and areas of low pest prevalence.</p>
	<p>21.(1) The specified area and buffer zones shall be free of target pest.</p> <p>(2) The Service in collaboration with the County Government and or stakeholder shall determine: -</p> <p>a) The priority crops;</p> <p>b) The target pest;</p> <p>c) Geographical area;</p> <p>d) Phytosanitary measures and where applicable infrastructure;</p> <p>(3) The Service in collaboration with the County Government may</p>	<p>Requirements of pest free areas and areas of low pest prevalence.</p>

<p>undertake a survey to determine the baseline target pest population dynamics.</p> <p>(4) The Service in collaboration with the County Government shall inform the relevant stakeholders within the delimited areas of the requirements.</p> <p>(5) The relevant stakeholders within the delimited areas shall apply phytosanitary measures to ensure the pests in the production area are reduced to zero or to appropriately acceptable levels.</p> <p>(6) The relevant stakeholders within the delimited areas shall establish a system and quality control checks for monitoring pest population dynamics and effectiveness of phytosanitary measures in place as prescribed by the Service.</p> <p>(7) The relevant stakeholders within the delimited areas shall put in place a traceability system.</p>	
<p>22. The County Governments shall: -</p> <ul style="list-style-type: none"> a) Enforce movement, restriction of pest host products and other operational procedures into the core area and buffer zones. b) Develop and implement a public awareness campaign within the pest free areas and areas of low pest prevalence. c) Collect and analyze target pest data within the pest free areas and areas of low pest prevalence d) Identify, verify and preserve target pest specimen within the pest free areas and areas of low pest prevalence. e) Maintain the pest free areas and areas of low pest prevalence status following the declaration through management of target pest and enforcement of operational aspects. f) Monitor target pest populations through regular surveillance and document findings and share the findings with the Service. g) Develop and implement measures to support value chain actors to 	<p>County Government roles in pest free areas and areas of low pest prevalence.</p>

	<p>put in place traceability systems.</p> <p>h) Enforce implementation of a corrective action plan once the target pest is detected within the pest free areas and areas of low pest prevalence, within a prescribed period.</p>	
	<p>23.(1) The Service shall monitor the pest status of the target pest in areas or farms or production units identified as provided for in these Regulations.</p> <p>(2) All actors undertaking any prescribed measure in pest free areas or areas of low pest prevalence shall document all such activities and give periodic returns to the Service.</p> <p>(3) The Service shall develop a periodic official review process on the effectiveness of the pest free areas and areas of low pest prevalence by external experts or individuals not directly involved in the process.</p>	<p>Monitoring of pest free areas and areas of low pest prevalence</p>
	<p>24.(1) The Service shall approve the pest free areas and areas of low pest prevalence once all the requirements have been met and notify trading partners where applicable.</p> <p>(2) The Service shall suspend the pest free area or area of low pest prevalence status once the target pests are detected and shall notify trading partners where applicable.</p> <p>(3) The Service shall ensure corrective action is undertaken before reinstatement of the pest free areas or areas of low pest prevalence status.</p>	<p>Approval and revocation of pest free areas and areas of low pest prevalence</p>
	<p>PART VII - NURSERY PLANT HEALTH CERTIFICATION</p>	
	<p>25.(1) No person shall operate a nursery or propagation facility that offers for sale plant propagation material without plant health certification.</p> <p>(2) Any person intending to operate a nursery or propagation facility that offers for sale plant propagation material shall apply to The Service for plant health certification as provided for in the Form PPGR 5 set out in the First Schedule.</p>	<p>Application for nursery plant health Certification</p>

<p>26.(1) Upon receipt of the application accompanied with the proof of payment of the prescribed fee set out in the Second Schedule, The Service shall carry out inspection to ensure that the nursery or propagation facility owner or operator: -</p> <ul style="list-style-type: none"> (a) has put in place plant health measures to assure plant health and prevent spread of pests; (b) has sourced mother stock and scions from a certified nursery or propagation facility; and (c) Keeps records for traceability of all plants for planting traded in. <p>(2) Further to the provision in sub regulation (1) above, inspection shall take into consideration export requirements in cases where the product are for export;</p> <p>(3) Samples not limited to water, growing media, manure, plant tissues, diseased material and insect pests may be taken for laboratory testing by the Service inspector.</p> <p>(4) Testing and Certification shall be subject to payment of the prescribed fees.</p>	<p>Nursery and propagation facility plant health certification</p>
<p>27.(1) Upon satisfactory compliance with the requirements, a nursery or propagation facility shall be issued with a certificate as provide for in form PPGR 6 set out in the First Schedule.</p> <p>(2) The certificate shall be valid for a period of 12 months.</p> <p>(3) The service in collaboration with the County shall regularly monitor the nursery or propagation facility to ensure implementation of plant health measures.</p> <p>(3) Upon expiry of the certificate nursery or propagation facility operator shall apply for re-certification through the prescribed form PPGR 5 as provided for in the first schedule.</p>	<p>Nursery or propagation facility plant health certificate</p>
<p>28. Every nursery or propagation facility owner or, in the absence of the owner, every nursery or propagation facility operator shall be required to</p>	<p>Plant Health measures for propagating the material</p>

	<p>take any plant health measures the inspector of the Service considers necessary for the eradication, reduction or prevention of the spread of any pest which an inspector may by notice in writing order him to take, including treatment or the destruction of plants.</p>	
	<p>29.(1) The Service shall revoke nursery or propagation facility plant health certificate where the plant health measures prescribed by the inspector of The Service have not been undertaken.</p> <p>(2) The Service may advise other relevant agencies to revoke licenses of nursery or propagation facility where the facility plant health certificate has been revoked.</p>	<p>Revocation of the Nursery or propagation facility plant health certificate</p>
	<p>PART VIII - MONITORING OF LOCALLY SOLD AND EXPORTED PLANTS, PLANT PRODUCTS, AND OTHER REGULATED ARTICLES</p>	
	<p>30.(1) The service shall undertake annual risk-based monitoring of plants, plant products and other regulated articles for compliance with national and international requirements with respect to plant protection product residues, heavy metal contaminants and contaminants of concern.</p> <p>(2) The sampling shall be from production, distribution, sale points and points of import and export.</p> <p>a) The Service shall use sampling methods that are internationally, regionally and nationally approved.</p> <p>b) At the point of sampling, the information shall be recorded in the prescribed form PPGR 7 in the First Schedule.</p> <p>(3) The analysis shall be carried out at The Service laboratories.</p>	<p>Monitoring for residues and heavy metal contaminants</p>
	<p>31. In planning the local monitoring programs, The Service shall consider:</p> <p>a) The production and marketing volumes;</p> <p>b) The range of plant protection products in use;</p> <p>c) The number of market outlets, collection centres and marketing centres in various Counties;</p> <p>d) Results from previous monitoring programs.</p>	<p>Planning for local monitoring</p>

	<p>32.The Service shall provide a report of the Analysis to the Cabinet Secretary, County Governments and any other relevant Government body.</p>	<p>Reporting of results</p>
	<p>33.Where the decision rules indicate a non-compliance, The Service shall provide the results for prosecution to the Directorate of Criminal Prosecutions</p>	<p>Action on results</p>
<p>PART IX - ORGANIC CERTIFICATION</p>		
	<p>34.(1) The Service is the competent authority for Kenya on matters of organic certification for plants and plant products. (2) The Service may authorize persons to be organic certification bodies for the carrying out of inspection and certification in the field of organic production in accordance with the national and international organic certification provisions. (3) The Service shall inspect the organically produced plants, plant products and regulated articles against phytosanitary requirements before export.</p>	<p>Competent authority on organic certification</p>
	<p>35.(1) Any entity wishing to be designated as an organic certification body shall apply to the Service for authorisation through form PPGR 8 as set out in the First schedule and shall be required to meet the following requirements;</p> <ul style="list-style-type: none"> a) is a company or such other legal entity registered in Kenya; b) has subscribed to a recognised national, regional or international certification scheme relevant to the export market c) has in place clear established assessment criteria for certified production schemes; d) has qualified personnel or engages the services of qualified personnel with skills on organic certification systems <p>(2) The application in sub regulation (1) shall be accompanied by</p>	<p>Application and authorization of organic certification bodies</p>

<p>payment of the prescribed fees set out in the Second Schedule.</p> <p>(3) The Service shall evaluate the application and authorize the certification body within 14 working days from the date of the application if the application meets requirements for Authorization and issue a certificate of authorization as provided for in Form PPGR 9 set out in the First Schedule.</p> <p>(4) Where the application does not meet the requirements specified in sub regulation (1) the Service shall reject the application and notify the applicant within 14 working days from the day of submission of the application giving reasons for the rejection.</p> <p>(5) The applicant may resubmit the application after addressing the reason for the rejection and where, upon evaluation, the Service considers the application successful, authorize the certification body within 14 working days from the day of resubmission at no additional fee to the applicant.</p> <p>(6) A certificate of authorization shall be valid for a period of three years from the date of issuance and shall not be transferable;</p> <p>(7) the Service carry out yearly audit on all authorized entities to ascertain continued conformity with the provisions of the Act and these Regulations</p>	
<p>36. The Service may revoke the organic certification authorization certificate where the authorized entity</p> <p>(a) Ceases to conform to the requirements; or</p> <p>(b) Violates the provisions of the Act and these regulations.</p>	<p>Revocation of the authorization certificate</p>
<p>37.(1) All producers of organic produce shall ensure that the plants and plant products certified as organic are produced in adherence to organic farming practices as provided for in national and international standards.</p> <p>(2) All persons intending to certify their plants and plant products as organically produced shall be certified by the authorized organic</p>	<p>Adherence to Organic certification standards</p>

	certification bodies.	
	PART X – AUTHORIZATION OF LABORATORIES	
	<p>38.(1) For the purposes of enforcing the provisions of the Act and these Regulations, the Service may authorize competent laboratories to undertake diagnostic and analytical tests on behalf of the Service.</p> <p>(2) Any person who intends to undertake diagnostic and/ or analytical tests on behalf of the Service shall apply to the Service for authorisation using form PPGR 10 set out in the first Schedule.</p> <p>(3) Upon receipt of the application and payment of prescribed fees, the Service shall assess the application to ascertain its suitability.</p> <p>(4) To determine eligibility of the applicant for authorization, the Service shall assess the following:-</p> <ul style="list-style-type: none"> a) That the entity is legally established and operated under law; b) That the entity has the capability and technical competence in performing the tests against the relevant standards; c) That the entity is accredited by an internationally recognised accreditation body, where applicable. <p>(5) The Service shall issue an authorization certificate in form PPGR 11 specifying the relevant scope of testing and measurement to compliant laboratories, which is valid for one year and is not transferrable.</p> <p>(6) The authorised laboratory shall notify the Service of any changes including changes to its accreditation status which may significantly impact the laboratory's capacity to provide tests or measurements for which they are authorised.</p> <p>(7) The authorised laboratories shall: -</p> <ul style="list-style-type: none"> a) Adhere to the terms and conditions under which the laboratory is authorised; b) Adhere to the national laws and regulations; c) Provide the Service with updates in accordance with these 	<p>Authorization and rights and obligations of competent laboratories</p>

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	<p>regulations.</p> <p>(8) An authorised laboratory shall issue a report / certificate of analysis of any material submitted to it under these regulations.</p> <p>(9) The results of any analysis made by the laboratory shall be open to inspection by all interested parties.</p>	
	<p>39.(1) The Service shall undertake monitoring and assessments on the authorised laboratories to ensure that standards of practice are maintained.</p> <p>(2) The Service shall revoke the authorization of a laboratory where the provisions of these regulations are not adhered to.</p>	<p>Post – authorization monitoring</p>
	<p>PART XI – COUNTY PLANT HEALTH INSPECTORS</p>	
	<p>40. Persons appointed as County Plant Health inspectors under section 61 of the Act shall meet the following requirements: -</p> <ul style="list-style-type: none"> a) Possess a minimum of a diploma in general agriculture or related disciplines from a recognized institution. b) Have undergone training and assessment by The Service in pest and disease identification and management. 	<p>Qualifications of County Inspectors</p>
	<p>41. County Inspectors shall:-</p> <ul style="list-style-type: none"> a) Undertake Pest Monitoring in the County; b) Create awareness and capacity building of farmers in pest management; c) Undertake Pest surveillance in the county and in collaboration with the service; d) Undertake establishment of pest free areas in collaboration with the service; e) Carry out nursery inspection. 	<p>Function of County Inspector</p>
	<p>PART XII – MISCELLANEOUS</p>	
	<p>42. No suit, prosecution or other legal proceeding shall lie against any inspector or his assistant for anything done in good faith and without</p>	<p>Protection of inspectors</p>

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	negligence done under this Regulation.	
	43. All persons shall pay fees and charges for Services rendered under these regulations in accordance with the provisions of the Second Schedule of the Act.	Fees and charges
	44. A person who contravenes any of the provisions of these Regulations whose penalty has not been prescribed commits an offence and is liable on conviction to a fine not exceeding two million shillings or to a term not exceeding one year, or both.	Offences and penalties

FIRST SCHEDULE

Form PPGR 1

(R. 9(1)(2), 15(1)(2), 17 (3))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Pest reporting form

INFORMANT'S INFORMATION	
a) Name	
b) Address	
c) Telephone/Email address	
d) Date	
Category: (i) farmer (ii) student (iii) researcher(iv) general public (v) Regulator	
Institution:	
INFORMATION ON AREA WHERE PEST WAS DETECTED	
GPS Coordinates	Administrative location
Latitude	County
Longitude	Sub-County or Constituency
Altitude (m)	Location or Ward
Nearest town or shopping centre	
Map of the areas (<i>Where applicable</i>)	
PEST INFORMATION	
Pest identify a) common name	b) Scientific name (where applicable)
Date (period) when pest was observed	
Host(s) or articles	
Parts affected	
Pest status	
<i>For researchers only</i>	
Provide a research abstract (attach)	

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For official use only (KEPHIS)	
Received by:	
Name of receiving officer:	Station:
Date:	Sign:
Action taken:	
Managing Directors remarks:	

Form PPGR 2

(R. 10(1))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Manuscript Publication notification Form

PUBLICATION INFORMATION	
a) Name of Applicant	
b) Address	
c) Telephone/Email address	
d) Date	
Applicant Category: (i) Student (ii) Researcher (iii) Regulator (iv) Other (Please specify)	
Manuscript title:	
Manuscript Authors:	
Author(s) Institution (s):	
Corresponding Author	
Provide a research abstract (attach)	
What initiated the study?	
Pest distribution outside Kenyan territory	
PEST INFORMATION	
Pest identify	
a) Scientific name	
b) Common name	
Diagnostic method (s) used	
Diagnostic protocol (attach)	
Verification expert (s)	
Surveillance period	
Host(s) or articles	
Parts affected	
Pest status	
Pest impact	
GPS locations Latitude/Longitude/Altitude where pest has been detected (Attach)	

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Voucher specimens (Attach)	
For official use only (KEPHIS)	
Received by (Name of receiving officer):	Station:
Date:	Sign:
Action taken:	
Managing Directors remarks: (i) Approved for publication (ii) Conditional approval (specify conditions) (iii) Not Approved (give reasons)	

Form PPGR 3

(R. 12(3))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Application for Authorization to move plants, plant products and regulated articles from areas infected with regulated pests

1. Name/Address of the Applicant/operator: Telephone & E-mail:	2. Application Date:
3. The regulated pest or pest of concern	4. List plants, plant products or other regulated articles to be moved
5. The area declared infected a) Ward b) Location c) Sub-county d) County	6. The area where material is moved to a) Ward b) Location c) Sub-county d) County
7. The purpose of moving the material	8. Plant health measures in place to prevent spread of pests
8. Proposed date of movement	9. Means of transport and route

Declaration

I hereby declare that the information given above is complete and correct to the best of my knowledge and belief.

Name: _____

Official stamp

Signature: _____

Date: _____

For Official Use

Check list	Status	
Application complete	Yes	No
Application details appropriate	Yes	No

Characteristics of the regulated pest known or likely to be presented with the plants, plant products and other regulated articles:-

Is the regulated pest likely to establish in the area where the material is to be moved:-

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Nature of the packaging material:-	
Final Action Taken: <input type="checkbox"/> recommended for movement <input type="checkbox"/> not recommended for movement	Evaluated by: _____ (Signature/Name/Designation) Date: _____

Form PPGR 4
Republic of Kenya

(R. 12(4))

The Kenya Plant Health Inspectorate Service

**Request form to move plants, plant products or other regulated articles from
/ within an area under containment**

1.0 PRINCIPAL INVESTIGATORS INFORMATION		
e) Name		
f) Institution		
g) Address		
h) Telephone/Email address		
i) Date		
2.0 DESCRIPTION OF THE AREA UNDER CONTAINMENT		
a) County	b) Sub county	c) Ward
GPS Coordinates:		
Regulated pest of interest:		
Host plants:		
3.0 DESCRIPTION OF THE RESEARCH		
Plants intended for research:		
Origin of planting material:		
Objective of the research:		
Duration for the research:		
Type of facility in which the research shall be conducted (a) open field (b) green house		
Number of persons to access the area under research:		
Are any materials going to move out of the research area? Yes or No		
If yes, describe the type of material to be moved, purpose and destination.		
Declaration		
I hereby declare that the information given above is complete and correct to the best of my knowledge and belief.		
Name:		
Signature:	Date:	Official stamp:

For official use only (KEPHIS)		
Application complete: Yes or No Application appropriate: Yes or No		
Received by:		
Name of receiving officer:	Sign:	Official stamp:
Managing Directors remarks:		
Final decision: Application approved: Application declined:		

Form PPGR 5

(R. 25(2), 27(3))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Application for Nursery Plant Health Certification

1. I, _____ (print or type owner/proprietor's name), in accordance with Kenyan laws required, hereby apply to operate a business as a nursery, plant dealer or a plant broker in the Kenya.
2. _____

Firm name - as it will appear on license
3. Circle ALL that applies to your business/operation in the box below. Do you want this information listed in future printings of KEPHIS Directory of Certified Nurseries, Licensed Plant Dealers, and Licensed Plant brokers?
 Yes _____ No _____

Type of Business	Type of product(s) produced or sold	Sales Structure
A. Nursery (Growing Plants) B. Plant Dealer (Selling Plants) C. Plant Broker D. Landscape Contractor E. Greenhouse F. Public/Government Agency	1. Bedding Plants/Annuals 2. Bulbs 3. Christmas Trees - Cut 4. Christmas Trees - Live 5. Cut Flowers/Greens 6. Fruit Trees 7. General/Ornamental Nursery Stock 8. Herbaceous Perennials 9. Interior Plants 10. Native Plants 11. Small Fruit 12. Sod 13. Vegetable Transplants	I. Wholesale II. Re-Wholesale III. Retail IV. Mail Order

4. Business mailing address: _____
5. Addresses of additional sales locations in Kenya. Provide complete address, manager's name, telephone number, and information requested in questions 6-12. Use a separate sheet of paper if necessary:- _____
6. Address of principal place of business if different from item 5:- _____

PLANT PROTECTION (GENERAL) REGULATIONS, 2021

7. Contact information:
 Phone: _____
 Cell phone: _____
 E-mail: _____
 Other: _____
8. If a partnership or association, list the name and address of each partner or association officer: - _____
9. If a corporation, list the following:
 - a. Date incorporated: _____
 - b. State: _____
 - c. FID no.: _____
 - d. Address of principal office: _____
 - e. Name & address of resident agent: - _____
10. If business name is an assumed name and not incorporated enclose a notarized "Doing Business As" statement.
11. Location of nursery/growing areas (not sales areas) if different from, or in addition to, principal place of business. Use a separate sheet of paper if necessary: - _____
12. Combined number of acres in nursery stock production, sales area, and landscape holding area: - _____
13. Number of meter's square feet in greenhouse space: _____
14. Please list all sources of nursery stock sold but not produced by you including liners, plugs and finished plants. (This information will be kept confidential; information is used to help in the detection of accidentally introduced quarantine pests.) Use a separate sheet of paper if necessary

Name of Firm

Address

15. _____

Signature of Applicant Title Date

FOR OFFICIAL USE ONLY:

Date Rec'd	Check No.	License Fee	Inspection Fee	License No.	Control No.	Date Approved	Date Mailed

Form PPGR 6

(R. 27(4))

REPUBLIC OF KENYA



KENYA PLANT HEALTH INSPECTORATE SERVICE

(KEPHIS)

Plant Protection Act (Cap 324)

NURSERY PLANT HEALTH INSPECTION CERTIFICATE

This is to certify that:

Producing Assorted seedlings was inspected in accordance with the provisions of Plant Protection regulations 2020 of the Laws of Kenya and found to be virtually free from injurious pests and diseases at the time of inspection.

This certificate is valid for a period of **12 Months**

Commencing on

Certificate No

Inspector/s:

Date of Issue:

MANAGING DIRECTOR

*** Renewal is subject to re-inspection by KEPHIS and Conformity to the terms of approved measure(s) is mandatory.**

*** The certificate is not transferable.**

•KEPHIS•

PLANT PROTECTION (GENERAL) REGULATIONS, 2021



KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)

Oloolua Ridge. P.O. Box 49592. Tel. 0709891000; Email: director@kephis.org

Form PPGR 7

(R. 30(b))

4SAMPLING FORM

This form is to be filled in by a sampling officer from the laboratory, or a trained sampling officer. It is to be filled in for each customer taken from the field or market or facility for the purpose of pesticide residue analysis, soil, water and other contaminants and is part of the chain of custody. Please fill in all the information in the spaces provided. This form should be filled in duplicate, the original remains with the sampler while in the field and the copy is placed with the sample at the time of packaging and labeling, ready to send it to the laboratory via courier, transported by hand or other means.

Part 1

Customer details:

Customer Reference: Physical

Address:.....

Telephone contact/Mobile number:..... Email address of customer:.....

Sampling site/location:..... *Customer's signature
(optional):.....

Part II

Sampling procedure used (specify):..... Date of sampling :Time of sampling:

.....

No.	Commodity sampled	Customers Traceability Code/Reference (if applicable)	Nature of Lot	Approximate size of Lot	Number of primary/incremental samples taken	Number of composite samples (if applicable)	Weight of laboratory sample (kg)	*Cost of sample	Laboratory sample code no.
1									
2									
3									
4									
5									
6									

For Invoicing and dispatch purposes:

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*Total cost of sample(s) (delete as appropriate):..... (This represents the cost of purchasing the samples)

*Amount Payable (for the analysis):..... (show payment breakdown, if applicable) Analysis payable

by:.....

Sample sent via (please tick appropriate place) :

Delete as appropriate: KEPHIS vehicle delivery() Please indicate registration: Via courier () other (specify):

Sampling Inspectors:

- 1.....Sign..... Date:.....
- 2..... Sign..... Date:.....
- 3.....Sign..... Date:.....

PPGR 8

(R. 35 (1))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

**Organic Farming Registration Form
Application Form for Registration of Organic Certification Body**

1. Name of organic certifying body Address Telephone & E-mail:	2. Application Date:
3. Name of the contact person Telephone	
4. Location and physical address of the control body (County/Town/Ward/Road)	
5. Brief information about the control body	
6. Type of application	<input type="checkbox"/> New <input type="checkbox"/> Renewal
7. Standard operating procedures (SOPs) in place for organic farming certification	Yes/No
8. Number of trained staff on organic certification	
9. Any additional information	
<p>Declaration</p> <p>I hereby declare that the information given above is complete and correct to the best of my knowledge and belief.</p> <p>Name: _____</p> <p>Signature: _____</p> <p style="text-align: right;">Official stamp</p>	

PLANT PROTECTION (GENERAL) REGULATIONS, 2021

Date: _____					
For Official Use Only					
Check list	Status	Scrutinized by	Action by IA	Applicant comments	
Application complete	Yes	No			
Facility plan/diagram	Yes	No			
Facility SOPs	Yes	No			
Final Action Taken:			By:		
			_____ (Signature/Name/Designation)		

Form PPGR 9

(R. 38(2))



REPUBLIC OF KENYA

KENYA PLANT HEALTH INSPECTORATE SERVICE

(KEPHIS)

CERTIFICATE OF AUTHORIZATION OF ORGANIC CERTIFICATION BODY

This is to certify that.....

Located at

Whose facility has been assessed and found to comply with requirements for organic Certification.

Is hereby approved for a period of one year

Commencing on

*Certificate No. KEPHIS/.....
of Issue.....*

Date

• **KEPHIS** •
.....
MANAGING DIRECTOR

** Renewal is subject to assessment by KEPHIS and Conformity to the physical and operational requirements. Non-conformity will lead to suspension or cancellation of the certificate.*

Form PPGR 10

(R.38(2))

Republic of Kenya

The Kenya Plant Health Inspectorate Service

Application for Authorization of a competent laboratory

1. Name/Address of the Applicant/operator: Telephone & E-mail:	2. Application Date:	
3. Nature of laboratory	<input type="checkbox"/> Analytical <input type="checkbox"/> Diagnostic <input type="checkbox"/> Reference <input type="checkbox"/> others : _____ (specify)	
4. Type of application	<input type="checkbox"/> New <input type="checkbox"/> Renewal	
5. Location and physical address of laboratory (County/Town/Ward/Road)		
6. Type of tests to be undertaken		
7. Current certificate number (in case of renewal) and date on which the laboratory was approved (for renewal)		
8. Evidence of accreditation by an internationally recognized body.		
9. Any additional information		
<p>Declaration</p> <p>I hereby declare that the information given above is complete and correct to the best of my knowledge and belief.</p> <p>Name: _____ Official stamp</p> <p>Signature: _____ Date: _____</p>		
For Official Use		
Check list	Status	
Application Complete	Yes	No
Application details appropriate	Yes	No
Final Action Taken: <input type="checkbox"/> recommended for assessment <input type="checkbox"/> not recommended for assessment	Scrutinized by: _____ (Signature/Name/Designation) Date: _____	

Form PPGR 11

(R. 38(5))



REPUBLIC OF KENYA



**KENYA PLANT HEALTH INSPECTORATE SERVICE
(KEPHIS)**

CERTIFICATE OF AUTHORIZATION OF LABORATORIES

This is to certify that.....

Located at

Whose facility has been assessed and found to comply with requirements to perform:

- 1.
- 2.
- 3.

Is hereby approved for a period of one year

Commencing on

Certificate No. KEPHIS/.....

Date of Issue.....

.....
MANAGING DIRECTOR

**Conditions of issue*

Renewal is subject to assessment by KEPHIS and Conformity to the physical and operational requirements. Non-conformity will lead to suspension or cancellation of the certificate.

SECOND SCHEDULE**FEES AND CHARGES**

	Item	Charges (Ksh.)
1	Farm Visits	
	a) Farm visits for advice on pest control (Excluding subsistence and transport)	2,400
	b) Consultation fees for student, farmer and other clients	500
2	Nursery Inspections and Certification	
	(a) Inspection	2,000
	(b) Certification	5,000
	(c) Annual renewal of certificate	1,000
3	Organic certification	
	a) Authorization of a certification body	20,000