



REPUBLIC OF KENYA

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

(No. 8 of 1999)

DRAFT

**ENVIRONMENTAL MANAGEMENT AND COORDINATION (TOXIC AND
HAZARDOUS INDUSTRIAL CHEMICALS AND MATERIALS MANAGEMENT)
REGULATIONS, 2011**

In EXERCISE of powers conferred in sections 92 and 147 of the Environmental Management and Coordination Act, the Minister for Environment makes the following Regulations:

The Environmental Management and Coordination (Toxic and Hazardous Industrial Chemicals and Materials Management) Regulations, 2011.

	PART I: PRELIMINARY
<i>Citation</i>	1. These Regulations may be cited as the Environmental Management and Coordination (Toxic and Hazardous industrial Chemicals and Materials Management) Regulations, 2011.
<i>Scope</i>	2. These regulations shall apply to manufacturers, exporters, importers, transporters, handlers and users of toxic and Hazardous industrial Chemicals or Materials.
<i>Application</i>	3. These regulations shall apply to toxic and hazardous industrial Chemicals and Materials as classified in the First Schedule to these Regulations.
<i>Interpretation</i>	4. In these Regulations unless the context otherwise requires:
	“Act” means the Environmental Management and Coordination Act, No.8 of 1999;
	“Adverse Effect” means a negative change in the physical environment or biota, including a change in climate, which has a significant deleterious effect on human health or on the composition, resilience and production of natural and managed ecosystems, or on materials useful to mankind;
	“Advertise” includes making a representation by any means for the purpose of directly or indirectly promoting the distribution, access and use of toxic and hazardous Industrial Chemicals or Materials;
	“Applicant” means a person or an organization that applies to the Authority or lead agency for authorization to perform specific activities connected with toxic and Hazardous industrial Chemicals or Materials;
	“Authority” means the National Environment Management Authority

	established under section 7 of the Act;
	“Banned chemical” means a chemical all uses of which within one or more categories have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment
	‘Bio – accumulation’ means the tendency of a chemical substance to accumulate in the tissues of living organisms and to be passed up through the food chain.
	“Carcinogenic” means a chemical or material that has ability to cause cancer.
	“CAS No” means a unique registry number assigned to a chemical by the Chemical Abstract Service
	“Chemical or Material” means a substance in any form whether by itself or in a mixture or a preparation, whether manufactured or derived from nature and for the purposes of these regulations includes industrial Chemical and Materials; “Chemical and Material Register” refers to the register of Toxic and Hazardous industrial Chemicals or Materials developed and maintained by the Authority according to these Regulations;
<i>Re-Define</i>	“Disposal” means deposit, treatment and/or recovery of any toxic and Hazardous industrial Chemicals or Materials in an environmentally sound manner;
	“Disposer” means a person authorized by the Authority to dispose toxic and Hazardous industrial Chemicals or Materials;
	“Distribute” means to offer toxic and Hazardous industrial Chemicals or Materials for sale, sell, transport, expose, display, advertise for sale or supply;
	“Eco-toxicity” means ability of a chemical or material to cause ill health, injury or death to any living organism.
	“Environment” includes the physical factors of the surroundings of human beings, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and their social factor of aesthetics and includes both the natural and the built environment;
	“Environmentally sound management” means taking all steps to ensure

	that the toxic and Hazardous industrial Chemicals or Materials and their wastes are managed in a manner, which will protect human health and the environment;
	“Export” means sending out toxic and hazardous industrial Chemicals or Materials by a licenced person to a place outside Kenya;
	“Exporter” means a person licenced under these Regulations to export toxic and Hazardous industrial Chemicals or Materials to another country;
	“Facility” means any location where toxic and hazardous industrial Chemicals or Materials are manufactured, collected, received, treated stored or disposed;
	“Form” means form appended to these Regulations;
	“Handler” means a person authorized by the Authority to store, sell, transport, display or advertise toxic and hazardous industrial Chemicals or Materials;
	“Hazardous substance” means any chemical, material, waste, gas, or any other substance which is likely to be injurious to human health or the environment;
	“Import” means bringing into Kenya toxic and Hazardous industrial Chemicals or Materials by a person authorized by the Authority;
	“Importer” means a person who is authorized by the Authority to bring into Kenya toxic and hazardous industrial Chemicals or Materials;
	“Industrial chemical” means any chemical or product used or intended for use in industrial process.
	“Label” means anything that conveys information that is required by these Regulations to accompany the toxic and hazardous industrial Chemicals or Materials;
	“Lead Agency” means any government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of control or management of any element of the environment or natural resource;
	“Material Safety Data Sheet” means a form containing data regarding the properties of a particular chemical or material including physical and bio-chemical information and safety measures for handling, usage and disposal.
	“Manufacture” includes production, formulation, re-packaging and preparation of toxic and hazardous industrial Chemicals or Materials for distribution or use;

	“Mutagenic” means chemicals or materials capable of causing genetic changes within living cells.
	“Obsolete chemicals or materials” mean chemicals or materials that are no longer in use.
	“Operator” means a licenced person who owns or operates a facility for manufacturing, collection, reception, treatment storage or disposal of toxic and Hazardous industrial Chemicals or Materials;
	“Persistence” means the degradation period of toxic and hazardous industrial Chemicals or Materials take to become less harmful to human health and the environment
	"Port of entry or exit" has the meaning assigned to it in the Customs and Excise Act (Cap 472).
	“Registrant” means a person in whose name a toxic or hazardous Chemical or Material is registered;
	“Restricted chemical" means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment
	“Schedule” means the schedule appended to these Regulations;
	“Teratogenic” means a chemical or material capable of affecting the normal growth of an embryo or foetus.
	“Toxic Chemical or Material” means any substance which on entry into an organism through ingestion, inhalation and dermal contact is injurious, causes physiological or biological disturbances or otherwise causes deterioration of the functions of the organism in any way;
	“Transporter” means a person licenced by the Authority to engage in the off-site transportation of toxic and Hazardous industrial Chemicals or Materials by air, rail, road or water;
	“Tribunal” means the National Environment Tribunal established under section 125 of the Act.

	PART II: Classification and Registration
	<p>5. (1) The Authority in consultation with the relevant lead agencies shall classify industrial chemicals and materials as toxic and hazardous in accordance with the set out criteria under First Schedule to these regulations.</p> <p>(2) Toxic and Hazardous industrial Chemicals and materials shall be classified based on physical hazard characteristics, toxicity, and Ecotoxicity properties as set out in the First Schedule.</p> <p>(3) Toxic and Hazardous industrial Chemicals and materials shall also be classified based on Teratogenic, Mutagenic, Carcinogenic properties and their persistence in the environment</p>
	<p>6 No person or firm shall manufacture, import or export toxic and Hazardous industrial Chemicals or Materials for amounts of 100kg or more that have any characteristic(s) listed under the First Schedule unless the person or firm has registered the Chemicals or Materials with the Authority.</p>
	<p>7(1) Any person intending to register a toxic and hazardous Chemical or Material shall make an application to the Authority as set out in Form A of the Third Schedule and shall, on request, provide any other information, which may be required by the Authority;</p> <p>(2) Application for the registration of a toxic Chemical or Material shall be accompanied by five (5) copies of the label for the Chemical or Material.</p>
	<p>8 An applicant who is not resident in Kenya shall appoint an agent permanently resident in Kenya to whom any notice or correspondence may be sent.</p>

	<p>9 (moved to third schedule)An applicant for registration of a Chemical or Material shall provide the following:</p> <ol style="list-style-type: none"> (1) Information pertaining to the chemistry, effect on the environment, types of wastes to be generated out of use or manufacturing process, and how the applicant intends to dispose of the wastes or minimize waste generation; (2) <i>Material Safety Data Sheet (MSDS)</i>_ including handling, health and safety precautions and emergency measures in case of an accident; (3) Any other relevant information
	<p>10 An applicant shall, when requested to do so by the Authority provide:</p> <ol style="list-style-type: none"> (1) An assay of the Chemical or Material; (2) A sample of the Chemical or Material; (3) A sample of the technical or analytical grade of its active ingredient.
	<p>11 (1) If the Authority is satisfied about the safety, use, quality, and national economic value of the chemical or material, it shall register the same and issue a certificate of registration, thirty (30) days after application is duly made as set out in Form B of the Third Schedule.</p>
	<p>(2) Upon registration, the Authority shall enter the name of the chemical or material in the Register as prescribed under the ninth schedule.</p>
	<p>12 The Authority may refuse to register a Chemical or Materials if in its opinion:</p> <ol style="list-style-type: none"> a. The application for the registration or the label for the Chemicals or Materials does not comply with the provisions of the Act and these Regulations; b. The information provided by applicant is insufficient to enable the Chemical or Material to be assessed and evaluated. c. The applicant fails to establish that the Chemical or Material has merit or value for the purpose claimed when the Chemical or

	<p>Material is used in accordance with its label directions; or</p> <p>d. The use of the Chemicals or Materials would lead to an unacceptable risk or harm</p> <p>i. in relation to the use in which the Chemical or Material is intended; or</p> <p>ii. to public welfare including health, plants, animals or the environment</p>
	<p>13 The Authority may deregister a chemical or material on one or more of the following reasons:</p> <p>(1) that matters stated in the application on which the certificate of registration was issued were incorrect, misleading or incomplete in a material particular;</p> <p>(2) that new information has become available which renders the Chemicals or Materials substance unsafe or dangerous;</p> <p>(3) that the premises on which, or on part of which the Chemical or Material is manufactured, formulated, packaged or stored by or on behalf of the holder of the certificate of registration are unsuitable for the intended purpose.</p>
	<p>14 Any person handling a chemical or material registered under these Regulations shall keep a record of all the quantities of Chemicals or Materials, manufactured, stored, or disposed by him and the record shall:</p> <p>(1) Be maintained for five years from the time it is made.</p> <p>(2) Contain information identifying any significant incidents in respect to the handling and disposal of the Chemicals or Materials which shall include instructions and procedures used to alleviate the hazard.</p> <p>(3) Contain instructions issued in respect to decontamination and disposal of the Chemicals or Materials and the empty package.</p> <p>(4) Be made available to the Authority at such times and in such manner as the Authority may require.</p>

	15 The Authority in consultation with the lead agencies, may review from the list of restricted and banned chemicals or materials set out in the Chemical Register maintained by the Authority.
	16 The Authority may review the registration of any Chemicals or Materials, based on the information in the decision guidance document(s) supplied, for it to fulfill any international agreement to which Kenya is a party to.
	17 (1) The Authority in consultation with relevant Lead Agencies shall establish and maintain a register of all persons or firms that manufacture, import or export any toxic or Hazardous industrial Chemicals or Materials that fall under classes listed in the First Schedule. 2) The Authority shall maintain an up-to-date record of all registered Chemicals or Materials.
	3) The register shall be a public document that can be inspected during the normal working hours
	PART III: Labeling.
	18 (1) No person shall store, distribute, or sell any toxic and/or Hazardous industrial Chemicals or Materials without an appropriate label.
	(2) Every label shall include the information listed below: <ul style="list-style-type: none"> a. Global harmonized labeling and classification of the chemicals or materials; b. the name of the Chemical or Material, which shall be descriptive of the physical form and also its distinctive brand or trade mark; c. The class designation of the Chemicals or Materials in capital letters and shall be classified as set out in the First Schedule; d. information detailing the nature and degree of hazard inherent in the Chemicals or Materials shall be identified by the appropriate

	<p>precautionary symbol and signal words as set out under Seventh Schedule;</p> <p>e. A statement directing the user to read the label in the following format:</p> <p>‘READ THE LABEL BEFORE USE’,</p> <p>f. A guarantee statement in which the contents of the active ingredient shall be expressed;</p> <p>g. The registration number of the Chemicals or Materials which shall be set out in the following manner:</p> <p>‘REGISTRATION NO’ NEMA® - - - - X</p> <p>h. A statement of the net contents of the package for the Chemical or Material, which shall be in accordance with all the units of measure as described under the Weights and Measures Act (Cap 513);</p> <p>i. The directions for use of the Chemical or Material and its limitations;</p> <p>j. Information identifying any significant hazards in respect to the handling, storage, display, distribution and disposal of the Chemical or Material and the empty package;</p> <p>k. Information identifying any significant hazards to public health, plants, animals or the environment,;</p> <p>l. Instructions on first aid, under the heading in capital letters ‘FIRST AID INSTRUCTIONS’ and which shall set out the practical measures to be taken in the event of poisoning or other injury caused by the Chemical or Material; and shall:</p> <p>i. state antidote and remedial measures</p> <p>ii. describe the symptoms of poisoning</p> <p>m. The toxicology information essential to the treatment of a person poisoned or otherwise injured by the Chemicals or Materials</p> <p>n. A notice to the user of the Chemicals or Material in the following manner:</p> <p>‘NOTICE TO USER’</p> <p>o. This chemical or Material is to be used only in accordance with the directions on this label.</p>
	<p>19 (1) The label shall consist of one principal display panel and at least one secondary display panel.</p>

	(2) The information referred to in sub-paragraphs (a), (b), (c), (d), (e), f), (g) and (h) under Regulation 18 above shall appear on principal display panel.
	3) The information referred to in the sub-paragraphs (i), (j), (k), (l), and (m) of Regulation 18 above shall appear on the secondary display panel.
	20 Where information required to be shown on the label is not included in the display panel, the display panel shall contain the word in capital 'READ ATTACHED BROCHURE BEFORE USE' prominently displayed thereon.
	21 (1) Subject to the approval by the Authority, additional information relating to the Chemical or Material and any graphic design or symbol may be shown on the label if it does not unreasonably distract from or obscure the information required to be shown on the label under these regulations
	(2) A registrant may include on the label the following liability limitation warranty 'Seller's guarantee is limited to the terms set out on the label and subject thereto.'
	22 (1) The information on every label shall be printed in both English and/or Kiswahili.
	(2) All information shown on the label shall be printed in a manner that is conspicuous, legible, durable and indelible
	(3) Where the physical properties of a Chemical or Material are such that the presence of the Chemicals or Materials may not be recognized when it is used, and likely to expose a person or animal to severe health risk, the Chemicals or Materials shall be identified by means of colour, odour, or such other means as the Authority may approve to provide signal or warning of its presence.

	23 The approved label shall appear on the principal display surface.
	24 No person shall use words, packages or labels stating, implying or inferring that a Chemical or Material is approved, accepted or recommended by the government or by any department or agency thereof in any advertisement in respect to a Chemical or Material.
	25 For bulk distribution of Chemicals or Materials the information on the label shall be <p style="text-align: center;">(1) On the bulk container and accompanied by its supporting documents while on transit. (2) Where the bulk container has smaller packages, each package shall be labeled in accordance with these Regulations.</p>
	PART IV: Packaging.
	26 No person shall store, sell or distribute/consign for transport Toxic and Hazardous industrial Chemicals or Materials unless: <p style="text-align: center;">(1) The container is impervious to the Chemicals or Materials. (2) The container is sufficiently strong to prevent leakage arising from the ordinary risks of handling and transport.</p>
	PART V: Advertising
	27 Any person who advertises any toxic and Hazardous industrial Chemicals or Materials shall ensure that the advertisement states: “Warning: Contains Toxic and Hazardous industrial Chemicals or Materials that may be harmful to human health and the environment.”
	PART VI: Manufacture, Imports and Exports.

	28 (1) No person shall import, export or introduce toxic and Hazardous industrial Chemicals or Materials for commercial purposes unless that person is in possession of a valid permit issued under these Regulations
	(2) Any person intending to import or export any toxic and Hazardous industrial Chemicals or materials shall apply for a permit per consignment as stipulated in the Fourth Schedule at the prescribed fee.
	(3) Any person intending to manufacture toxic or Hazardous industrial Chemicals or materials shall apply for an annual licence from the Authority as stipulated in the fourth schedule at the prescribed fee.
	29 No person shall export, import, manufacture or supply toxic and Hazardous industrial Chemicals or Material unless he/she is registered with the Authority.
	30 The exporter, importer, manufacturer or supplier shall keep a record of all toxic and Hazardous industrial Chemicals or Materials handled in the format described under the First Schedule and shall be availed to the Authority on demand.
	31 No exporter, importer, manufacturer or supplier shall deal with a Chemical or Material unless it appears under the Chemicals or Materials register
	32 (1) Any person intending to import, export, manufacture or supply toxic and Hazardous industrial Chemicals or Materials not in the register established under Regulation 21 shall apply for its registration as stipulated under Regulation 7.
	(2) No person shall import, manufacture or offer for sale any restricted Chemicals or Materials appearing in the register maintained by the Authority unless he/she has a valid permit issued by the Authority
	(3) Any person intending to import or export a restricted Chemical or

	Material appearing in the register established under second schedule shall obtain a permit from the Authority.
	33 No person or firm shall manufacture, import or export any toxic or hazardous Chemicals or Materials that fall under the classes listed in the First Schedule unless such a person or firm is registered by the Authority
	34 No person shall manufacture, import or export toxic or Hazardous industrial Chemicals or Materials listed in the register maintained by the Authority under Regulation 13 without a permit issued by the Authority.
	35 The Authority shall, once satisfied that the import or export does not pose undue threat to the environment issue a permit.
	36 The Authority shall decline to issue an export permit of the toxic and Hazardous industrial Chemicals or materials where consent has been declined by the importing country under the Prior Informed Consent Procedure
	PART VII: Distribution, Storage, Transportation and Handling.
	37. (1) No person shall store, distributes, transport or otherwise handle a toxic and hazardous Chemical or Material unless it is accompanied by the Material Safety Data Sheet.
	(2) No person shall distribute, store, transport, and/or handle, a toxic and hazardous Chemical or Material in a manner that is not consistent with directions or limitations shown in the approved label.
	(3) Any person who intends to transport toxic and Hazardous industrial Chemicals shall ensure that the information prescribed in the Fifth Schedule is available in the transportation vessel at all

	times.
	39 No person shall transport any toxic and Hazardous industrial Chemicals or Materials in the same compartment with human beings.
	<p>40 Any person transporting toxic and/or Hazardous industrial Chemicals or materials shall ensure that:</p> <ol style="list-style-type: none"> (1) There is safety in carriages by providing pallets / damages, appropriate personal protective equipments and are properly secured; (2) Chemicals or materials substances are kept in separate compartments from other luggage; (3) the transporting vessel has first aid facilities and transport emergency (TREM) card as shown in the Sixth Schedule; (4) the transporting vessel has appropriate material to contain any spillage, means of extinguishing fire and danger warning signs on the truck as set out in the Seventh Schedule; (5) the driver and/or any other person authorized to accompany him/her has appropriate knowledge in safe handling of Chemicals or Materials (6) Chemicals or Materials are not exposed to adverse weather conditions and are handled as stipulated in the label during transportation; (7) Transportation of Chemicals or materials by air shall be in accordance with the relevant provisions of Civil Aviation Act Cap 394.
	41 The Authority may require the owner of toxic and/or Hazardous industrial Chemicals or materials on transit and/or transportation to execute a bond of such value as will be determined for ensuring adequate mitigation action in relation to any harm to health or the environment
	42 Any person storing, handling or distributing Chemicals or materials shall ensure that the workers have adequate knowledge of the handling precaution for all Chemicals or materials substances within the premises

	PART VIII: Licensing of premises.
	43 No person shall use any premises, or being the owner or occupier thereof, permit or allow the premises to be used, for the purposes of manufacturing, packaging, selling or storing Chemicals or Materials unless that person is in possession of a certificate of registration issued under the Occupational Safety & Health Act No. 15, 2007;
	PART IX: Disposal of Obsolete toxic and Hazardous industrial Chemicals or Materials
	44(1) No person shall dispose of toxic and Hazardous industrial Chemicals or Materials without a permit issued by the Authority.
	(2) An application for disposal permit shall be as set out under the Eight Schedule ;
	(3) A permit for the disposal of toxic and Hazardous industrial Chemicals or materials shall be issued by the Authority as set out in the Eight Schedule.
	45The obsolete toxic and Hazardous industrial Chemicals or materials shall be transported and disposed in accordance with the provisions of relevant Regulations under the Act.
	46 The Authority may require a holder of a permit for the disposal of toxic and/or Hazardous industrial Chemicals or materials wastes to execute a bond of such value as will be determined for ensuring adequate mitigation action in relation to any harm to human health or the environment.

	47 The Authority shall on presentation of disposal certificate refund the bond to the permit holder within Ninety (90) days.
	48 Any person issued with a permit by the Authority for disposal of toxic and/or Hazardous industrial Chemicals or materials wastes shall obtain a certificate of disposal, from the owner/operator of the NEMA licenced treatment /disposal facility as set out in Form C of the Eight Schedule.
	49 (1) Where there is no local capacity to dispose obsolete toxic and Hazardous industrial Chemicals and materials, the owner/operator shall export for disposal in accordance with the provisions of relevant Regulations under the Act.
	(2) The applicant shall submit a copy of the certificate of disposal to the Authority.
	(3) The authority shall maintain a register of certificates for disposal of obsolete toxic, and hazardous materials
	50 Any permit or license issued under these Regulations may be cancelled or suspended (1) If the conditions of the permit and any other provisions of the Act and Regulations there under are contravened
	(2) if the permit or license was granted on the basis of false information
	(3) If there is any new information which materially affects the credibility of the chemical or material.
	PART X: Impacts of toxic and hazardous chemicals and materials
	51(1) The Authority in consultation with the relevant Lead Agencies shall monitor the impacts of toxic and Hazardous industrial Chemicals and materials and their residues to human health and the environment

	<p>(2)(a) Where the public, lead agencies or the private sector has credible evidence that a chemical or material has adverse effects to human health and the environment, they shall report to the Authority.</p> <p>(b)Where the Authority on its own volition determines or establishes that a chemical or material has adverse effects to human health and the environment it shall begin the procedure for restricting or banning the chemical or material.</p>
	<p>52 (1) The Authority in consultation with the relevant Lead Agencies shall subject the chemical or material to the criteria for banning set out in the second schedule.</p>
	<p>(2) Where a chemical or material fit in the criteria for restricting or banning, the Authority shall advise the Minister to restrict or ban the chemical or material.</p>
	<p>(3) The Minister shall, on the advise of the Authority declare by gazette notice that the chemical or the material has been restricted or banned</p>
	<p>53 The Authority shall maintain a register for restricted and banned chemicals or materials as set out in the Tenth Schedule.</p>
	<p>PART XI: Offences</p>
	<p>54 (1) Any person who intentionally misuses chemicals or materials that are likely to cause adverse effects to human health and environment commits an offence</p> <p>(2) Any person who contravenes any provision of these regulations commits an offence and upon conviction shall be liable to the penalty prescribed under the Act.</p>

	PART XII: EXEMPTION
	55 These Regulations shall not apply to Toxic and Hazardous industrial Chemicals or materials for uses not likely to affect human health or the environment provided they are: <ul style="list-style-type: none"> 1) For the purpose of research or analysis 2) For individual practical and reasonable use
	PART XIV TRANSITIONAL CLAUSE
	ACTION:LEGAL

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**FIRST SCHEDULE
CRITERIA FOR THE CLASSIFICATION OF INDUSTRIAL CHEMICALS
AND MATERIALS**

PART I CLASSES BASED ON HAZARD CHARACTERISTICS

CLASSES	DESCRIPTION
Class 1	Explosives
Class 2	Gases-compressed, liquefied or dissolved under pressure.
Class 3	Flammable Liquids
Class 4	Flammable Solids or Substances.
Class 5	Oxidizing Substances
Class 6	Poisonous and Infectious Substances
Class 7	Corrosive Substances
Class 8	Miscellaneous Dangerous Substances

PART II CLASSIFICATIONS BASED ON MAMMALIAN TOXICITY

Toxicity class	LD50 (Oral) mg/kg	LD50 Dermal mg/kg	LC50 Inhalation mg/l
Extreme	<5	<40	< 0.5
High	5 to < 50	40 < 200	0.5 -2
Moderate	50 to <500	200 to < 2000	2-10
Low	500 to < 5000	> 2000	> 10

PART III CLASSIFICATION BASED ON ACUTE ECOTOXICITY

Toxicity category	LC50 (96 hr) mg/l
Extreme	<1
High	1 to <100
Moderate	10 to <100
Low	100 to <1000

**PART IV CLASSIFICATION BASED ON TERATOGENIC, MUTAGENIC,
CARCINOGENIC EFFECTS**

SECOND SCHEDULE

CRITERIA FOR RESTRICTING OR BANNING OF CHEMICALS AND MATERIALS.

- 1) Where a chemical or material should be banned and there are no suitable alternatives, the Authority shall institute restrictive measures to the use of that chemical or material.
- 2) Physico-chemical, toxicological and eco-toxicological information from internationally recognized sources
- 3) Information on alternatives and their relative risks to human health and environment.
- 4) Proven evidence of hazards and risks posed by the chemical or material to human health, wildlife, livestock and the environment from national and international risks evaluation
- 5) Evidence that the half-life of the chemical or material in water is greater than 2 months, or that its half-life in soil is more than 6 months.
- 6) Bio – accumulation evidence in food chain from scientific recognized sources
- 7) Potential for long range environmental transport in air, water and migratory species
- 8) Credible evidence that the chemical or material has been banned or restricted in other countries or in relevant Multilateral Environmental Agreement (MEAs)
- 9) Available data on chemical or material which is generated and documented according to scientifically recognized methods
- 10) Information on incidents related to the chemical or material from other countries or internationally recognized sources.
- 11) Socio economic considerations**
 - (1) Alternatives for products and processes
 - (2) Costs including environmental and health costs
 - (3) Efficacy
 - (4) Risks
 - (5) Availability
 - (6) Accessibility
- 13) Positive and/or Negative Impacts on Society**
 - (1) Health, including public, environmental and occupational
 - (2) Agriculture and Forestry
 - (3) Biodiversity
 - (4) Economic Aspects
 - (5) Social Costs
 - (6) Any national, regional or international control actions taken and other relevant risk management information

**THIRD SCHEDULE
FORM A
APPLICATION FOR REGISTRATION OF A CHEMICAL OR
MATERIAL:**

(To be submitted in – five copies)

PART 1

Name of Applicant-----

Business Address (Physical and Postal) -----

E-mail: -----

Telephone: -----

Fax: -----

Status of applicant (Manufacturer/ Agent/Exporter/Importer) -----

Name & Address of Manufacturer (where applicable) -----

Name & address of formulator -----

PART II

Approved common name(s) -----

Chemicals or materials name(s) and structural formula of the major active
ingredient-----

PART III

1. Toxicity of formulated products to test animals (oral, dermal and inhalation LD50 and LC50)-----

2. Effects of the Products on the environment:

Toxicity to bees -----

--

Toxicity to fish -----

-

Toxicity to birds -----

--

Toxicity to soil micro-organisms -----

Persistence in the environment -----

Methods of disposal -----

3. (a) Antidote(s) -----

(b) Safety precautions

(c) First Aid measures

(d) Any other relevant safety measures

4. Expected shelf life -----

5. Registration numbers and references of the product in the country of origin and three other countries where it is marketed -----

6. Is the product authorized to be on the market in the country of origin? If yes, attach evidence-----

PART IV

1. Package description(s)

Package size (wt, vol) -----
Packaging material (plastic, etc) -----
Lined (Yes/No) -----

2. Indicate suitability of the packaging materials -----

PART V

Name(s) and address (es) of distributor(s) in Kenya

- 1. -----

- 2. -----

- 3. -----

- 4. -----

The information contained herein is correct to the best of my knowledge and belie

Name of Legally Authorized person: -----

Designation (if company) (Chairman, Secretary, etc) -----

Signature of Applicant

Date-----

Seal/Stamp-----

- NOTE: a) A separate application is required for each product
 b) Submit five sample labels to be used on the packages at the time of application
 c) If the space provided is not sufficient, attach a separate sheet.

FORM B

CERTIFICATE OF REGISTRATION OF TOXIC AND HAZARDOUS CHEMICALS OR MATERIALS

Registration Number -----

It is hereby certified that the toxic and Hazardous industrial Chemicals or materials described herein has been registered under the Environmental Management and Co-ordination Act, 1999.

Name of Chemicals or Materials-----

Trade Name-----

CAS No-----

Registrant (Name, Physical and Postal Address) -----

Dated this ----- day of -----20-----

Seal:

Director General
National Environment Management Authority

FOURTH SCHEDULE

FORM A

APPLICATION FOR PERMIT TO IMPORT/EXPORT TOXIC AND HAZARDOUS INDUSTRIAL CHEMICALS OR MATERIALS

Applicants full name -----

Address -----

Tel. No. -----

E-mail..... Fax

Full Name and Address of the Exporter or importer or manufacturer-----

PRODUCT INFORMATION

1. Registration number-----Date of Expiry-----

2. Country of origin (if being imported) -----

3. Country of destination (if being exported or re-exported) -----

4 Common names -----

5. Chemicals or materials name-----

6. Trade name-----

7. Formulation-----

8. Concentration-----

9. State of product (technical or formulated) -----

10. Purpose of export/import-----

(a) For resale-----

(b) For manufacturing purpose-----

(c) For importers own use-----

(d) Others (specify) -----

(11)Quantity (Kg, M3) -----

(12) Value (FOB) Kshs. -----

(13) Licenses (EIA, EA etc) -----

DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name-----

Signature-----Date-----

For Official use only:

Receipt No. -----

FOURTH SCHEDULE

FORM B

PERMIT TO IMPORT/ EXPORT TOXIC AND HAZARDOUS INDUSTRIAL CHEMICALS OR MATERIALS

Application Ref. No. -----

Name-----

Address-----

Tel: -----

This Permit is granted to (name of the applicant) -----

----- Address-----

To import /export/manufacture Chemicals or materials as follows:

Chemicals or materials-----

Quantity-----

Registration No. -----

For resale /manufacture /export/import/own use

Signed----- Date-----

(Official seal)

National Environmental Management Authority

Note: This Permit is valid from ----- to -----

FORM C
APPLICATION FOR LICENCE TO MANUFACTURE TOXIC AND
HAZARDOUS INDUSTRIAL CHEMICALS OR MATERIALS

Applicants full name -----
address -----Tel.

No. -----

E-mail.....

Fax

Full Name and Address of the Manufacturer-----

PRODUCT INFORMATION

1. Registration number-----Date of Expiry-----
2. Country of origin (if being imported) -----
3. Country of destination (if being exported or re-exported) -----
- 4 Common names -----
5. Chemicals or materials name-----
6. Trade name-----
7. Formulation-----
8. Concentration-----
9. State of product (technical or formulated) -----
10. Purpose of export/import-----
 - (a) For resale-----
 - (b) For manufacturing purpose-----
 - (c) Others (specify) -----
- (11)Quantity (Kg, M3) -----
- (12) Value (FOB) Kshs. -----
- (13) Licenses (EIA, EA etc) -----

DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name-----

Signature-----Date-----

For Official use only:

Receipt No. -----

FORM D

LICENCE TO MANUFACTURE TOXIC AND HAZARDOUS INDUSTRIAL CHEMICALS OR MATERIALS

Application Ref. No. -----

Name-----

Address-----

Tel: -----

This Licence is granted to (name of the applicant) -----

----- Address-----

to manufacture Chemicals or materials as follows:

Chemicals or materials-----

Quantity-----

Registration No. -----

For sale /export /own use

Signed----- Date-----

(Official seal)

National Environmental Management Authority

Note: This Licence is valid from ----- to -----

**FIFTH SCHEDULE
FORM A**

**APPLICATION FOR THE TRANSPORTATION OF A CHEMICALS OR
MATERIALS**

Name of Applicant-----
Business Address-----
Nature or Type of chemical -----
-
Name and Address of Manufacturer (where Applicable) -----
Common name(s) -----
Registration No. of the chemical-----

Quantities -----
Type and Number of packages-----
Point of origin and address-----
Import License No (Where Applicable) -----
Destination:
Name -----
Physical Address-----
Postal address-----
Telephone number-----
Mode of Transport-----
Precautionary safety measures during transport-----

DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name-----
Signature----- Date-----

For Official use only:
Receipt No. -----

FIFTH SCHEDULE

FORM B

**PERMIT FOR TRANSPORTATION OF TOXIC AND HAZARDOUS
CHEMICALS/MATERIALS**

This Permit is granted to -----

To transport -----

Tonnes/Kgs-----

Chemicals or materials Name-----

Chemical Registration No-----

From (Point of origin Address)-----

To (destination Address)-----

Plot No-----

Premises registration No-----

Signed-----Date-----

Seal:

Director General
National Environment Management Authority

**SIXTH SCHEDULE
TRANSPORT EMERGENCY (TREM) CARDS**

Description of Cargo:.....
Transporter (Name and physical address).....
Name of products:.....
Telephone.....Cell phone.....
Consignor (Name, physical address).....
Fax..... Telephone.....Cell phone.....
Consignee (Name and physical address).....
TelephoneCell phone.....Fax.....

Load Details

No. of packages.....
Registration No. HD Substance/Article
Quantity.....Total Quantity.....
Special Comments.....

Emergency Action:

Notify police, Fire brigade and NEMA immediately. If possible, move vehicle to open ground and stop the engine
No naked lights. No smoking
Mark road and warn road users
Keep public away from danger area
Avoid making sparks. Use non-sparking hand tools or avoid direct metal to metal contact

Spillage

Do not touch
Consult an expert
Do not expose to electric current or heat
Do not repack – but protect material from accidental ignition. Reseal where necessary
Warn everybody – EXPLOSION HAZARD

Fire

For small fire on cab, tyres or engine which can be extinguished quickly before it reaches the cargo

Use vehicle extinguisher, water, dry powder, earth or sand

In case of extensive fire which is spreading to the cargo, do not attempt to extinguish

Evacuate area within a radius of 100 metres

First Aid

Keep patient warm

In case of burns, immediately cool affected skin as long as possible with cold water

Seek immediate medical help

Additional information provided by manufacturer or sender.

SEVENTH SCHEDULE

HAZARD AND RISK SYMBOLS

DRAFT

13.5 Specimen labels
13.5.1 Specimen primary risk labels

83

Class 1
Explosive substances or articles



(No.1)
Divisions 1.1 , 1.2 and 1.3
Symbol (exploding bomb): black ; Background : orange ; Figure '1' in bottom corner



(No.1.4)
Division 1.4
Background: orange; Figures: black; Numerals should be about 30 mm in height and be about 5 mm thick (for a label measuring 100 mm x 100 mm); Figure '1' in bottom corner



(No.1.5)
Division 1.5



(No.1.6)
Division 1.6

- ** Place for division
- * Place for compatibility group

Class 2
Gases



(No.2.1)
Division 2.1
Flammable gases
Symbol (flame): black or white;
Background: red; Figure '2' in bottom corner



(No. 2.2)
Division 2.2
Non-flammable , non-toxic gases
Symbol (gas cylinder) : black or white ;
Background : green ; Figure '2' in bottom corner



Class 3
Flammable liquids



(No. 2.3)
Division 2.3
Toxic gases
Symbol (skull and crossbones) black ;
Background : white ; Figure '2' in bottom corner



(No. 3)
Symbol (flame) : black or white ;
Background : red ; Figure '3' in bottom corner





(No. 7A)
Category I - White
Symbol (trefoil) : black ; Background : white
Text (mandatory): black in lower half of label :
'RADIOACTIVE'
'Contents.....'
'Activity.....'
Figure '7' in bottom corner



(No. 7B)
Category II - Yellow
Symbol (trefoil) : black ; Background : upper half yellow with white border, lower half white ;
Text (mandatory) : black in lower half of label :
'RADIOACTIVE'
'Contents.....'
'Activity.....'
In a black outlined box - 'Transport Index'
Two red vertical bars should follow the word 'Radioactive';
Figure '7' in bottom corner



(No. 7C)
Category III - Yellow
Text (mandatory) : black in lower half of label :
'RADIOACTIVE'
'Contents.....'
'Activity.....'
Three red vertical bars should follow the word 'Radioactive';
Figure '7' in bottom corner

Class 8
Corrosive substances



(No. 8)
Symbol (liquids, spilling from two glass vessels and attacking a hand and a metal) : black ;
Background : upper half white, lower half black with white border ;
Figure '8' in white in bottom corner

Class 9
Miscellaneous dangerous substances and articles



(No.9)
Symbol (seven vertical stripes in upper half) : black ;
Background : white ;
Figure '9' underlined in bottom corner

EIGHTH SCHEDULE

FORM B

THE CHEMICALS OR MATERIALS DISPOSAL PERMIT

This permit is granted to-----
of-----

address -----
to dispose the following Chemicals or materials -----

using the following methods-----

-----at-----

Date-----Signature

Director General
National Environmental Management Authority

Conditions
This permit is not transferable to any other person or institution
This permit is valid for 90 days from the date of issue

.....
.....
.....

**EIGHT SCHEDULE
FORM C – DISPOSAL CERTIFICATE**

Name of Disposer-----

Address -----

Disposal site -----

This is to certify that on -----

satisfactorily disposed of the following Chemicals or materials.

1. -----

2. -----

3. -----

4. -----

5. -----

Methods used for disposal

1. -----

2. -----

3. -----

4. -----

Date-----

Signature-----Name-----

Stamp-----

NINTH SCHEDULE

REGISTER OF TOXIC AND HAZARDOUS INDUSTRIAL CHEMICALS AND MATERIALS

Serial No.	Registration Number	Chemical Name	Product/ Trade Name	CAS NO.	Name of Firm or Person and Address	Physical Location	Hazard Characteristics	Quantity	Uses
1									
2									
3									

TENTH SCHEDULE

REGISTER OF BANNED AND RESTRICTED CHEMICALS AND MATERIALS

Serial No.	Registration Number	Chemical Name	Product/ Trade Name	CAS NO.	Hazard Characteristics	Uses	Remarks
1							
2							
3							

ELEVENTH SCHEDULE

PRESCRIBED FEES

Registration.....	KShs. 5000.
Application for permit to Import/ Export/Transit.....	KShs. 3000.
Permit to Import / Export/ Transit (per Consignment).....	KShs.30, 000.
Application for licence to Manufacture	KShs. 3000.
Licence to manufacture.....	KShs.30, 000.

Hon. John N. Michuki

Minister for Environment & Mineral Resources