

Current issues of state environmental control

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Abstract

One of the most important activities of the modern state today is to ensure the environmental safety of the environment. The harmful effects exerted by a person on the environment during the implementation of economic and industrial activities require constant monitoring by the state. The relevance of this study is dictated by the fact that today the effective implementation of state environmental control and supervision in a number of areas is of particular importance. Specially authorized bodies not only monitor the harmful effects on the environment of large production facilities, but also the use of hazardous substances used in the production of plant products. In this regard, an increasing number of countries are implementing strict control over the turnover of chemical plant protection products, in particular, through their certification. In addition, the implementation of state control over the activities of heavy industry enterprises by conducting laboratory studies of environmental components based on the results of inspections falls into the field of view of the researcher. Within the framework of this article, the author highlights a number of

problematic issues arising in the field of state environmental supervision by referring to administrative and judicial practice.

Keywords: state environmental supervision, legal regulation, environment, certification, laboratory research, judicial practice

Environmental issues appear to be one of the most important areas in which states have active policies today. In the context of the constant growth of production capacity, environmental preservation seems to be one of the priority tasks of any state. The problem is global and the international community has developed a range of measures to preserve and maintain a safe environment. What characterises modern international environmental law is a focus on protecting the environment per se (essentially for human purposes but not only as a useful resource), as well as the sophistication of the legal techniques developed to this effect. [1] In turn, Russian scientists note that for the development of Russian legislation in the field of environmental protection it is of great importance to study foreign legislation in this area, as well as the practical experience of implementing a legal instrument and regulating the interaction between society and nature. [2]

At the same time, a number of critical functions for environmental protection are performed by national legislation, which on the one hand is designed to meet the requirements of supranational international sources, but on the other hand has its own specifics, taking into account national specificities.

Maintaining a stable ecological situation and controlling the climate within the national territory is a complex, multifaceted task, the implementation of which is most effective when different types of state instruments are used. It is within the framework of state policy, state control that the existing environmental situation in a given territory can be properly regulated and, if necessary, that certain instruments can be used to restore it, in particular with the support of scientific research. It is therefore essential that a coherent public policy for the preservation of the environment be carried out, taking into account current scientific research.

The construction of legal regulation in the various environmental sectors is invariably linked to one or the other natural science and economic issues. In particular, this is particularly relevant in view of the need to assess the economic efficiency of state-controlled production facilities in conjunction with their environmental impacts, given the need to reconcile the often directly conflicting objectives of preserving ecosystem safety

and maintaining the production process. It should also be noted that foreign literature often raises the question of the advisability of involving scientific research in the development and enforcement of state environmental policy, including within the framework of legal regulation. For example, some sources note that, "In the United States, billions of federal dollars are spent each year on such activities. These expenditures are justified in the large part by the belief that scientific predictions are a valuable tool for crafting environmental and related policies". [3, p.3] Thus, we can say that the implementation of public policy for the implementation of environmental control is always the result of an attempt to reconcile objectives that are contradictory in their content. Of the foreign sources we have studied, the studies of the environmental law of the European Economic Community are of interest, in particular. It demands not only a necessarily subjective assessment of the degree of environmental worth attaching to Member state action, and of the costs associated with this terms of market fragmentation, but also a balancing of competing, and arguably incommensurable, goals. [4]

The Russian practice of creating and implementing environmental legislation to comprehensively regulate environmental issues deserves special attention. The most effective

way to regulate these issues seems to be the implementation of state control and supervision over the execution of environmental legislation. For the purposes of this article, first of all, it is necessary to analyze the concept of state environmental supervision in the Russian legal doctrine.

The concept of control, its correlation with the concept of supervision, as well as other related issues are actively studied in the scientific literature. The problem of correlation between the categories of "environmental control" and "environmental oversight" is currently unresolved, and the control and oversight activities are subjected to well-founded criticism. (5, p.81). Many authors seek to distinguish between these categories, stressing that they often act as synonyms, but they are not.

At the same time, a slightly different practice has developed in the use of the concept of state environmental control and oversight in scientific and regulatory sources. Analysis of the definition "ecological supervision" contained in the Russian Federal Law "On Environmental Protection" [6] allows us to conclude that [6] leads to the conclusion that it covers both the concept of state environmental control and supervision, in connection with which these terms are often used as interchangeable synonyms and cannot always be distinguished one from the other in practice.

In our view, state environmental supervision can be characterized as a legal form of environmental activity of specially authorized federal or regional control and supervisory bodies in the field of environmental protection, the content of which is a system of measures aimed at preventing, detecting and suppressing violations of mandatory requirements in the field of environmental protection in the implementation of the state management function in the field of environmental protection.

State environmental control is a complex phenomenon that includes an extremely wide list of implemented measures, including control and supervision of pollution of air, water bodies, control over compliance with requirements in the field of industrial waste management, protection of subsoil, etc.[7].

In view of the fact that environmental supervision is directly related to the need to protect the environment from the adverse effects of economic activity, it is fair to refer to separate legal forms of exercising state control over business entities. Since production areas constitute the main block of controlled (supervised) objects within the framework of the state's environmental protection activities, state control over their functioning within the framework of environmental protection legislation is carried out, including the application of specific measures of control of business entities.

Such work is carried out in order to ensure the environmental safety of the production process at all its stages. Thus, different instruments (licensing, certification etc.) can be applied depending on the form of measures applied within the framework of the Russian legal system that provides for the implementation of state control over the subjects of entrepreneurial activity. The value of such instruments is due to the fact that their legal regulation and subsequent use are related, on the one hand, to the objectives of ensuring the safety of manufactured products in general and, on the other hand, to a number of technical issues that can only be resolved on the basis of special technical regulations that are developed as part of scientific research and subsequently used to give a quality assessment.

Certification can be described as a procedure for certifying that the results of production activities, goods, services conform to regulatory requirements on the basis of which a third party certifies by documentation that the products in question conform to specified requirements. General legal regulation of certification in the Russian Federation is carried out in accordance with the Federal Law "On Technical Regulation". [8]. A special case of this state environmental regulation can be the implementation of state certification of herbicides, widely used for industrial use. These

products are potentially dangerous to human health and life, and in case of non-compliance with the established standards can cause significant harm to the environment when released into the soil, water, air, therefore, they are subject to special control by the state, namely, state registration and subsequent verification for technical compliance and safety. At the same time the implementation of special standards is always based on scientific recommendations in order to eliminate the risk of contamination of soil and crop products with heavy metals and violation of the ecological balance in natural and artificial ecosystems during the production process [9].

The stages of determining the quality and subsequent transfer into circulation of agrochemicals and herbicides are regulated at the regulatory level and represent a combination of legal instruments and technical standards, together enabling the necessary measurements to be made during control and surveillance activities to establish whether the quality of the products produced meets the required characteristics.

Based on the above, it can be concluded that the implementation of state environmental control is an element of state environmental policy. The issues of legal regulation of environmental protection seem to be extremely relevant today and

have been elaborated in detail both in domestic science and in the doctrine of foreign countries. At that, the comparison of Russian and foreign sources allows us to conclude that scientists often express similar opinions when assessing those or other phenomena within the framework of the study of environmental legislation, in particular, a specific feature of environmental legal regulation is the use of special scientific knowledge when developing normative provisions of environmental legislation and their subsequent use in practice.

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