



MINISTRY OF HEALTH

KENYA HEALTH EMERGENCY PREPAREDNESS, RESPONSE & RESILIENCE (HEPRR) PROJECT

Under the AFE Health Emergency Preparedness,
Response and Resilience MPA

(P180127)

Draft
ENVIRONMENTAL & SOCIAL
COMMITMENT PLAN (ESCP)

July 2023

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Republic of Kenya (the Recipient) through the Ministry of Health (MOH) will implement the Kenya Health Emergency Preparedness, Response and Resilience (HEPRR) Project (Project) under the AFE Health Emergency Preparedness, Response and Resilience MPA with the involvement of the Kenya Biovax Institute Limited (KBI), National Public Health Institute (NPHI), Pharmacy and Poisons Board (PPB) and National Quality Control Laboratory (NQCL) as set out in the Financing Agreement [and the Project Agreement with KBI]. The International Development Association (the Association) has agreed to provide financing (P180127) for the Project, as set out in the referred agreements.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Association. The ESCP is a part of the Financing Agreement [and the Project Agreement]. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreements.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring, and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESSs, and in form and substance, and in a manner acceptable to the Association. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Association.
4. As agreed by the Association and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient and the Association agree to update the ESCP to reflect these changes through an exchange of letters signed between the Association and the Recipient through the MOH Principal Secretary. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Association regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism(s)</p>	<p>Submit quarterly reports to the Association throughout Project implementation.</p> <p>Submit each report to the Association no later than 30 days after the end of each reporting period.</p>	MOH
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the Association of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury, forced or child labor. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the Association’s request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the Association no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent report to the Association within a timeframe acceptable to the Association</p>	MOH
C	<p>CONTRACTORS’ MONTHLY REPORTS</p> <p>Require contractors and supervising firms to provide monthly monitoring reports on Environmental, Social Health and Safety (ESHS) performance in accordance with the metrics specified in the respective bidding documents and contracts and submit such reports to the Association including specific EHS (Environmental, Health, and Safety) reporting related to Project activities that will involve various existing healthcare facilities (e.g., laboratories, etc.)</p>	<p>Submit the monthly reports to the Association upon request as annexes to the reports to be submitted under action A above.</p>	MOH
D	<p>NOTIFICATIONS RELATING TO DAAB COMPLIANCE REVIEW OF CONTRACTOR COMPLIANCE WITH SEA/SH PREVENTION AND RESPONSE OBLIGATIONS</p> <p>Notify the Association of any referral submitted to the Dispute Avoidance and Adjudication Board (DAAB) to initiate a process of compliance review in relation to a contractor’s obligations to prevent and respond to sexual exploitation and abuse (SEA),</p>	<p>No later than 7 days after the issuance or receipt, as applicable, of the relevant document (i.e., referral to the DAAB, issuance of DAAB decision, Notice of Dissatisfaction, notice of commencement of emergency/full</p>	MOH

	and/or sexual harassment (SH) specified in the respective works contract with such contractor; and, in the event of any such referral, notify the Association of: (i) the DAAB’s decision on such referral; (ii) the contractor’s Notice of Dissatisfaction, if any, with such DAAB decision; (iii) any notification received on the commencement of an emergency arbitration proceeding or full arbitration proceeding in relation to the DAAB’s decision; and (iv) the resulting emergency arbitration order and/or full arbitration order, if any.	arbitration, emergency/full arbitration order, as applicable).	
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	ORGANIZATIONAL STRUCTURE		
	a) Establish and maintain a Project Management Team (PMT) within MOH to undertake ESHS management for the Project. The PMT should be staffed with an environmental specialist with health and safety expertise and one social specialist with SEA/SH expertise. The ESHS management staff should have qualifications and experience acceptable to the Association.	Establish and maintain a PMT as set out in the Financing Agreement [and the Project Agreement]. Ensure both environmental and social specialists are hired or appointed prior to implementation of the Project and thereafter maintain this position throughout Project implementation. Other experts such as SEA and SH advisors shall also be hired or appointed part-time.	MOH, KBI, NPHI, PPB and NQCL
	b) Kenya Bio vaccine Initiative (KBI), National Public Health Institute (NPHI), Pharmacy and Poisons Board (PPB) and National Quality Control Laboratory (NQCL) shall assign one E&S focal person to maintain coordination and support E&S implementation of the Project.	Appoint an E & S focal person before disbursement part A for NPHI Part B 1, part B for PPB Part B.2 for NQCL and part B.3 for KBI.	MOH, KBI, NPHI, PPB and NQCL
	c) Mobilize additional staff as needed on short-term and long-term engagements in accordance with capacity building and ESMF institutional assessment/ needs; (technical experts on human vaccine and biosafety etc.).	Within two years of project effectiveness.	MOH, KBI, NPHI, PPB and NQCL
	d) Ensure the Good Manufacturing Practice (GMP) consultant that will design and supervise the installation of the manufacturing plant should possess EHS expertise. The consultant shall also have a social specialist with experience in SEAH (Sexual Exploitation, Abuse and Harassment) risk management.	Before disbursement of subcomponent 1.4	KBI

1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>a) Adopt and implement an Environmental and Social Management Framework (ESMF) for the Project, consistent with the relevant ESSs and WB EHS for Pharmaceuticals and Biotechnology Manufacturing. The ESMF shall include a template for Environmental and Social Screening checklist and eligibility Criteria for subprojects. The ESMF shall have infection Control and Waste Management Plan (ICWMP) template, OHS plan template, LMP (Labor Management Procedure), a Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) Action Plan and measures related to community health and safety.</p> <p>b) .</p>	<p>Adopt the ESMF no later than effectiveness Date of the Project and thereafter implement the ESMF throughout Project implementation.</p>	MOH
	<p>c) Update the Environmental and Social Impact Assessment and Environmental and Social Management Plan (ESIA and ESMP) for the Human Vaccine Production Facility under Sub-component 1.4: to meet the requirements of the Association ESF (Environmental and Social Framework) and WB (World Bank) EHS (Environmental Health and Safety Guidelines) for Pharmaceuticals and Biotechnology Manufacturing and meet ESCP requirements including ICWMP and OHS plans</p>	<p>Adopt the ESMF no later than effectiveness Date of the Project and thereafter implement the ESMF throughout Project implementation. Update, consult on, disclose, and adopt the ESIA and ESMP prior to disbursement for sub-component 1.4 and thereafter implement the ESIA and ESMP throughout Project implementation.</p>	
	<p>d) Prepare, adopt, and implement the subproject specific environmental and Social Impact Assessment (ESIA) and/or Environmental and Social Management Plan (ESMP)/ Summary Project report (SPR) as set out in the ESMF including E&S entry audits or similar and operational E&S management (especially waste and effluent management) for HCFs (Healthcare Facilities) supported by the project. The proposed subprojects described in the exclusion list section 1.6 shall be ineligible to receive financing under the Project</p>	<p>Prepare, consult on, disclose, and adopt the [ESIA and] ESMP before launching the bidding process for the respective subproject that requires the adoption of such [ESIA and] ESMP. Once adopted, implement the respective [ESIA and ESMP throughout Project implementation.</p>	
1.3	<p>MANAGEMENT OF CONTRACTORS AND OPERATORS</p> <p>a) Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant E&S instruments, the LMP, and code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter ensure that the contractors and supervising firms comply and cause subcontractors to comply with the ESHS specifications of their respective contracts</p>	<p>As part of the preparation of procurement documents and respective contracts.</p>	MOH

	b) Ensure all operators including from participating government entities of the various facilities and buildings that will be part of the Project related to ESHS aspect in their operation and maintenance incorporate the relevant aspects of the ESCP, including, inter alia, the relevant E&S instruments, the LMP, and code of conduct, into the ESHS systems.	Supervise contractors throughout Project implementation. Supervise operators throughout Project implementation.	
1.4	TECHNICAL ASSISTANCE Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project are carried out in accordance with terms of reference acceptable to the Association, that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.	Throughout Project implementation.	MOH
1.5	CONTINGENT EMERGENCY RESPONSE FINANCING a) Ensure that the CERC (Contingent Emergency Response Component) Manual describes the ESHS assessment and management arrangements for the CERC component's implementation in accordance with the ESSs. b) Adopt any environmental and social (E&S) instruments which may be required for activities under CERC component of the Project, in accordance with the CERC Manual and the ESSs, and thereafter implement the measures and actions required under said E&S instruments, within the timeframes specified in said E&S instruments	The E&S section of the CERC Manual and, if applicable, other instruments, in form and substance acceptable to the Association before disbursement for the CERC component. Adopt any required E&S instrument and include it as part of the respective bidding process, if applicable, and in any case, before the carrying out of the relevant Project activities for which the E&S instrument is required. Implement the E&S instruments in accordance with their terms, throughout Project implementation.	MOH, KBI, NPHI, PPB and NQCL
1.6	ASSOCIATED FACILITIES Cause owner/operator of the associated facility (Waste treatment plant for Biovax), to ensure that the activities in the identified associated facility are carried out in accordance with the applicable requirements of this ESCP and the ESSs including key instruments, e.g., the ESIA, ESMP, LMP, management of contractors, SEP, etc.	Throughout Project implementation	MOH
1.7	EXCLUSIONS: The following types of activities are ineligible for financing under the Project: <ul style="list-style-type: none"> High risk environmental subprojects (per definition in the Bank Directive Environmental and Social Directive for Investment Project Financing) 	Throughout Project implementation	MOH, KBI, NPHI, PPB and NQCL

	<ul style="list-style-type: none"> • Any technical assistance (TA) activities that will support preparation for the future construction of physical infrastructure or for the implementation of other activities with potentially significant physical impacts. • Activities that may cause long term, permanent and/or irreversible impacts (e.g., loss of major natural habitats including habitats of wildlife and fisheries) • Activities that may cause any significant loss of biodiversity. • Activities that have a high probability of causing serious adverse effects to human health and/or the environment. • Activities that may have significant adverse social impacts and/ or may give rise to significant social conflict. • Activities that involve land acquisition, forced eviction and involuntary physical displacement. • Activities that would disproportionately affect the historically underserved and vulnerable groups. • Activities that may cause damage to cultural heritage. • Activities that may impact known cultural heritage sites including those important to local communities. • Activities that may cause large-scale physical disturbance on wildlife habitat; block access to or use of water points etc. used by others; located in or adjacent to protected area, significant impact on cultural heritage; create encroachment and/or cause significant adverse impacts to critical natural habitats (e.g., wildlife reserves; parks or sanctuaries; protected areas; forests and forest reserves, wetlands, national parks or game reserve; any other ecologically/environmentally sensitive areas) and contravene international and regional conventions on environmental and social issues. 		
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>a) Prepare, consult on, disclose, adopt, and implement the LMP for the Project, including inter alia, provisions on working conditions, management of workers’ relationships, occupational health, and safety (including personal protective equipment, and emergency preparedness and response), training of workers on code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and</p>	<p>Adopt the LMP prior to project effectiveness date and implement the LMP throughout Project implementation.</p>	<p>MOH, KBI, NPHI, PPB and NQCL</p>

	applicable requirements for contractors and subcontractors. MoH (Ministry of Health) shall ensure that contractors and their subcontractors comply with the LMP.		
	b) Implement Occupational, Health and Safety (OHS) measures for workers (including emergency preparedness and response measures) as prescribed in the ESMF, LMP and the WB EHS for Pharmaceuticals and Biotechnology Manufacturing and other relevant Association Group EHS General guidelines.	Adopt the OHS measures not later than effectiveness date and thereafter implement throughout Project implementation.	
2.2	GRIEVANCE MECHANISM FOR PROJECT WORKERS Establish and operate the labor grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.	Establish a grievance mechanism prior to engaging Project workers and thereafter maintain and operate it throughout Project implementation.	MOH, KBI, NPHI, PPB and NQCL
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	WASTE MANAGEMENT PLAN a) Prepare, consult on, disclose, adopt, and implement a Waste Management Plan (WMP) and Infection Control and Waste Management Plan (ICWMP), including developing and implementing subproject specific plans as mentioned in draft ESMF ICWMP to manage hazardous and non-hazardous wastes, waste management related to e-waste consistent with ESS3 and Project specific required EHSs (Environmental, Health and Safety Guidelines) and other relevant GIIP (Good International Industry Practice) including relevant WHO (World Health Organization) guidelines.	a) Prepare, consult on, disclose, adopt the WMP, as part of ESMP before launching the bidding process for the respective subproject that requires the adoption of such WMP and thereafter implement the WMP throughout Project implementation. b) prior to disbursement for sub-component 1.3 and 1.4	MOH and KBI
	b) Mandate other Project beneficiaries to use guidelines in the ICWMP to prepare site-specific ICWMPs (Infection Control & Waste Management Plan) for their operations.	c) implement the WMP and site specific ICMWP throughout Project implementation.	KBI, NPHI, PPB and NQCL
3.2	RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT Incorporate resource efficiency and pollution prevention and management measures including pollution control for any Project subproject construction/rehab works and O&M phase in each subproject design or EMSP as appropriate under action 1.2 above.	Same timeframe as for the adoption and implementation of the safeguard instruments.	MOH and KBI
3.3	WASTEWATER TREATMENT PLANT (WWTP) Install a WWTP at KBI and waste management system at NQCL that meets the requirements of the Association ESF and WB EHS for Pharmaceuticals and	Prior to disbursement for subcomponent 1.3 and 1.4	MOH, KBI and NQCL

	Biotechnology Manufacturing and meet ESCP requirements including ICWMP and OHS plans before activities under subcomponent 1.3 and 1.4 begins		
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	COMMUNITY HEALTH AND SAFETY Assess and manage specific risks and impacts to the community arising from Project activities, including, inter alia, life and fire safety, protocols around human vaccine and pharmaceutical trials, accidental pricks and injuries through direct contact, from unsafely disposed sharps in landfills and open dumps (improper disposal of waste into streams, waterways, etc.), environmental pollution (contamination land, water, air), Infrastructure and Equipment Design and Safety, Safety of Services, Traffic and Road Safety, Community Exposure to Health Issues, Management and Safety of Hazardous Material, response to emergency situations, and include mitigation measures in the ESMPs (Environmental and Social Management Plans) to be prepared in accordance with the ESMF.	Same timeframe as for the adoption and implementation of the ESMPs.	MOH, KBI, NPHI, PPB and NQCL
4.2	SEA AND SH RISKS Prepare, consult on, disclose, adopt, and implement a SEA/SH Action Plan as part of the ESMP, to assess and manage the risks of SEA and SH.	Prepare, consult on, disclose, and adopt the SEA/SH Action Plan on same timeframe as ESMPs under Section 1.2 and thereafter implement the SEA/SH Action Plan throughout Project implementation.	MOH, KBI, NPHI, PPB and NQCL
4.3	SECURITY MANAGEMENT a) Assess and implement measures to manage the security risks of the Project, including the risks of engaging security personnel to safeguard project workers, sites, assets, and activities. This assessment shall be guided by mitigation measures set out in the ESMP. The measures are guided by the principles of proportionality and GIIP, and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such personnel. b) Carry out Security Risk Assessment and prepare Security Management Plan to implementation of the project in areas considered to be of high security risks.	Prior to engaging security personnel and thereafter implemented throughout Project implementation. Prior to project implementation in areas classified as high security risk.	MOH
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	Not relevant		
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	this Standard is not considered relevant and risks to biodiversity are captured under ESS1 and associated instruments.		

ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
	Not relevant		
ESS 8: CULTURAL HERITAGE			
8.1	ESS8 is not considered relevant. Risks to cultural heritage will be addressed through ESS1 and a Chance Finds procedure in the ESMF (to be included).		
ESS 9: FINANCIAL INTERMEDIARIES			
9.1	Not relevant		
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION Prepare, consult on, disclose, adopt, and implement the prepared Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10 (Environmental and Social Standard 10), which shall include measures to, inter alia, provide stakeholders with timely, relevant, understandable, and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination, and intimidation.	Prepare, consult on, disclose, and adopt the SEP prior to Project effectiveness date and thereafter implement the SEP throughout Project implementation.	MOH, KBI, NPHI, PPB and NQCL
10.2	PROJECT GRIEVANCE MECHANISM Adopt, publicize, maintain, and operate the grievance mechanism that forms part of the SEP.	Establish the grievance mechanism prior to effectiveness date of the Project and thereafter maintain and operate the mechanism throughout Project implementation.	MOH, KBI, NPHI, PPB and NQCL
CAPACITY SUPPORT			
CS1	Train and ensure training of all professionals working in the KBI Manufacturing Facility, Laboratory, HCF (Healthcare Facilities), PoE, Consultant & Contractor staff, and Cleaners, waste transporters and handlers, incinerator operators, liquid waste treatment facility operators on the following areas: <ul style="list-style-type: none"> • Training on infection prevention and control measures, hand, and respiratory hygiene & use of PPE • Training on infection control and waste management measures & the roles and responsibilities for all actors from cradle to Grave • Training in community health and safety practices • Training on biosafety and biosecurity • Training on emergency preparedness and response • Training on handling pathogenic and potentially lethal agents • Training on use of MSDSs, health and safe work practices, and appropriate PPE • specific OHS training for workers at HCFs and any other labs • Training related to EHS management associated with the various types of Project 	During Project implementation and within the first year of Project implementation	MOH and KBI

	<p>emergencies (ERPs, etc.)</p> <ul style="list-style-type: none"> • Training in Bio Safety and Biohazards for vaccine manufacturing facility • training on complete EHS management at pharm manufacturing • training on waste management during health emergencies • training on EHS management in laboratories including emergency response. • training on potential existing EHS liabilities and then O&M phase EHS management for facilities that will receive -- Purchase, installation, and maintenance of F&F (Fill & Finish) equipment, and other infrastructure needed to enable KBI produce vaccines. • Training on Sexual Exploitation and Abuse and/or Sexual Harassment (SEA-SH) 		
CS2	<ul style="list-style-type: none"> • Train and ensure training of MoH E&S Experts, procurement officer and other technical support team in the PMT and selected NEMA (National Environment Management Authority) personnel. • Training on the WBG Environment and Social Framework specific to this ESCP and all Project ES instruments (including ESMF, SEP, LMP, etc.) and their effective and efficient implementation 	During Project implementation and within the first year of Project implementation	MOH