

Study on the Environmental Public Interest Litigation System in the United States

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Abstract: In recent years, global environmental problems such as climate warming, destruction of the ozone layer and the crisis of freshwater resources have continued to deteriorate and have attracted extensive attention from countries all over the world. Enhancing environmental quality and protecting the ecological environment has become the main responsibility of countries around the world. Environmental public interest litigation is the main legal means to curb environmental violations and safeguard citizens' interests, and the U.S. environmental public interest litigation system occupies an important position in the U.S. environmental legal system and plays a key role in safeguarding citizens' environmental rights and interests. Based on this, this paper will mainly study the relevant provisions of the U.S. environmental public interest litigation system, and explore the inspiration of the U.S. environmental public interest litigation system to China.

Key words: United States; Environmental Public Interest Litigation; Institutional Research

1. Relevant Provisions of the United States Environmental Public Interest Litigation System

U.S. environmental public interest litigation system in the world, the formation of earlier, in the United States in the process of continuous development, environmental public interest litigation system has also been improved, which makes the system in the United States within the scope of the syntactic development, compared to other countries around the world, the U.S. environmental public interest litigation system applies to a wider range of cases^[1]. Citizen lawsuits in the U.S. federal environmental law system is very complex and rich in content, mainly including:

1.1 Plaintiffs' Standing

In the early stages of the United States environmental public interest litigation system, judicial precedent has taken a strictly restrictive attitude towards environmental public interest litigation plaintiffs, i.e., unless the plaintiffs can have sufficient evidence to prove that their legally guaranteed rights have been or are being infringed upon, the plaintiffs will not have the standing to sue. But to the 1970s, the United States jurisprudence on the plaintiffs enjoy the right to sue for change, no longer to the plaintiff's own legally guaranteed rights have been or are being infringed as one of the elements of the right to sue, only requires the plaintiffs in the "fact that" their own legal rights have been jeopardized, you can file a lawsuit. In case law on the plaintiff to enjoy the right to sue to change, promote the development of statutory law in the environmental public interest litigation plaintiffs. 1970, the United States in the Clean Air Act on the environmental public interest litigation plaintiffs qualification of the initial provisions of the country's citizens can be on the air pollution of the bad behavior to the court, the provisions of the law to the citizens of the interest of the limitations on the provisions of any association. And in 1972 the introduction of the "clean water act", the provisions of this change, that is, "citizens" limited to "its interests are seriously affected or seriously affected by the possibility of people". It can be seen that, in the United States environmental public interest litigation system, not any person or group can take the name of defending the public environmental interests

to the court to file a lawsuit^[2].

1.2 Types of Proceedings

The United States environmental public interest litigation provision is often expressed as “any person may bring a civil action on his or her own behalf”. It can be concluded that the nature of the U.S. environmental public interest litigation system belongs to the U.S. legal system of “civil litigation”. From the environmental public interest litigation provisions can be litigation scope, can also be concluded that the environmental public interest litigation litigation is extremely wide range of types of litigation, is not limited to our common understanding of civil litigation category. Civil litigation includes not only civil litigation arising from damage to rights and interests, contracts or other civil disputes in the private law field, but also litigation in the public interest in the public law field.

1.3 Restrictions on Litigation

In the United States environmental public interest litigation system related regulations, environmental citizen lawsuits to a certain extent is subject to legislative restrictions, this restriction refers to a certain legal situation, even if there is to meet the relevant conditions of the environmental public interest litigation system, citizens may not be based on the environmental public interest litigation provisions of the lawsuit to the court. The most typical is a certain period of time. In violation of the U.S. environmental legal system in the specific terms or content of the situation, if the plaintiff intends to file a lawsuit to a specific object to send notice, in the plaintiff's notice to send the date of a certain period of time, no one may file an environmental public interest litigation. The notice is given to, among others, the head of the administrative agency that administers the environmental laws of the United States; the government under whose jurisdiction the controlled environmental violation occurred; and the violator of the alleged violation of an emission standard, limitation, permit, regulation, or order. The law also specifies a pre-suit notice period, which is generally 60 days^[3].

1.4 Costs of Litigation

In the field of environmental public interest litigation in the United States, the court may award costs (usually including reasonable attorneys' fees and expert witness fees) to any party in a final judgment in a citizen's suit. In other U.S. laws, there are provisions for awarding costs to a prevailing party or a substantially prevailing party, and where a party seeks judgment for a temporary restraining order or preliminary injunction, the court may require him or her to post a bond or equivalent security pursuant to the Federal Rules of Civil Procedure.

2. The U.S. Environmental Public Interest Litigation System's Implications for China

The United States environmental public interest litigation system has more than thirty years of practice history, from the implementation of the effect, to some extent, it has prompted the subjective organs and polluters to actively enforce the law and abide by the law, to a certain extent, it can be called a more perfect and successful system. China's current environmental pollution and ecological damage situation is more serious, the environmental public welfare has been seriously infringed upon, and the existing relevant systems and administrative rights of the citizens of the basic environmental rights and environmental protection of the public interest to a lesser extent, with the continuous development of the economy and society, people's living standards continue to improve the environmental awareness of the citizens and the legal awareness of the citizens continue to increase, the citizens pay more attention to their own exercise of their rights and interests of their own maintenance, and demand more Litigation rights to take the initiative to participate in the implementation of environmental law calls for rising.

2.1 Legislation Establishing an Environmental Public Interest Litigation System

The United States environmental public interest litigation system in the 30 years of development can be more and more perfect, is that the United States has a set of complete and rigorous system for the exercise of citizens' environmental rights to provide solid legal protection, so that citizens in the environmental public interest litigation has sufficient legal basis, the

court in the hearing of the case, the judgment can be enforced according to law. China's current environmental legal system, although there are similar to the environmental public interest litigation provisions, but the provisions of the content is ambiguous, not clear and specific, and not to form a complete and rigorous system. Therefore, for China to build a perfect environmental public interest litigation system, the need for legislation on environmental public interest litigation involved in specific issues to make clear, specific provisions, based on the law, so that our citizens in the exercise of their own environmental rights can have a law to follow.

2.2 Moderate Relaxation of Plaintiffs' Standing to Sue

In China's existing environmental public interest litigation system, the plaintiff enjoys the right to sue the more narrow requirements, that is, the plaintiff must have a direct interest in the case. The environmental public interest litigation system does not have a direct stakeholder, it is very easy to lead to the national environmental public welfare, social environmental public welfare and the environmental interests of the unspecified majority of people have been infringed upon, and can't use the means of legal action to safeguard the interests of the people. In this regard, China can learn from the U.S. environmental public interest litigation system for the plaintiff's qualifications in the provisions of the environmental public interest litigation system, their own environmental public interest litigation system in the plaintiff's qualifications for the moderate relaxation, breakthrough in the current legislation of the citizens enjoy the right to sue the conditions for relaxation, will be the qualifications of the lawsuit to expand to "with the case has a direct or indirect interest in the citizens, legal persons or other organizations".

3. Conclusion

In summary, the environmental public interest litigation system in safeguarding the environmental rights and interests of citizens, curbing environmental pollution behavior plays an irreplaceable role, the United States environmental public interest litigation system after more than 30 years of development and precipitation, has been more perfect and strict, China can learn from the United States environmental public interest litigation system to improve their own environmental litigation system, in order to alleviate the contradiction between economic and social development and ecological environment, reduce pollution and damage to the environment, and provide a more solid legal system to protect our citizens. Contradictions between economic and social development and ecological environment, reduce pollution and destruction of the environment behavior, for the citizens of China to provide a more solid legal system to protect.

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