



## **GHS Inception Workshop - Kenya**

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**Increasing the global implementation of Globally Harmonized System (GHS)  
through a pilot focusing on Africa**

**04 to 05 October 2022**

**UNEP Nairobi, Kenya**

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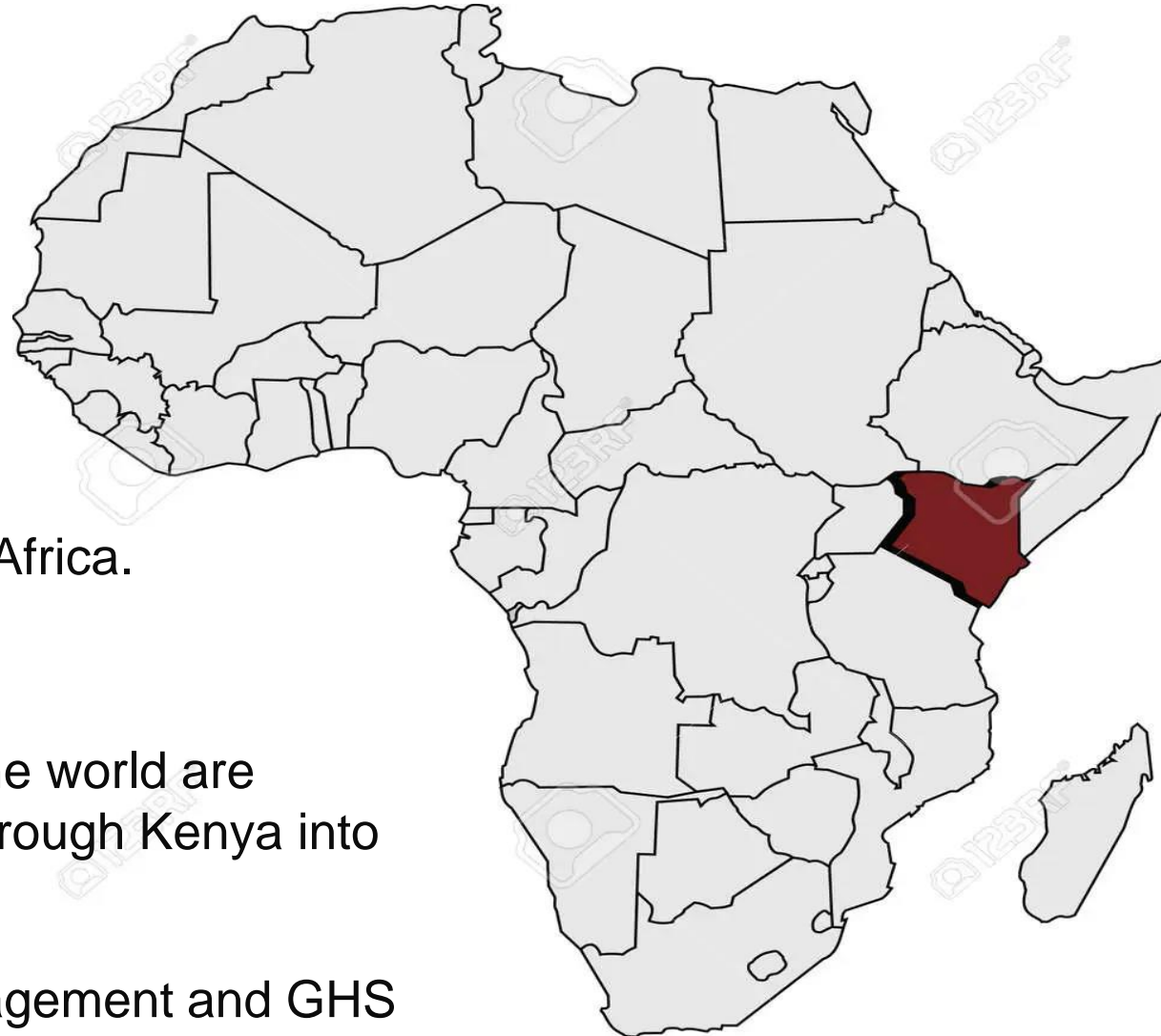
Director MEAs

Ministry of Environment and Forestry

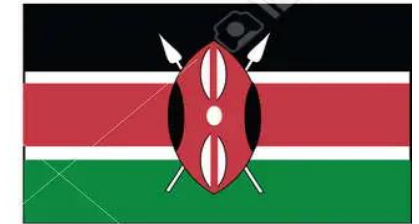
# Presentation Outline

1. Introduction
2. Governance
3. Current Status
4. Expected Implementation Strategy.
5. Way Forward.

# Introduction



- Located on the Equator.
- Door to East and Central Africa.
- Population of 47.6 million
- Chemicals from all over the world are finding their way to and through Kenya into the Sub-Saharan Region.
- Need for Chemicals Management and GHS



# Introduction

- Chemicals contribute to the social economic development of Kenyan population.
- Agriculture, manufacturing and provision of services are the major producers and consumers of chemicals.
- Services which include energy generation, transport, whole sale trade and related activities contribute 62 % of the Kenya domestic product
- Agriculture dominates Kenya's economy accounting (with forestry and fishing) for about 24 % of GDP, followed by manufacturing with 13%.
- The informal sector contains organized small-scale and unregulated activities that use chemicals and where the risks of toxic chemicals and wastes on human population and environment are mostly manifested.

# Introduction

- Kenya is not a major producer of synthetic chemicals. However there is extensive extraction of mineral chemicals.
- The major minerals are soda ash, sodium chloride fluorspar, carbon dioxide, diatomite and titanium mining.
- Highly toxic chemicals are not produced significantly in terms of quantity except for ethanol and methanol.
- Agrochemicals, petroleum, petrochemical products and industrial chemicals are mostly imported and some re-exported.
- In total chemicals account for 6% of the gross domestic used in agriculture, transport, services and energy sectors.

# **Governance**

***A Review of Chemicals Management Laws and Regulations  
Opportunities for GHS***

# 1. The Standards Act, Cap

## *Scope*

- It promotes and maintains standardization, metrology and conformity assessment in the provision of products and services.

## 2. Pest Control Products Act, Cap 346

### *Scope*

- It regulates the importation, exportation, manufacture, distribution, use and disposal of products used for the control of pests and organic function of plants and animals.
- It regulates manufacture, packaging, storage, display, use or advertisement of any pest control product.
- It prohibits false, misleading and deceptive packaging, labeling and advertising.
- It provides for assessing the safety, efficacy, quality, merit and economic value of pest control products.

### *Opportunities*

- Classification of pest control products
- Labelling



### **3. The Pharmacy And Poisons Act, Cap.244**

#### *Scope*

- It provides for the control of the profession of pharmacy
- Regulates the trade in drugs and poisons.
- Gazettement of the substances to be treated as poisons.

## 4. Occupational Safety and Health, No.15 of 2007

### *Scope*

- It regulates the safety, health and welfare of workers and all persons at workplaces.
- It establishes the general duties of occupiers, employees etc to maintain safety and a healthy working environment.
- ✓ It provides safety and health requirements on handling, transportation and disposal of chemicals and other hazardous substances.

## 5. Environmental Management And Co-ordination Act, No. 8 of 1999

### *Scope*

- It's the Law for the management of the environment in Kenya.
- It provides for development of regulations on the management of toxic and hazardous Chemicals and Materials
- It sets penalties for chemical pollution of environment.
- Establishes regulations on hazardous waste management in line with Basel Convention.

# Industry Overview

# Chemical Industry Profile in Kenya

- Manufacturing
- Processing
- Transportation

# Manufacturing – Chemical Sector Overview

- The chemical industry has been an integral part of the Kenyan economic landscape.
- It cuts across all sectors in the various value chains from food processing, Agriculture, Medicine, Construction, plastics, petroleum, dyes, leather processing, production of synthetic materials, and electronic components to product parts in the automotive sectors among others.
- Under the KAM, the sector has 4 sub-sectors sub- sectors:
  - ✓ Agrochemicals, cosmetics and Hygiene products, foam and mattresses, paints, and resins.
- The majority of the players in the Sub-sector operate as informal businesses; however, there are several large multinational players within the subsector

## Manufacturing – Chemical Sector Overview

- According to the 2022 Economic Survey, chemicals used in the agriculture, industry and energy sectors account for 6% of Kenya's GDP.
- The sector grew by 6.4% (2017 to 2018) due to increase in local demand for chemical-based products such as fertilizers, paint, and pesticides.
- Overall, the Chemical and Chemical Products sub sector registered a growth of 4.8 per cent in 2021 mainly due to increased production of industrial gases (which includes hydrogen, nitrogen, oxygen, carbon dioxide and rare gases) by 14.6 per cent.

## **Existing National Committees**



# Multi-Sectoral Committee

- Multi-sectoral Committee on Sound Chemicals Management (MCSCM) was established to provide a coordination mechanism amongst the various sector players in chemicals management.
- The membership include:
  - a. Government and Key Lead Agencies and Sectors
  - b. Specialized and other Sectors
  - c. Enablers/Specialized Sectoral agencies
  - d. Universities
  - e. Non Governmental Organisations

# Multi-Sectoral Committee

The functions of MCSCM include:

- a. Promote collaboration and partnership among the stakeholders.
- b. Promote awareness and advocacy on sound chemicals management.
- c. Promote data collection, analysis, information, best practices sharing and knowledge management to inform decision making.
- d. Promote capacity building among the chemical management stakeholders.
- e. Prepare joint multi-sectoral project concepts and implementation of activities.
- f. Evaluate and promote innovative solutions for sustainable sound chemical management.

# **Status of GHS Implementation in Kenya**

## Status of GHS Implementation in Kenya

- Kenya Standard, KS 2606:2016 on Globally harmonized system of classification and labelling of chemicals (GHS) developed.
  - ✓ It provides criteria for the classification of hazardous substances and mixtures, including waste, for their safe transport, use at the workplace or in the home according to their health, environmental and physical hazards.
- Draft National Chemical Policy 2022, provides for the domestication and implementation of GHS of Classification and Labelling of Chemicals.
- GHS for pesticides has been domesticated under the PCPB Bill 2020.
- The Draft GHS Manual was developed in 2016
- The classification and labelling of toxic and hazardous chemicals in the Draft Toxic and Hazardous Chemicals Regulations, 2019 is based on GHS.

## Status of GHS Implementation in Kenya

- The Occupational Safety and Health Act, 2007 requires:
  - ✓ Labelling of chemicals should be in accordance with the United Nations labelling system
  - ✓ All chemicals should be accompanied with the Material Safety Data sheets and employees are required to understand the Material Safety Data Sheets.
  - ✓ Any person supplying, distributing, conveying or holding in chemicals or other toxic substances shall ensure that they are packaged, conveyed, handled and distributed in a safe manner so as not to cause any ill effect to any person or the immediate environment.

## Status of GHS Implementation in Kenya

- Status of GHS Implementation in Kenya.
- The Government included policy statements on GHS features in the Draft National Chemical Policy 2022.
- GHS is included in the National SAICM implementation Plan 2014.
- The National Multisectoral Committee on Sound Chemicals Management (MCSCM) was established in the year 2020. GHS is a key output in their work program.
- Industries in Kenya are at an infant stage in understanding GHS.

## Status of GHS Implementation in Kenya

- The Responsible Care program in Kenya was established under KAM and in partnership with ICCA. The initiative is currently mobilizing Multinational and local industries to participate ( 10 industries).

The initiative targets to use GHS as one of the key areas in management of chemicals in industries from production, transportation, storage, use and disposal.

# Challenges in the Implementation of GHS

- Lack of legal framework on GHS
- Low level or lack of awareness of GHS
- Several laws on chemicals management
- Complex international GHS Manual and domestication by the local companies, regulators and other users



# Needs and Expectations

# Needs and Expectations of GHS Project in Kenya

- Capacity Building
- Education, Information and Public Awareness
- Enactment laws on GHS and or review of existing laws to incorporate GHS
- Pilot or case studies
- Technical and financial support
- Partnerships and collaborations
- Train the Directorate's officers on GHS to ensure they have capacity to train workplaces on GHS and ensure effective implementation of GHS in workplaces.

## Needs and Expectations of GHS Project in Kenya

- A lot of knowledge and capacity building is really need for the Kenyan industries to incorporate GHS a part of their reporting.
- Developing easy to read and understand guidelines and other information packs to be disseminated to industries, will be helpful at shop floor/ factories level.
- To achieve more by- in, the development of the legislative tools need to have a multi-stakeholder involvement, KAM, as a manufacturing centric Business membership organization (BMO) is key to supporting the development of the required legislation.
- There is need to map out other supportive laws and regulations that touch on GHS and ensure developed tools do not create duplication in implementation and enforcement.

## **Expected Implementation Strategy**

# Expected Implementation Strategy

- Multi Stakeholder Committee / Sectoral Approach:
  - ✓ Occupational – DOSH
  - ✓ Enforcement – NEMA, PCPB (Pesticides)
  - ✓ Standards - KEBs
  - ✓ Policy – Ministry of Environment
  - ✓ Industry – KAM
- Consultancies
- Designated Project coordinator

# Challenges to address

- Informal and unorganized sectors
  - ✓ Capacity building and outreach to tame these sector.
- Import from non GHS compliant manufacturers
  - ✓ Kenya imports most of its chemicals some from GHS compliant manufacturers but some without GHS compliance.
  - ✓ This will need a harmonization to have all chemicals compliant before local circulation
- Language Barrier
  - ✓ We will need translation to local language since chemical use involves even the less educated users including farmers and some of the technical terms may need to be available to all as per GHS requirements.

# Challenges to address

- Sustainability plan
  - ✓ Capacity building and awareness campaigns traversing beyond industries including the small scale distributors as well as marginalized regions
- Education
  - ✓ Having GHS included in formal education system for longterm sustainability.
- Legislative and regulatory framework
  - ✓ We hope to have GHS standards a binding law governing chemical management in Kenya for both importers and users
- Need to pick which Version of GHS will be sustainable for Kenya
  - ✓ (Some may not be applicable immediately)

**Thank you**