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Report Highlights:

This report provides updates on Government of Kenya (GOK) import requirements and regulations for food and agricultural products. It includes applicable laws and guidelines, import procedures, and contact details of key trade regulatory and specialist agencies. Kenya maintains an import ban on genetically engineered (GE) agricultural and food products. In addition, exports to Kenya must be inspected by an agent contracted by the Kenya Bureau of Standards (KEBS) in the country of origin or supply and be issued with a certificate of conformity (CoC) prior to shipment.

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Disclaimer: This report is prepared by the USDA/Foreign Agricultural Service, Office of Agricultural Affairs Nairobi for U.S. exporters of food and agricultural commodities. While all possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies/regulations/directives have changed since its preparation, or because clear and consistent information was not available. Post highly recommends that U.S. exporters verify the full set of import requirements with their foreign customers, who are usually best equipped to research such matters with local authorities, before any products are shipped.

Questions about this report?

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Executive Summary

Kenya's economy and developments related to agriculture and trade

Kenya is a market-based economy and is generally considered the economic, commercial, financial, and logistic hub of East Africa. The port of Mombasa is a key deep-water port for East Africa, supplying the shipping needs of more than a dozen countries in the region. At the regional level, Kenya is a member of the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the African Continental Free Trade Area (AfCFTA).

U.S. agricultural trade interests in Kenya

Kenya's existing ban of imports of genetically modified (GM) products, since 2012, has been a key barrier to U.S. agricultural and food exports to Kenya. Market access for U.S. meat and poultry products is limited due to Kenya's use of discretionary import permits.

Wheat is the main food and agricultural export from the United States to Kenya, largely due to monetization under food assistance programs in the East Africa region. Commercial wheat imports are expected to increase after Kenya and the United States signed the certification protocol for Pacific Northwest wheat in early 2020. Other U.S. food and agricultural exports to Kenya include processed nuts, condiments, wines, snack foods, and bovine genetics.

Kenya's trade regulatory policies

Kenya's agricultural and food trade regulatory mandates are handled by various agencies that are all linked to a single online import approval system. Those agencies include the following: Kenya Plant Health Inspectorate Service (KEPHIS), Directorate of Veterinary Services (DVS), Kenya Dairy Board (KDB), Kenya Bureau of Standards (KEBS), National Biosafety Authority (NBA), and the Department of Public Health (DPH). Kenya is a member of the World Trade Organization (WTO) with obligations to notify on both technical barriers to trade (TBT), and sanitary and phytosanitary (SPS) changes. Kenya is currently reviewing its food safety laws and regulations through draft parliamentary legislation.

In 2021, Kenya published a series of regulations on issues including packaging, labeling, formulation, and reformulation of breast milk substitutes. While these regulations have moved forward, their date of implementation remains unclear.

Section I. Food Laws

Kenya's regulatory system for food and agricultural imports is multi-sectoral and complex. Several government agencies have relevant authority through various statutes. See below a table outlining the scope and role of Kenya's major regulatory agencies.

Regulatory Agency	Mandate
Pest Control Products Board (PCPB)	Regulates the importation, exportation, manufacture, distribution, and use of pest control products. Enforces pesticide and contaminant regulations.
Kenya Plant Health Inspectorate Service (KEPHIS)	Assures the quality of agricultural inputs and produce to prevent adverse impact on the economy, the environment and human health. Monitors and analyzes pesticide residues.
Kenya Bureaus of Standards (KEBS)	Provides standards, metrology, and conformity assessments (SMCA), and examines for microbial and chemical contamination of food.
Directorate of Veterinary Services (DVS, no website available)	Monitors pesticide residues in animal products, feed, and animal health drugs.
Division of National Public Health Laboratory (DNPHL)	Examines for microbial and chemical contamination of food.
National Biosafety Authority (NBA)	Exercises general supervision and control over the transfer, handling and use of “genetically modified organisms” (GMOs), including importation of genetically engineered products.

The food regulatory system is generally consistent with the Sanitary and Phytosanitary (SPS) Agreement of the World Trade Organization (WTO) and other international standard setting bodies including Codex Alimentarius (Codex), the World Organization for Animal Health (OIE), and the International Plant Protection Convention (IPPC). Exporters and consolidators of U.S. food products should obtain a certificate of conformity (CoC) through the Kenya Bureau of Standards (KEBS) appointed Pre-Export Verification of Conformity (PVoC) agents (see [PVoC Manual](#)). To operate its PVoC program for the North America region, KEBS maintains inspection contracts with Société Générale De Surveillance S.A. (SGS), Intertek International Ltd, and Bureau Veritas. Kenya exempts some select products from pre-export verification, including plants, seeds, and planting materials.

The following laws are applicable to U.S. food and agricultural exports to Kenya:

1. The Public Health Act Cap.242.¹
2. The Radiation Protection Act Cap.243 (for irradiated food).¹
3. The Food, Drugs and Chemical Substances Act Cap.254.¹
4. The Agriculture, and Food Authority (AFA) Act (No. 13 of 2013).²
5. The Crops Act (No. 16 of 2013).²
6. Plant Protection Act Cap.324 (for fruits and vegetables).²
7. The Seed and Plant Variety (National Performance Trials) Regulations, 2009.²
8. The Seeds & Plant Varieties (Amendment) Act, No. 53 of 2012 (for imported seeds or seed crops with potential to grow when planted).²
9. The Dairy Industry Act Cap.336.³
10. The Meat Control Act Cap.356.⁴

11. The Animal Diseases Act Cap.364.⁵
12. The Customs & Excise Act Cap.472.⁶
13. The Standards Act Cap.496.⁷
14. The Weights and measures Acts Cap.513.⁸
15. The Industrial Property Act Cap.509.⁸
16. The Trademarks Act Cap.506.⁸
17. The Pest Control Products Act Cap.346.⁹
18. The Fisheries Act Cap.378.¹⁰
19. The Biosafety Act 2009.¹¹
20. The Alcoholic Drinks Control Act, 2010.¹²
21. The Fertilizers and Animal Foodstuffs Act Cap 345.¹³

¹Implemented by the Department of Public Health (DPH) at the ports of entry.

²Implement by the Kenya Plant Inspectorate Service (KEPHIS). The AFA Act is currently under review.

³Implemented by the Kenya Dairy Board (KDB) at ports of entry.

⁴Implemented by the Director of Veterinary Services (DVS) and the Kenya Bureau of Standards (KEBS) at ports of entry.

⁵Implemented by DVS and DPH the ports of entry.

⁶Implemented by the Kenya Revenue Authority (KRA) the ports of entry.

⁷Implemented by KEBS at ports of entry.

⁸Implemented by the Ministry of Trade, Industry, and Enterprise Development.

⁹Implemented by the Pests Control Products Board.

¹⁰Implemented by the Ministry of Agriculture, Livestock, Fisheries, and Co-operatives.

¹¹Implemented by National Biosafety Authority (NBA) and KEBS at ports of entry.

¹²Implemented by the National Authority for the Campaign against Alcohol and Drugs Abuse (NACADA).

¹³Implemented by DVS.

Section II. Labeling Requirements

A. General Requirements

In Kenya, KEBS is responsible for implementing labeling requirements for consumer-ready food products.

The GOK requires an English and/or Kiswahili label on all consumer-ready foods. The label should be packaged using even numbers and include the following: metric measurements, a brand/trade name, common name, list of ingredients in order of predominance, date of manufacture, expiration and/or sell by date, net content in metric units, storage instructions, name and address of manufacturer, country of origin, grade designation (where applicable), and a Kenyan Import Standardization Mark (ISM, more information below). Kenya is currently reviewing its labeling standards.

In early 2021, the GOK published new labeling requirements for breast milk substitutes ([Kenya BMS regulations](#)). The implementation date for these requirements is still to be determined. Kenya does not yet have specific requirements for plant-based meat/dairy alternatives.

Frequently asked questions and responses regarding Kenya's labeling requirements are below:

Q: *What languages are required and/or permitted on the product label?*

A: The GOK requires English labeling but does not prohibit any other language or combination of languages. It is common to see imported food products with English and Arabic or Chinese language labeling in Kenya.

Q: *Can U.S. consumer-ready products enter the Kenyan market without altering the U.S. label under which the product would normally be marketed in the United States?*

A: All imported finished products for retail must have an import standardization mark (ISM) sticker. Goods with the KEBS Diamond Standard Mark are exempt. More information on these marks can be found at [KEBS ISM](#).

Q: *Can the ISM or any other additionally required labeling be affixed, or must it be incorporated into the original label for the product?*

A: The GOK permits stick-on labels for both the ISM and other additional labeling requirements.

Q: *When do stick-on labels need to be applied (i.e. before the product is exported, at the port of entry, or, at the point of sale)?*

A: The stick-on labels may be applied at any point prior to retail sale.

Q: *Are there instances where standard U.S. labels or claims might be considered false or misleading?*

A: To date, there have been no reported incidents of a standard U.S. food-product label being deemed false or misleading.

Q: *For the "Best if Used By" date (shelf life), does the GOK require that the product enter Kenya with a predetermined percent of that shelf life remaining for marketing to Kenyan consumers?*

A: Upon arrival in Kenya, all imported food products must have at least 75 percent of the shelf life indicated on the label remaining.

Q: *Does the GOK grant exceptions to labeling regulations?*

A: Exceptions to labeling requirements have been granted rarely historically. However, there is no formal process through which an exporter may ask for an exception.

B. Other Specific Labeling Requirements

Q: *Are U.S. minimal nutritional labels sufficient for the Kenyan market?*

A: The GOK requires nutritional labeling based on a uniform 100 grams of product, whereas current U.S. nutritional labeling requirements are based on portion size. However, the GOK does not require that U.S. nutritional labels be changed to reflect the nutritional content per 100 grams.

Q: *Are relative nutrient content claims (i.e. reduced saturated fat) or absolute descriptors (i.e. high in fiber, low in fat) permitted in GOK labeling regulations?*

A: The GOK requires that where a consumer-ready food product carries a relative or descriptive nutrient content claim, it must be supported by a nutritional breakdown of the specific attribute being described. For example, “this product is low in saturated fat, containing only three grams of saturated fat per 100 grams of total fat,” is an allowable statement in Kenya.

Q: *Does the GOK permit health claims on labels, such as “heart healthy”, or regulate the use of the word “healthy”?*

A: Currently the GOK does not preclude any such health claims.

Q: *Does the GOK require that foods produced using novel processes be labeled to reflect the process?*

A: The GOK requires that irradiated foods be designated so on the food container in English. This includes instances where the Radura symbol is used.

C. Genetically Engineered (GE) Products and “Genetically Modified Organisms” (GMOs) Labeling Regulations

Despite the existence of a ban on most GE products, Kenya has labeling requirements for such products. These requirements and precise labeling language are found in the Biosafety (Labeling) Regulations, 2012: ["GMO" labeling](#) and the Kenya Standard KS 2225:2010 on labeling of food and feed products.

Q: *Which products are covered under these regulations?*

A: These regulations apply to food, feed or ingredients containing genetically engineered products, or products derived from Live Modified Organisms (LMOs).

Q: *What are the labeling requirements for processed products containing GMOs?*

A: In the list of ingredients the words “genetically modified” must follow each of the ingredients that have been derived from LMOs or combined with GMOs. For example: “Product Ingredients: Maize Meal (genetically modified), Soybean Meal (genetically modified), Salt; Sugar.”

Q: *Does the GOK require any additional labeling for GE products?*

A: Please see Appendix III for information related to possible other labeling requirements for foods containing genetically engineered products or ingredients. Kenya’s National Biosafety Authority (NBA) has a clarifying notice at the following link: ["GMO" import regulations](#).

Section III. Packaging and Container Regulations

The following section describes some potential technical barriers to trade associated with Kenya's packaging, recycling, and container size or material requirements. Kenya has no specific packaging or container size requirements. Due to purchasing power constraints, most consumers prefer small packages.

Q: *Many U.S. consumer-ready foods are marketed in containers specific to the U.S. market based on a certain number of ounces, pounds, or fluid ounces. Can foods be marketed in U.S.-sized containers?*

A: Kenyan importers may market U.S. consumer-ready product in its original packaging/container without alteration, regardless of the container or package size. However, there are labeling requirements that should be considered (see Section II).

Q: *Are there any special municipal waste disposal laws or product-packaging recycling regulations that U.S. exporters need to be aware of in the Kenyan marketplace?*

A: Neither the GOK nor Kenya governments currently require consumer-product package recycling.

Q: *Does the GOK restrict or limit any packaging materials for consumer-ready products?*

A: The GOK regulates wood pallets that might be used during the shipment of food products, but not the materials in which the food is packaged. The GOK requires solid wood packaging material be treated and marked in accordance with International Sanitary and Phytosanitary Measure (ISPM) No. 15.

Packaging sustainability measures

Since 2017, Kenya has implemented a ban on plastics carrier bags and flat bags in commercial packaging. For more information see: [Kenya's plastic ban](#).

Section IV. Food Additive Regulations:

See below frequently asked questions regarding Kenya's additive requirements.

Q: *Has the GOK established specific regulations to regulate additives in food?*

A: In Kenya, KEBS regulates food additives through the Food, Drugs, and Chemicals Substances Act that can be accessed through [Kenya's online legal system](#) and the KS 660 series of standards (Guidelines to the safe use of food additives) that can be purchased from KEBS (<http://onlinecatalogue.kebs.org/>). Where there are no specific GOK guidelines, KEBS follows Codex standards on approved food additives.

Q: *Does Kenya maintain a positive and/or negative list of food additives?*

A: Kenya has both positive and negative lists for food additives. The lists are not yet available online but may be purchased from regional or national KEBS offices.

Q: *Are there any special use requirements or restrictions for additives on the positive list?*

A: The GOK restricts the use of all food additives in baby food. Food additives used as oxidants, sweeteners, colorants, curing agents, flavor enhancers, flavorings, or preservatives in food products must appear on the label, using the common chemical name.

Q: *Will the GOK accept the list of Codex-approved food additives for imported consumer-ready food products?*

A: Where an additive is not listed in GOK regulations, KEBS relies on the Codex list of approved food additives.

Section V. Pesticides and Other Contaminants

Kenya's Pest Control Products Board (PCPB) has regulatory authority over the importation, exportation, manufacture, distribution, and use of pesticides in Kenya. The PCPB is also responsible for pesticide registration and maintains lists of registered products as well as restricted and banned pesticides. The lists can be accessed online here: [PCPB List](#). The PCPB relies on Codex standards for tolerance levels.

In addition to PCPB, other government institutions that enforce pesticide/contaminant regulations include:

- KEPHIS monitors and analyzes pesticide residues.
- KEBS sets standards and monitors compliance.
- DVS checks pesticide residues in animal products, feed, and veterinary drugs.
- The Department of Public Health examines microbial and chemical contamination of food in coordination with KEBS as guided by the Food, Drugs, and Chemical Substances Act, Cap 254.

Below are frequent questions regarding Kenya's pesticide requirements.

Q: *Has the GOK formulated pesticide contaminant regulations for food?*

A: The GOK promulgated pesticides and contaminants regulations for consumer-ready foods, which are overseen by KEBS and KEPHIS.

Q: *Does the GOK use both positive and negative lists for pesticides?*

A: The GOK regulates based on both positive and negative lists, which are available at regional and national KEBS and KEPHIS offices. These lists are not yet available online.

Q: *For pesticides appearing on the positive (allowed) list, does the GOK establish maximum residue levels (MRLs)?*

A: Yes. In the event an MRL is not provided on the positive list the GOK uses MRLs established by Codex.

Section VI. Other Requirements, Regulations, and Registration Measures

A. Facility Registration

The GOK generally does not require individual facilities to be registered with either foreign authorities or with U.S authorities prior to importation of food products. However, importers of meat and meat products, eggs and egg products, and milk and dairy products must satisfy the requirement that slaughterhouses and processing plants be approved by the “highest veterinary authorities of the country of origin” to receive a necessary “no objection to import permit” certificate from DVS.

B. Product Registration

The GOK does not require products to be registered with either Kenyan authorities or with U.S. authorities prior to importation.

C. Other Certification and Testing Requirements

Below are answers to common questions about Kenya’s inspection and certification requirements.

Q: *What are the GOK’s inspection requirements at the Kenya border?*

A: Products entering Kenya will be inspected at the port of entry to determine if they have a certificate of conformity (CoC). To obtain a CoC, an imported product must satisfy Kenya’s import requirements, as evaluated by the pre-export verification of conformity (PVoC) agents appointed by the GOK. Once a PVoC agent has issued a CoC, the importer may present the CoC to KEBS for clearance of the goods and apply for an Import Standardization Mark (ISM), a stick-on-label that must be affixed to each retail container. Directions on PVoC can be obtained at: [KEBS PVoC](#).

There are three routes for certification. The PVoC agents review a Request for Certification (RFC) from the exporter before determining the most appropriate certification route and the applicable standard to be used in the certification process. Additional information can be found at: [KEBS](#).

Route A: This route is open to all products being exported by either traders or manufacturers and is mainly for first-time exporters. Products shipped under this route must be tested and physically inspected to demonstrate conformity to relevant standards.

Route B: This route is primarily used by frequent exporters of homogenous products. Products shipped under this route must be registered with an authorized PVoC agent. The product registration is valid for a period of one year. Shipments of registered products are exempt from mandatory testing and certification may be based on physical inspection only. Random testing of registered products is still

conducted to ensure product conformity throughout the one-year registration period. The following products are not eligible for registration under Route B, and must go through Route A:

- Sugar.
- Cereals and pulses such as rice, wheat, beans, and maize.
- Animal and fishery products (fresh and frozen- not further processed).
- Dairy products.
- Fresh horticultural products.

Route C: This route is allowed only for manufacturers with a quality management system implemented into their production process. An audit production process is conducted by PVoC agents, in alignment with ISO Guide 28: 2004. If successful, the manufacturer will be presented with a license for their products, valid for one year. Licensed products are subject to random physical inspection by PVoC agents prior to issuance of a CoC and subsequent shipping. The PVoC agents carry out limited testing during the license valid period.

Q: *Does the GOK require that consumer-ready food products be registered before being sold in the domestic market?*

A: The GOK requires that a food product with homogeneous production methods be registered annually with a PVoC agent. Shipments within that year are inspected randomly by PVoC agents, but otherwise no additional product registration is required.

Q: *Do all consumer-ready food products and food commodities require laboratory testing to ensure conformity with Kenya import standards?*

A: The PVoC agents make the determination for laboratory testing. The GOK requires that a food product meet all Kenyan standards before qualifying for a CoC, and therefore product testing by a PVoC agent should be expected.

Q: *Are product samples shipped via express mail or parcel post subject to import regulations?*

A: Product samples (except live plants or seeds) shipped via express mail or parcel post are not subject to import regulations. However, they are subject to custom handling charges based on product value.

Q: *Does the GOK monitor food products at wholesale or retail distribution points?*

A: Kenya Bureau of Standards conducts random surveillance and requires non-conforming products to be recalled by the producer.

See below a list of documentation and certification requirements necessary to export food products to Kenya:

Pre-Shipment Documents

- Plant Import Permit (PIP) for bulk commodities issued by the Kenya Plant Health

- Inspectorate Service (KEPHIS). Applicants can apply online for KEPHIS forms [here](#).
- Import Declaration Form (IDF) issued by the Kenya Revenue Authority (KRA) found at [KRA Forms](#).

Post-Shipment Documents

- Certificate of Conformity (CoC).
- Phytosanitary Certificate (PC) containing the required Additional Declarations for bulk commodities (corn, wheat, pulses, rice, sorghum, barley, etc.).
- Non-Genetically Modified Organisms (GMO) Certificate.
- Bill of Lading (three original B/L plus non-negotiable copies).
- Commercial Invoice.
- Packing List.
- Customs Entry Form.
- Certificate of Origin.
- Health Certificates (Cleanliness, Weight, and Quality).
- Insurance Certificate.

Other Documents That May Be Required:

- Fumigation Certificate.
- Radiation Certificate.
- Noxious Weed Certificate.
- Free from Karnal Bunt Certificate.

Section VII. Other Specific Standards

Meat, Dairy, and Poultry Import Permits: The GOK requires import permits for meat, dairy, poultry, and their products that are issued by the Director of Veterinary Services (DVS) for meat, dairy, poultry, and their products. In addition, each consignment must be accompanied by a certificate of conformity.

Vitamin and Mineral Enrichment: The GOK requires wheat flour and dry-milled maize products to be fortified with zinc and iron. Salt must contain iodine and vegetable fats and oils must be fortified with vitamin A.

Laws/Guidelines for Plant-Based Meat and/or Dairy Alternatives: The GOK has not enacted or issued any guidelines relating to plant-based meat and/or dairy alternatives.

Section VIII. Trademarks, Brand Names, and Intellectual Property Rights

The GOK is striving to improve its intellectual property rights (IPR) laws and regulations. However, exporters should be aware that IPR protection and enforcement can be challenging.

Below are common questions regarding Kenya's IPR laws.

Q: *Does the GOK have laws that protect trademarks and brand names of foreign-produced food products?*

A: The GOK allows trademark and brand name registration in Kenya. The Kenya Industrial Property Institute (KIPI) registers products via an application. For more information and a copy of the application, please see [KIPI](#).

Q: *Is there a statute of limitations on trademarks and brand names?*

A: Trademarks are registered for ten years initially and may be renewed indefinitely upon request.

Section IX. Import Procedures:

The Kenya TradeNet System – a single international trade platform, implemented by the Kenya Trade Network Agency (KENTRADE) – handles all imports into Kenya. The system integrates all import/export certification agencies, customs authorities, and banks. For more see: [Kentrade](#).

The following is a description of import procedures after a CoC has been acquired:

1. The importer will notify a clearing agent (CA) of the arrival date of a shipment.
2. The CA notifies the Kenya Revenue Authority (KRA) via its online clearing system. The importer must use a KRA-registered CA.
3. The CA enters the arrival date and manifest number into the KRA system.
4. The KRA posts the manifest number to the specified Kenyan bank.
5. The CA pays the relevant taxes using HS Codes and VAT rates where applicable.
6. The KRA agent clears and confirms entry of the cargo to the CA.
7. The CA uses the KRA confirmation to pay the various port charges at the Kenya Ports Authority (KPA).
8. The CA uses the KPA documents and any related import permits to request clearance from KEPHIS, KEBS, Port Health and the local police.
9. The KPA conducts a final physical verification of the cargo before releasing it into the domestic market.

Section X: Trade facilitation

Mombasa, Kenya's key port of entry for exports and imports, is managed by the Kenya Ports Authority and has been undergoing modernization reforms that include reduced import custom clearance documents, reduced queues, faster processing of import declaration forms, real time tracking of containers, and reduced port handling time (see [KPA DB Reforms](#)). The port is linked to the mainland through the standard gauge railway (SGR) with two inland container depots (ICDs) in Nairobi and Naivasha.

The GOK applies port tariffs that are available here: [KPA Tariff Book](#). Additionally, the GOK charges an import declaration fee at 3.5 percent and a railway development levy (RDL) at 2.0 percent on goods imported into Kenya.

The entire customs clearance process takes a minimum of three days. Should an exporter or importer be dissatisfied, KRA has adopted an alternative dispute resolution (ADR) mechanism to expedite the process. For more information, please see [ADR](#)

Appendix I. Government Regulatory Agency Contacts

Kenya Bureau of Standards (KEBS)

The Managing Director
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Kenya Plant Health Inspectorate Service (KEPHIS)

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Department of Veterinary Services (DVS)

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Kenya Revenue Authority

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Appendix II. Other Import Specialist Contacts

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Attachments:

No Attachments