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A.A.K HOLDS AN ANTI-COUNTERFEIT STAKEHOLDERS FORUM ON 5TH AUGUST 2016 AT RADISSON BLU HOTEL, UPPER HILL



Patrick Ngugi, the Chairperson of Anti-Counterfeit Steering Committee addressing the members

The Anti-Counterfeit Steering Committee (ACSC) of A.A.K held the inaugural anti-counterfeit stakeholders' forum at the Radisson Blu hotel on 5th August, 2016. The meeting brought together players in the Agrochemical Industry as well as regulatory and enforcement agencies in Kenya.

The aim of the forum was to win the support of members of the industry in developing strategies to curb counterfeiting in the industry while highlighting on the achievements, challenges and protection of Intellectual Property Rights (IPR) in Kenya.

In her opening remarks, The Chairperson of AAK, Ms. Susan Njoroge, said that counterfeit products affect our health, economy, our industry and that Agrochemical Industry alone cannot win the war

against the vice, and therefore she reiterated the need for the Agrochemical Industry to collaborate with various stakeholders in the fight against the vice.



“Agrochemicals Association of Kenya alone cannot win the war against counterfeit. There is need for collaboration with other stakeholders”
Susan Njoroge, Chairperson - AAK

Speaking at the forum, The Chairperson of the Anti-Counterfeit Steering Committee, Mr. Patrick Ngugi, informed the meeting that the main objective of the Anti-counterfeit Project was to reduce counterfeiting scourge and promote a clean supply chain by the end of the project period. The project commenced in January 2014 and will terminate in December 2017. The project is using three strategies to address the vice in the Agrochemical Industry i.e. Establishment of baseline data on counterfeiting of pest control products, raising awareness among stakeholders and strengthening the supply chain.

The regulator of Pest Control Products, PCPB talked about the measures they have put in place to curb the

Dear Members,

This is the first newsletter edition for the year. A lot has been happening in the Industry with many changes especially from the Secretariat.

The former Chief Executive Officer, Mr. Richard Sikuku, retired and was replaced by the former Stewardship Manager, Ms. Evelyn Lusenaka in May 2016. In the same month the industry Chief Executive Officers were able to meet with their Patron CS, MOAL & F, Mr. William Bett. The Association also employed a new Stewardship Manager, Mr. Benson Ngigi.

The industry has been able to involve itself in various activities from the Stewardship and regulatory portfolio. Under Stewardship Manager, AAK is intensifying the Sprayer Service Providers (SSPs) Project and managed to sign a partnership with SNV-Netherlands. Stewardship activities still on-going also include Anti-Counterfeit where AAK held a CEOs

Stakeholder's forum in August 2016 where various key stakeholders converged to come up with way forward for the industry.

Under the regulatory portfolio, AAK in collaboration with PCPB have come up with a GHS labelling and Classification Manual for Kenya, reviewed regulations and is currently involved in taxation issue affecting the industry.

On behalf of the Executive Committee and Agrochemicals Association of Kenya (AAK) Secretariat, I would like to assure members that we are committed to ensuring that we work together with industry and government to create an enabling environment for our members to do business.

Thank you.

Evelyn Lusenaka
CEO – AAK

AGROCHEMICALS ASSOCIATION OF KENYA SIGNS A PARTNERSHIP AGREEMENT WITH SNV KENYA/NETHERLANDS DEVELOPMENT ORGANISATION (SNV) ON THE PROMOTION OF SPRAY SERVICE PROVIDERS (SSPs)

The Agrochemicals Association of Kenya (AAK) has signed a joint project implementation agreement for promotion of Spray Service Providers (SSP's) with the Dutch nonprofit development organization SNV Kenya through the HortIMPACT facility. The project will run from August 2016 to November 2017 and will cover 6 counties in Kenya. The counties are: Bungoma, Nyeri, Nyandarua, Makueni, Kajiado and Nakuru.

The main objective of the project will be to develop the capacity of 120 SSP supervisors in the provision of Integrated Pest and Disease Management services to farmers. The training will use a business model approach while incorporating a strong IPM and soil fertility management component. This will see an extended curriculum that will cover soil fertility management, scouting of pests & diseases, integrated approach to pest and disease management, safe use of chemicals and the business model to successfully offer this SSP package as an entrepreneur to paying farmers. The project will have a total of 480 spray service providers. To crown it all, there will be awareness creation among farmers to sensitize and educate them on the availability of the services to be

offered by the SSP's. The project will also introduce an aspect of linking the SSPs to suppliers and members who wish to work with them in the field.

The outcomes expected from the project will be safer handling of pesticides, reduced risk towards human health, the environment and reduction of residue levels in produce. As a result, the horticultural produce in the Kenyan domestic market will be safer for consumption.

A.A.K. takes this opportunity to invite its members to support this initiative and make use of the trainees once they are working on the ground. The SSP's could serve as brand ambassadors (through branded equipment and PPE from member companies), technical assistants and mobilizers and would provide a useful link to farmers in the 6 counties. Members are encouraged to give the trainees an opportunity to serve their communities and hence assist in sustainability of the model.

AAK has so far developed a team of 197 SSPs across the country in 11 counties. A comprehensive database of SSP's is available at the AAK offices and members wishing to work with this groups can get in touch with the office.

vice which include: increased surveillance by opening two new regional offices, employment of additional inspectors, anti-counterfeit training and awareness programs, seizing of illegal products, prosecution of offenders, co-operation with other stakeholders and proposals for enhanced penalties on offenders and enhance industry self-regulation.



“Promote self-regulation in the chemical industry”
Peter Kimwele, Pest Control Products Board

Anti-Counterfeit Agency (ACA) a state corporation currently under the Ministry of Industry, Investment & Trade talked about the challenges the Agency is facing in the war against counterfeiters. One such challenge involves lodging complaints with the Agency. Many people view this as cumbersome since it involves filling in lots of forms and many follow-ups. Also the issue of indemnity scares people away.



“IPR owners do not want to lodge complaints for fear of loss of business”
Casper Oluoch, Anti-counterfeit Agency

Simon Maina of Kenya Plant Health Inspectorate (KEPHIS) talked about counterfeiting in the seed Industry. He was keen to note that no single institution can win the war against counterfeiting. “Winning the fight against counterfeiting, requires collaborative effort among stakeholders and this also include

inspectors, police and local administration”.

Mr. Sylvance A. Sange of Kenya Industrial Property Institute (KIPI) clearly defined what can be registered as a patent, a trademark or as an industrial design. He briefly gave the process for reservation of each category and the lifetime of such a reservation.

Amon Adiema, Director of Criminal Investigations (DCI) and Ms. Mary Mwenje Head of Complaints Section, Office of Director of Public Prosecution (ODPP) gave an overview of what is required for successful investigation and prosecution of anticounterfeit cases. They highlighted challenges in meeting their mandate such as reluctant witnesses, poor exhibit handling, corruption and fear of loss of public image by complainants.

The meeting came up with a way forward that is to be implemented by stakeholders in order to reduce the level of counterfeiting in Kenya from 18% as was reported in the findings of the ACSC.

WAY FORWARD:

1. The mandate of the ACSC be extended and funding to be sourced from members.
2. The industry members should set targets for reduction of counterfeits from the current 18%.
3. All agencies fighting counterfeits should reduce areas of overlap which wastes both financial and human resources. ACA should play a central role and convene regular meetings for concerted efforts in fighting counterfeits
4. Regulations dealing with Pest Control Products are at an advanced stage of review and a bill will be presented to the Cabinet Secretary Ministry of Agriculture, Livestock and Fisheries soon. The bill proposes punitive measures for counterfeiters to discourage counterfeiting.
5. The Kenya Revenue Authority should be made aware of the revenue losses being incurred and lobbying to be done for money to be channeled to the anti-counterfeit war through ACA.
6. There should be quarterly peer review meetings to review the progress and challenges fight against counterfeits,
7. The code of conduct among industry players should be entrenched in law to ensure all players adhere to it.
8. Funding to the ACSC to be mobilized for the public awareness creation through radio jingles with anti-counterfeit messages

DEVELOPMENT OF MANUAL FOR GLOBAL HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING (GHS) OF PEST CONTROL PRODUCTS IN KENYA



KENYA GHS WORKING GROUP

AAK in collaboration with Pest Control Products Board, Croplife Africa Middle East and Croplife International have developed a manual for Global Harmonized System Classification and Labeling of Pest Control Products in Kenya. AAK which is committed in the development and adoption of GHS supported and facilitated this initiative. The draft GHS Manual developed will inform and build on the ongoing drafting of Pest Control Products Labeling Regulations. The current labeling requirement and legal provisions guiding the classification of pesticides in Kenya is based on World Health Organization Hazard classification of pesticides.

As a way forward, the draft document will be presented to Agrochemical Industry and other stakeholders for wider consultation and endorsement. It was noted that the team will incorporate the inputs of the wider stakeholders. AAK and PCPB are currently reviewing the Labeling Regulations which shall incorporate the GHS provisions.

On the implementation and operationalization, the following was noted:

- a. Transitional period will be five (5) years post Gazettement of new labelling guidelines
- b. Upon Gazettement of new labeling guidelines;
 - i. new products should take immediate effect
 - ii. All renewals must conform to GHS system but the registrant will be allowed to exhaust old labels within the five (5) years
 - iii. After 5 years transition period all products in the market must bear labels in GHS format
 - iv. There will be no requirements to re-label products in circulation during transitional period.

PCPB will take lead in collaboration with the industry for public awareness creation and sensitization.

The draft manual is available on AAK website (www.agrochem.co.ke). AAK urges its members to go over the manual developed and present any comments to the office. A stakeholders meeting to finalize on the same will be called last week of September 2016.

WORKSHOP ON DRAFTING PCP BILL REGULATIONS 2016



PARTICIPANTS AT THE WORKSHOP ON DRAFTING PCP BILL REGULATIONS 2016

AAK in collaboration with PCPB, Croplife Africa Middle East, Kenya Law Reform and the Ministry of Agriculture on 18th-22nd July 2016 held a workshop to draft the PCP Regulations under the Draft PCP Bill 2016 that is set to repeal the Pest Control Products Act (CAP 346 of the Laws Kenya). The regulations drafted in the workshop included:

- a) PCP (Premises) Regulations 2016.
- b) PCP (Labelling, Advertising and Packaging) Regulations 2016.
- c) PCP (Fees and other charges Regulations 2016.
- d) Review of PCP (Disposal) Regulations 2016.

This was the second Workshop after a similar one held from 23rd-25th February 2016 at Merica Hotel in Nakuru where the following Regulations were drafted:

- a) PCP(Registration) Regulations 2016
- b) PCP(Exportation and Importation) Regulations 2016
- c) PCP(Disposal) Regulations 2016

The Managing Director of Pest Control Products Board, Mr. Peter Opiyo noted that the PCP Bill 2016 was almost complete and that he was looking ahead to reviewing the PCBP regulations even before the Bill was enacted. He appreciated the critical role played by

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Pictorial



Susan Njoroge AAK Chairperson, Matt Fryer Arysta Lifescience MD, Patrick Amuyunzu AAK Vice chair person during the Anti Counterfeit meeting.



Ms. Mary Mwenje Head of Complaints Section at the Office of Director of Public Prosecution (ODPP), Caroline Akoth of AAK and Ms. Evelyn Lusena CEO.



Kenya Industrial Property Institute MD giving a presentation during the Anti Counterfeit meeting.



Mr Kuniya Managing Director Cooper K Brands asking a question during the breakfast meeting with the CS Agriculture.



Anti Counterfeit steering committee Chairperson Patrick Ngugi giving a presentation.

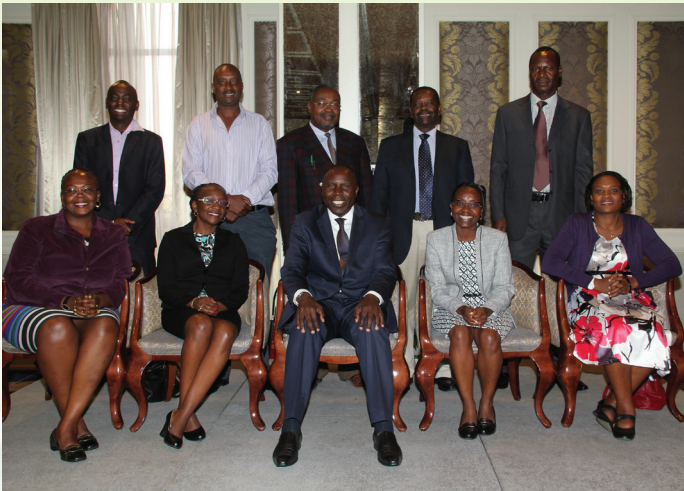


AAK Executive committee members with former CEO, Mr Richard Sikuku during his send off party.

AGROCHEMICALS ASSOCIATION OF KENYA (AAK) KONA BARIDI FOREST



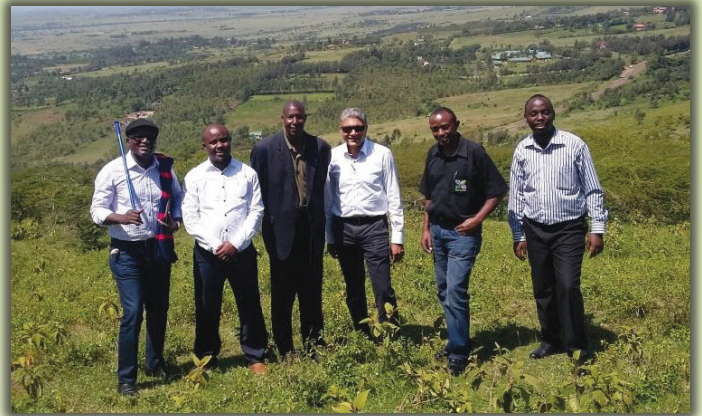
Cabinet Secretary Ministry of Agriculture, Livestock and Fisheries, Willy Bett, during the breakfast meeting with AAK members.



Cabinet Secretary Ministry of Agriculture, Livestock and Fisheries, Willy Bett, with AAK Executive Committee members.



Former CEO, Richard Sikuku, with his wife receiving an award from CropLife Africa, Middle East Chair.



Environment committee members pay a visit to Kona Baridi Forest

As part of our Corporate Social Responsibility Programme, the Agrochemicals Association of Kenya has been contributing towards the afforestation in the country. This idea was floated in 2006 during the AAK Annual Dinner when the late Nobel Laureate Prof. Wangari Maathai was the Guest of Honor and had a campaign to plant 1 billion trees.

It was in support of this course that AAK requested the Government to allocate it land where the industry together with its members would contribute and plant trees.

Planting trees is one of the easiest and most sustainable ways to positively affect the environment.

In 2007 some members and AAK contributed money that helped start afforestation at Kona Baridi in Kiserian where 10 acres has so far been planted with indigenous trees.

The companies that contributed to this course are Lachlan Kenya Ltd, Murphy E A Ltd, Rentokil Initial, Cooper K Brands, Ultravetis E A Ltd and Osho Chemicals Industries.

Planting trees is one of the easiest and most sustainable ways to positively affect the environment. We urge AAK members to come up and contribute towards this noble course.

Agrochemical Association of Kenya through financial support. He also noted that pest control products regulation in Kenya had stood the test of time and gave an illustration of guidelines on Biopesticides in which Kenya was the first country in the region to develop them over 12 years ago.

The Chief Executive Officer, Ms. Evelyn advised workshop members to identify gaps in the already existing regulations and reiterated that AAK was committed to participation of reviewing laws that protect both parties (AAK & PCPB).

During the drafting workshop various issues were identified which needed to be addressed by the Pest Control Products Bill 2016. Some of the issues included:

- a) Accreditation of Agrovets outlets - The Agrochemicals Association of Kenya (AAK) suggested that to help the country address the vice of counterfeiting pest control products, all agrovets outlets should be accredited.
- b) The Agrochemicals Association of Kenya Self-Regulation. - AAK suggested that a regulation should be introduced to allow for all registrants of pest control products to subscribe to a code of conduct fronted by a recognized organization in Kenya.
- c) Empowering PCPB to impose minor penalties (define and include in the bill) – PCPB
- d) Other issues of concern to be addressed at a later date included:
 - Confidential Business Information (CBI) and a provision for its protection.

- Cancellation of licenses
- Drafting of the PCP (Transportation) Regulations 2016
- Renewal of all premises licenses

Pending regulations and other matters

Despite the hardwork put in by the team various issues are still pending in the drafting of regulations. This includes:

- Transportation regulations
- CBI regulations
- Offences and penalties (empowerment of PCPB through the Bill)
- Regulations on how to deal with minor offences.
- Authorization of Registrar to consider locally produced pest control products with minimal data.
- Design an authorization certificate for research (PCPB).
- Definition of generic terms, e.g. GMO, etc.
- Differentiation between products under 'RESTRICTED CLASS' and 'Severely RESTRICTED PRODUCTS' under the Rotterdam Convention.

A draft of the regulations developed can be found in AAK website.

AAK AND PCPB COLLABORATE TO TRAIN AGRO-DEALERS



AAK has always championed the safe and responsible use of pesticides. In August we teamed up with the Pest Control Products Board (PCPB) to train 151 stockists from Machakos, Chuka, Kericho, Kapsabet and Kilifi. The stockists were taken through a two-day training which covered simple diagnosis of pests and diseases, classification of pesticides, pesticide hazards and toxicity as well as how to identify counterfeit pesticides and the importance of Personal Protective Equipment (PPE).

The course will enable the stockists offer improved services to farmers with whom they are in close contact at the grass root level and empower them to complement the extension services offered by other agents. Of major interest to the stockists was the topic on identification of counterfeit and illegal products which have caused serious damage to the reputation of agro dealers. Some even lamented on lost business opportunities due to proliferation of illegal pesticides. Of particular disrepute was a cockroach killer in a green sachet.

All stockists were enthusiastic to learn the simple ways of identifying counterfeits such as difference in packaging, longer than usual shelf life, lack of a local distributor address, unreasonably high discounts as well as lack of a physical address for the seller. The stockists were reminded to be more vigilant during periods of peak demands since this is when counterfeiters are floated around.

The issue of resistance management was also discussed with stockists being advised to be vigilant when prescribing pesticides. They were directed to look out for the farm history keenly and to always inquire about previous pesticide applications. The Active Ingredients are to be rotated appropriately to confer different modes of action which deters the pests from developing resistance.

AGROCHEMICALS ASSOCIATION OF KENYA (AAK) MEETING WITH DISTRIBUTORS OF PEST CONTROL PRODUCTS IN ELDORET



Participants of the Regional/Recruitment Meeting in Eldoret

AAK through the Publicity, Recruitment and Dealer Accreditation Sub Committee held a regional meeting, for the key distributors on Thursday, 25th August 2016 at Cicada Hotel, Eldoret. The main objective of the meeting was to bring on board and or to recruit more distributors/stockists' to the Association.

The meeting discussed:

- Relevance of AAK to distributors (benefits of the Association to the Distributors was discussed at length)
- Streamlining Distribution Channel hence Clean Supply Chain Development
- Accreditation of the distributors to fight off counterfeiters of pest control and related products
- Achievements of AAK which included Responsible Use (RU) training leading to safe food, safe environment, export of product, transportation of 205 tonnes of obsolete crop protection products to UK for destruction, Setting up Poison Information and Emergency Centre to handle poisoning incidences.
- Recruitment of potential distributors

The meeting was successful and therefore a number of distributors are yet to join the Association. Although the distributors had a few concerns which included issues ranging from some of the hardwares handling pesticides to AAK being able to decentralize its services i.e opening regional branches in order to serve distributors better. The

meeting agreed that these concerns/interests would only be addressed once the distributors join AAK membership.

In order to streamline distribution systems in Kenya, AAK through the Publicity, Recruitment and Dealer Accreditation Sub Committee, will therefore, continue with this exercise of recruitment of distributors of pest control and related products throughout the country. This will help the Agrochemical Industry to be able to regulate itself through its Code of Practice and also to speak with one voice so as to protect and safeguard the interests of all its members.

Member companies of AAK are being urged to send their distributors list to the Secretariat to enable this exercise to run smoothly.

Development of a Clean Supply Chain is one of the priority objectives for the Association to fight counterfeit products.

AAK would like to thank publicity recruitment and dealer accreditation sub- committee for organizing this meeting.

The publicity team :

- Paul Kamote – Chair Publicity- Sineria E.A Ltd
- Seraphine Kabutha – Cooper K. Brands
- Regina Irungu- Ultravetis
- Moses Murimi- New Down Town
- Fred Inzira- Anset International
- Jackson Kitheka- Twiga Chemicals

ASSOCIATION MANAGEMENT A.A.K./CROPLIFE KENYA APPOINTS NEW STEWARDSHIP MANAGER



Mr. Benson Ngigi

The new Stewardship Manager,
effective July 11th 2016.

Crop Life Kenya announced the appointment of Mr. Benson Ngigi as the new Stewardship Manager, effective July 11th 2016.

He brings on board 10 years of experience working with the Ministry of Agriculture Livestock and Fisheries with specialty in capacity building of farmers on Integrated Pest Management (IPM), responsible and Safe Pesticide use of pesticides, Spray Service Providers (SSP's) and Plant Clinics which are run in partnership with CABI-Kenya for whom he is a certified trainer of Plant Doctors.

He is currently pursuing a Master's degree in Crop Protection at the University of Nairobi and holds a Bachelor's degree in Agriculture from the same university.

TOLL FREE LINES

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The AAK poison management toll free lines are now working. AAK would wish to inform members to sensitize farmers on the use of the lines during its stewardship activities and as they provide technical assistant to farmers. Currently the lines receive over 100 calls daily where farmers are seeking information on how to use the pesticides. It is important that farmers understand that the toll free lines are purely for poison emergency cases and they should be directed on the contacts of your company when in need of how to use the product. The over 100 calls a day is also an indication that farmers have a big problem on how to use the pesticides they use and have no way of getting information from the companies on usage.

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