Legislation in Pollution Prevention and Control of Large-scale Breeding of Livestock and Poultry

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Abstract. At present, the contradiction between economic and social development and environmental protection is becoming more and more serious and tenses, the high-speed development of the livestock industry has brought enormous pollution in promoting agricultural economic benefits at the same time. The legal implementation of pollution prevention and control work environment of livestock and poultry breeding is the fundamental work in environmental protection. The country should be combined with “the implementation of large-scale breeding of livestock and poultry pollution control regulations”, construct the legal framework for the livestock and poultry breeding, must realize the livestock and poultry breeding Law Based on the suit one’s measures to local conditions and refinement of the law, gradually change the status quo, bull management strict government responsibility, improve livestock and poultry science planning system, improve the review and approval system, and implement a clear policy of government support, so that livestock breeding pollution rate to a minimum to achieve the goal of sustainable development of livestock and poultry breeding.

Introduction

As livestock and poultry industry is the backbone of agriculture, its development degree is one of the important indexes of national economic development. All practice of developed countries has proved that one of the significant symbols of agricultural modernization is to constantly raise the proportion of livestock breeding in the agriculture. The proportion is generally over 50% and in some cases, up to 80%, in developed countries [1]. Nevertheless, in spite of the contributions made by livestock and poultry industry to GDP, can never ignore the serious environmental pollution problems it brings. Especially under the background of building constructing an environment-friendly and ecological society, the topic of environmental pollution brings massive stimulus of both audition and vision to the public.

The Development Status and Environment Pollution of Livestock Breeding

Traditional livestock and poultry breeding industry are mainly based on individual family breeding. Considering that there’s little profit from that pattern, the government has made supportive policies invested manpower, material and financial resources to expand the breeding scale. All the measures focus on improving the profits of breeding. The modern breeding scale has been increasing continuously. Taking Sichuan province for example, there were 1335 additional standardized moderate scale areas of livestock and poultry breeding in 2012, while recently the figure number has increased to 18028, in which the scale of pig breeding accounts for 60%. However, the relevant departments have an inadequate estimation on the negative consequences brought by the large-scale breeding. Due to the lack of infrastructural facilities and outmoded management system, a great deal
of animal manure and sewage waste can’t be disposed effectively. Meantime, with the acceleration of urbanization process, farmers who intends to make profits expand scales and change developing courses according to the downtown market demand. Besides, livestock and poultry breeding industry are moving towards peri-urban areas continuously. The total of breeding has been already outnumbered the environmental capacity cultivation in some areas, because they were always established in the suburb areas. If polluted incidents take place, especially in cities with relatively dense population, the negative impact is much severe.

Analysis on the Present Legislation Situation of Livestock Breeding Pollution

In terms of the existing legislation, Agricultural Law-the basic statute regulates: Those units and individuals who work on livestock and poultry breeding industry should take in noxious disposal or comprehensive utilization with feces, waste water and other wastes; those who work on aquiculture should bait casting, fertilize, and use drugs properly to prevent environmental pollution and ecological damage.

Law of the Animal Husbandry stipulates: Livestock and poultry breeding operator have the duty to protect environment, reuse wastes and deal with dead livestock and poultry harmlessly. And the responsibilities that do not set up livestock and poultry farms in environmentally sensitive and damage compensation in accordance with the law. The Law on the Prophylaxis and Control of Environmental Pollution by Solid Waste stipulates: Livestock and poultry breeding operator should collect, storage, use or deal with livestock and poultry dung by law during the breeding process, to prevent pollution. Cleaner Production Promotion Law stipulates: Agricultural producers should make wastes turn into agricultural production and prevent and cure of agricultural pollution of the environment. The Environmental Protection Law makes general provisions, but no regulations about livestock and poultry breeding pollution of the environment. Air Pollution Law makes it as a rule that people who discharge poisonous, harmful gases and odor should bear legal responsibility. Law on Animal Epidemic Prevention stipulates the harmless treatment of livestock and poultry’s dead bodies. On November 26, 2013 the state council announced the regulation The Scale of Livestock and Poultry Breeding Pollution Prevention, which takes comprehensive utilization as a fundamental way for the prevention and control of livestock and poultry breeding pollution. And it also regulates that we should strengthen the scientific layout, make scale of production and intensive development moderately, strengthen to construct the environmental protection facilities; monitor environmental management strictly, and etc. The responsibilities that if governments didn’t fulfill their obligations will take are also included in the regulation.

The Problems of Livestock Breeding That Need to Be Solved

Considering the practice of poultry breeding, there are still a series of problems in making law of Livestock and poultry breeding pollution prevention. As what we have talked before, there are too many rules about Livestock and poultry breeding pollution prevention.

Numerous legislations and unknown effectiveness

The total number of the codes closes to 10. There are basic law like Agricultural Law, specialized law like Animal industry Act, Environmental Pollution Prevention and Control Law of soiled Wastes. Administrative regulations like Poultry Breeding Pollution Prevention and Control Measures for the Administration, Poultry Breeding Pollution Control Regulations and etc. This phenomenon will absolutely cause conflicts between different laws and regulations. The awkward situation will makes producers confused, and even the legal operation departments and law-executors will not figure out the accurate law easily.

For example, there are different wordings between large scale breeding and moderate scale breeding in different laws. Animal Industry Act stipulates that our state supports animal husbandry development, and make animal husbandry play important role in developing agriculture, rural
economy and increasing farmers’ income. The governments above the county level should take measures to strengthen the construction of infrastructure of animal husbandry, encourage and support the development of large scale breeding. However, the Scale of Livestock and Poultry Breeding Pollution Control Ordinance advocates moderate scale breeding. Although the only difference is “moderate”, the legislation ideas and thoughts have changed largely. What we need to think about is that which regulation we should resort to if problems happen in real life. The seventy-ninth article of Legislative Law stipulates: The effectiveness of law is higher than administrative regulations, local laws and regulations and rules. Therefore, in legal theory, the effectiveness of Animal Husbandry Law is higher than Poultry Breeding Pollution Control Regulations published by The State Council. Does it mean that we shouldn’t take moderate scale breeding as it breaches host law. This phenomenon will make less attention and abidance to the regulation from people, as well as less Law enforcement and security from legal operation departments.

The current laws are too scattered and vague, and maneuverability of the laws is not strong

At present, the regulations about livestock and poultry breeding pollution prevention are too vague and principled, which are difficult to carry out. For example, the waste and sewage engendered by scale breeding proceed didn’t be managed reasonably, and discharge to environment directly. Some bad breeding habits, traditional farming manure and free-ranging, lead widespread pollution by excrements of livestock in village [2]. In order to solve this situation, “Environmental Pollution Prevention and Control Law of soiled Wastes” indicates that scale breeding producers should collect, storage, use or disposal the excrements of livestock according to national provisions. However, there is no regulation about how to collect and storage. Another illustration is the eleventh article of Poultry Breeding Pollution Control Regulations. It forbids constructing livestock and poultry farms and breeding aquatics villages in cultural-education-science research areas. How to define the words: “the cultural-education-science research areas” in the regulation. What is the standard? Is it determined by administrative division or government planning? If we can’t define these problems accurately, then producers will be disoriented and law enforcement will also be trickier.

Management of multi administration and dysfunctional regulation system

There are problems like bull management and confused division of authority in the supervision system of environmental pollution in livestock breeding. The eleventh article of the Regulations on Prevention and Control of Pollution by Scaled Livestock and Poultry Breeding Industry stipulates that: The competent departments of the people’s governments at or above the county level have different responsibilities. Environment agencies should be in charge of unified supervision of environmental protection of livestock and poultry breeding. The competent department of agriculture should guide and serve people to take comprehensive utilization of livestock and poultry breeding wastes. The general administration for promoting circular economy is in charge of the cycle economic organization of livestock and poultry breeding. Other departments should do the related works they are supposed to do. The people’s government of township should give assistances to these departments to do their works well in their region of administration. At least 5 departments related to this regulation, the main departments are environment agencies and the competent department of agriculture. Generally speaking, the Department is supposed to be in charge of pollution prevention, controlling the environmental protection as well as taking supervision and management. But in view of the fact that the livestock breeding mainly lies in rural areas, it has a broad and dispersive characteristic, therefore, the competent department of agriculture and animal husbandry is responsible for the guidance and management of the comprehensive utilization of livestock and poultry breeding waste. The waste of livestock and poultry breeding in rural areas is the most important and the most common situation, and the competent department of agriculture and animal husbandry in this area has assumed the guidance and management responsibilities. How to define their respective authority, job responsibilities in the daily management of the Department of agriculture administration and environmental protection departments as well as to solve the problem and take responsibility of
government departments to be determined? What we need to pay attention to is that the agricultural administrative departments at or above the county level is the responsibility of the chaos. In Sichuan Province, the agricultural administrative departments do not assume the main regulatory responsibility of animal husbandry, but the Sichuan Provincial Animal Husbandry Bureau, agricultural administrative departments are mainly concerned about the cultivation. Each city takes different management. Chengdu City, has been integrated the original agricultural bureau and the Bureau of animal husbandry. While other cities and states’ bureaus of agriculture and animal husbandry bureaus are still divided, having their own responsibilities, this produced different situations between the management and practice in law. But in practice, the agricultural sector and animal husbandry departments are involved in the comprehensive utilization of poultry waste. The management of rural energy, such as methane, is the agricultural sector, on the other hand, the supervision of livestock and poultry breeding waste, as the source of the source of methane, is a part of the livestock sector. Obviously, the separation of planting and breeding industry has hindered the development of livestock and poultry pollution control work.

The absence of enforcement body and hard investigation for law-violated behavior

In some places, residents are blind to construct breeding farms to pursue local economic development, local interests and increasing amount of livestock and poultry breeding, which led to constantly environmental degradation. And it affected the results of environmental pollution improvement. Different departments have distinguished criteria of assessments. Even there are weak management and vacant supervision of law enforcement in some areas. Additionally, although The Regulations on Prevention and Control of Pollution by Scaled Livestock and Poultry Breeding Industry is explicit about its scope of application, which is farm and farming village it doesn’t imply that other farmer’s illegal acts can’t apply to this regulation. The Regulations on Prevention and Control of Pollution by Scaled Livestock and Poultry Breeding Industry stipulates that using livestock and poultry breeding waste as fertilizer which exceeding land consumptive capacity and causing environmental pollution, would be punished according to Law of the People’s Republic of China on the Prevention and Control of water Pollution and Law of the People’s Republic of China on the Prevention and Control of solid waste environmental Pollution. In agricultural production, using livestock and poultry waste, sewage, biogas residue and biogas slurry as fertilizer are common practice, relevant laws stipulates that such fertilization should match land consumptive capacity and causing effective measures to eliminate pathogenic microorganism, prevent environmental pollution or propagation of disease. Considering the actual condition of family farmers and small farmers, it would be impossible for them to estimate pathogenic microorganism. Meanwhile, the force and personnel of environmental protection competent department as a supervisor is extremely limited, they are unable to go down to the grass-roots units and they usually only enforce the law after serious problem came up, the resistance of the law enforcement is very obvious. Confronting the predicament in the law enforcement, officials usually try first to make those illegal acts sound less serious and then reduce it to nothing at all, which not only unable to reveal the rigidity of law, but also shake the authority of law.

The Legalization of Pollution Prevention and Control on Livestock and Poultry Industry

In the livestock farming environment pollution prevention and control work, we should be vigilant in peace time and deal with issues before they happen. It inevitably requires clear principles and objectives, overall consideration environmental carrying capacity and pollution prevention requirements. Only when we straighten out the management system, and attach importance to the role of a variety of incentives can we build a perfect system of prevention and control of livestock ,poultry breeding livestock and poultry breeding in many aspects, such as planning, construction, operation, supervision and have appropriate specification, meticulous and strict legal system.
First, formulating special livestock farming on the prophylaxis and controlling of environmental pollution-a national level of the special legislative documents published by the State Council on November 26, 2013. The administrative rules and regulations have made great progress. But, as mentioned above, the regulation level needs to be further improved. Specially formulated the livestock farming on the prevention and control of environmental pollution is beneficial to the unification in the field of the law, improve the authority of the law, and make it become the powerful basis for law enforcement.

Second, adhere to the principle of the moderate development of Livestock and Poultry Industry; arrange the layout and scale of poultry feeding industry on the basis of considering Environmental carrying capacity. Most developed countries and districts focus more on the scale when controlling poultry feeding industry pollution [3]. The US selects some plants above certain size as managed point source, achieving the continuous up-to-standard discharge. In Netherlands, the family ranch combines with dairy cooperatives, on which featuring developing moderate scale management to realize efficient and sustainable development. The scales of majority of Livestock husbandry: 50~100 cows mostly, 700 pigs mostly, 3000 layers mostly [4]. As for feeding scale, poultry plants, feeding plots specific ones ought to be set by provincial governments and reported to the administrative department of environmental protection and department in charge of agriculture and animal husbandry under the State Council for the record. In terms of economic benefits, large scale production can lower the cost and increase revenue while the influence and destruction of environment, the difficulty that poultry pollution can be environmentally degraded will be increased, which needs to establish a balance point between economy, social development and environmental protection, needs some necessary guidance and program. As a result, the key to environmental protection is to control the size, and each local government should be authorized to master the standard of size.

Third, every administrative department should clarify the manage system and continue strict law enforcement. In the wake of pollution, the ministry of environmental protection begins to take charge of it, bending them into evaluating the influence of the environment. In the meanwhile, other countries and regions all have a similar regulation. For instance, Taiwan’s legal system prescribes that livestock farms which raise more than three thousand pigs, eighty thousand chook or two hundred and fifty cattle, ought to declare the prospectus about cleaning the waste towards the ministry of environmental protection. Only after the screening of the prospectus can the livestock farms applying for registering or changing of registration the number of animals [5].

Fourth, make certain the government’s responsibility, and pay attention to incentive measures. In the design of the legal institutions, the consideration of the cost of illegal is the most main content, the incentive measures for the parties to comply with the legal consequences is not paid enough attention to. But in the environmental protection of livestock and poultry breeding, the responsibility of government is particularly important. On the one hand, livestock production storage is related to national economy and people’s livelihood. We should attach great importance to it. And the management of environmental pollution is also important. On the other hand, we should also see, pollution prevention and waste comprehensive utilization of facilities in a proportion of the total investment cost is relatively high, the government needs to increase the support to livestock and poultry breeding pollution prevention in such aspects as finance, tax, credit. It is depended on the development of livestock exposed in our country. It is not conform to present situation if we only one-sided emphasis on farmers to invest without the support of our country. Therefore, the government as a provider of public service, they has the duty to stipulate and supervise the pollution of the environment of livestock and poultry, adopt corresponding system and incentive measures to support the livestock and poultry breeding industry. And they must pay attention to the use of incentives.
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