

Legal regulation of pesticide and agrochemical use in Ukraine

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The use of pesticides and agrochemicals is an integral part of the vast majority of agricultural technologies. At the same time, their use is strictly regulated by the legislation of Ukraine. Violation of the established rules may lead to the imposition of fines, civil lawsuits for damages, and other unpleasant consequences for the agricultural company.

Related article: [How to buy an agricultural company in Ukraine](#)

1. What substances are considered pesticides and agrochemicals?

In Ukraine, pesticides are defined as:

- toxic substances, their compounds and
- mixtures of substances of chemical or biological origin,

intended to destroy, regulate and stop the development of pests.

By Ukrainian legislation, agrochemicals are:

- organic, mineral, and bacterial fertilizers,
- chemical ameliorants,
- plant growth regulators and
- other substances

intended to increase soil fertility, crop yields and improve the quality of crop

products.

2. Pesticides and agrochemicals permitted in Ukraine

The list of pesticides and agrochemicals that may be used in Ukraine is determined based on the State Register of Pesticides and Agrochemicals Permitted for Use in Ukraine. This register is open, up-to-date, and available on the website of the Ministry of Environmental Protection and Natural Resources of Ukraine.

All pesticide and agrochemical formulations must be registered in this Register. Until the state registration, pesticide and agrochemical use, import into Ukraine, production, trade, and advertising are prohibited.

Note: if the registration period of the formulation has expired, but the company still has some balance stock, it is allowed to use it within 2 years from the date of expiration of the registration period. The total registration period can be up to 10 years. However, if new, previously unknown data on the dangers of registered pesticides and agrochemicals are received during this period, their use may be prohibited.

Some types of agrochemicals may be used without registration. Such types are included in a special list contained in the appendix to the relevant law "On pesticides and agrochemicals".

3. Regulation areas relevant to agricultural companies

In general, the regulation of the pesticides' and agrochemicals' use in Ukraine covers a significant number of areas, in particular:

- transportation and storage of pesticides and agrochemicals;
- labour safety control;
- disposal of containers after pesticides and agrochemicals;
- disposal of waste, products contaminated in excess, and agrochemicals;
- production of pesticides and agrochemicals;
- control over counterfeit products and protection of intellectual property rights, etc.;

For agricultural companies in Ukraine, the most relevant are the rules concerning:

- transportation, storage, and use of pesticides and agrochemicals;
- labour safety control;
- disposal of containers.

4. Transportation, storage, and use of pesticides and agrochemicals

4.1. Transportation

To transport pesticides and agrochemicals in Ukraine, suppliers and agricultural companies usually use rail and road transport.

Ukrainian legislation classifies pesticides as dangerous goods, so their transportation is carried out under special conditions of transportation, including:

1) Containers with pesticides and vehicles for their transportation must be labelled with dangerous contents (cargo) signs. For example, cars transporting pesticides must be painted in signal colours and have the inscription "Poison" on board;

2) transportation should be carried out only in vehicles specially designated for these purposes. For example, separate wagons, tanks, cars – transportation of pesticides together with other cargoes is forbidden;

3) formulations must be packed in a factory or specially designed for this purpose packaging;

4) the cargo must have certificates indicating the mandatory safety measures.

It should be noted that separate rules are also established for the loading and unloading operations. For example, pesticides should be unloaded at a distance of at least 200 m from residential and livestock premises.

4.2. Storage

Pesticides can be stored only in specially equipped warehouses that meet the established state standards and undergo annual certification.

Warehouses can be basic (those located near the transport infrastructure – railways, roads) and expensive (warehouses of farms, livestock, and poultry complexes). This demarcation is important to determine the requirements for the location of warehouses.

For example, basic pesticides warehouses should be removed from housing at a distance of 200 to 1000 meters, and expensive warehouses at a distance of at least 200 m. Within this distance, a sanitary protection zone is established. No residence or any other activity is prohibited in such areas.

Ukrainian legislation also sets the size of sanitary protection zones depending on the amount of pesticides stored in a particular warehouse.

Pesticide storage rules also set requirements for internal logistics and warehouse structure, including:

- pesticide warehouses must have paved access and internal roads;
- the territory of the warehouse must have at least two exits and be large enough to turn the tractor with attachments;
- internal passages in the warehouse area must be asphalted or the warehouse territory must be partially asphalted.

4.3. Use

As a general rule, the use of chemicals should be mechanized with the help of special equipment and techniques: sprayers, atomizers, etc.

The legislation of Ukraine sets restrictions on:

- terms of actual use of pesticides in fieldwork. For example, pesticide treatment

of plants or soil is carried out within the time specified on the formulations' packaging.

- weather conditions and time of day when they can be applied. For example, when it is hot in spring or summer, pesticides should be used only in the morning or evening, or during the day on cloudy and cool days. This requirement is set to avoid their rapid evaporation and possible poisoning of people.

The use of pesticides in fieldwork by aerial spraying is regulated separately. In particular, agricultural aerodromes and heliports permanently engaged into pesticides and agrochemicals flights must have a sanitary passport for the right to operate. If such aerodromes and heliports are temporary, they must have a permit to operate. Sanitary passports and permits must be issued annually.

Three days before the start of aero-chemical works, the customer agricultural company must:

- inform the residents of the area through the media (radio, press, television) about: place, terms of processing by pesticides and agrochemicals;
- prohibition to perform agricultural and other works, to graze animals closer than 1 km from the place of the processing;
- the need to take the apiary to another place of honey harvest at a distance of more than 5 km from the places of aviation treatments (for up to 5 days);

install special safety warning signs: at a distance of 300 m from the cultivated areas;

on roads passing through these areas;

on roads leading to an agricultural aerodrome or heliport.

Thus, such signs must specify the date or term of the dangerous period end.

In addition, there are other restrictions on aviation pesticide treatments. In particular, it is prohibited to perform pesticide treatment of areas located closer than 5 km from the permanent habitat of honeyapiaries or 1 km from settlements, livestock farms, and poultry farms. The use of pesticides within the water intake, the site of water supply facilities, and water supply canals is strictly prohibited.

5. Labour safety control

Ukrainian legislation prohibits to involve in work with pesticides and agrochemicals the following categories of workers:

- persons who are not allowed to work with pesticides and agrochemicals;
- persons under the age of 18;
- pregnant and breastfeeding women;
- persons who have contraindications for health reasons.

To comply with these restrictions, agricultural companies need to control, including:

- registration of orders for employees involved in work with pesticides and

agrochemicals;

- availability of special training certificates on safe work with pesticides and agrochemicals for employees involved in this work;
- availability of medical book on the right to work with pesticides by employees who are involved in work with pesticides and agrochemicals;
- availability of the medical commission's conclusion on the absence of health contraindications of workers whose activities are directly related to the transportation, storage, use, and trade of pesticides and agrochemicals (usually drivers, mechanics, warehouse workers, etc.);
- compliance with the maximum length of the working day. For example, the length of the working day when working with highly toxic pesticides should not exceed 4 hours, with others – 6 hours;
- restriction of any work on pesticide-treated areas. For example, work on such areas is resumed only after the expiration of certain deadlines set depending on the physicochemical properties of the pesticides used (from 1 to 60 days).

6. Disposal of containers

In Ukraine, pesticide containers should be disposed of by manufacturers or specialized enterprises with the appropriate license. Most large manufacturers and importers make advance payments for the disposal of containers. Therefore, in most cases, Ukrainian agricultural companies return containers to the manufacturer or transfer them to the appropriate licensed company for disposal.

This applies primarily to plastic containers. Paper and wooden containers should be disposed of by licensed companies but most farmers or agricultural companies simply burn them.

In practice, it is unprofitable for small farms and farmers to transport empty pesticide containers hundreds of kilometers away. In such cases, the so-called "triple rinsing" is allowed, after which the container is considered relatively safe. Of course, its use for cooking or storage of drinking water cannot be called safe (it even contradicts the general rules of storage of pesticides). However, there are currently no effective mechanisms to control the reuse of pesticide containers in Ukraine.

7. Liability

In Ukraine, violations of the law on pesticides and agrochemicals entail civil, disciplinary, administrative, or criminal liability.

The main violations that may result in liability of the agricultural company or its officials are:

- concealment or distortion of information, which could have caused harm to human health and the environment;
- violation of the rules of transportation, storage of pesticides, agrochemicals, and technical means of their use;
- pollution of agricultural raw materials, feed, food, soil, water, air with pesticides and agrochemicals above acceptable levels;
- use of unregistered or knowingly falsified pesticides and agrochemicals.

To avoid violations in the field of pesticides and agrochemicals, agricultural

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companies should have clearly established internal regulations of relevant management and technological processes. Properly formed and agreed job descriptions, technological charts, internal logistics, and a system of labour protection policies minimize the likelihood of negative consequences.