

Crop Irish Potato Regulations 2019

Implementation Manual



SNV Voice for Change Partnership

In collaboration with:





Acknowledgment

SNV and its program partners gratefully acknowledge the financial support of the Netherlands Government under DGIS strategic framework. SACDEP under the Voice for Change Partnership in collaboration with Agricultural Council of Kenya (AGCK) and National Potato Council of Kenya (NPCK) is working towards addressing issues of policy framework and enforcement associated with Post-Harvest Loss management at County and National level. We recognize the roles and responsibilities of the government ministries namely Ministry of Agriculture, Ministry of Health, Trade and respective County Governments various regulatory institutions — HCD (AFA) for working towards streamlining the Potato Value chain to ensure increased production, promotion of better markets and promotion of the Irish Potato.

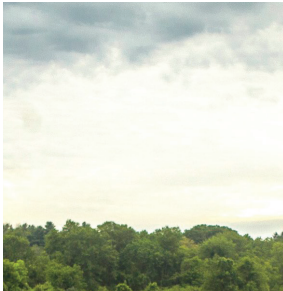


Table of Contents

	Page
1. Introduction	
1.1 Introduction	1
1.2 Registration of Growers	2
1.3 Registration Fees	4
1.3.1 Requirements for Registration as a Growers' Association	5
1.4 Registration of Dealers	6
1.4.1 Registration of dealers (processors, transporters, collectors, buyers, seller, marketing agents)	6
1.5 Registration of Importers & Exporters	7
1.6 Registration of Potato Collection Centres and Warehouses/Stores	8
1.7 Registration of Collection Centres	9
2. Collection Centers, Establishment & Management	10
2.1 Introduction	11
2.1.1 Requirements	11
2.2 Collection Center Management	12
2.3 Effective Management of Collection Centers	13
2.3.1 Governance	14
2.3.2 Infrastructure	16
2.3.3 Infrastructure Requirements	17
2.3.4 Produce Handling	18
2.3.4.1 Grading and Sorting	19
2.3.4.2 Receipt Stage	21
2.3.4.3 Weighing and Packaging	22



Table of Contents

	Page
3. Transport, Import & Export	24
3.1 Transportation Material	25
3.2 Imports & Exports of Irish Potatoes	26
3.2.1 Requirements for Exporters/ Importers	27
3.3 Fees & Penalties	28
3.3.1 Fees	28
3.3.2 Offenses & Penalties	28



Introduction

1.1

Introduction

The crops (Irish Potato) Regulations, 2019 were developed the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation, in consultation with the Agriculture and Food Authority and the County governments to guide the promotion, development and regulation of Irish potato. The purpose of these Regulations is to provide for:

- Registration of growers, grower associations, dealers and Irish potato collection centres;
 - Registration of processors, warehouses, importers and exporters of Irish potato;
 - Quality assurance and marketing of Irish potato;
 - Establishment and enforcement of standards in grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of crops to ensure health and proper trading; packaging and sale of Irish potato; and
 - Promotion of best practices in the Irish potato sub- sector.
- The regulations came into force in April 2019.

1.2

Registration of Growers

The regulation stipulates that every Irish potato grower (smallholder and large scale) shall be registered by the county government where farming of Irish potato is being done. The growers apply to registration with the department of agriculture at the county level by filling in the prescribed registration form and paying a **registration fee of KShs. 500**.

A smallholder grower may register with a grower association and shall not register with more than one grower association for the same land. A certificate of registration is issued by the growers' association to all its members.



Registration Fee

Kshs. 500

1.2 | Registration of Growers

The regulation categorizes growers as follows:

- Smallholder grower - a person who cultivates Irish potato in an area of four hectares or less.
- Large scale grower - a person who cultivates Irish potato in an area more than four hectares and uses best practices to optimize production.

A grower may also register with an existing collection center if they don't wish to register with a growers' association. However, it's important to register with a growers' association because:



1.3

Registration of Growers' Associations

Growers' Associations enable the growers to negotiate and market their potato and enable facilitations of compliance with set standards while sharing costs of services. The potato regulation encourages that small scale growers are registered with an association. These associations include cooperatives, self-help groups, associations, CBOs or any other legal entity that comprises of Irish potato farmers.

- Growers' association provides better economies of scale when procuring inputs and bargaining for better prices.
- **Registration fee for registration of an individual grower with county government is KShs. 500 which is much higher compared to KShs. 1,000 paid by an association.**
- Being a member of a growers' association gives the members control on the collection centers.
- Growers' associations promote collective voices in raising issues affecting growers.
- Associations are better positioned to attract partnerships and investments in infrastructure development as opposed to individual growers.



1.3

Registration of Growers' Associations

1.3.1 ► Requirements for Registration as a growers' association:

Legal

- Must be a legal/formal entity registered with the relevant body and provide evidence of such registration
- Must have members
- Membership should comprise of potato growers
- Must provide an updated full list of association members annually

Governance

- Must have a governance structure including constitution, by-laws or articles and Memorandum of Association
- It should safeguard growers' interest.
- If the growers' association has collection centres, it should keep a register of all the collection centres.

The Growers' Association apply for registration with the county department of agriculture by filling in a prescribed registration form and paying a registration fee of KShs. 1,000.



1.4

Registration of Dealers

1.4.1 ► Registration of dealers (processors, transporters, collectors, buyers, seller, marketing agents).

All dealers must register with the respective county governments in their county of operation by filling in the prescribed registration forms issued by the department of agriculture in the counties and paying a registration fee of **KShs. 1,000**. Is registration renewable.

Upon registration, the dealers get a certificate of registration which issues once. This certificate is not transferable. **Failure by the dealers to register is an offence that attracts a fine not exceeding 5 Million, a jail term not exceeding 3 years or both.**



1.5

Registration of Importers & Exporters

Exporters and Importers are also required to register with Agriculture and Food Authority (AFA) by filling in the prescribed registration application form and paying KShs. 50,000 for an importer and KShs. 20,000 for an exporter. **Failure by the importer/exporter to register with AFA is an offence that attracts a fine not exceeding 5 Million, a jail term not exceeding 3 years or both.**

The importers and exporters are also required to get an import/export permit for each consignment imported or exported by filling in the prescribed permit application form, and payment of an equivalent 0.5% of the total value of potato exported or 3% value of the potato imported.



1.6

Registration of Potato Collection Centres and Warehouses/Stores

The regulation requires that all collection centres for potato must be registered and designated by respective county governments. Warehouse and stores must also be registered by the county governments upon filling in the prescribed application form and payment of the registration fee of KShs. 1,000.

The collection centres will serve as buying stations for Irish potato, packaging houses, pick up points and meeting points for farmers, grower's cooperatives and associations. Growers' Associations and large-scale growers can register a collection centre while smallholder growers can register with an existing collection centre.

Each collection centre must have in place a management committee. The management committee should ensure the safety and protection of the growers produce at all times. It should also provide conducive environment for the meetings.



1.7

Registration of Collection Centres

- Must have in place a management committee
- Must have a list of all registered members
- Should have by laws governing the operations of the collection centre and safeguard growers' interests.

The growers' association or large-scale farm can apply for registration of a collection centre with the county department of agriculture by filling in a prescribed registration form and paying a registration fee of KShs. 1,000. Failure to register is an offence that attracts a fine not exceeding 5 Million, a jail term not exceeding 3 years or both.

A Crops inspector can access the collection center at any reasonable moment to inspect for compliance.





Collection Centers, Establishment & Management

2.1

Introduction

The regulations require that trading of potato only takes place in collection centers and designated markets. The collections centers can be designated and registered by the county government or established by large scale growers or growers' associations, who would then apply for registration of the same with the county government. Each collection centers should have in place a management committee.

2.1.1 ►

Requirements:

- The county government is supposed to register and designate collection centers. When designating the centers, the county government should consider factors such as:
 - Convenience of the growers
 - Accessibility by the buyers
 - Supportive infrastructure
 - Security
- The collection centers should be in compliance with standards prescribed by the relevant competent authority from time to time as well as national, regional and international best practices.
- Growers' associations and large-scale growers can register a collection centre while smallholder growers can register with an existing collection centre and be issued with a certificate of registration.
- The collection centres will serve as buying stations for Irish potato, packaging houses, pick up points and meeting points for farmers, grower's cooperatives and associations.
- The collection centre should ensure the safety and protection of the growers produce at all times. It should also provide conducive

2.2

Collection Center Management

- Each collection centre must have in place a management committee, failure to which is an offence attracting a fine not exceeding KShs. 5 Million, jail term not exceeding 3 years or both.
- The management committee should ensure that the potato are sorted, graded, packaged, labeled, transported and stored following good practices and set standards.
- The management committee should ensure potato are packaged in clean, intact food grade material that allows for aeration and maintenance of produce quality. This includes natural and synthetic fibre sacks, moulded plastic boxes, swan wooden boxes, paper or plastic film or any other prescribed material. Product quality is a prime criterion in gaining access to competitive markets.
- The management committee should ensure that each package of potato sold are labeled. The label should indicate the Irish potato variety, date of harvesting, collection centre and the county of origin.
- The operators of the collection centres should issue to a buyer a certificate of produce for each consignment bought for commercial purposes from the centre.
- The collection centres operators are required to keep and maintain an up-to-date register of its members and forward a copy to respective county government by 31st December every year.

2.3 | Effective Management of Collection Centers

The following aspects in a collection center will directly affect the effectiveness of the collection centers:

- A. Governance and Management of the collection centre
- B. Infrastructure and maintenance
- C. Handling and processes



2.3 | Effective Management of Collection Centers

2.3.1 ► Governance

Good management of the collection center is key to sustainable operation. Good governance requires an operational structure having defined and appropriate roles and responsibilities. The pillars of successful governance are:

- Rules of law.
- Moral integrity.
- Transparency.
- Participation.
- Responsibility and accountability.
- Effectiveness and efficiency.

Governance decisions should provide guidelines for management.



2.3

Effective Management of Collection Centers

What you need to do

- Have a management committee to manage the center
- Have a policy, by-laws
- Rules of membership
- Have a clear center management structure
- Develop a responsibility matrix
- Have clear work procedures
- Training of workers

Essential Records

- Growers register
- Delivery records
- Dispatch records
- Cleaning records
- Inspection records
- Responsibility matrix
- Training records

Important documents

- Constitution
- Standard operating procedures

2.3 | Effective Management of Collection Centers

2.3.2 ► Infrastructure

The design and construction of the collection centers i.e. the building, location, equipment and other associated facilities should ensure effective hazard controls and product quality preservation. Cleaning and maintenance of equipment/material which are in contact with potato included. Basic facilities like water, toilets and lighting should be available.

Well-designed, properly operated packing facilities can help reduce pathogen contamination and minimize chemical and physical hazards associated with handling, packing and storage activities.



2.3 | Effective Management of Collection Centers

2.3.3 ► Infrastructure Requirements

- Accessible by road
- Provide adequate parking and loading area
- Away from waste disposal
- Preferably fenced to exclude animals and secure the produce
- Not in a marshy area or prone to flooding
- Has hygiene facilities in place (toilets and hand washing facilities)
- Facility is oriented to avoid direct sun rays on potato
- Facilities is designed and/or constructed for easy cleaning and sanitation procedures;
- Packing and storage areas are separated;
- Should be well aerated
- All floors should be oriented to avoid water accumulation in the collection centre



2.3 | Effective Management of Collection Centers

2.3.4 ► Produce Handling

Produce handlers can be sources of microbial, chemical and physical contamination of due to poor personal hygiene (wearing dirty clothes, nails not trimmed, dirty hands etc.) and inappropriate clothing and physical contamination of produce from handlers' personal belongings (jewellery, rings, watches etc.) The operations at the collection centre may include Receipt, inspection, sorting and grading, packaging, storage and transport of the Irish potato to the required station/point. The stages are detailed below:

- a) **Grading and Sorting**
- b) **Receipt stage**
- c) **Weighing and Packaging**



2.3 | Effective Management of Collection Centers

2.3.4.1 ► A. Grading and Sorting

Grading is a process which involves the inspection and assessment of products including food based on principles such as quality, freshness, size, legal conformity and market value. This process is often performed manually using hands but machinery is also used for grading, and may involve sorting products by size, shape and quality. Grading can also be described as the process of dividing products into lots/groups which have similar characteristics in shape and size, type, weight, quality among other features. The groups with similar characteristics are put into a grade.

On the other hand, sorting can be described as the process of separating a product that is heterogeneous (mixed) based on characteristics such as by size, shape as well as quality to have a product that has consistent features (homogenous).

Labelling is an important aspect in traceability. Traceability is the aspect of being able to follow up the origin, course of development or product cycle. Traceability is the ability to track any product including food through all stages of production, processing and distribution (including importation and at retail) or rather throughout the supply chain. The committee and dealers should ensure that packaged Irish potato produce are labeled with the following details:

- Variety,
- Date of harvest
- Name of Collection Centre,
- County of origin

The Irish Potato regulations (2019) mandates the management committee of the collection centres and dealers to oversee sorting, grading and labelling of Irish potato produce meant for commercial purposes by all the farmers.

2.3 Effective Management of Collection Centers

Requirements of Grading Area

- Availability of the sorting area and with adequate light
- Trained personnel
- Hygiene facilities are available
- Quality specifications of potato are available and understood

Key Records

- Quality specifications
- Product attributes



2.3 | Effective Management of Collection Centers

2.3.4.2 ► B. Receipt Stage

Inspection and verification of produce to ensure they meet the minimum requirements as per specifications and verify and record the quantity and quality aspects. Produce should also be weighed and recorded on receipt.

A produce receipt procedure must be in place for efficient operation.

Considerations

- Market specifications
- Personnel (training, cleanliness, behaviour)
- Facilities /Receiving bay hygienic condition/facilities
- Vehicles hygienic condition systems
- Cleanliness of the transport container

Key records

- Training records
- Produce traceability records -Show origin
- Produce receipt records
- Produce quality report
- Produce receipt Standard operating procedures

2.3

Effective Management of Collection Centers

2.3.4.3 ► C. Weighing and Packaging

Potato produce must be weighed when selling at the collection Centre, when traders are buying and at the consumer level for home consumption. The maximum weight for each single unit of package shall be 50Kgs. According to International Labour Organization (ILO) no worker should engage in manually handling or carrying a load which by reason of its weight is likely to jeopardize his health or safety. The World Health Organization (WHO) stipulates that the maximum weight any person should lift must not exceed 50 kilograms.

The weight will be determined through weighing using properly calibrated, serviced, inspected and approved weighing scales by the County department of Trade i.e. Weights and Measures. Packing or Repacking of potato may happen at the collection center. At the selling point, the potato will also need to be weighed and packaged as per the requirements of the buyer.

What you need to do

- Use clean packaging materials
- Use recommended food grade packaging
- Label packages as per the regulations
- Use calibrated weighing scales for weighing potato
- Train Personnel on handling and hygiene

2.3 | Effective Management of Collection Centers

Best Practices for Weighing and Packaging

- Packaging surfaces and equipment are maintained to minimize produce damage and maximize accessibility for cleaning and sanitizing;
- There is a routine cleaning for all food contact surfaces;
- The packing area is cleaned at the end of each working day and all debris/dirt removed
- Containers and sacks used for packing are made of non-toxic materials that conform to the regulations
- Packages do not exceed 50 Kgs as per the regulation
- Packages are all labeled identifying the source and coded for traceability
- Scales are calibrated and Schedules for scale calibrations are available and documented
- The potato bags and containers are not used for other items that might contaminate them, such as tools, petroleum products or combustibles;





Transport, Import & Export

3.1 | Transportation Material

The regulations provide that all actors along the Value chain including dealers, farmers transport Irish Potato in clean transporting vessels. The following packaging material should be used during transportation of potato meant for commercial purposes must either be:

- Natural fiber sacks
- Synthetic fiber sacks
- Moulded plastic boxes
- Sawn wooden boxes

This is meant to preserve quality, reduce deterioration and hence post-harvest losses that relate to moisture loss, rain, physical damage or contamination.



3.2 Imports and Exports of Irish Potatoes

Imports and Exports

Registration of importers and exporters — Exporters and importers of Irish potato produce must register with the Agriculture and Food Authority (AFA). An exporter or importer must apply for registration using a prescribed form and upon registration AFA issues a certificate of registration form (Form G). Importers and exporters of Irish potato produce must be licensed by AFA. Application for a license shall be made in form K provided in the First Schedule and a license issued in form L set out in the First Schedule.

- Government determining export and import quotas
- AFA and county governments to have production and consumption statistics to guide import and export
- Importers and exporters to have permits for every consignment
- Import and export to happen only through designated point of entry



3.2 Imports and Exports of Irish Potatoes

3.2.1 ► Requirements for Exporters/Importers

- i.) An original copy of importation or exportation and customs entry or exit documentation
- ii.) An import or export permit for shipment of the specific consignment
- iii.) Evidence of payment of duties and levies
- iv.) A certificate of origin and contact details of the exporters and importers from whom they procured
- v.) Other permits and licenses and certificates as to the quality and standards of the produce.



3.3 Fees and Penalties

3.3.1 Fees

Export/import permit will be charged as follows;

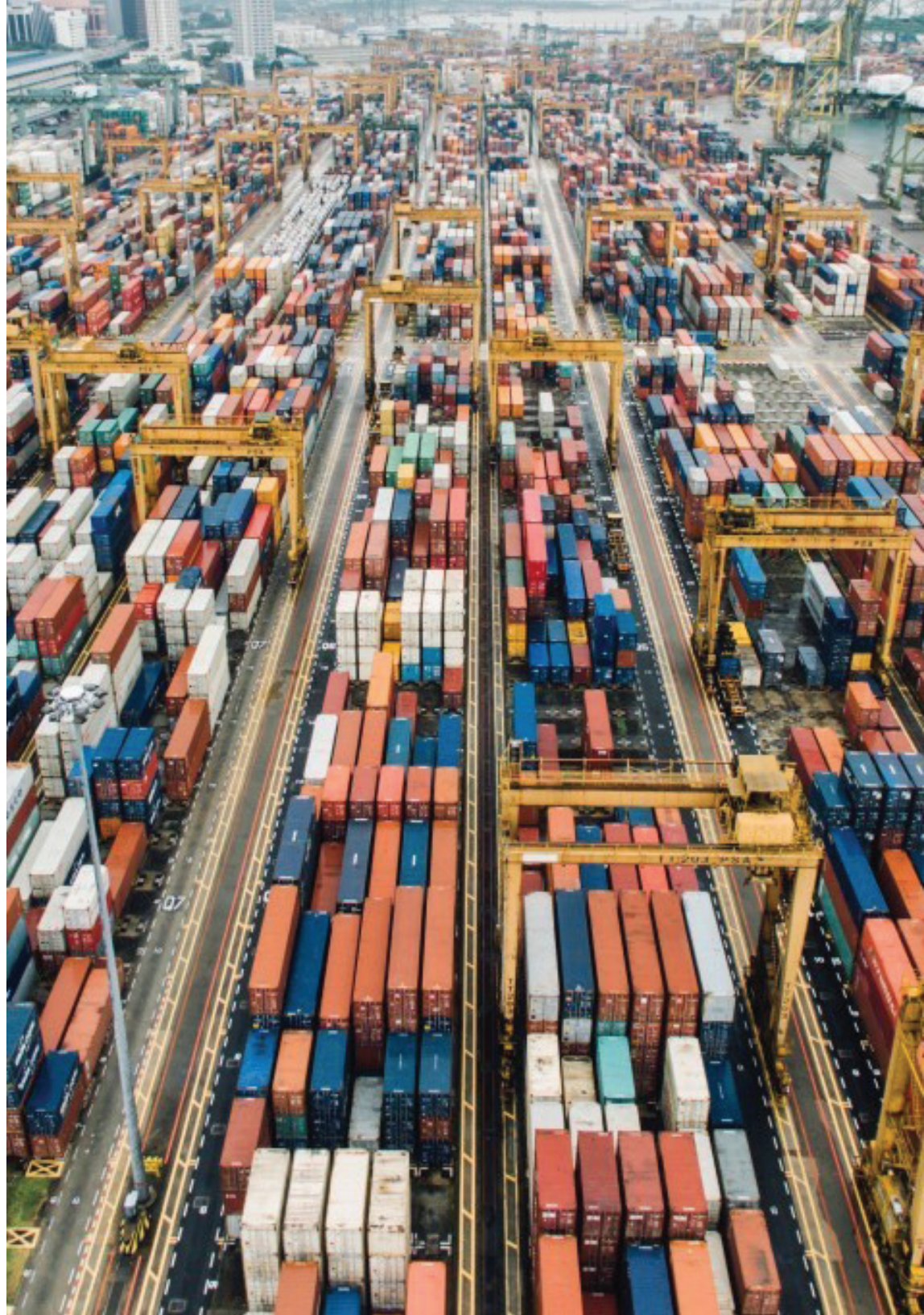
- i.) Export — 0.5% of the total value
- ii.) Import — 3% of the total import value

Export /import license will be charged as follows;

- i.) Exporter — KShs. 20,000
- ii.) Importer — KShs. 50,000

3.3.2 Offenses and penalties

Any person who imports or exports Irish potato without a valid license issued by AFA or who fails to apply for an export or import permit for each consignment imported or exported is liable to fine not exceeding five hundred thousand shillings or imprisonment for a period not exceeding one year or to both.





Voice for Change Partnership | In collaboration with

