

УДК 631.2:349.4

**LEGAL PRINCIPLES OF FUNCTIONING OF COMPOSITIONS OF
AGROCHEMICALS AND PESTICIDES**

M.V.Makarenko, PhD

Normative acts which regulate relations in the field of storage of agrochemicals and pesticides are resulted. Certainly criteria after which it follows to find out the відповідність state of compositions of agrochemicals and pesticides to the current legislation. Underline importance of maintenance of compositions up to par for environmental preservation and effectiveness of costs.

Storage of pesticides, finished shaving and regulators of growth of plants is inalienable part of процесу of their use. Wrong storage of fertilizers and facilities of defence of plants can make a threat for the health of people and inflict considerable losses agricultural enterprises and entail administrative and criminal responsibility of wine in violations persons.

Researches rotined that at storage of амміачної saltpetre on composition with an earthen floor and roof which flows, for three months lost at washing and migration in soil of a 16,6% mass of fertilizer and nitrogen from an initial amount [1]. At the calculation of losses from wrong storage of fertilizers take into account not only the direct losses of nutritives and harm, inflicted an environment but also a harvest is received less from it. At wrong storage of 100 ò of ammoniac saltpetre losses will make 100-120 thousands of грн on a year. For these money it is possible to repair composition and drive it to accordance with operating norms. Even if composition will have the gilded roof from copper sheets, he will be covered a cost for 2 years. At wrong storage of superphosphate his mass is increased, but an active redistribution and migration of phosphorus goes in soil. For 3 months of wrong storage of superphosphate lost 70 % to phosphorus from his initial amount. Even at storage during two days in the field without fallouts lost to a 8% phosphorus [1]. Tona of ammoniac saltpetre which got in soil, capable to soil 200 thousands of cu.m.s of drinking-water and do it useless for the use. It is therefore necessary at storage of fertilizers and pesticides severely to adhere to the requirements of legislation in this sphere.

By a basic normative act, which regulates activity, related to storage, transporting and use of fertilizers and pesticides there is Law on pesticides and agrochemicals ¹ 86/95-ÂĐ from 2.03.1995đ [2]. One of basic principles, in obedience to the article 3, priority of maintainance of health of man and guard of natural environment is in relation to an economic effect from application of pesticides and agrochemicals. Also the article 10 of this law sets requirements to marking and пакуваня pesticides and agrochemicals. Every commodity unit must be accompanied recommendation in relation to its application with pointing of cultures and objects for treatment of which appointed there are pesticides and agrochemicals, methods, norms and multipleness of the use, terms of waiting (for pesticides), prohibition and limit on application, methods and facilities of defuzing of pesticides and agrochemicals, and also safety measures during work, transporting and storage, liquidation of emergency situations and their consequences, measures of presentation of the first medical aid in the case of poisoning.

Will consider basic критепії and methods of verification of compositions of pesticides and agrochemicals according to operating normative acts.

Compositions must be built in obedience to the ratified project and to meet build standards. For compositions, built after typical projects, it is necessary to check up accordance of planning and sizes of apartments of project. For this purpose comfortably to utilize catalogues [3]. At the exposure of violations it is necessary to report the State architectonically build inspection.

By the state sanitary rules of planning and building of settlements, which are ratified the order of Ministry of health Ukraine from June, 19, 1996 ¹ 173, and by the State sanitary rules of “Transporting, storage and application of pesticides in the national economy” of DSP 8.8.1.2.001-98 requirements are set in relation to storage of pesticides which are directed on the removal of negative influence of pesticides on life and health of people and environment [4].

It is necessary to check up the sizes of sanitary-hygienic areas from compositions of storage of отрутохімікатів and mineral fertilizers to housing building and reservoirs which are resulted at tablas. 1.

Table 1. Sizes of sanitary-hygienic areas are from compositions of storage of отрутохімікатів and mineral fertilizers to housing building and reservoirs

Mineral fertilizers but pesticides	Sizes of sanitary-hygienic areas, mcodes						
	00	300	400	500	600	700	1000
	Possible amounts of pesticides and mineral fertilizers, ò						
Otrutokhimikatiis /pesticides/	o 20	21-50	51-100	101-300	301-400	401-500	>500
Mineral fertilizers I of type		to 50	51-100	101-300	301-400	401-500	>500
Mineral fertilizers II to the type		-	to 200	201-400	401-600	601-800	>800
Mineral fertilizers ²²² to the type		to 100	101-500	501-1000	1001-2000	2001-3000	>3000
Mineral fertilizers ^{2V} to the type	o 500	501-1000	1001-2000	2001-4000	4001-8000	8001-10000	>10000

To I of type of fertilizers belong ammonium chloride, an ammonia is water, an ammonia is liquid, аміаки, вуглеаміаки, то цианомід potassium, sulfate to the ammonium, sulfate to the ammonium.

To II potassium saltpetre, ammoniac saltpetre, amnical, sodium saltpetre, calcium saltpetre, belong the type of fertilizers;

To III a фосфоритне flour, bone flour, преципітат, nitrophoska, діамонію phosphate, belong the type of fertilizers, томасшлак, superphosphate is simple ungranular, potassium salt, sulfate to potassium, калімагнезія, калімаг, chlorous potassium-electrolyte, chalk melena, lime flour /powder/, нітрофос, термофос.

To IV it is belonged the type of fertilizers lime flour of /нєдїаї ñĩãëó/, RKD, Carbamidum, superphosphate is simple granular, superphosphate is double

granular, нітроамофоска, нітроамофос, амофос, амофоска, каїніт, chlorous potassium.

If in the sanitary-hygienic area of composition found out buildings which can not there take a place, it is necessary to appeal to Derzharkhbudinspektsii for finding out of legality of their building.

State build norms of Ukraini (General layouts of сільськогосподарських enterprises of DBN B.2.4-3-95) set distance from compositions to the рибогосподарських reservoirs a not less than 2 km [5]. In the case of the special necessity, diminishing or increase of distance is assumed on condition of concordance of it with organs which provide the guard of fish supplies (і. 2.11). For sanitary-hygienic areas in over 100 mcode a width from the side of housing area the bars of the wood-shrub green planting must be foreseen in a less than 50 not mcode a width, but at the width of area from 50 to a 100 mcode B. must be not less than 20 meters (і. 2.17). Placing of dwelling-houses, child's preschool establishments, schools, лікувально-профілактичних and health establishments of the general use, establishments of rest, sporting buildings, gardens, parks, societies of gardener and vegetable gardens is shut out in a sanitary-hygienic area (і. 2.18).

Law of Ukraine «On defence of plants»¹ 180-XIV from 14.10.1998 with changes and additions sets an obligatory presence in the enterprises of certificate about the observance of regulations of application of pesticides and agrochemicals (only regulators of growth of plants) in an agricultural product and raw material of phytogenous. It is a valid for one occasion document which confirms consisting of observance of regulations of application of pesticides and agrochemicals (only regulators of growth of plants) of agricultural product and raw material of phytogenous [6].

The order of видачі certificate is regulated Decision of Cabinet from December, 28 in 2011 N 1378 «About claim of orders of delivery of concordance on an import on territory of Ukraine of facilities of defence of plants, certificate of accordance of agricultural product and raw material of phytogenous to the requirements in relation to maintenance in them remaining amount of pesticides, agrochemicals and heavy metals and certificate about the observance of regulations of application of pesticides and agrochemicals» [7]. A certificate seems regional subsection of Government фітосанітарної service of Ukraine. For his receipt it is necessary to give in a ДОЗВІЛЬНИЙ center after the mestome of registration of enterprise the followings documents: statement on a form in obedience to addition 2, which the results of analytical researches of agricultural product and raw material of phytogenous are added to, conducted the specialized territorial laboratories of Derzhvetfitosluzhbi or Derzhsanepidsluzhbi; witnessed the declarant of copy of magazine of account of pesticides and agrochemicals, which was used during the production of agricultural goods and raw material of phytogenous, quality of facilities of defence of plants which was used during the production of agricultural goods and raw material of phytogenous certificates. Statement and documents, necessary for the receipt of certificate of accordance of products and certificate about the observance of regulations, not later than a next working day passed in the proper state фітосанітарної inspection. About delivery or refuse in delivery of certificate of accordance of products and certificate about the observance of regulations made a decision during 10 days from the day of receipt for consideration of the proper of statement and documents, about what in writing revealed to the declarant. Certificate about the observance of regulations on a form in obedience to addition 4 given out on the declared volume of agricultural product and raw material of phytogenous, which are mined-out on one lot land.

In obedience to state build norms of DBN V.2.2-7-98 compositions must be equipped the water and overflow-pipe systems [8]. The floor of compositions must eliminate the hit of chemical matters in soil. In the sections of compositions for storage of liquid fertilizers and pesticides must be moisture-proof wells-нейтралізатори are foreseen for detention of matters which escaped. Every worker of composition must have admittance on the right of work, related to transporting, storage and застосуванням pesticides and agrochemicals [9]. He is given out by subsections of Government фітосанітарної service. Foundation for delivery of admittance is a certification about passing of the special preparation on questions of safe implementation to work with pesticides and agrochemicals. Studies are conducted one time on three years. Workers must have a medical book with the conclusion of medical commission about absence of contra-indications on the state a health. Persons activity of which is related to storage of agrochemicals and pesticides must have at itself during implementation of work admittance, medical book and dress on implementation of work. All of workers of compositions must pass studies and verification of knowledges on questions of labour protection in accordance with the requirements of «Typical position about the order of leadthrough of studies and verification of knowledges on questions of labour protection», that ratified the order of the Statutory broker of Ukraine from a supervision after the guard of labour from 26.01.2005 ¹ 15 [10]. For safe storage of agrochemicals and pesticides obligatory is a severe observance of rules of fire safety. Except for the general rules of fire safety for compositions of chemical matters the row of the special norms which are regulated a section 7.10.4 Rules of fire safety in Ukraine is set. NAPB A.01.001-2004 [11]. It follows to pay attention, that in storage facilities must be present in a presence plan of placing of chemical matters with pointing of them characteristic properties: «inflammable»; «poisonous»; «chemically active». For shelvings it is necessary to set maximally possible mass or amount of packing which must be saved, for avoidance of overload. Shelvings are made from noncombustible materials. Ammoniac saltpetre is saved in a separate compartment, placed at a торцової wall and dissociated from

other part of composition a fire-prevention wall siftproof. By an area over 300 м² must have every compartment less than two independent keepings indoors. In one composition it is possible to keep more than 3,5 not thousand tone of saltpetre, but in a compartment – 1,2 thousands tone. In storage facilities for storage of ammoniac saltpetre it must not be *прямків*, trays and other deepenings. Proprietor must give compositions the organs of fire safety declaration about accordance of object to Rules of fire safety. An enterprise, which works, related to storage of ammoniac saltpetre an embankment or its redoing in mineral fertilizers, are executed on, as potentially dangerous object, must conduct authentication of object in obedience to requirements set Decision of Cabinet Ukraine from 11.07.2002 ¹ 956 (About authentication and declaration of objects of enhanceable danger) [12]. For authentication it is necessary to appeal to Government service of mountain supervision and industrial safety. Compositions behave to the tourist class of danger, where a 1250 tone is saved and finished shaving anymore, that contain nitrate an ammonium with maintenance of nitrogen not less than 28 %. Compositions behave to A-one of danger, where a 5000 tone is saved and finished shaving anymore, that contain nitrate an ammonium with maintenance of nitrogen not less than 28 %.

On compositions of agrochemicals and pesticides the plan of localization of emergency situations and failures (PLAS) must be developed in obedience to the order of Committee on a supervision upon *охороною* labours of Ukraine from 17.06.1999 ¹ 112 (NPAOP 0.00-4.33-99) [13]. A plan is looked over one time in five years. It is not allowed to execute work workers, what liquidations of failures not acquainted with a plan and does not know him in the part regarding to the place of their work.

At the use of ammoniac saltpetre it is necessary to adhere to an embankment (without packing) «Rules of labour protection at processing and storage of ammoniac saltpetre by the embankment» of ratified State committee of Ukraine on industrial safety, labour and mountain supervision protection from 01.09.2009 ¹ 142 [14].

During work with agrochemicals and пестицидами it is necessary to adhere to the sanitary norms which are regulated the rules of «Sanitarnye governed for хранению, транспортировке è применению минеральных is fertilized in сельском хозяйстве» from 13.04.1973 ¹ 1049-73 [15, 16] and the «State sanitary rules of DSP of a 8.8.1.2.001-98 «Transporting, storage and application of pesticides in a national economy» from 03.08.1998 ¹ 1 [4]. It should be noted that administration of enterprises is under an obligation to give workers during work with agrochemicals and pesticides facilities of mechanization, special clothes and special shoe, facilities of defence of hands, organs of breathing, sight, and also to conduct studies after the rules of accident prevention. Duration of work with pesticides ¹ and must not exceed 2 classes of danger four hours, with other – six clock in days (with working off other time of working day on the operations of unconnected with application pesticides. Dviri of building of composition of повинні snapped to on a lock and have a caution board «Composition of pesticides. No admittance».

Work of composition is allowed only at presence of sanitary a passport on a right for a receipt, storage and application of pesticides and mineral fertilizers of the sanitary supervision ratified organs and concerted with an inspector for охорної of natural environment.

Obligatory is an account of receipt and charges of agrochemicals and pesticides. On composition the book of account-expense of pesticides must be conducted on composition the date of reception or delivery, essential elements of документів, registers in which, after which a reception or delivery, amount of preparations and remain, is conducted on the day of account. A book must be numbered pages, прошнурована, ensealed, with the signature of leader of economy. On the measure of receipt of the new names of products new pages are taken them for an account.

Enterprises which give services from storage of agrochemicals and pesticides on commercial basis must certify the compositions. The certification of compositions is conducted in obedience to Law of Ukraine «On the certificated

commodity storages and simple and double ware-house certificates» from Decembers, 23, 2004¹ 2286-IV [17]. Commodity storage is organization which keeps a commodity and gives services related to storage on principles of підприємницької activity. Commodity storage – commodity storage, which got a certificate about accordance of grant of services of, which gives a right to give out simple and double ware-house certificates on the separate groups of commodities marked in a certificate about accordance of grant of services from storage, is certificated. At acceptance on storage composition gives out ware-house свідоцтво. A simple certificate is given out on a bearer, and a double ware-house certificate is іменним and consists of two parts – ware-house certificate and mortgage certificate which can be separated.

At trading in pesticides and regulators of growth grew it is necessary to get ліцензію from a, retail wholesale pesticides and agrochemicals (only by the regulators of growth of plants) [6]. This license seems Ministry of agrarian policy and food. For its receipt the followings documents are needed: statement; description; copy of certificate about bringing in the Unique State Register of enterprises and organizations, the licensed type of діяльність is indicated in which; a copy of testifying is to state registration of subject of entrepreneurial activity; an antigraphy, which certifies the right of ownership or lease of storage point-of-sale facilities, is witnessed in accordance with established procedure; copies of sanitary passports are on the specialized storage facilities, shops, which have signatures and seals of sanitary epidemiology service, specially authorized organs on questions of guard of natural environment, station of defence of plants or positive conclusions of the noted organs (by separate letters) on other storage facilities; the copies of admittances (certifications) of workers of enterprise on a right for work with pesticides and agrochemicals are witnessed in accordance with established procedure; підтверджувальний document (copy of contract) about the presence of specialist with agronomical education and with experience in this sphere, and also copy to the diploma; a commitment letter is in relation to utilization of toxic offcuts which arise up during realization of, retail wholesale.

Storage of some high-toxic pesticides, as a rule, on this time of forbidden to the use, the receipt of row of additional permissions and concordances requires. In order to avoid legal problems at storage of these matters it is necessary immediately to utilize them by the conclusion of treaty with an enterprise which has a license on such activity. List of poisonous matters and order of their storage, транспортування and regulated utilization Decision of Cabinet Ukraine «About claim of Order of receipt of permission on a production, storage, transporting, use, burial place, elimination and utilization of poisonous matters, including products of biotechnology and other biological agents» from June, 20 in 1995 ¹ 440 [18].

Conclusions

1. A process of storage of agrochemicals and pesticides is the source of enhanceable danger. Compositions of agrochemicals and pesticides must answer the requirements of operating normatively legal acts.
2. Absence in the enterprises of necessary documents can result in considerable financial losses, and also to contamination of environment and task of harm the health of people as a result of improper maintenance of compositions and absence of account of agrochemicals and pesticides.