

POLICY INTERVENTIONS IN HORTICULTURE

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There are several current policy interventions aimed at improving the legal and regulatory frameworks on the governance and operations of the horticulture industry. These policy interventions draw from recent challenges that have been encountered both in the domestic and international markets that includes the following:

- Poor enforcement of standards especially in the local market
- The regulations not in tandem with changing needs of the industry
- Lack of appropriate mechanisms for inter-institutional coordination for the industry

Various initiatives have been made to address some of these challenges including:

1. Draft National Horticulture Policy which is awaiting approval at the Ministry of Agriculture.
2. Review of the HCDA order of 1995 and publishing of the new **HCDA order Legal Notice No 190 of 2011 (Kenya Gazette)**, Key new inclusions in the Order include:

Appoint agents for the implementation of the functions of HCDA. The order defines the requirements for registration as a marketing agent (middlemen/brokers). The registration also defines parameters for operation e.g. transport mode, designation of collecting/buying points, sources of produce, must have access to produce handling facilities and appropriate transport, observation of opening and closing dates for harvesting of crops as published by HCDA. The agents must display identification tags and must be contracted by a registered dealer (importer/exporter/processor/retail outlet). To implement this provision HCDA provided a public notice in February 2012 informed the industry players that it was illegal for any unregistered persons, company, or farm to engage in buying horticulture produce for resale for local markets or export.

Promote development and adoption of standards for labelling, packaging, grading, transporting and storing horticultural produce in compliance with national and international standards. Due to the incidences of breach of supply contracts between farmers and exporters (also called poaching of produce) which greatly compromised traceability and compliance to standards, HCDA after consultation with key stakeholders notified the industry players (February 2012) of key requirements under this HCDA order and the Agricultural Produce (Export) Act (Cap 319). The exporters were required to re-validate their export licences with HCDA by submitting details of their own farms and schemes/contracted farmers effective immediately and subsequently every three months. Failure to which their licences were to be revoked implying no phytosanitary certificates for exports would be issued to the non-compliant exporters. In addition brokers/middlemen working with more than one exporter would be de-registered.

Establishment of a horticultural Crops Nurseries Committee to provide guidance on the procedures and rules (including inspection and certification) of establishing and operating a horticulture nursery or mother block. This when operationalized will streamline the operations of nursery which have largely operated freely resulting in a myriad of problems especially the spread of pests and diseases.

3. ***Maximum residue limits.*** The Ministry of Agriculture in conjunction with stakeholders including FPEAK, AAK, PCPB, KEPHIS and HCDA notified farmers and the general public on the need to avoid the use of any pesticide containing Dimethoate on fruits and vegetables. This followed receipt of four rapid alerts on the active ingredient and several supermarket actions on Kenyan produce in the EU. Dimethoate which is a cheap and effective pesticide is a WHO class II organophosphate known to be detrimental to the environment and animal health. In recognition of this Dimethoate was restricted in the EU by directive 914/414 of 2009. The EU revised the MRL for Dimethoate from the previous 0.2 ppm to 0.02 ppm which in effect is the limit of detection (LOD) implying a technical ban. The EU supermarkets followed up on this action with a direct ban on any use of Dimethoate on fruits and vegetables to be marketed in the EU. The public awareness campaign launched in the horticulture industry in January 2012 coordinated by FPEAK and supported by USAID-KHCP is **“STOP THE USE OF DIMETHOATE ON FRUITS and VEGETABLES TODAY”**. Several thousand posters with this message have been placed strategically in vegetable production zones in the country for all to read and comply. However because of legal provisions and limitations the restricted use policy on Dimethoate has not been implemented because there are no clearly defined mechanisms under the current regulations on how this can be undertaken without attracting court actions. PCPB is not dragging its feet on the issue but taking a cautious approach (as per the Pest Control Products Act) so as to avoid legal actions from agrochemical suppliers.

4. ***Potato Seed.*** Potato is ranked as the second most important food crop in Kenya after maize. Potato production does not satisfy domestic demand leading to importation. The low production has been attributed to limited availability of seed and other inputs, plus poor agronomic practices by farmers. Certified seed production has never met the demand and the seed system has largely remained informal with no real commercial interest. The Irish Potato crop falls under schedule II (compulsory certification) of the Seeds and Plant Varieties Act (Cap 326). Thus all activities in potato seed are covered under the Act including variety testing (involving Distinctness, Uniformity and Stability tests and National Performance Trials) before variety release followed by seed crop field inspection and seed testing, labelling and marketing. Potato seed importation is regulated under the provisions of the Plant Protection Act (Cap 324) which aims at preventing the introduction and spread of pests and diseases. Importation of seed tubers, true seeds and foundation stocks may be permitted but only under strictly defined conditions and quarantine requirements depending on the country of origin.

Several efforts are on-going to improve seed availability notably through the USAID-G3 initiative with CIP, and now with USAID-KHCP, KENFAP/KENAPOFA, KARI, NPCK and KEPHIS partnership. This aims at enhancing certified potato seed production for distribution to

farmers in addition to training farmers on agronomic practices for improved productivity. Another initiative through KEPHIS has been reviewing the requirements for importation of potato seed from other sources such as the Netherlands but applying the pest risk analysis principle in accordance with ISPM 11 and 19 as provided for under the Plant Protection Act (Cap 324) Legal Notice 108 of 2009. In this case if the varieties meet the requirements under the Plant Protection Act and have to be imported they must then fulfil the requirements under the Seeds and Plant Protection Act before being marketed. Meeting the requirements under the Plant Protection Act will include a complete pest risk analysis acceptable to Kenya. In addition all imported consignments must be free from pests as identified in the PRA (zero tolerance) and must be accompanied with phytosanitary requirements indicating compliance to import requirements.

KEPHIS has initiated consultations with the potato stakeholders on this process following the Ministerial agreement negotiated between Kenya and Netherlands in November 2011 that is mainly focussed on allowing the importation of mini-tubers and bulking up for commercial seed supply. The initial resistance from KARI Tigoni resulted from their frustration at not being fully consulted on the process and that their actions to improve potato seed availability needed to be given a chance to come to full impact. Additional concerns from KENFAP / KENAPOFA / National Potato Council (NPC) focus on the risk analysis before any action towards importation is undertaken. NPC has been consulting on the legality and technical soundness of the process as proposed by KEPHIS.