

THE INTERNATIONAL EXPERIENCE OF PUBLIC PARTICIPATION IN THE LICENSING OF CERTAIN TYPES OF ECONOMIC ACTIVITIES IN THE SANITARY AND EPIDEMIOLOGICAL DIRECTION

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Abstract

The purpose of this study is to analyze the international experience of public participation in the licensing of certain types of economic activity in the sanitary and epidemiological direction. Virtually the only direction in the sanitary and epidemiological supervision subjected to state licensing is disinfection, disinsection and deratization. The definition of “pest control” is formulated in the article. Comparison of the current pest control permit systems in 12 countries found that the most stringent licensing conditions for pest control business is in Australia and the USA. The most loyal licensing conditions for pest control business are in Japan, Poland and the United Kingdom, with no state pest control license. Unsettledness of Ukrainian pest control market, the lack of clear legislation and mental nuances affirm that it is too early to talk about the absence of pest control licensing in Ukraine. Therefore, the best approximate scheme of pest control licensing in Ukraine should include improving the efficiency of interaction between the state apparatus, self-regulatory and non-governmental organizations and their members. This study shows interesting implications that are useful for both academics and practitioners.

Keywords: international experience of public participation, licensing system, licensing, sanitary and epidemiological control, pest control.

INTRODUCTION

Problem statement

The signing of the economic part of the Ukraine's agreement with the EU on 06/27/2014 initiated the strengthening of the integration of the EU's and Ukraine's economies, which manifests itself in the reduction of trade barriers; increase of capital flows; harmonization of legislation. One of the necessary conditions for implementation of the European standards of life is to strengthen the role and influence of NGOs on the issue of the formation and implementation of state policy, including the licensing of certain types of economic activities in general and directly in the sanitary-epidemiological direction. The NGOs' participation and their activities as self-regulatory organizations in the sanitary-epidemiological field are at a very low level in Ukraine today.

This situation is largely due to the uncertainties of the internal and external priorities in the state formation, chaotic condition of the permit system reformation, the lack of a clear concept of participation of relevant NGOs in state policy and regulation of markets relating to their competence.

Analysis of international experience of public participation in the licensing of certain types of economic activity in the sanitary and epidemiological direction aims to answer the question: what kind of positive international practice fits the best for implementation and realization in Ukraine for regulation of pest control market by enhancing the interaction effectiveness of the state apparatus, self-regulating relevant NGOs and their members?

The purpose of the study

To analyze the international experience of public participation in the licensing of certain types of economic activity in the sanitary and epidemiological direction in order to determine the best option for Ukraine.

PAST RESEARCHES

The issues of licensing of certain types of economic activity in Ukraine were analyzed and found many-sided reflection in the scientific papers of these researchers: O.P. Vikhrov, N.O. Saniahmetova, A.I. Shpomer and I.D. Shepherd, who studied organizational-economic and economic and legal obligations of economic activity licensing; E.E. Bekirova who studied the legal regulation of certain types of economic activity; P.M. Palchuk who investigated the licensing of trading activity in Ukraine; Radyk I.L., who studied the legal issues of environmental licensing, L.V. Shestak, O.V. Kashpersky and others. V.A. Zavgorodniy, P.I. Kovalevych, A.V. Haletsky, S.O. Moskalenko and many others studied in their research the issue of international

experience of public participation in the formation of various state policy issues in Ukraine. In general, I find the issue of international experience of public participation in the licensing of certain types of economic activity unexplored so that it needs careful analysis.

The main research material

Virtually the only activity in the field of sanitary and epidemiological inspectorate governed by the state permit system is the provision of disinfection, disinsection and deratization services. Licensing of the activity at the sanitary inspectorate sites is practiced in most countries as associated with the use of insecticides and rodenticides; improper handling of insecticides and rodenticides leads to increased pesticide load, the occurrence of people poisoning, exceeding the permissible concentration, increasing the level of resistance of pests and so on.

The conception of Pest Control is commonly used in the world and virtually unknown and little-used in Ukraine. In 2008, the World Health Organization made a statement and emphasized that the past 60 years have brought significant changes in the ecology, climate and human behavior, which in turn contributed to the development and increasing of quantity of urban pests. In response to these concerns and in order to reduce the threat a range of services for pest control was developed, which was used in industrial sites more widely earlier [2].

Pest Control is a set of measures aimed at controlling and monitoring the number of pests (such as insects, rodents, birds, etc.) that are a potential threat to life and health of humans, can cause economic loss and worsen the environmental situation. Pest control is scientifically proven technology to limit the number of pests (reduction of number of pests to an acceptable level) in a particular area and to prevent damage inflicted by them. Pest control is a concept that includes disinfection, disinsection and deratization works, but is a broader, integrated pest management notion, including the idea of prevention, monitoring of harmful organisms presence. In other words, disinfection, disinsection and deratization are a kind of final (destructive) works aimed at localization of outbreaks and pest destruction if any; and pest control is a complex of system works aimed at monitoring, preventing the presence of pests, pest appearance risk assessment, preventing reproduction of pests, plus the use of the final disinfection, disinsection and deratization works in case of emergency and if the lack of effectiveness of preventive measures is present. In other words, disinfection, disinsection and deratization - as "pest control service", and pest control - as "professional management and provision of pest control services". Thus, we can conclude that disinfection, disinsection and deratization are part of the concept of pest control.

Analyzing the licensing system around the world it was found that the final disinfection, disinsection and deratization works are still partially present in legal documents and general use

in specialized circles in post-soviet countries: Ukraine, Russia, Belarus, and Poland. However, European countries prefer to use the term pest control. Therefore, the data included in the table analyzed licenses from different countries on the general concept of "pest control", not depending on the term used in permit issuing.

Table 1: Comparative table of current permit system of (12) countries

№	Country	Licenses for the right to provide pest-control services	Authority issuing licenses for the right to provide pest-control services	Reason for issuing licenses for the right to provide pest-control services	Body / organization responsible for overseeing the professionalism of pest-control services provision after obtaining a license
1	Australia (A)	Licenses for the right to provide pest-control services to separate individuals and not legal entities	State licensing	Taking special courses in Australian Pest Control Association	Mostly state control
2	Belgium (BE)	Licenses for the right to provide pest-control services	State licensing	Taking special courses in Belgian Pest Management Association and passing an examination in the Ministry of Health	State control + BPMA (Belgian Pest Management Association)
3	United Kingdom (UK)	Licenses - absent. A necessary condition for the provision of pest-control services - membership in BPCA (British Pest Control Association) and taking pest control courses	-----	-----	State control + BPCA (British Pest Control Association)
4	Israel (IL)	Licenses for the right to provide pest-control services. 3 categories of licenses: for rodent control, for insects control and fumigation	State licensing	Passing a written and oral examination. Taking courses to prepare for exams is voluntary	State control + IPCO – (Israeli Pest Control operators Association), responsible for ethical issues control

5	Netherlands (NL)	Licenses for the right to provide pest-control services	State licensing	Taking special courses and passing an examination in private companies accredited by the state	State control + NVPB, Nederlandse Vereniging Pluimvee- en Afdiermanagement Bedrijven
6	Poland (PL)	Licenses for the right to provide pest-control services - absent	-----	-----	-----
7	Russia (RU)	Licenses - absent.	-----	-----	Market virtually is not regulated, the interaction of the state and public pest control associations at low level
8	USA (US)	12 categories of licenses for pest-control services. Categories may differ minimally according to state law	State licensing	Taking special courses under the state program at relevant authorities	State control + National Pest Management Association (NPMA)
9	Hungary (HU)	Licenses for the right to provide pest-control services	State licensing	Taking special courses under the state program on the basis of Hungarian Pest Control Association (HPCA)	State control + Hungarian Pest Control Association (HPCA)
10	Ukraine (UA)	Licenses - absent	-----	-----	Market virtually is not regulated, pest control associations are not present, the interaction of the state and public associations at low level
11	Switzerland (CH)	Licenses for the right to provide pest-control services	State licensing	Taking special courses in Swiss federation of pest control	State control + Swiss federation of pest control (SFPC)
12	Japan (JP)	Licenses for the right to provide pest-control services	Japan Pest Control Association	Taking special courses under the state program on the basis of Japan Pest Control Association	State control + Japan Pest Control Association (JPCA)

The most stringent conditions for conducting pest control activities can be considered the ones in countries such as Australia and the USA. In Australia, the duration of professional pest control training courses (APCA Pest Control Certificate Course) to obtain a license (NSW GovtWorkCover Pest) is 1 year. In addition, the license is not obtained by legal entity but by separate individual, which is then hired by contract for at least 3 years by company.

In the United States there are 12 categories of licenses for pest-control services. For instance, for pest-control services in an open area - one category of license is needed, for pest-control services in residential facilities - other category. Licenses are divided by categories according to the type of pests on which they are received.

The most loyal conditions for conducting pest control activities can be considered the ones in countries such as Japan, where pest control license is issued by a relevant SRO and Poland, United Kingdom, where pest control licenses are absent altogether.

Having analyzed the European countries' experience it is possible to safely say that the control over the activities of pest control companies and certification of their professional skills are given to European self-regulatory professional NGOs that conduct initial training courses, refresher courses and monitor the implementation of ethical standards in the market and determine the working conditions.

Until recently, the licensing of activities aimed at controlling pests was present in Ukraine. Licenses issued: license by the Ministry of Health of Ukraine for the right to conduct disinfection, disinsection, deratisation works and License by the Main Department of Veterinary Medicine in Kyiv for the right to conduct disinfection, disinsection, deratisation works (on veterinary control sites). Currently License by Ministry of Agrarian Policy and Food of Ukraine to conduct fumigation (decontamination) of regulated objects crossing the state border of Ukraine and quarantine zones determined by the Law of Ukraine "On Plant Quarantine" is still being issued.

Activities such as disinfection, disinsection and deratization were excluded by the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine regarding the deregulation of economic activity" in 2011 from the list of economic activities subjected to licensing under the Law of Ukraine "On licensing of certain types of economic activity" [1].

There is no specific authorization document that would provide the exclusive right to conduct the pest control work in Ukraine today. According to some regulations and orders, the company that plans to provide pest control services must obtain permission to begin work from the State Sanitary and Epidemiological Service, the permit of the State Service of Mining Supervision and Industrial Safety of Ukraine for the right to conduct increased safety works and some more documents (sanitary passport for the car carrying insecticides, rodenticides, workers medical examination, sanitary passport for warehouse in which insecticides, rodenticides are stored, certificate for the right to work with pesticides and agricultural chemicals, etc.). However, in practice, dozens of companies work in the field of pest control with no or minimal permits package which leads to uncontrolled use of pesticides, possible exceed of the maximum pesticide concentrations during sanitization treatments, global microorganisms' resistance

raising, insects and rodents, raising the level of professional morbidity of disinfectors and potential risks of poisoning and deaths.

Such a situation is the result of the absence of mechanism to control pest control companies' compliance with legal requirements, lack of legislated authority which has the legal power to control pest control companies and lack of pest control licenses and license conditions. It is the license conditions that should include requirements for receipt of all supporting documents, permits, licenses, certificates.

Before 2011, the basis for issuing the Ministry of Health of Ukraine license to conduct disinfection, disinfection and deratization works was filing three documents: application, copy of the certificate of company registration and the State Sanitary and Epidemiological Service permit to begin work. Later, after obtaining a license, fulfilling the license conditions and receipt of all additional permits was assigned to the conscience of executives of the company or prescription of the Licensing Commission, which had the right to conduct 1 inspection every 5 years. I believe that the issuance of licenses related to the provision of the right of work with hazardous or potentially hazardous substances should be the result of the availability of the documents confirming the license conditions. That is, fulfilling the license conditions should happen before obtaining the license, but not vice versa.

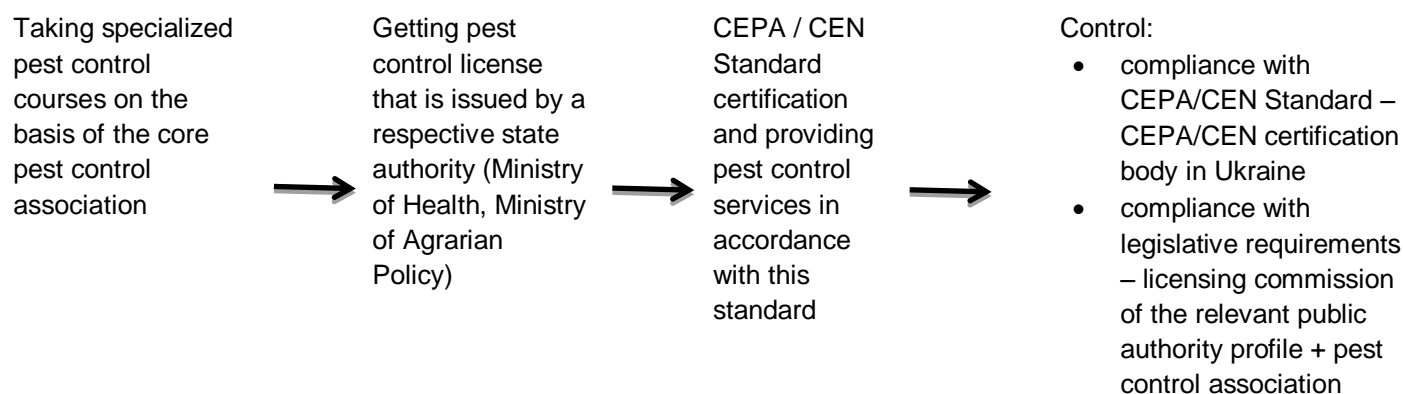
Of course, the license conditions must be written so as not to be too aggravating, but nevertheless they should confirm professionalism, efficiency and safety of conducting pest control work by the licensee. However, most of the developed countries do not have licensing conditions, but they actively follow standards developed in accordance with the activities and introduce them on a mandatory or voluntary basis.

The work is almost finished on CEPA / CEN Standard - prEN 1663, Provision of Pest Management Services, being developed by CEPA, Confederation of European Pest Management Associations and CEN, European Committee for Standardization. This standard is created as the only European standard for the sector in pest control. It is focused on security and human and animal health, it emphasizes the importance of environmental protection when using pesticides and is directed to minimize economic losses caused by pests [1]. Most countries (such as France, Germany, Spain, etc.) have their national standards, that is why CEPA / CEN Standard is the basic standard. This means that countries that do not have national pest control standards can take CEPA / CEN Standard as a basis and adapt it according to their internal requirements and at the same time be in compliance with the Directive 2009/128 / EU of the European Parliament and Council on the sustainable use of pesticides, Directive 98 / 8 / EU of the European Parliament and Council on the sale of biocidal products on the market, the Resolution of the European Parliament and of the Council (EU) №

528/2012 of May 22, 2012 on "Biocidal products authorization procedure rules", Regulation of the European Parliament and the Council (EU) № 1107 / 2009 of 21 October 2009 on the placing of products for plant protection on the market, Council Regulation 91/414 / EU of 15 July 1991 concerning the placing of plant protection products on the market, Directive 2006/123 / EC of the European Parliament and of the Council of 12 December , 2006 on services in the internal market and a number of other European regulations and directives.

After analyzing the positive international experience of public participation in the licensing of certain types of economic activity in the sanitary and epidemiological direction and taking into consideration the unsettled Ukrainian pest control market it can be concluded that the best permit system for Ukraine could become the permit system of countries such as Hungary, Belgium, the Netherlands and others. That is:

Best pest control licensing scheme in Ukraine (estimated)



To my opinion, it's too early to talk about the absence of pest control licensing in Ukraine (as in the UK). Because of unsettledness of Ukrainian pest control market, lack of clear legislation and mental nuances Ukraine is not ready for the full transfer of state functions to self-regulatory control profile associations. Undoubtedly, the completeness of the supervisory functions of self-regulatory organizations is a future we should strive for, but neither the state nor the SROs are really ready to this form of interaction between the public and state bodies today. Therefore, the best scheme for public participation in the licensing of pest control activities should be the mandatory state licensing with a certificate of core pest control association of taking the relevant courses and compliance with the qualification requirements as the basis with follow-up pest control according to national standard based on the CEPA / CEN Standard.

The advantages of adaptation and implementation of CEPA / CEN Standard in Ukraine will be:

- Development and implementation of a common, unified, coherent European world terminology for pest control services;
- Providing quality pest control services in accordance with customer expectations by companies certified with standard;
- Recognition of companies' professionalism which meet the requirements of the national and international level;
- Improving the competitiveness of pest control companies;
- Creation of a positive image of the industry;
- Reducing the pesticide load and minimizing uncontrolled use of pesticides among pest control companies and eradicating acts of unauthorized selling of agro-chemicals;
- And most importantly - the perception of pest control services as an integral part of public health and the environment; and reducing of the state supervisory pressure for evaluation of criteria of professionalism and compliance of pest control companies.

The control function for the pest control companies' work should be taken by the license commission of the relevant public authority, CEPA / CEN Standard certification authority in Ukraine and specialized pest control association. This licensing model of pest control activity will reduce government budget expenditures, ensure the development of self-regulatory relevant NGOs and civil society in general, increase the level of professional responsibility of pest control market operators and allow Ukraine to harmonize sanitary standards with EU requirements.

CONCLUSION

1. Pest control includes procedures for disinfection, disinsection and deratization, as it is a broader concept of pest management, including monitoring, preventing the presence of pests, pest appearance risk assessment, preventing reproduction of pests, plus the use of the final disinfection, disinsection and deratization works in case of emergency and if the lack of effectiveness of preventive measures is present.

2 Licensing of pest control is practiced in most countries, since it is associated with the use of insecticides and rodenticides, improper handling of which leads to increased pesticide load, the occurrence of people poisoning, exceeding the permissible concentration, increasing the level of resistance of pests, etc.

3 Analyzing the licensing system around the world it was found that the most stringent conditions for conducting pest control activities are present in countries such as Australia, the

United States, the most loyal conditions for conducting pest control activities - in countries such as Poland, Japan and the UK.

4 Monitoring of pest control companies' work and certification of their professional skills is conducted in Europe by a self-regulating professional European NGOs in close cooperation with government regulatory authorities.

5 The best tentative scheme of pest control licensing in Ukraine should include a mechanism for cooperation between state authorities and NGOs and consist of 4 steps:

- Taking the specialized pest control courses on the basis of the core pest control association;
- Getting pest control license that is issued by a respective state authority (Ministry of Health, Ministry of Agrarian Policy);
- CEPA / CEN Standard certification and providing pest control services in accordance with this standard;
- Control: compliance with CEPA/CEN Standard – CEPA/CEN certification body in Ukraine; compliance with legislative requirements – licensing commission of the relevant public authority profile + pest control association.

6 The necessary conditions for the introduction and implementation of the best scheme in Ukraine are:

- Legislative securing of receipt of compulsory licenses by pest control market operators and moving amendments to the Law "On licensing of certain types of economic activities";
- Organization of the core NGO Ukrainian Pest Control Association (UPCA) that will unite pest control companies, manufacturers of disinfectants, insecticides, rodenticides, equipment, personal protective equipment, specialized institutions, government agencies, companies that use pest control services, etc.;
- Organizing the Joint Certification Center for CEPA / CEN Standard in Ukraine by the core NGO.
- At the level of regulations to enable the profile public organization to conduct courses, studying, examinations, results of which will become the basis for further obtaining of licenses and pest control companies' refresher trainings;
- Imposing duties of the control of ethical issues and compliance with the pest control standards of pest control market operators in Ukraine on the profile public organization in Ukraine.

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