

LEGAL FRAMEWORK FOR PROTECTION OF FOOD, ENVIRONMENT AND ANIMAL WELFARE IN KENYA

Learning Outcomes

By the end of this lecture, learners should be able to:

1. Identify the major food laws that are applied in Kenya to protect food from hazards to ensure food safety.
2. Describe the relevant provisions in the various identified laws that protect food from hazard contamination.
3. Describe the provisions in the Kenyan food laws that protect food animal welfare.
4. Identify the relevant laws and provisions in the Kenyan food laws that protect the environment.
5. Identify government bodies and agencies involved in the formulation and implementation of the various food laws.

FOOD LAWS

Food laws in Kenya are designed to protect safety and to assist consumers. Existing laws on food safety are fragmented and appear in different institutions notably the Kenya Plant Health Inspectorate Service (KEPHIS), Kenya Bureau of Standards (KBS), Department of Veterinary Services (DVS) and Ministry of Health. KEPHIS is a regulatory agency for quality control of agricultural input and produce. DVS has the mandate of national livestock health and control of importation of livestock and livestock products. KBS prepares standards relating to products, certification of industrial products and quality inspection at ports of entry among others.

Major food laws

1. Public Health Act Cap.242 Laws of Kenya.
2. Radiation Protection Act Cap.243 Laws of Kenya (In the case of irradiated foods)
3. Food Drugs & Chemical Substances Act Cap. 254
4. Agriculture Act Cap 318
5. Plant Protection Act Cap.324 (in case of fruits & vegetables)
6. Seeds & Plant Varieties Act Cap. 326 (imported seeds or seed crops with a potential to grow when planted)
7. Dairy Industry Act Cap. 336
8. Meat Control Act Cap. 356:

9. Fisheries Act Cap. 378
10. Animal diseases Act Cap. 364
11. Customs & excise Act Cap. 496
12. The Standards Act Cap 496

Provisions in the Kenyan food laws related to protection of food

Provisions for protection of food in Kenya are found in a number of laws, but the bulk of provisions are contained in the Public Health Act Cap 242, and the Meat Control Act Cap 356 of the laws of Kenya.

Provisions in the Public Health Act Cap 242,

1. Food must be prepared and stored in establishments approved for the purpose using clean and pathogen free equipment and containers
2. Potable water be used in preparation of food
3. Food products be processed or cooked to destroy pathogenic microorganisms.
4. Food products must be processed, handled, packed, stored and transported or shipped hygienically and all necessary precautions taken to prevent re-contamination.
5. Food stores must be free of vermin such as rodents, flies and cockroaches
6. People should not sleep in food stores or food preparation rooms such as kitchens
7. Food handlers must be free of communicable diseases and must undergo regular medical check-ups.
8. Materials and articles in contact with foodstuffs e.g. packaging materials or containers must be non-toxic and innocuous.
9. Food products must not contain any harmful additives or foreign substances including microbial toxins or chemical residues in concentrations injurious to health.
10. Foodstuffs or food ingredients must be transported and stored separately from poisonous substances such as pesticides, fertilizers.

Provisions in the Meat Control Act Cap 356

1. Animals meant for slaughter must be free of communicable /zoonotic diseases, e.g. BSE, Avian Flu, FMD, rabies etc
2. There must be ante-mortem inspection of slaughter animals to prevent slaughter of sick ones.
3. Carcasses/organs of slaughtered animals showing lesions (at Post mortem examination) of presence of infectious/communicable and zoonotic diseases be condemned and destroyed to prevent it from entering the food chain.
4. Carcasses be decontaminated before they enter the food chain and be protected from re-contamination through appropriate handling and storage.
5. Treated animals be slaughtered only after the recommended withdrawal periods have elapsed.

Other Laws with provisions on food protection

1. Food production environments must be free of toxic/poisonous substances e.g. fishing environments and soil should be free of heavy metals to avoid production of contaminated food (*Fisheries Act Cap 378*).
2. Pigs should be raised in confinement and feed with feeds free of disease pathogens such as salmonella (*Pig Industry Act Cap 361*).
3. Appropriate pesticides must be used to control pests in food crops and food animals as well as appropriate withdrawal periods allowed to prevent accumulation of pesticide residues (*Pest Control and Products Act Cap 346*).
4. Appropriate drugs and antibiotics must be used to treat animal diseases and withdrawal periods allowed to prevent accumulation of drug residues in animal food products (*Food, drugs and chemical substances Act Cap 254*).

PROVISIONS IN THE KENYAN FOOD LAWS THAT PROTECT THE WELFARE OF FOOD ANIMALS

Animal Disease Act Cap 364, of the law of Kenya, Prevention of Cruelty to Animals Act Cap 360 and The Meat Control Act cap 356, The Cattle Cleansing Act Cap 358. The Veterinary Surgeons and Paraprofessional Act Cap 366, are the main laws with provisions that protect the welfare of food animals.

Provisions in Animal Disease Act Cap 364

1. Food animals be raised in a well ventilated, well lit and appropriately spaced housing or environments
2. Animals be relieved of pain from diseases and pests through appropriate treatment and husbandry practices
3. Animals must be feed on innocuous materials or feeds that are free of poisonous substances.
4. Substances having hormonal effects should not be used in food animals
5. Animals be given enough potable drinking water

Provisions in the Meat Control Act Cap 356

1. Animals be transported in appropriate conditions and be rested and provided with water
2. Animals of different species and age groups should be transported separately.
3. That animals are spared any avoidable excitement, pain or suffering during movement, at rest and during restraint.
4. Animals be slaughtered under humane conditions using appropriate stunning methods.
5. Pigs are held in roofed lairages to protect them from increment weather (*Pig Industry Act Cap 361*)

PROVISIONS IN THE KENYAN LAWS THAT PROTECT THE ENVIRONMENT

The policy on environment and development highlights activities in all areas of national life relevant to the environment and stresses the need for the government to set up standards for the sustainable use of natural resources; appropriate disposal of wastes; conservation of natural ecosystems (forests, marine, lakes, rivers and wetlands), biodiversity, product standards and environmental quality.

The policy paper on environment (1992) provided the basis for integration of environmental concerns into national development planning and management processes. It provides guidelines for environmentally sustainable development with the following specific goals and objectives:

1. To conserve and manage natural resources of Kenya including air, water, land, flora and fauna;
2. To enhance broad public education and awareness including appreciation of essential linkages between development and environment;
3. To ensure all development policies, programs and projects take environmental consideration into account;
4. To review and harmonize legal and institutional framework for environmental management;
5. To encourage the use of environmental tools such as economic instruments, EIA and standards.

The policy document broadly covers all sectors including institutional linkages, legal arrangements and environmental challenges.

The National Environmental Action Plan (NEAP)

The national environmental action plan was developed as a strategy for achieving sustainable development. The NEAP has the following objectives:

1. Facilitating optimal use of national land and water based resources to improve the quality of the human environment;
2. Promoting sustainable use of natural resources;
3. Treating environmental conservation and economic development as integral aspects of the same process of sustainable development;

4. Generating income and meeting national goals and international obligations by conserving biodiversity, reversing desertification, mitigating effects of disasters and maintaining the ecological balance of the earth. (**Read about the Environmental management coordination Act and identify the provisions that protect the environment**).

Government bodies and agencies implementing the various food laws

- a) The Public Health Act Cap 242, Food, Drug and Chemical Substances Act Cap 254 and Radiation Protection Act Cap 243 are implemented by the Ministry of Health officials at the ports of entry.
- b) Agriculture Act Cap 318, Plant Protection Act Cap.324 (in case of fruits & vegetables) and Seeds & Plant Varieties Act Cap 326 are implemented by KEPHIS at the ports of entry.
- c) The Dairy Act Cap 336 is implemented by Kenya Dairy Board in liaison with KEBS at the port of entry.
- d) The Meat Control Act Cap 356, Fisheries Act Cap. 378 and Animal diseases Act Cap 364, the Pig Industry Act Cap 361 are implemented by DVS in liaison with KEBS at the port of entry
- e) Animal diseases Act Cap 364 is implemented by Department of Veterinary Services in liaison with port Health officials at the port of entry.
- f) The Customs & excise Act Cap. 496 is implemented by the Ministry of Finance
- g) The Standards Act Cap 496 is implemented by the Kenya Bureau of Standards (KBS)

Study Questions

1. *Outline the provisions in the Kenya food laws that relate to (i). Animal welfare (ii) Protection of food (iii) Protection of the environment*
2. *Discuss the environmental concerns of the livestock and allied industries, and outline measures required to address the concerns.*