



Biosafety, Act 2009.

The Biosafety, Act 2009, was approved by his Excellency the President of the republic of Kenya in February 2009. The Act lays down legal and institutional frameworks for governing modern biotechnology in the country. It has been cautiously developed to ensure that Kenya maximizes the benefits of modern biotechnology while safeguarding against any potential risks. It has been developed in line with the 41 articles of the Cartagena protocol. The process of developing and reviewing the Act has been consultative.

Kenya has regulatory agencies in place which will be enhanced to regulate modern biotechnology activities. The functions of the proposed National Biosafety Authority are well articulated in the Act and do not include undertaking research but will coordinate research.

Currently issues on modern biotechnology activities are handled by the **National Biosafety Committee** as an interim measure until the biosafety law is implemented. The National Biosafety Committee executes its activities under the National Council for Science and Technology (NCST). It comprises of 18 members who are drawn from government ministries, government regulatory agencies, Consumer Information Network, Kenya National Federation of Agricultural Producers (KENFAP) and industrialists.

Objectives of the Biosafety Act, 2009

The Act is consistent with the provisions and requirements of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety. The **Biosafety Act, 2009 has been developed to:**

- Facilitate responsible research and minimize potential risks that may be posed by modern biotechnology activities including GMOs
- Ensure an adequate level of protection in the field of safe transfer, handling and use of GMO's that may have an adverse effect on human health and environment.
Establish a transparent science-based and predictable process to review and make decisions on modern biotechnology activities.
- Ensure the definitions used in the interpretations of the Act are similar to those used in the Convention on Biological Diversity and the Cartagena protocol.

Scope and Provisions

The Act makes provision for establishment of a competent authority to be known as the National Biosafety Authority (NBA). The Authority shall be under the Ministry responsible for Science and Technology and will be managed by a board comprising of eminent scientists, permanent secretaries from key ministries, the secretary NCST, directors of biosafety regulatory agencies and representatives of farmers, consumers and the private sector. Key functions of the authority embrace overall supervision and control of the development, transfer, handling and use of genetically modified organisms for research or commercial purposes.

The Act outlines mechanisms for obtaining and incorporating public input into the decision making process and promotion of public awareness to enhance understanding of emerging biosafety issues.

Membership of National Biosafety Committee

- 1. National Council for Science and Technology**
- 2. Kenya Plant Health Inspectorate Service**
- 3. International Livestock Research Institute**
- 4. Ministry of Agriculture**
- 5. University of Nairobi Department of Biological Science Chiromo**
- 6. Kenya National Federation of Agriculture Produce**
- 7. Africa Biotechnology Stakeholders Forum**
- 8. Kenya Industrial property Institute**
- 9. Kenya Medical Research Institute**
- 10. Kenya Plant Breeders Association**
- 11. Ministry of Public Health and Sanitation**
- 12. Consumers Information Network**
- 13. Seed Trade Association of Kenya**
- 14. Ministry of Higher Education, Science and Technology**
- 15. Kenya Bureau of Standards**
- 16. National Environment Management Authority**
- 17. Department of Veterinary Services**
- 18. Kenya Agriculture Research Institute.**