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*SNA*  
*23/7/25*


REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

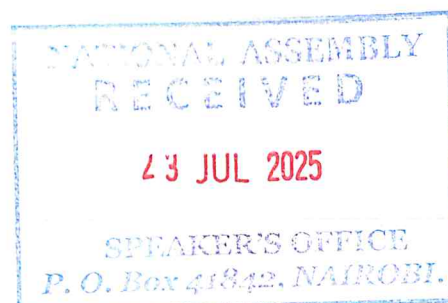
REPORT

ON  
CONSIDERATION OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF  
KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 JUL 2025	DAY: Thursday
TABLED BY: Chairperson	Leader
CLERK-AT THE TABLE: Tracy	Wangari Chebet

DIRECTORATE OF DEPARTMENTAL COMMITTEES,  
CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI.

JULY, 2025



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## LIST OF ABBREVIATIONS AND ACRONYMS

UDA	-	United Democratic Alliance
ODM	-	Orange Democratic Movement
WDP	-	Wiper Democratic Party
KUP	-	Kenya Union Party
UPIA	-	United Party of Independent Alliance
EIK	-	Environment Institute of Kenya
NEMA	-	National Environment Management Authority
PARAAN	-	Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)
ICPAK	-	Institute of Certified Public Accountants-Kenya
LSK	-	Law Society of Kenya
IHRM	-	Institute of Human Resource Management
ICS	-	Institute of Certified Secretaries



## **LIST OF ANNEXURES**

1. Report adoption Schedule
2. Minutes
3. Copy of the Newspaper Advertisement on Public Participation
4. Letter inviting stakeholders for meetings with the Committee
5. Stakeholder submissions

## CHAIRPERSON'S FOREWORD

This Report contains the Departmental Committees on Environment, Forestry and Mining proceedings on its consideration of the Environmental Professionals Institute of Kenya Bill, 2023 (National Assembly Bill No. 36 of 2024). The Bill was published on 5<sup>th</sup> July, 2024 and went through the First Reading on 18<sup>th</sup> September, 2024, thereafter, it was committed to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House pursuant to the provision of the National Assembly Standing Order 127.

Hon. George Gachagua, MP, Ndaragwa Constituency sponsored the Bill. The principal object of the Bill is to provide a legal framework for the establishment of the Environmental Professionals Institute of Kenya and to provide for the registration and regulation of the standards and practice of environmental professionals.

The Bill does not affect the functions of the County governments as set out in the Fourth Schedule of the Constitution.

Following the placement of advertisements in the print media on Tuesday, 24<sup>th</sup> September 2024 seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee did not receive any memorandum.

The Committee also invited the following MDAs vide a letter Ref No. NA/DDC/EF&M/2025/004 dated 7<sup>th</sup> March, 2025 for their comments and proposals on the Bill:

- i. Ministry of Environment and Forestry,
- ii. Ministry of Mining, Blue Economy and Maritime Affairs;
- iii. Ministry of Roads and Transport;
- iv. The State Department for Environment and Climate Change;
- v. State Department for Shipping and Maritime Affairs;
- vi. State Department for Transport;
- vii. National Environment Management Authority (NEMA).

The Committee also vide a letter Ref. No. NA/DDC/EF&M/2025/005 dated 7<sup>th</sup> March 2025 invited the following for their comments and proposals on the Bill.

- i. Mr. Liban Golicha, Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)
- ii. Prof. Ratemo Michieka, Kenya National Academy of Sciences;
- iii. Prof. Nzioki Muthama, Wangari Maathai Institute for Peace and Environmental Studies;
- iv. Mr. Caleb Mango, Kenya Electricity Transmission Co. Ltd (KETRACO);
- v. Prof. Sammy Latema, Kenyatta University;
- vi. Dr. Godwin Opinde; Environment Compliance Institute;
- vii. Dr. Joseph Kathiai Kurauka; Kenyatta University & Environment Institute of Kenya (EIK); and
- viii. Mr. Alex Mugambi, Chairperson, EIK.

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The Committee also conducted stakeholder engagements at Hilton Garden Inn, Machakos County from 17<sup>th</sup> to 21<sup>st</sup> March, 2025.

The Committee having considered the Environmental Professionals Institute of Kenya Bill, 2023, recommends that the House **APPROVES the Bill with amendments** as contained in the Schedule.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. Finally, I wish to express my appreciation to the Honourable Members of the Committee and Secretariat who made useful contributions towards the consideration and production of this report.

On behalf of the Departmental Committee on Environment, Forestry and Mining and pursuant to provisions of Standing Order 127 (4), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Environmental Professionals Institute of Kenya Bill, 2023.

**HON.ENG. VINCENT MUSYOKA MUSAU, CBS, MP**  
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY**  
**AND MINING**

## PART ONE

### I.0 PREFACE

#### I.1 ESTABLISHMENT OF THE COMMITTEE

- I. The Departmental Committee on Environment, Forestry and Mining is one of the twenty Departmental Committees of the National Assembly established under Standing Order 216 whose mandate pursuant to the Standing Order 216 (5) is as follows:
  - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
  - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. **To study and review all the legislation referred to it;**
  - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### I.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider matters related to Climate change, environment management and conservation, forestry, mining and natural, pollution and waste management.
3. In executing its mandate, the Committee oversees the Ministry of Environment, Climate Change and Forestry and the State Department for Mining.

### **I.3 COMMITTEE MEMBERSHIP**

4. The Departmental Committee on Environment, Forestry and Mining was constituted by the House on 27<sup>th</sup> October 2022 and on 5<sup>th</sup> March 2025 and comprises the following Members:

#### **Chairperson**

Hon. Vincent Musyoka Musau, MP  
Mwala Constituency  
**UDA Party**

#### **Vice-Chairperson**

Hon. Charles Kamuren, MP  
Baringo South Constituency  
**UDA Party**

#### **Members**

Hon. Mbalu Jessica Nduku Kiko, CBS, MP  
Kibwezi East Constituency  
**WDP Party**

Hon. Mwanyanje Gertrude Mbeyu, MP  
Kilifi County  
**ODM Party**

Hon. Hiribae Said Buya, MP  
Galole Constituency  
**ODM Party**

Hon. Salim Feisal Bader, MP  
Msambweni Constituency  
**UDA Party**

Hon. Emathe Joseph Namuar, MP  
Turkana Central Constituency  
**UDA Party**

Hon. Joseph Wainaina Iraya, MP  
Nominated  
**UDA Party**

Hon. Kemei Beatrice Chepngeno, MP  
Kericho County  
**UDA Party**

Hon. Charity Kathambi Chepkwony, MP  
Njoro Constituency  
**UDA Party**

Hon. Mohamed Ali Mohamed, MP  
Nyali Constituency  
**UDA Party**

Hon. Masito Fatuma Hamisi, MP  
Kwale County  
**ODM Party**

Hon. Titus Lotee, MP  
Kachaliba Constituency  
**KUP Party**

Hon. Mohamed Tubi Bidu, MP  
Isiolo South Constituency  
**Jubilee Party**

Hon. Yakub Adow Kuno, MP  
Bura Constituency  
**UPIA Party**

#### **I.4 COMMITTEE SECRETARIAT**

5. The Committee is facilitated by the following staff:

Ms. Hellen Ekadeli  
**Senior Clerk Assistant/Head of Secretariat**

Ms. Mercy Wanyonyi  
**Senior Legal Counsel**

Mr. Hamdi Hassan Mohamed  
**Clerk Assistant III**

Dr. Joseph Kuria  
**Research Officer III**

Ms. Nancy Chamunga  
**Fiscal Analyst II**

Mr. Stephen Otieno  
**Senior Sergeant-At-Arms**

Mr. Kevin Obilo  
**Media Relations Officer III**

Mr. Eric Ogola  
**Public Communications Officer III**

Mr. Meldrick Sakani  
**Audio Recording Officer**

## **PART TWO**

### **2.0 BACKGROUND OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2023.**

#### **2.1 INTRODUCTION**

6. The principal object of the Bill is to provide a legal framework for establishing the Environmental Professionals Institute of Kenya and for registering and regulating environmental professionals' standards and practices.

#### **2.2 SITUATIONAL ANALYSIS**

7. Currently, the Environment Institute of Kenya which was established in 2014, is a professional membership body that aims to:
  - a) Promote and advance the practice of integrated environmental assessment focusing on sustainable development.
  - b) Facilitate the acquisition of environmental knowledge through collaboration with relevant parties.
  - c) Promote, maintain and advance the highest professional standards and best practice in the field of sustainable development, for public good.
  - d) Engage in any other activities in the interest of the profession as may be approved by the Committee from time to time.
8. The Institute is non-political and non-partisan but reserves the right and duty to contribute to or comment on issues of public interest. The Council is composed of the Chairperson, Vice-Chairperson and seven (7) members. Additionally, the Institute offers membership certificates, letters of good standing, recommendation letters, trainings, regional forums, conferences, attachment/internship and other membership professional services.
9. Under the Environmental Management and Coordination Act (EMCA), 1999, the National Environment Management Authority (NEMA) is mandated to regulate Environmental Impact Assessments (EIA) Experts. The Environmental Impact Assessment (EIA) process is a crucial mechanism used to regulate the impact of development activities on the environment.
10. Thus, individuals or firms intending to carry out environmental impact assessment (EIA) and environmental audits (EA) must have a License issued by NEMA. There are three categories of experts (associate experts, lead experts and firm of experts) and their qualifications are as follows:
  - i. Associate experts: A Bachelor's degree in any field, Training in Environmental Impact Assessment & Audit from a recognized institution.
  - ii. Lead Expert: A Doctorate degree or equivalent in any field plus training in Environmental Impact Assessment & Audit from a recognized institution, with 3 years' experience in environmental Impact Assessment related activities **or** a Doctorate, Master or Bachelors plus 5 years' experience in Environmental Impact Assessment related research consultancy or teaching and at

least two relevant publications in referred journals **or** a Master's degree in any field plus training in Environmental Impact Assessment & Audit from a recognized institution, with 5 years' experience in environmental impact assessment-related activities **or** a Bachelor's degree or an equivalent in any field plus training in environmental impact assessment from recognized institution, with 8 years' experience in environmental impact assessment related activities.

## **2.3 COMPARATIVE ANALYSIS**

### **2.3.1 SOUTH AFRICA**

11. The Environmental Assessment Practitioners Association of South Africa (EAPASA) is a Registration Authority that registers Environmental Assessment Practitioners (EAPs).
12. They register based on the set of core competencies under the Section 24H Registration Authority Regulations of the National Environmental Management Act (NEMA), Act 107 of 1998, as amended. The Board of the Association serves for a period of five (5) years.

### **2.3.2 UNITED KINGDOM**

13. The Society for the Environment is tasked with championing and registering the competence and expertise of environmental professionals. The Society have registered over 10,000 environmental professionals to date.
14. Applications are completed via membership of one of Society Licensed Member professional bodies. The registration process includes providing evidence of how the applicant meets each competence for that registration, alongside any supporting information requested.
15. They are the custodian of three professional registrations: Chartered Environmentalist, Registered Environmental Practitioner and Registered Environmental Technician.

### **2.3.3 SRI LANKA**

16. The Institute of Environmental Professionals – Sri Lanka is the umbrella organization of environmental professionals in the country. It was established in 2006 through a Cabinet Decision, the Institute was formed to fill the much-needed gap of having no professional institute for the practicing environmentalists to uphold the dignity and raise the reputation of the environmental profession in the country
  17. The Institute was converted to a corporate body after the enactment of the Institute of Environmental Professionals, Sri Lanka (Incorporation) Act, No. 1 of 2020. The general objects of the Institute include raising and upholding the dignity and reputation of environmental professionals in Sri Lanka, to disseminate environmental knowledge among the public; and to offer training on environmental matters in collaboration with other government institutions.
  18. The Institute offers four memberships, chartered environmental professionals, members, associate members and students' members.
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## **PART THREE**

### **3.0 OVERVIEW OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2023.**

#### **3.1 INTRODUCTION**

19. Hon. George Gachagua, MP, sponsored the Environmental Professionals Institute of Kenya Bill, 2024.
20. The principal object of the Bill is to provide a legal framework for the establishment of the Environmental Professionals Institute of Kenya and to provide for the registration and regulation of the standards and practice of environmental professionals.

#### **3.2 REVIEW OF THE BILL**

21. PART I: Clause 1 and 2 of the Bill provide for preliminary provisions, that is, the short title and interpretation of terms as used in the Bill.
22. The Bill defines an environmental professional as—“environmental professional” means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council and is registered in accordance with Section 21.
23. PART II: Clauses 3-17 of the Bill provides for the establishment of the Environmental Professionals Institute of Kenya (the Institute) as a corporate body with perpetual succession and power to sue and be sued.
24. The functions of the Institute include to—
  - a) register, regulate and exercise general supervision and control over the professional development and practice of registered environmental professionals in Kenya;
  - b) promote research, exchange of information and knowledge in environmental practice and related matters; and
  - c) liaise with the National Environment Management Authority, other national and international institutions to promote environmental practices and the environmental profession.
25. Clause 5 establishes the Council of the Institute, which shall be responsible for the management of the Institute. The Council shall comprise of a President, Vice-president, seven representatives of the general membership of the Institute and the Registrar who shall be an *ex-officio* member
26. Clause 7 provides for the powers of the Council which include to—
  - (a) control, supervise and administer the assets of the Institute in such manner as best promotes the purpose for which the Institute is established;

- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;
  - (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
  - (d) open such banking accounts for its funds as may be necessary; and
  - (e) invest any surplus funds of the Institute.
27. Clause 9 provides for the eligibility of election as a member of the Council. A person is eligible if they have been a member of good standing of the Institute and practiced as an environmental professional for at least three years. Further, one must not have been found liable for professional misconduct in the three years immediately preceding the election and must meet the requirements of Chapter Six of the Constitution.
28. The Bill also establishes the office of the Registrar who is an *ex-officio* member of the Board. The Registrar shall be competitively recruited and appointed by the Council
29. PART III: Clause 19 of the Bill provides for categories of members i.e. lead members having successfully undertaken a degree course in the field of environment, natural resources, earth sciences or research, is of good conduct and has paid the prescribed fee, fellow members having rendered outstanding services to the environment profession, honorary members having rendered special services to the Institute or environment profession, associate members comprising of persons eligible to be registered as lead members but do not meet the requirements prescribed and corporate members comprising of firms which practice environmental management activities.
30. Clause 20 provides for the rights of members of the Institute to be issued with an annual practicing certificate upon meeting the requirements under the Act, to vote at any election of the Institute or on any matter of the Institute and to vie for any office of the Institute.
31. Clauses 21-23 provide for the registration procedure and requirements for one to be registered as an environmental professional under the Act. Upon registration, a person shall be issued with a certificate of registration and the Registrar will be required to maintain a Register of environmental professionals comprising of persons registered under the Act.
32. Clause 28 seeks to prohibit practice as an environmental professional unless that person is registered under the Act, has complied with the prescribed continuous education and professional development requirements and has been issued with a practicing certificate.
33. PART IV: Clause 30 provides for the offence of false registration or licensing and prescribes the penalty as deregistration in addition to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years, or both upon conviction.
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34. Clause 32 provides for the disciplinary powers and procedures by the Council where a complaint is made against an environmental professional registered under the Act. The sanctions include removal of that person's name from the register, issuance with a letter of admonishment, imposition of fine and suspension or cancellation of practicing certificate. Clause 34 provides for appeal mechanism

where a person who is aggrieved by a decision of the Council under the Act may appeal within thirty days to the High Court and the Court may confirm, annul or vary the decision as it deems fit.

35. PART V: Clauses 37-41 of the Bill contains provisions on funds of the Institute, which include such fees or monies as may accrue or vest in the Institute in the course of the exercise of its powers or the performance of its functions, donations, grants to the Institute and such monies as may be payable to the Institute.

## PART FOUR

### 4.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

36. Following the call for memoranda from the public through the placement of adverts in the print media on 28 September 2024 and vide a letter Ref. No. NA/DDC/EF&M/2025/004 and Ref. No. NA/DDC/EF&M/2025/005 dated 7<sup>th</sup> March, 2025 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- i. Ministry of Environment and Forestry,
- ii. Mr. Mohamed Yusuf and Mr. Liban Golicha, Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)
- iii. Prof. Ratemo Michieka, Kenya National Academy of Sciences;
- iv. Prof. Nzioki Muthama, Wangari Maathai Institute for Peace and Environmental Studies;
- v. Mr. Caleb Mango, Kenya Electricity Transmission Co. Ltd (KETRACO);
- vi. Prof. Sammy Latema, Kenyatta University;
- vii. Dr. Godwin Opinde; Environment Compliance Institute;
- viii. Dr. Joseph Kathiai Kurauka; Kenyatta University & Environment Institute of Kenya (EIK);  
and
- ix. Mr. Alex Mugambi, Chairperson, EIK.

#### 4.1 MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

37. Eng. Festus Ngeno, Principal Secretary State Department for Environment and Climate Change accompanied by other Ministry officials, in a meeting with the Committee held on Tuesday, 18<sup>th</sup> March 2025, made submissions on the Bill. The Ministry in its review of the Bill noted that it presents challenges in implementation as follows:

- i. The Bill fails to define clearly its scope or the specific needs it seeks to address, in alignment with the established frameworks and structures applicable to other professional bodies such as those for Lawyers, Engineers, Teachers, etc.
- ii. The Bill further contravenes the spirit of the Environmental Management and Coordination Act CAP 387 (EMCA), which serves as the overarching legislative framework for environmental management in Kenya. EMCA was enacted in response to the existence of seventy-eight (78) Sectoral laws governing different aspects of the environment, the deteriorating condition of Kenya's environment, and the rising social and economic inequalities, all of which had a combined adverse effect on environmental sustainability.
- iii. Section 148 of EMCA provides that where a law is in conflict with EMCA on Environmental Management, then the provisions of EMCA prevail. In this case, the provisions of the Bill should not conflict with the existing provisions of EMCA and its Regulations and to the extent that it does, it should be declared invalid and the provisions of EMCA should take precedence.
- iv. That the Bill, in its current form, seeks to reintroduce the sectoral and compartmentalized approach to environmental management that existed prior to the enactment of EMCA. This is contrary to the core objective of EMCA 1999, which was to create a harmonized and integrated approach to environmental management in Kenya.

- v. Since 2003, the National Environment Management Authority (NEMA), which is established under EMCA, is the Regulating Authority responsible for the registration and licensing of environmental assessment experts to undertake critical environmental assessments such as Environmental Impact Assessments (EIA), Environmental Audits, and Strategic Environmental Assessments (SEA). The privatization of these functions, as proposed by the Bill, poses a significant risk to environmental sustainability. For this reason, it is imperative that the Bill should not be passed in its current form as it infringes on the mandate of NEMA.
- vi. The Bill is also not aligned with the existing legal framework governing environmental management and would undermine the progress made under EMCA. The Ministry, therefore, is strongly opposed to the passing of the Bill in order to safeguard the integrity and sustainability of Kenya's environmental management systems.
- vii. He also noted that there is no specific course(s) in universities that lead to qualifying as an environmental expert, unlike other disciplines for instance law or engineering. Currently, the experts are drawn from a diversity of fields including: Biology, Chemistry, Engineering, Sociology among others, and thus environmental experts are not a homogeneous group.
- viii. The Bill focuses more on the Institute as opposed to the professionals and the functions of the professionals.
- ix. He further submitted that, in Section 2, the definition of 'environmental professional' is unclear regarding its scope and functions. Further, it is not clear whether there is a connection between an environmental professional under the Bill and an Environmental Assessment Expert and Environmental Inspector under EMCA. 'environmental practice' has also not been defined.
- x. Section 4 (1) provides that the Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals, NEMA is mandated by EMCA to exercise general supervision and coordination of all matters of the environment including environmental practice. The mandate to license the EIA experts therefore should not be taken away from NEMA. All the provisions in EMCA and the EIA Regulation on experts are the mandate of NEMA under the current legal framework in force. i.e. registering, renewing annual licenses and discipline for misconduct. This proposal therefore cannot work because the experts will be registered and disciplined by a different body and NEMA shall have no mandate over them yet they play a key role in the EIA process.
- xi. Section 4 (2) (o) provides that the Institute shall advise the government in relation to the aspects of supervision and control over the professional development and practice of environmental professionals in Kenya. It is the mandate of NEMA to exercise general supervision and co-ordination over all matters relating to the environment and NEMA is the principal instrument of Government in the implementation of all policies relating to the environment as per Section 9 (1) of EMCA.
- xii. Section 19 provides for membership of the Institute, these are roles currently undertaken by NEMA as per sections 58(5) and 58(6) of EMCA and Regulations 13 - 15 of the Environmental (Impact Assessment and Audit) Regulations, 2003.

- xiii. Section 28 provides the qualifications under which a person may practice as an environmental professional, there is no definition of what practicing as an environmental professional means and the extent and scope of this practice.
- xiv. Section 35 provides for offences by unregistered or unlicensed persons. This Section has an inference on patenting of the term environmental profession for very competent personnel who are not members of the institute, the term is not an innovation of the Institute for it to have patent rights.
- xv. Section 36 provides for obstruction of the officers of the Council, there are powers accorded to Environmental inspectors according to Section 117 of EMCA which provides for offences related to environmental inspection by a gazetted Environmental Inspector. What are the powers of the agents of the Council (EIK) to warrant the right to enter and to information? This presents a great risk to the public who are already being swindled by imposters who pose as NEMA officers and inspectors. There should be no duplication in law neither should there be overlap nor contradiction as is being caused by this Section.
- xvi. Further, he highly recommended that the Environment Institute of Kenya (EIK) as currently constituted continues to operate under the Society's Act in a manner similar to the Engineers Institute of Kenya. This approach would allow EIK to advance further the professional development and interests of its members while maintaining alignment with established legal frameworks while avoiding duplication, overlaps, and conflicts of legislation.

#### ***Committee Observation/Recommendation***

The Committee observed that the Bill does not contradict the functions of the National Environment Management Authority as established under section 7 of the Environmental Management and Co-ordination Act, Cap. 387. The object and purpose for which the Authority is established 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. Additionally, NEMA is responsible for the registration of environmental experts or firm of experts for purposes of conducting Environmental Impact Assessments and audits and not environmental professionals. The Institute as established in the Bill is responsible for the registration and regulation of the standards and practice of environmental professionals

## **4.2 PROF. RATEMO W. MICHIEKA**

38. Prof. Michieka (Chairperson, National Research Fund (NRF), Kenya National Academy of Sciences (KNAS) and the Chancellor, Tharaka University), in a meeting with the Committee held on Tuesday, 18<sup>th</sup> and Wednesday, 19<sup>th</sup> March 2025, submitted the following amendment to the Bill:

#### ***Definition***

39. "environmental professional" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council and is registered in accordance with Section 21". There ought to be a clear distinction.

**Justification:**

This distinction is important to ensure clarity on the mandate of NEMA and that of the Institute, avoiding any overlap or conflict between the two. The definition limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research. The definition also includes EIA experts who are environmental professionals.

**Committee Observation**

The EMCA Environment (Impact Assessment and Audit) Regulations, 2003 provides for the different categories of experts and their qualifications. They include lead experts, associate experts and firm of experts. The noted that the definition as contained in the Bill limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research.

40. He further submitted as follows:

41. The Environmental Professionals Institute of Kenya Bill is a necessary and long-overdue step in ensuring that all environmental professionals are recognized, regulated, and held to the highest professional and ethical standards. This Bill will create a well-structured professional framework that ensures competent practice in critical environmental fields, including but not limited to:

- Environmental Management
- Environmental Sciences
- Waste Management
- Wildlife conservation
- Forestry
- Climate change adaptation and mitigation
- Water resource management
- Environmental law and policy
- Renewable energy
- Sustainable agriculture, and
- Environmental health.

42. The practice of environmental management and conservation requires diverse expertise. However, the current legal and institutional frameworks do not provide a centralized mechanism to standardize qualifications, promote accountability, and ensure adherence to best practices across the environmental sector. This Bill will establish clear professional pathways for practitioners in key fields, including:

- i) Environmental Science and Management – ensuring expertise in sustainable land use, pollution control, and environmental policy implementation.
- ii) Climate Change and Sustainability – providing professionals with the technical capacity to guide Kenya's transition to a low-carbon and climate-resilient economy.
- iii) Forestry and Agroforestry – promoting best practices in forest conservation, reforestation, afforestation, and sustainable timber and non-timber resource management.
- iv) Wildlife Conservation and Management – regulating professionals involved in biodiversity protection, species monitoring, habitat restoration, and wildlife law enforcement



- v) Water Resources Management – supporting expertise in hydrology, water quality management, wetland conservation, and watershed protection
  - vi) Renewable Energy and Green Technologies – ensuring that professionals in solar, wind, hydro, and bioenergy sectors operate within an ethical and sustainable framework
  - vii) Environmental Engineering – overseeing professionals involved in waste management, sanitation, industrial pollution control, and green infrastructure development
  - viii) Geospatial and Environmental Information Systems – providing expertise in land-use planning, ecosystem mapping, remote sensing, and environmental monitoring
  - ix) Environmental Law and Policy – certifying legal experts specializing in environmental litigation, governance, and compliance
  - x) Marine and Coastal Management – promoting professional standards in coastal zone management, marine biodiversity conservation, and blue economy strategies
  - xi) Sustainable Agriculture and Land Restoration – regulating professionals working in soil conservation, regenerative farming, and sustainable agribusiness practices
  - xii) Disaster Risk Management and Environmental Health – ensuring professionals are well equipped to mitigate and respond to environmental disasters such as floods, droughts, and pollution-related health hazard.
43. The establishment of a single legally recognized professional body would provide a structured professional development pathway, ensuring continuous learning, competence, and alignment with international best practices.
44. Addressing the professional gap: The environmental sector in Kenya has been significantly weakened by the presence of unqualified and informal practitioners. This lack of regulation has resulted in:
- i) Poorly executed conservation projects leading to biodiversity loss and habitat degradation.
  - ii) Flawed environmental assessments that undermine national development and sustainable resource use.
  - iii) Weak enforcement of environmental laws due to inconsistent professional standards and lack of qualified personnel.
  - iv) Corruption and malpractice in environmental impact studies and project approvals.
  - v) Limited recognition of Kenyan environmental professionals in the international arena due to a lack of a structured accreditation system.
- 
45. The Bill aligns environmental professionalism with the standards seen in engineering, law, and medicine, sectors that have benefited immensely from structured professional regulation.



46. **Strengthening environmental governance- A NEMA Perspective:** As a former Director General of the National Environment Management Authority, he was fully aware of the importance of professional environmental expertise in enforcing Kenya's environmental laws. The Environmental Management and Coordination Act of 1999 mandates NEMA to oversee environmental compliance and policy implementation. However, the lack of a structured professional body had hindered the realization of this mandate in several ways:

- i) The existence of unqualified individuals conducting environmental assessments has resulted in flawed reports and substandard conservation projects.
- ii) Weak enforcement of environmental laws due to inconsistencies in professional standards and qualifications.
- iii) Lack of professional accountability allowing rogue practitioners to operate without repercussions.

47. **Professionalizing environmental practice,** this Bill will reinforce NEMA's mandate by:

- i) Enhancing the quality and credibility of environmental compliance assessments by ensuring that only certified environmental professionals conduct them.
- ii) Strengthening collaboration between NEMA and environmental professionals to streamline policy implementation and enforcement
- iii) Reducing environmental malpractice by ensuring that only qualified and certified professionals practice and that licensed professionals operate within a regulated framework with strict legal and ethical obligations.
- iv) Supporting Kenya's commitment to international environmental agreements by aligning national professional standards with global best practices.

48. **Promoting research, education, and public participation:** Environmental challenges require scientific, evidence-based solutions. This Bill will enhance research, knowledge dissemination, and community engagement by:

- i) Encouraging knowledge exchange between universities, research institutions, and practicing professionals to advance sustainable solutions through the Institute's capacity building initiatives.
- ii) Mandating professional involvement in policy formulation to ensure that environmental regulations are grounded in credible scientific research.
- iii) Enhancing public engagement by requiring environmental professionals to integrate traditional knowledge and community-driven conservation approaches in their work.

**Key recommendation:**

49. To ensure the successful implementation of this Bill, it is imperative to expedite its enactment. Fast tracking this process will strengthen Kenya's environmental governance framework, providing a solid legal and institutional foundation to address critical environmental challenges. Furthermore, it will

advance the professionalization of the sector, ensuring that environmental management and policy decisions are guided by expertise, scientific research, and best practices. Timely enactment will enhance regulatory effectiveness and position Kenya as a leader in sustainable development and environmental stewardship.

### **4.3 ENVIRONMENT INSTITUTE OF KENYA (EIK)**

50. Mr. Alex Mugambi, the Chairperson of the Environment Institute of Kenya, in a meeting with the Committee held on Tuesday, 18<sup>th</sup> March 2025 submitted the following amendments to the Bill:

#### **Long Title**

51. Delete the word “licensing” and replace with the word “accreditation”

#### ***Justification:***

To distinguish between the role of NEMA and the Institute.

EIK is to register professionals within the environment and related fields including environment, climate change, waste management, planning and governance. NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts.

#### ***Committee Observation/Recommendation***

The proposal was rejected as the Committee noted that NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the provide for the registration, licensing and regulation of the standards and practice of environmental professionals

52. “Chapters”: The following broad chapters have been proposed for review and adoption;
- i) Environmental Education & Science
  - ii) Blue Economy
  - iii) Sustainable Waste Management
  - iv) Climate change
  - v) Earth Sciences
  - vi) Biodiversity/Natural Sciences
  - vii) Air quality
  - viii) Built Environment & Construction
  - ix) Energy – Renewable & Clean cooking
  - x) Environmental Policy & Governance
  - xi) Environmental Advocacy – Youth & Women Groups

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#### ***Justification:***

To enhance a proper professional accounting and management.

#### ***Committee Observation/Recommendation***

The Committee rejected the proposal as the various proposed chapters of the Institute could be provided for administratively by the Council as they fall within the broad subject areas provided for and recognized in the Bill for recognition as an environmental professional.

### **PART III: REGISTRATION AND LICENSING OF ENVIRONMENTAL PROFESSIONALS**

53. Delete the word “licensing” and substitute with the word “accreditation”.

#### ***Justification:***

To distinguish between the role of NEMA and the Institute.

EIK is to register professionals within the environment and related fields including environment, climate change, waste management, planning and governance. NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts.

#### ***Committee Observation/Recommendation***

The proposal was rejected as the Committee noted that NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the registration, licensing and regulation of the standards and practice of environmental professionals

54. They further submitted that there are several compelling reasons and benefits to enact the Bill as follows:

- i) **Professionalism and expertise:** The field of environmental practice (environmental scientists, planners, governance and climate change experts) is diverse and intricate, encompassing a wide range of disciplines from ecology to conservation, environmental impact assessment to pollution control and planning to management. By registering and regulating environmental practitioners, the Bill ensures that individuals practicing in this field possess the necessary qualifications, knowledge, and expertise. This leads to a higher standard of work and ultimately, better outcomes for environmental conservation and management efforts in Kenya.
- ii) **Quality assurance:** The Bill sets forth standards of professional conduct and ethical behaviour for environmental practitioners. This not only enhances the credibility of the profession but also instils trust in the work being carried out. Clients, government agencies, and the public can have confidence that environmental assessments, conservation efforts, and management strategies are being conducted to the highest standard.
- iii) **Adherence to best practices:** Environmental practitioners, when regulated, are more likely to adhere to established best practices. This means that environmental assessments will be comprehensive, conservation efforts will be scientifically grounded, and management strategies will be effective. These practices are essential for sustainable environmental conservation and climate change mitigation.

- iv) **Climate change mitigation and adaptation:** Climate change is one of the most pressing global challenges. Effective climate action requires a coordinated and skilled workforce. The Environment Institute of Kenya Bill ensures that professionals engaged in climate-related work possess the requisite knowledge and skills. This is crucial for formulating and implementing climate adaptation and mitigation strategies at various levels.
- v) **Coordination and collaboration:** Registration of environmental practitioners facilitates better coordination and collaboration within the field. It creates a network of professionals who can share knowledge, collaborate on projects, and contribute to a more cohesive and effective environmental sector. This unity of purpose is critical for addressing complex environmental challenges in Kenya and abroad.
- vi) **Legal framework for enforcement:** With a regulatory framework in place, there will be a legal basis for taking-action against unqualified or unethical practitioners. This helps in safeguarding the integrity of the profession and protecting the interests of clients, communities, and the environment at large.
- vii) **Capacity building and continuous professional development (CPD):** The Bill will provide a platform for ongoing training, capacity building, and professional development of environmental practitioners. This ensures that membership stay updated with the latest developments, technologies, and methodologies in the field, leading to continuous improvement in environmental practice.
- viii) **International recognition and collaboration:** A regulated body of environmental practitioners aligns Kenya with international standards and practices. This facilitates collaboration with international organizations, experts, and institutions, enabling Kenya to access global expertise and resources for environmental conservation and management efforts.

55. He also clarified the National Environment Management Authority's Role vs its roles as proposed in the Bill as follows:

- i) The Environment Institute of Kenya Bill will have no conflicting roles with that of the National Environment Management Authority (NEMA).
- ii) The National Environment Management Authority (NEMA) was established as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment.
- iii) The Environment Institute of Kenya (EIK) will provide for registration, training and regulation of the standards and practice of environmental professionals.
- iv) Furthermore, NEMA currently registers only the environmental impact assessment (EIA/EA) experts, while EIK is to register professionals within the environment and related fields being environment, climate change, waste management, planning, governance etc.

56. That, the Institute will not rely on the eexchequer but it will adopt a self-sustenance model through fees from registration and annual subscription, training etc.

#### 4.4 THE KENYA ELECTRICITY TRANSMISSION COMPANY (KETRACO)

57. Mr. Caleb Mango Kenya Electricity Transmission Company (KETRACO, in a meeting with the Committee held on Wednesday, 19<sup>th</sup> March 2025, the) submitted the following amendments to the Bill:

##### **Clause 4**

58. Under Clause 4(2) (e), the phrase “people engaged in the field of environment” should be replaced with “environmental professionals”.

##### ***Justification:***

To ensure consistency in terminology and recognition of the profession.

##### ***Committee Observation/Recommendation***

The Committee accepted the proposed amendment as it seeks to ensure that there is consistency in the use of terminology in the Bill since the term “environmental professionals” has been defined.

##### **Clause 4(2) (f)**

59. Clause 4(2) (f) should be reworded as follows: “Collaborate with relevant local, regional, and international institutions to build and develop progressive capacity in the environmental profession” or “of environmental professionals.”

##### ***Justification:***

For clarity

##### ***Committee Observation/Recommendation***

The Committee accepted the proposed amendment as collaboration is intentional leading to the achievement of a specified goal.

##### **Clause 4(2) (p)**

60. Under Clause 4(2) (p), while the function appears repetitive to earlier provisions, its intent, particularly in the first phrase, is unclear. To strengthen the Bill, the following additional functions should be included:

- i) Publication of professional journals or magazines to promote research and knowledge sharing.
- ii) Protection and assistance for environmental professionals in Kenya concerning conditions of practice and welfare.
- iii) Establishment of mechanisms to ensure equal opportunities for all environmental practitioners, including professional guidance on standard fees and best practices.

##### ***Committee Observation/Recommendation***

The proposals were rejected by the Committee as they are already provided for in Clause 4(2) (e), (f), and (k) of the Bill.

## **NEW PROPOSAL**

61. Under Clause 4(3), a schedule should be created to specify the terms and conditions for the appointment of Council members and the modalities of their selection, considering historical memory. Additionally, the Bill should include provisions on:
- i) Assumption of office, specifying the transition process when new Council members assume office.
  - ii) Powers of the Council, clearly defining its decision-making authority and functions.

### ***Committee Observation/Recommendation***

The Committee rejected the proposals as clause 6 of the Bill provides for the qualifications and term of office of the Council members. Additionally, the Council members are not appointed but elected. Additionally, clause 7 further provides for the powers of the Council. With respect to decision-making by the Council, the Second Schedule to the Bill provides for the conduct of affairs and business of the Council including quorum. However, the Committee accepted the proposal to provide for assumption of office by Council members immediately after an election.

### **Clause 6(1) (c)**

62. Under Clause 6(1) (c), clarification is needed on how the professional body will ensure diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

### ***Committee Observation/Recommendation***

The Committee accepted the proposed as it seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

### **Clause 11(a)**

63. Under Clause 11(a), the qualification requirements for the Chief Executive Officer (CEO) are vague and inconsistent. While the provision states that the CEO must “hold a degree... with at least 10 years of proven experience in matters related to the environment”, this requirement is broad and could lead to ambiguity in selection. Further specificity is required to align qualifications with the professional and technical needs of the Institute.

### ***Committee Observation/Recommendation***

The Committee accepted part of the proposal i.e. 5 years in senior management, in line with the *Mwongozo* Code of Governance for Government owned entities as it recommends that the Chief Executive Officer of a State Agency should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

### **Clause 22(1)**

64. Under Clause 22(1), the registration of individuals should include:
- a) A standardized registration form for all applicants.
  - b) A schedule outlining registration fees per category to ensure transparency in the registration process.

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### ***Committee Observation/Recommendation***

The Committee rejected the proposed amendments as details on registration including the forms to be used and the registration fees had already been provided for under clause 51 of the Bill.

### **Clause 23**

65. Under Clause 23, the registration of firms of experts should similarly include:

- c) A standardized registration form for firms.
- d) A schedule outlining registration fees for firms, ensuring consistency with individual registrations.

### **Committee Observation/Recommendation**

The Committee rejected the proposed amendments as details on registration including the forms to be used and the registration fees had already been provided for under clause 51 of the Bill.

## **4.5 SUBMISSION BY PROF. NZIOKA JOHN MUTHAMA—WANGARI MAATHAI INSTITUTE FOR PEACE AND ENVIRONMENTAL STUDIES**

66. Prof. Nzioka in a meeting with the Committee held on Wednesday, 19<sup>th</sup> March 2025 submitted the following amendments:

### **Definition**

67. Replace “research” with “postgraduate research”.

### **Justification:**

The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.

### **Committee Observation/Recommendation**

68. The Committee rejected the proposed amendment as the proposal limits the qualification for registration as an environmental professional with respect to research to post-graduate research.

### **Clause 4(2)(a)**

69. Recommend to replace “professional competencies” with “Professional skills and competencies”.

### **Committee Observation/Recommendation**

70. The Committee rejected the proposed amendments, as skills, as used in the Bill, are more specific in defining exact abilities; competencies have a broader focus and comprise many skills.

### **Clause 4(2)(c)**

71. Recommended the inclusion of “postgraduate research” in section 4(2)(c).

### **Justification:**

The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.

### **Committee Observation/Recommendation**



72. The Committee rejected the proposed amendments, as Research is not limited to post-graduate research. Further, the functions of the Institute cover different categories of environmental professionals.

### **SUBMISSIONS BY HON. GEORGE GACHAGUA, MP, NDARAGWA CONSTITUENCY**

73. Hon. Gachagua, MP (Ndaragwa Constituency), in a meeting with the Committee held on Tuesday, 8<sup>th</sup> April 2025, submitted that the Environmental Professionals Institute of Kenya Bill, 2024, provides for the establishment of a legally recognized professional body that will regulate, professionalize, and promote ethical and competent environmental practice in Kenya.

74. In his submission, he also highlighted the following

- i) **Gap in the current framework:** Hon. Gachagua, MP highlighted a significant gap in Kenya's environmental governance—the absence of a statutory professional body to regulate environmental practitioners. While institutions like NEMA enforce laws, there is no counterpart responsible for the certification, professional development, and ethical oversight of practitioners in this critical field.
  - ii) **Role and benefits of Environmental Professionals Institute of Kenya (EPIK):** The proposed Institute will ensure that only qualified and ethical professionals practice in the sector. It aims to eliminate unqualified individuals, improve service delivery, and foster accountability in environmental management. The Bill also promotes continuous professional development and introduces a structured career progression for environmental practitioners.
  - iii) **Learning from other professions:** The submission draws parallels to existing statutory professional bodies such as the Institute of Certified Public Accountants of Kenya (ICPAK)—accountants, the Institute of Human Resource Management (IHRM)—HR professionals, Institute of Certified Secretaries (ICS)—company secretaries, and the Law Society of Kenya (LSK)—lawyers. These bodies have elevated professional standards in their respective sectors. EPIK is presented as a similar initiative that will enhance professionalism in the environmental sector.
  - iv) **Complementary role to National Environment Management Authority (NEMA):** Rather than duplicating NEMA's functions, EPIK will complement regulatory work by focusing on professional ethics, training, certification, and advocacy. This dual structure—professional oversight by EPIK and regulatory enforcement by NEMA—is positioned as a model for more effective governance.
  - v) **Impact on policy and practice:** The Bill is expected to bolster Kenya's environmental governance, aligning the Country with international best practices. It will provide the government with a trusted pool of experts, support more informed policy decisions, and reduce inefficiencies caused by unqualified environmental interventions. It will also shield the sector from exploitation by untrained activists or politically motivated actors misusing environmental platforms.
- 
- vi) **Urgent call to action:** Hon. Gachagua, MP stressed the risks of having no professional body—comparing it to the hypothetical scenario of a legal profession without the LSK and urged the Committee to support and expedite the Bill's passage, emphasizing the long-term benefits of having a structured, ethical, and professional environmental workforce.



#### **4.6 SUBMISSIONS BY PASTORALISTS ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN)**

75. Mr. Liban Golicha and Mohamed Yusuf, representatives of PARAAN, in a meeting with the Committee held on Wednesday, 19<sup>th</sup> March 2025, submitted as follows:

76. While this Bill represents a progressive step forward by establishing a regulatory framework for environmental professionals, its effectiveness can be further enhanced through the following recommendations:

i) Environmental experts undertaking Environmental Impact Assessments

Including a clause that outlines the specific duties and expertise of environmental professionals mandated to undertake Environmental Impact Assessments (EIA) as provided under Part VI of the Environmental Management and Coordination Act, 1999 CAP 382 (EMCA).

The Environmental Professionals Institute, in collaboration with NEMA, should maintain a public register of all individual experts or firms authorized to conduct or prepare EIA studies and reports;

Further, the Institute should oversee the compliance of its members especially those conducting EIAs with the principles, values, and guidelines of both this Bill and EMCA and take any disciplinary actions against those in breach.

ii) Public records

A publicly accessible database containing the records of all certified environmental professionals should be created and maintained. This database should be designed to ensure access and promote accountability in the environmental profession. It could be as simple as an annual gazettelement at a certain date or an online database that is updated periodically.

iii) Continuous professional training as a basis of PC renewal

The Bill should include a provision mandating that all certified environmental professionals complete continuing professional development (CPD) training as a condition for the renewal of their practicing certificates. These trainings should be designed to ensure that professionals remain competent, up-to-date, and effective in their roles.

## PART FIVE

### 5.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee made the following observations:



1. There is a significant gap in Kenya's environmental governance—the absence of a statutory professional body to regulate environmental practitioners. While institutions like the National Environment Management Authority (NEMA) enforce laws, there is no counterpart responsible for the certification, professional development, and ethical oversight of practitioners in this critical field.
2. The Environmental Professionals Institute of Kenya (EPIK) is expected to ensure that only qualified and ethical professionals practice in the sector. It aims to eliminate unqualified individuals, improve service delivery, and foster accountability in environmental management. The Bill also promotes continuous professional development and introduces a structured career progression for environmental practitioners.
3. NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the registration, licensing and regulation of the standards and practice of environmental professionals.
4. Rather than duplicating NEMA's functions, EPIK will complement regulatory work by focusing on professional ethics, training, certification, and advocacy. This dual structure—professional oversight by EPIK and regulatory enforcement by NEMA—is positioned as a model for more effective governance.
5. The Bill provides for categories of members i.e. lead members having successfully undertaken a degree course in the field of environment, natural resources, earth sciences or research, is of good conduct and has paid the prescribed fee; fellow members having rendered outstanding services to the environment profession; honorary members having rendered special services to the Institute or environment profession and associate members comprising of persons eligible to be registered as lead members but do not meet the requirements prescribed and corporate members comprising of firms which practice environmental management activities.
6. EPIK will be similar to existing statutory professional bodies such as the Institute of Certified Public Accountants of Kenya (ICPAK for accountants, the Institute of Human Resource Management (IHRM) for Human Resources professionals, Institute of Certified Secretaries (ICS)—company secretaries, and the Law Society of Kenya (LSK) for lawyers. These bodies have elevated professional standards in their respective sectors.

## PART SIX

### 6.0 COMMITTEE RECOMMENDATION

77. The Committee, having facilitated public participation and considered the *Environmental Professionals Institute of Kenya Bill, 2024* by Hon. George Gachagua, the stakeholders' comments, and from the above observations, recommends that the House **APPROVES** the **Bill** with amendments as contained in the Schedule.

SIGNED.......... DATE..........  
HON. ENG. VINCENT MUSYOKA MUSAU, CBS, MP  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 JUL 2025	DAY: Thu
TABLED BY:	 Chairperson
CLERK-AT-THE-TABLE:	Tracy chebet

## PART SEVEN

### 7.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House at the Committee Stage—

#### CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of “environmental professional” by deleting the words “or research” appearing immediately after the word “sciences”.

**Justification-** The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

#### CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (2) by—

- (a) deleting the words ‘people engaged in the field of environment’ and substituting therefor the words “environmental professions” appearing in paragraph (e);
- (b) deleting the word ‘network’ and substituting therefor the words “collaborate” appearing in paragraph (f); and
- (c) inserting the words “in consultation with the members of the Institute” immediately before the word “determine” appearing in paragraph (n).

**Justification-** The amendment seeks to ensure that there is consistency in the use of terminology in the Bill since the term “environmental professionals” has been defined; the appropriate word i.e. “collaboration” which is more intentional as regards the achievement of a particular goal is used as opposed to the word “networking” and to ensure that the Council can determine and revise categories under which environmental professionals may be registered, only in consultation with the Members of the Institute.

#### CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (1) by—

- (a) deleting the word “seven” appearing in paragraph (c) and substituting therefor the word “three”;
- (b) inserting the following new paragraphs immediately after paragraph (c)—
  - (ca) four representatives of other regions, who shall be persons who do not ordinarily practice in Nairobi; and
  - (cb) two Nairobi representatives who shall be persons who ordinarily practice in Nairobi.

**Justification-** The amendment seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

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#### NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9—

Branches of the Institute. **9A.** (1) The Institute shall consist of the following eight branches—

- (a) Coast;
- (b) Rift Valley;
- (c) North Rift;
- (d) West Kenya;
- (e) South West Kenya;
- (f) Mount Kenya;
- (g) South Eastern; and
- (h) Nairobi.

(2) The branches shall—

- (a) deal with issues that regarding practice within their centres;
- (b) address issues relating to the welfare of the members practicing in their centres; and
- (c) inform the Council of any matters that affect members within the branches that require the Council's engagement with other stakeholders on behalf of the branch.

**Justification-** The amendment seeks to provide for the branches of the Institute across the Country that shall be responsible for practice issues within their respective regions.

## **CLAUSE 11**

THAT clause 11 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c)—

- (ca) has at least five years' experience in a position of senior management

**Justification-** The amendment seeks to ensure that the qualifications of the Registrar are in line with The *Mwongozo* Code of Governance for Government Owned Entities which recommends that the Chief Executive Officer should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

## **CLAUSE 19**

THAT clause 19 of the Bill be amended—

- (a) in subsection (2) by—
  - (i) deleting the word “lead” appearing in paragraph (a) and substituting therefor the word “graduate”;
  - (ii) deleting paragraph (c) and substituting therefor the following new paragraph—
    - (c) Honorary members comprising of persons who become honorary members pursuant to subsection (4);
  - (iii) inserting the following new paragraph immediately after paragraph (d)—
    - (da) Environmental Consultant comprising of members of the Institute who are registered under section 21 and who become environmental consultants pursuant to subsection 6.

- (iv) deleting the words “corporate members” appearing in paragraph (f) and substituting therefor the words “environmental firms”;
- (b) by deleting the word “fellow” appearing in in sub-section (4) and substituting therefor the word “member”;
- (c) by deleting the word “fellow” appearing in in sub-section (5) and substituting therefor the word “member”;
- (d) inserting the following new subsection immediately after sub-section (5)—
  - (6) A member of the Institute may be registered as an Environmental Consultant if the person—
    - (a) has practiced in a specialized environmental field as an environmental professional for a period determined by the Council; and;
    - (b) has achieved a standard of competence to enable him or her to practice as an Environmental Consultant in that particular specialization.

**Justification-**The amendments seek to provide clarity on the qualifications for registration as a graduate member (basic qualifications) as opposed to a lead member; use of the term “honorary members” and not “honorary fellow members” as fellow members is a different category provided for in the Bill and to recognize a new category of environmental consultants and provide for their qualifications.

## **CLAUSE 21**

THAT clause 21 of the Bill is amended in paragraph (c) by deleting the words “or research” appearing immediately after the word “sciences”.

**Justification-**The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

## **CLAUSE 51**

THAT clause 51 of the Bill is amended in sub-section (2) by inserting the following new paragraphs immediately after paragraph (h)—

- (i) prescribe the grounds for, and procedure relating to, suspension or expulsion of members of the Institute;
- (j) provide for the resignation of members from the Institute;
- (k) prescribe the functions and powers of the branches and sources of funding of the activities of the branches;
- (l) provide for the membership, governance of the branches and the regulation of the conduct of business by branches;
- (m) provide for the recognition and competencies of chapters of the members of the Institute or other local formations within branches;
- (n) prescribe the manner of election of the branch representatives in the Council;

**Justification-**The amendment seeks to ensure that the Council makes regulations for among other things the branches of the Institute.

## **FIRST SCHEDULE**

THAT the Bill be amended in the First Schedule by inserting the following new paragraph immediately after paragraph 2—

Assumption of office. 3. (1) The president, the vice-president and the members of the Council shall assume office immediately after the ordinary general meeting of the Institute next following an election of the members of the Council, and shall hold office for a period of three years, ending at the conclusion of the annual general meeting held in the third year, after their election.

(2) Where the president, the vice-president or member of the Council dies, resigns or is removed from office before the expiry of the term of office, the vacancy created shall be filled in such manner as provided in the regulations.

**Justification-** The amendment seeks to provide clarity for assumption of office by the members of the Council after an election or in case a vacancy arise, which had not been provided for in the Bill.

