

The Study on Public Interest Litigation of Environmental Pollution Caused by Large-scale Pig Farming

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Abstract: *With the development of modern pig farming in China, environmental pollution caused by large-scale pig farming has become increasingly prominent, posing a serious threat to ecological environment and public health. Public interest litigation of environmental pollution has become an effective means of protecting ecological environment and public interest. This paper takes the public interest litigation of environmental pollution caused by large-scale pig farming as the research object, analyzes the causes and characteristics of this problem, and explores the application and role of environmental pollution public interest litigation in the management of environmental pollution caused by large-scale pig farming.*

Keywords: *large-scale pig farming; environmental pollution; public interest litigation; ecological environment; public interests*

1. Introduction

With the rapid development of China's economy and the acceleration of urbanization, people's living standards have significantly improved, but at the same time, it has also brought about problems such as environmental pollution and ecological damage. As one of China's important agricultural industries, the pig farming industry has developed rapidly, but in the pursuit of economic benefits, it has also had a significant impact on the environment. Large-scale pig farming has many problems in terms of breeding density, feed ratio, and waste disposal, which have led to pollution of the environment around pig farms and posed a huge threat to public health and the ecological environment.

To protect the ecological environment and public interest, public interest litigation of environmental pollution has become an important means. Public interest litigation refers to a litigation activity in civil litigation that aims to safeguard social public interests and common interests. Public interest litigation of environmental pollution is a litigation activity initiated to safeguard the public environmental rights and interests and promote the construction of ecological civilization in environmental pollution issues. This paper will take the public interest litigation of environmental pollution caused by large-scale pig farming as the research object, aiming to explore the application and role of environmental pollution public interest litigation in the management of environmental pollution caused by large-scale pig farming.

2. Analysis of the Reasons for Environmental Pollution Caused by Large-scale Pig Farming

The rapid development of the large-scale pig farming industry has also brought about serious environmental pollution problems. From the analysis of the characteristics of pollution caused by rural livestock and poultry breeding, it can be seen that there are high pollutant concentrations, wide scales, large emissions, and complex composition. [1]The reasons for environmental pollution caused by large-scale pig farming are complex and diverse, mainly including the following aspects:

2.1. Oversized farming

In order to pursue the economic benefits of scale, some large-scale pig farming enterprises have oversized farming and high breeding density, resulting in the inability to effectively treat and utilize pig manure, urine, and other pollutants, which are directly discharged into the environment.

2.2. Unreasonable farming techniques

Some large-scale pig farming enterprises use a large amount of antibiotics, growth promoters, and other chemicals in the breeding process. Unreasonable feeding management and breeding environmental conditions result in a large amount of waste and pollutants during pig farming.

2.3. Lack of environmental protection awareness

Some large-scale pig farming enterprises neglect environmental protection awareness while pursuing economic benefits, lacking awareness and attention to environmental pollution. In addition, most pig farmers have not received professional training, and their awareness of environmental pollution prevention and control during pig farming production is relatively weak. They usually use simple water washing treatment, which inevitably causes serious pollution to water sources, soil, and other areas. [2]

2.4. Lack of supervision

Some local governments lack supervision of the large-scale pig farming industry, and there are problems such as lax law enforcement, inadequate supervision, and weak punishment. This leads to many farming households lacking qualifications and related procedures. The competent departments' supervision of pig farming environmental pollution is also weak. In addition, the townships lack binding measures to punish polluting companies. [3]

2.5. Market demand-driven

With the continuous increase in demand for meat, the market's demand for large-scale pig farming industry is continuously pushing its development. Some large-scale pig farming enterprises neglect the principles of environmental protection and sustainable development in order to meet market demand and pursue high yields and efficiency, resulting in environmental pollution problems. [4]

3. The Application of Environmental Public Interest Litigation in Addressing Environmental Pollution Caused by Large-Scale Pig Farming

3.1. China's relevant environmental laws and regulations

The "Environmental Protection Law of the People's Republic of China" stipulates the basic requirements and procedures for environmental pollution public interest litigation, providing a legal basis for public interest litigation. Specifically, the basic requirements for environmental pollution public interest litigation include: having public welfare, having substantive legal relationships, having legal interests that are damaged, having a litigation subject to safeguard interests, and meeting legal prosecution conditions. The procedures for environmental pollution public interest litigation include: prosecution, filing, mediation, trial, and judgment.

Because environmental public interest litigation has obvious preventive and remedial functions, and aims to safeguard the public interest in the environment, it is necessary and significant to protect the environment through litigation. [5]

3.2. The Application of Environmental Public Interest Litigation in the Governance of Large-scale Pig Farming Environmental Pollution

With the rapid development of China's pig industry, environmental pollution caused by large-scale pig farming has become increasingly severe. In order to safeguard public environmental interests, some citizens, environmental organizations, and lawyers have used public interest litigation to protect their rights and promote the implementation of public interest litigation for environmental pollution caused by large-scale pig farming. Currently, there have been several cases of public interest litigation related to environmental pollution caused by large-scale pig farming in China, such as the case of an illegal discharge by a pig farm in Taishan, Jiangmen City, Guangdong Province in 2016, which affected the living environment of nearby villagers; the case of an environmental pollution lawsuit against a pig farm in Liuhe District, Nanjing City, Jiangsu Province in 2017; and the case of environmental pollution caused by a pig farm in Linyi City, Shandong Province in 2020. The trial results of these cases generally support the claims of the plaintiffs, requiring the defendants to stop illegal activities, eliminate pollution, and

compensate for losses.

4. Practical Challenges of Public Interest Litigation on Environmental Pollution Caused by Large-Scale Pig Farming

Large-scale pig farming environmental pollution public interest litigation refers to a type of litigation action taken by legal organizations or institutions that meet legal requirements to protect public interests against pollution caused by large-scale pig farming. The practical difficulties of such litigation include:

4.1. Difficulty in obtaining evidence

Large-scale pig farming environmental pollution public interest litigation requires sufficient evidence to prove the facts of environmental pollution and the substantial harm caused to public interests. However, according to the current evidentiary responsibility system stipulated by Chinese law, pig farming enterprises usually have strong technical, financial, and resource advantages and can often obtain effective evidence. There are also inadequate regulations regarding the collection of civil evidence, which may pose difficulties in obtaining evidence. [6] For example, monitoring and collecting evidence of environmental pollution require certain professional knowledge and funding support, which may be difficult for ordinary citizens or environmental organizations to achieve.

4.2. High litigation costs

Environmental pollution public interest litigation is different from ordinary litigation, and its professionalism and complexity will form a sharp contrast with the litigation and economic capabilities of the infringing party. [7] Litigation costs include lawyer fees, appraisal fees, litigation materials, etc., which may be a significant burden for ordinary citizens, social organizations, or environmental organizations. Moreover, the litigation process may be complex and lengthy, requiring a lot of time and energy. It can be foreseen that ordinary people will abandon their environmental claims because they cannot afford the litigation costs.

4.3. Inadequate legal system

At present, China's legal system in the field of environmental pollution public interest litigation is not perfect, and there is a lack of relevant laws, regulations, and implementation details. This includes a single method of ascertaining facts, a lack of professional and reliable environmental damage assessment institutions to identify pollution, incomplete specialized adjudication rules and inspection public interest litigation systems, and other issues. [8] These unclear conditions in filing, evidence rules, litigation procedures, and other aspects may affect the practical effect and judicial protection of large-scale pig farming environmental pollution public interest litigation.

4.4. Complexity of pig farming industry

Large-scale pig farming involves numerous interests, including breeding enterprises, breeders, sellers, and other stakeholders. This makes large-scale pig farming environmental pollution public interest litigation face certain difficulties in practice, involving multi-party interest balancing and benefit coordination.

4.5. Relatively weak judicial protection

Although China has increased its environmental protection efforts in recent years, the judicial protection for large-scale pig farming environmental pollution public interest litigation is still relatively weak. On the one hand, some local governments may support and protect pig farming enterprises, leading to some resistance in environmental litigation. On the other hand, some judges may have different concepts and understandings of environmental litigation, and the protection of environmental protection rights and interests is still insufficient. In addition, some judicial personnel may pay more attention to cases with larger amounts involved or those related to their activities, and pay less attention to rural environmental infringement cases with higher professionalism and greater difficulty in obtaining evidence, resulting in mutual shirking of responsibilities. [9]

5. Effective implementation strategies for public interest litigation on environmental pollution caused by large-scale pig farming.

Large-scale pig farming environmental pollution has become a serious problem faced by rural China, and public interest litigation is one effective solution. The following are specific effective implementation strategies for public interest litigation on environmental pollution caused by large-scale pig farming:

5.1. Strengthen environmental supervision and law enforcement

Strengthening environmental supervision and law enforcement is the foundation and key to solving the problem of environmental pollution caused by large-scale pig farming. The environmental monitoring system should be improved, and daily supervision and inspections of large-scale pig farming enterprises should be strengthened. Law enforcement should be strict, serious measures should be taken against environmental violations, and environmental polluting enterprises should be punished in accordance with the law. The legal responsibilities of those responsible for environmental violations should be pursued. At the same time, the procuratorate should pay attention to strengthening the environmental risk prevention function in inspection and supervision. [10] This can enhance the environmental awareness of enterprises, effectively curb environmental pollution caused by large-scale pig farming enterprises, and provide better legal basis and evidence support for public interest litigation.

5.2. Strengthen corporate social responsibility and environmental protection investment

Large-scale pig farming enterprises should strengthen their corporate social responsibility and environmental protection investment, actively promote environmental protection technology and equipment, carry out environmental protection propaganda and education, improve their environmental protection level, and reduce environmental pollution. In addition, large-scale pig farming enterprises should also formulate and implement corresponding environmental protection measures and plans based on environmental impact assessments and environmental protection requirements, and minimize environmental pollution. [11] Correspondingly, the government should also provide regular training to pig farms and enterprise employees to strengthen their environmental protection awareness. This can effectively reduce environmental pollution, enhance corporate social responsibility awareness, and provide active cooperation attitude and basis for public interest litigation.

5.3. Improve the public interest litigation system and mechanism

The improvement of the public interest litigation system and mechanism is crucial for the effective implementation of public interest litigation. Firstly, the rules and procedures of public interest litigation should be improved, and relevant issues such as the subject, conditions, scope, and litigation costs of public interest litigation should be clarified. Secondly, an established and sound judicial mechanism for public interest litigation cases should be established to improve the professionalism and effectiveness of public interest litigation. Finally, the construction of a regulatory system for preventive environmental public interest litigation risks should be improved, and a risk assessment and evaluation mechanism system should be established. [12] This can provide strong legal protection and technical support for the effective implementation of public interest litigation, and help to strengthen the resolution of environmental pollution caused by large-scale pig farming.

6. Conclusion

The current situation of environmental pollution caused by large-scale pig farming mainly includes water pollution, air pollution, and soil pollution. The reasons for this problem include large-scale farming, unreasonable farming techniques, lack of environmental awareness, inadequate supervision, and market demand-driven factors. To solve the problem of environmental pollution caused by large-scale pig farming, comprehensive strengthening of supervision, promoting technological innovation, enhancing corporate environmental awareness, and promoting sustainable development concepts are needed to achieve healthy and sustainable development of the pig farming industry. At the same time, the public and environmental organizations should actively participate in promoting environmental pollution public interest litigation to safeguard the public's environmental rights and interests.

Public interest litigation against environmental pollution caused by large-scale pig farming faces a series of conditions and difficulties in implementation, including incomplete laws and regulations,

difficulty in obtaining evidence, high litigation costs, the complexity of the pig farming industry, and relatively weak judicial protection. To address these issues, it is necessary to strengthen the improvement of relevant laws and regulations, provide sufficient funding and technical support, enhance evidence collection and proof methods, strengthen judicial protection, and balance the interests of all parties while promoting the effective implementation of environmental public interest litigation in the control of environmental pollution caused by large-scale pig farming.

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