

# Exploration Of Environmental Pollution Damage Assessment Mechanism

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**Abstract.** Accelerated industrialization development causes China's environmental pollution aggravates increasingly. In many cases, we should assess the damage degree of environmental pollution. However, the current situation of environmental pollution damage assessment is not optimistic. There are many problems. For example, there is the lack of assessment technique guideline; the evaluation system is not perfect enough; the assessment technology lag behind; relevant laws and regulations are not sound enough. All these seriously hinder smooth implementation of environmental pollution damage assessment. Thus, environmental polluters cannot undertake corresponding responsibilities. So, this paper advises we should establish a scientific, rational and feasible environmental pollution damage assessment mechanism, carry out environmental pollution damage assessment supervision mode involving administrative supervision, judicial supervision, self-discipline supervision and social supervision to really improve environmental pollution status and better protect environment.

## Background of the topic

As industrialization development course advances increasingly, large quantities of pollution sources are emitted during using energy sources so that China is faced with austere environmental pollution. Various environmental pollutions happen frequently. Environmental pollution events become the focus and difficulty. But, China's environmental pollution damage assessment mechanism is still not sound and even seriously deficient. Thus, it is hard for environmental polluters undertake corresponding responsibilities. We cannot investigate their environmental pollution responsibilities. So, we must establish a perfect environmental pollution assessment mechanism as soon as possible, and really implement polluter pays principle to better solve multiple environmental pollution disputes and contradictions and provide a reliable assessment mechanism and solution basis for governing environmental pollution.

## Current situation and problems of environmental pollution damage assessment

### Current situation of assessment

Environmental pollution damage assessment mainly refers to survey, measurement and authentication of the damage scope and degree of environmental pollution events and supply of authentication report and assessment suggestion on personnel land property damage through technical, legal and economic means. Environmental pollution damage assessment provides technical services for smooth implementation of environmental management and environmental judicature. But, since China's economic and social development is not modern, environmental management technology has certain limitations. Environmental pollution damage assessment started late in China. The whole assessment technical level is low, and the assessment mechanism is not sound and perfect enough. These seriously affect smooth implementation of environmental judicature practice and environmental management practice in environmental pollution damage events. Meanwhile, legal liability of the polluters for environmental damage cannot be successfully investigated. Until 2008, China started to launch Sino-Italian environmental protection cooperation - environmental pollution accident damage assessment and authentication mechanism project, in the hope of gaining foreign advanced environmental pollution damage assessment experience and

proposing appropriate environmental pollution damage assessment method and procedure so as to provide legal basis for future environmental pollution damage disputes. But, seeing from the practice of environmental pollution damage assessment, China's environmental pollution damage assessment technology still lags behind and lacks a set of environmental pollution damage assessment mechanism and method system complying with Chinese national situations. Meanwhile, there is also the lack of high-level and professional assessing organizations and personnel. These make environmental pollution damage assessment faced with increasingly complex and difficult situation. Bad consequence of increasingly serious and continuous environmental pollution problems is caused. Thus, China has strong practical demand for environmental pollution damage assessment. Of course, there is relevant environmental risk assessment system. China is striving to develop environmental pollution damage assessment method and working mechanism suitable for China's national situation.

### **Assessment problem**

Although China's environmental pollution damage assessment work is boosted, environmental pollution damage assessment mechanism fails to be established perfectly due to influences and interference. The specific assessment problems are as follows:

(1) There is the lack of necessary assessment technique guideline. Environmental pollution damage assessment work starts late in China. Relevant assessment mechanism is still in the initial exploration stage. No professional environmental pollution damage assessment technique guideline is equipped. Thus, there is no reliable assessment criterion for various disputes in environmental pollution process. Besides, environmental pollution damage assessment is a complex and systematical project. It needs an accurate environmental pollution assessment mechanism, or else the accuracy of the measurement data will be greatly influenced. However, current environmental pollution damage assessment technique guideline is deficient, which has seriously affected smooth implementation of assessment mechanism.

(2) There is the lack of sound assessment system. China's environmental pollution damage assessment is still not perfect and sound enough. To be more specific, there is short of professional and authoritative authentication organizations for environmental pollution damage assessment, so environmental pollution damage cannot be effectively detected and assessed. Environmental pollution damage assessment in each region is not really implemented. This is because environmental protection department fails to exercise the function of environmental pollution damage assessment. So, current environmental pollution damage assessment is carried out by the third-party organization. Obviously, the assessment work does not have high reliability and authority. Thus, environmental judgement problem can be easily caused.

(3) There is the lack of advanced assessment technique system. The deficiency in technique guideline of environmental pollution damage assessment is because that China's environmental pollution damage assessment technology is not advanced enough and that technical support effect of environmental pollution damage assessment cannot be exerted. In particular, for some pollutants, the damage to human health or ecological environment cannot be effectively and accurately detected due to poor detection technology. Besides, there is the lack of uniform environmental pollution damage assessment criteria. Repeated assessment may be caused in practice. The accuracy and scientificity of environmental pollution damage assessment results may be affected.

(4) There is the lack of perfect laws and regulations. Although some environmental laws provide some pollutant discharge behaviors and also explicitly point out compensation extent and responsibilities of environmental pollution damage, this does not mean they provide environmental pollution damage assessment mechanism. The lack of independent and special laws and regulations has a strong impact on normal implementation of environmental pollution damage assessment. Thus, environmental pollution damage assessment lacks scientific and feasible judicial basis and assessment results have no convincing persuasion and authority.

### **Countermeasures to perfect environmental pollution damage assessment**

Now that we know environmental pollution damage assessment mechanism is still in the initial

stage in China and there are many problems, we must take measures to perfect it as soon as possible to change such assessment status.

### **Set up professional assessment organization**

(1) To perfect environmental pollution damage assessment mechanism, it is firstly required to set up a more professional assessment organization to provide special management and handling departments for environmental pollution damage cases. To establish a professional environmental pollution damage assessment organization, we should position well the assessment organization. Under the commission of the government, the damaged party or the polluter, environmental pollution damage assessment organization authenticates and assesses the damage caused by environmental pollution. Such assessment organizations should be relatively independent and has certain neutrality and service nature. They can survive without depending on other subjects. Such assessment organizations can adopt independent environmental pollution damage assessment work according to relevant laws to avoid interference by any department or individuals. They should strive to make sure the results are objective, authoritative and credible and acceptable by relevant responsible persons. So, environmental pollution damage assessment organization is of service nature. Such organizations should be just engaged in damage authentication and assessment work and should not work on other services. Since the final objective of provide assessment results for clients and make them gain certain compensation. In essence, the work of environmental pollution damage assessment organizations belongs to the category of technology.

(2) Stage socialization mode should be set up for the environmental damage assessment organization. Although three modes are available for selection such as government internal setting mode, complete socialization mode and stage socialization mode, we consider the third mode is more suitable for China's basic national conditions. In fact, the third mode gradually transits from the first mode to the second mode. Such mode mainly means that environmental damage assessment organizations should finally develop to completely socialized assessment organizations. However, such assessment mode cannot be established due to actual situations in China. So, we can only first set up internal assessment organizations and the gradually transit to socialized assessment mode. We should confirm rational transitional term according to differences of different regions and should not blindly transit. Of course, environmental pollution damage assessment organization is a very professional job, so the organizations and personnel should own certain qualifications and conditions. Thus, market access system is needed. Only when the organizations and personnel gain corresponding certificates can they assess environmental pollution damages within certain scope. Regardless of assessment organizations and personnel, they should own certain professional foundation. The assessment personnel are important human resource guarantee for smooth implementation of assessment. They must own high professional level and rich practice experience, mutually cooperate and have good professional ethics and personal quality. Besides, they should be relatively independent.

### **Establish perfect assessment mechanism**

(1) Relative perfect assessment mechanism should be established with authentication and assessment as the core. Firstly, we must well launch environmental pollution damage authentication and assessment. This is because environmental pollution damage authentication and assessment must be applied for by clients first. We thus should clearly know the launch subject of environmental pollution damage assessment and then carry out assessment work. We should analyze problems according to specific conditions. For common environmental pollution disputes, we can adopt the mode of launch by relevant parties involved. In case of great sudden environmental pollution damage events, the mode in which the government is the statutory launch subject and the interested party is any launch subject should be used. Of course, we should understand not all environmental pollution damage events need to launch authentication and assessment work. If the damage is small or the interested parties can reach an agreement, it is unnecessary to launch environmental pollution damage assessment. So, when we investigate environmental pollution events, the level of environmental pollution events should be judged to confirm whether it is necessary to launch damage assessment procedure.

(2) After confirming whether the assessment work is launched, we should investigate environmental pollution accidents and collect relevant information in practical work. The information can help the assessment organizations and personnel better know the workload of assessment work, complexity, damage scope and degree and contribute to them to formulate more rational assessment service plans. The assessment organizations and personnel should collect relevant environmental pollution under the help of local government and people and establish mechanism for correcting errors with public participation to avoid wrong information as far as possible and check the omission. Of course, when we select environmental pollution damage assessment methods, we should rationally select the method according to the grade of accidents and the scope of the victims. This requires professional technical knowledge. The most popular environmental damage assessment methods include monetization assessment method and non-monetization assessment method. After the assessment organization selects the corresponding method, it should assess environmental damage degree according to scientific steps and procedures and then issue rigorous and scientific assessment conclusions. The assessment conclusion of the assessment organization is just a kind of evidence material. The legality needs to be finally identified by relevant organizations. According to different dispute solution ways, the identification subjects of the assessment conclusions are different, too. Besides, we should establish an assessment supervision mechanism integrating “administrative supervision, judicial supervision, self-discipline supervision and social supervision” and make environmental pollution damage assessment more authoritative and creditable, let multiple parties to participate and ensure objectiveness, rationality, feasibility and scientificity of the assessment mechanism so as to provide a more rational and suitable assessment mechanism for environmental pollution damage assessment.

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