

ENVIRONMENTAL LAWS IN KENYA

by

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EMCA, 1999

Environmental Management and Coordination Act, 1999
Assented to in 1999 and commenced in 2000.

An ACT of Parliament to provide for the establishment of an appropriate legal and institutional framework for the management of the environment and for the matters connected therewith and incidental thereto.



EMCA, 1999

Institutions under EMCA

NEMA: National Environmental Management Authority (NEMA) is to exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies relating to the environment/

NATIONAL ENVIRONMENT COUNCIL: responsible for policy formulation directions for the purposes of the Act. The Council also sets national goals and objectives, and determines policies and priorities for the protection of the environment.

PROVINCIAL AND DISTRICT ENVIRONMENT COMMITTEES:

Contribute to decentralisation of environmental management and enable participation of local communities.



EMCA, 1999

PUBLIC COMPLAINTS COMMITTEE:

provides the administrative mechanism for addressing environmental harm.

Section 58 of EMCA requires an ENVIRONMENTAL IMPACT ASSESSMENT LICENSE



(2) No licensing authority under any law in force in Kenya shall issue a licence for any project for which an environmental impact assessment is required under [the Act](#) unless the applicant produces to the licensing authority a licence of environmental impact assessment issued by the Authority under these Regulations.

EIA REGULATIONS

Regulation 4 (3) states that “No licensing authority under any law in force in Kenya shall issue a trading, commercial or development permit or license for any micro project activity likely to have cumulative significant negative environmental impact before it ensures that a strategic environmental plan encompassing mitigation measures and approved by the Authority is in place”.



NOISE REGULATIONS, 2009

These Regulations prohibit a production of any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment.

Specific sections have requirements
that apply to wetlands in Kenya

WETLAND REGULATIONS, 2009

The regulations empower the District Environment Committee
to co-ordinate, monitor and advise on
all aspects of wetland resource management
within the district.



WATER QUALITY REGULATIONS

This includes the following:

- Protection of sources of water for domestic use;
- Water for industrial use and effluent discharge;
- Water for agricultural use.

These Regulations outline:

- Quality standards for sources of domestic water;
- Quality monitoring for sources of domestic water;
- Standards for effluent discharge into the environment;
- Monitoring guide for discharge into the environment;
- Standards for effluent discharge into public sewers.

License to discharge to the environment.

SUSBIZ Kenya

Partnerships for sustainable
business development

WASTE MANAGEMENT REGULATIONS

These Regulations apply to all categories of waste .

These include:

- Industrial wastes;
- Hazardous and toxic wastes;
- Pesticides and toxic substances;
 - Biomedical wastes;
 - Radio-active substances.

These regulations outline requirements for handling, storing, transporting, and treatment/ disposal of all waste categories.

Disposal of waste by NEMA licensed company.



CONTROLLED SUBSTANCES

These are basically ozone depleting gases

One needs a license to:

- Produce Controlled Substances.
- Import Controlled Substances.

Transport Controlled Substances through Kenya.
Export Controlled Substances.

THE EMCA(CONSERVATION OF BIOLOGICAL DIVERSITY RESOURCES, ACCESS TO GENETIC RESOURCES AND BENEFIT SHARING) REGULATIONS, 2006

Environmental Impact Assessment Licence to:

- Engage in activities with an adverse impact on any ecosystem;
lead to the introduction of any exotic species;
lead to unsustainable use of natural resources,

Any person who intends to access genetic resources in Kenya needs an Access permit for genetic resources in Kenya

with a certificate from National Council for Science and Technology

THANK YOU

