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ESTABLISHING RESPONSIBILITY AND LIABILITY TO ENVIRONMENTAL DEGRADATION

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Abstract

Environmental degradation is an umbrella concept which covers a variety of issues including pollution, biodiversity loss & animal extinction, deforestation & desertification, global warming etc. This article focuses on the Rules of Responsibility and liability to environmental degradation. it adopts the doctrinal or library research-based approach. It discusses the causes of environmental degradation i.e. the human and natural sources as well as the principles that govern international environmental laws such as the polluter pays principle, the precautionary principle, the Public trust doctrine and the intergenerational equity. The article recommends that a strict application of the Laws, policies and regulations regulating polluters conduct would significantly reduce pollution and prevent most of the avoidable harm caused to the environment. It concludes that judges and judicial staff should be adequately trained on environmental laws to enable them to properly prosecute environmental Law cases, ensure compliance, promote enforcement of decisions and deter environmental violations.

Key words: Pollution, liability, environment, principles, law, degradation

1 Introduction

The environment encompasses everything around us ranging from the Air, water, land, plant and animal species, to also include the non-living things in the surroundings that affects

human lives. For healthy living, the environment should be protected from anything that will endanger human and animal lives and even other living and non-living species. This is because where the environment is degraded or polluted it results to the depletion of the natural resources, humans and the living species in the planet suffer the consequences. Hence over the years international environmental laws have imposed responsibility and liability on States to protect the environment from the danger posed by human activities on the planet. This paper focuses on the rules of responsibility and liability of State to environmental degradation.

2. Meaning, Nature and Scope of Environment

A. Meaning of Environment

Environment is simply defined to mean "the conditions that affect the behaviour and development of somebody or something; the physical conditions that somebody or something exists in the natural world in which people, animals and plants live.[1]

According to the Black's Law Dictionary,[2] environment is: 'The totality of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property or which also affects the quality of people's lives''

Statutorily, the National Environmental Standards, Regulations and Enforcement Agency[3] defines environment to include "water, air, land and all plants and human beings or animals living therein and the inter–relationships which exist among these or any of them."[4] Okorodudu-Fubara[5] sees environment as "the complex of physical, chemical and biological factors and processes which sustain life. Man is part of this network of natural components which make up the planetary ecosystem."[6]

B. Environmental Degradation

Environmental degradation is an umbrella concept which covers a variety of issues including pollution, biodiversity loss and animal extinction, deforestation and desertification, global

[11] O. Fagbohun, '*The Law of Oil Pollution and Environmental Restoration: A Comparative Review*,'(Lagos: Odade Publishers, 2010) p. 41
[2] Bryan A. Garner, *Black's Law dictionary*, 6th edition (St. Paul Minnesota: West Printing Co, 1990).
[3]NESREA Act, 2007.
[4] *Ibid*
[5] M., Okorodudu-Fubara, '*Law of Environmental Protection: material and Text* (Ibadan: Caltop Publishers limited,
1998)
[6] P..E.Oamen, "The Fate of Human Rights in a Period of a State of Emergency in Nigeria," (Nigerian National Human Rights Commission Journal (NNHRCJ), Vol. 3 (2013).

warming, and a lot more.[7]Environmental degradation is the deterioration of the environment through depletion of resources such as air, water and soil; the destruction of ecosystems and the extinction of wildlife. It is defined as any change or disturbance to the environment perceived to be deleterious or undesirable.

Environmental degradation is one of the ten threats officially cautioned by the High-level Panel on Threats, Challenges and Change of the United Nations. The United Nations International Strategy for Disaster Reduction defines environmental degradation as "The reduction of the capacity of the environment to meet social and ecological objectives, and needs." [8] Environmental degradation is of many types. When natural habitats are destroyed or natural resources are depleted, the environment is degraded.

C. Causes of Environmental Degradation

There are two major causes of Environmental degradation namely human sources and natural sources.

i. Human Sources

Humans and their activities are a major source of environmental degradation.[9] Over the years human activities through the process of development of the environment has led to environmental degradation. As a result of industrialization, water and air are being polluted on a daily basis and thus introduces pollutants and contaminants into the environment that result in the killing of plants and animal species.

Acid rain poses a danger to the environment. Acid rain occurs when sulphur dioxide from coal plant emissions combine with moisture in the air to create acid precipitation. Acid rain can acidify and pollute lakes, streams and soil. According to the U.S. Environmental Protection Agency (EPA), "acid rain or acid deposition is a broad term that includes any form of precipitation with acidic compound such as sulphuric acid that fall to the ground from the atmosphere in wet or dry forms. This can include rain, snow, fog ,hail or even dust that is

[7] Mahendra Pratap Choudhary, Govind Singh Chauhan and Yogesh Kushwah, 'Environmental Degradation: Causes, Impacts and Mitigation' 2015. <https://www.researchgate.net/publication/279201881> accessed May, 26, 2024

[8] United Nations International Strategy for Disaster Reduction. <htpps://www.united.nations..international.strategy. for.disaster.reduction.> accessed May 26, 2024.

[9] Causes of Environmental Degradation.<http://greenliving.lovetoknow.com/Causes_of_Environmental_Degradation> accessed May 26, 2024

acidic." [10] Thus if enough acid rain falls in a given environment, it can acidify the water or soil to a point where no life can be sustained. Plants die off. The animals that depend upon them disappear. The condition of the environment deteriorates.

Urbanisation is another source of human activity that has resulted in pollution and degrading of the environment. Urbanisation refers to the concentration of human population into discrete areas. It leads to the transformation of land for residential, commercial, industrial and transportation purposes. It can include densely populated centres as well as their adjacent peri-urban or suburban fringes.[11] As the increase in population raises the demand for more residential buildings, most arable forests and grasslands are turned into cities and towns, Grasslands and trees are destroyed and wetlands are turned into dry lands.[12] All of these have dangerous consequences on the environment.

ii. **Natural Sources**

While environmental degradation is most commonly associated with the activities of humans, the environment is also constantly changing over time. With or without the impact of human activities, some ecosystems degrade over time to the point where they cannot support the life that is "meant" to live there. Landslides, earthquakes, tsunamis, hurricanes, and wildfires can completely destroy local plants and animal communities to the point where they can no longer function. This can either come about through physical destruction via natural disasters or by the long term degradation of resources by the introduction of an invasive alien species to a new habitat.

3. Rules of Responsibility and Liability of State to Environmental Degradation

It is a well-established principle of international law, recognised in Article 1 of the International Law Commission,[13] on the Responsibility of States for Internationally Wrongful Acts, that every internationally wrongful act of a state entails the international responsibility

[10] EPA, What is Acid Rain? At <https://www.epa.gov/acidrain/what-acid-rain> accessed August 22, 2024
[11] See EPA, Urbanisation- Overview at https://www.epa.gov/caddis/urbanisation-overview accessed August 22, 2024.
[12] See, Zhang, Xing Quan "The Trends,Promises and Challenges of Urbanisation in the World" Habitat International 54 (2016) 241-252.; HAC Main, " Urbanization, Rural Environmental Degradation and Resilience in Africa" *Environmental and Development: Views from the East and the West* (1993) 469. See also, Odafivwotu Ohwo and Abel Abotulu, "Environmental Impact of Urbanisation in Nigeria" (2015) British Journal of Applied Science 9(3) 212-221 DOI: 9734/BJAST/2015/18148 accesses august 22, 2024.
[13] International Law Commission, 2001

of that state.[14] Thus where a State engages in acts that results to environmental degradation or pollution and its effects or consequences can be felt in other States, the polluting State has a responsibility to mitigate the damages done and also pay compensation to the affected State. Principle 13 of the Rio Declaration provides that:

> States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also co-operate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.[15]

A state responsible for an internationally wrongful act is under an obligation to cease that act, if it is continuing, and to offer appropriate assurances and guarantees of non-repetition if the circumstances so require, and to make full reparation for the injury caused by the internationally wrongful act. The obligation to make reparation or to pay damages is sometimes referred to as a liability.[16]

Thus in the *Chorzow Factory* case, the Permanent Court of International Justice held that: "It is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparations." The Court, further, held that, "that reparation was the indispensable complement of a failure to apply a convention, and there is no necessity for this to be stated in the convention itself".[17]

Similarly, the World Commission on Environment and Development (WCED) Legal Principles Group states that:

> If one or more activities create a significant risk of substantial harm as a result of a trans boundary environmental interference, and if the overall technical and socio-economic cost or loss of benefits involved in preventing or reducing such risks far exceeds in the long run the advantage

[14] J..Crawford, *The ILC's Articles on State Responsibility: Introduction, Text and Commentaries* (2002).
[15] Rio Declaration on Environment and Development, 1992. Principle 13.<https://culturalrights.net>documents> accessed May, 27 2024.
[16]The term 'liability' in international law has been described in a number of ways. For Dupuy and Smets, it means the 'international obligation to compensate': P. M. Dupuy and H. Smets 'Compensation for Damage Due to Trans Frontier Pollution', in OECD, *Compensation for Pollution Damage* (1981), 182. For Goldie, the meaning is wider in that it designates more generally 'the consequences of a failure to perform [a] duty, or to fulfill the standards of performance required. That is, liability connotes exposure to legal redress once responsibility and injury arising from a failure to fulfill that legal responsibility have been established': L. F. E. Goldie 'Concepts of Strict and Absolute Liability and the Ranking of Liability in Terms of Relative Exposure to Risk', 16 *Netherlands Yearbook of International Law* 175 at 180 (1985).
[17](1928) PCIJ, Ser. A, No. 17, at 47.

> which such prevention or reduction would entail . . . the state which carried out or permitted the activities shall ensure that compensation is provided should substantial harm occur in an area under national jurisdiction of another state or in an area beyond the limits of national jurisdiction.[18]

Article 11(2) of the World Commission on Environment and Development (WCED) provides that States 'shall ensure that compensation is provided for substantial harm caused by trans-boundary environmental interferences resulting from activities carried out or permitted by that state notwithstanding that the activities were not initially known to cause such interferences.'[19]

Therefore, it is the responsibility of the State to adopt measures to prevent any act of environmental degradation or pollution especially where the act will result in substantial damages to the environment of other States or of any areas beyond the limits of national jurisdiction[20].

Consequently, there are some laid down principles that govern International environmental law these are:

A. The Polluter Pays Principle

In Environmental law 'the Polluter Pays Principle' has been advocated to make the party responsible for producing 'pollution' to pay for the damage done to the natural environment.[21] In simple words "The Polluter Pays Principle is the commonly accepted practice that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment." For instance, a factory that produces a potentially poisonous substance as a by-product of its activities is usually held responsible for its safe disposal[22]. The same applies to States under the Principle of International Environmental law. Under this principle, the State that pollutes the environment should be made to pay for the cost of mitigating the damage.

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[18] WECD, Art. 11

[19] *Ibid*. Art. 11(2)

[20] Declaration of the Human Environment (Stockholm, 1972); ILM 1416 (1972) Principle 21 See also Principle 2 of the Rio Declaration (n.15); Article 24 of the African Charter on Human and Peoples Rights (Banjul Charter) 1981 which heralds as a right of all people "a general satisfactory environment favourable to their development".

[21] Science Direct.com, 'Polluter Pays Principle.' <https://sciencedirect.com.polluterpayprinciple> accessed January 20, 2024.

[22] Olayinka Oluwamuyiwa Ojo, "Polluter Pays Principle under Nigerian Environmental Law" 26 (3) Env. Liability 91. At <https://www.researchgate.net/publications/352414651_Polluter_pays_Principle_under_Nigerian_Environmental_Law> Accessed August 26, 2024

'Polluter Pays Principle' is also known as 'Extended Producer Responsibility' (EPR). The Organisation for Economic Co-operation and Development (OECD), defines Extended Producer Responsibility' as:

> A concept where manufacturers and importers of products should bear a significant degree of responsibility for the environmental impacts of their products throughout the product life-cycle, including upstream impacts inherent in the selection of materials for the products, impacts from Manufacturers' production processes itself, and downstream impacts from the use and disposal of the products.[23]

The 'Polluter Pays Principle' has been incorporated into the European Community Treaty. Article 102 Rule 2 of the Treaty states that 'environmental considerations are to play a part in all the policies of the community, and that action is to be based on three principles:

i. The need for preventive action;
ii. The need for environmental damage to be rectified at source; and
iii. That the polluter should pay'[24]

The 'Polluter Pays Principle' finds a prominent place in the **'**Rio Declaration of 1992'. Principle 16 of the Declaration proclaims that national authorities should endeavour to promote the internationalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.[25]

B. The Precautionary Principle

'Precautionary Principle' plays a significant role in determining whether the development process is sustainable or not[26]. Precautionary Principle underlies sustainable development which requires that the developmental activity must be stopped and prevented if it will cause

[23] See, OECD, The Polluter-Pays-Principle: OECD Analysis and Recommendations, OCDE/GD (92) 81 at <https://one.oecd.org/document/oecd/GD(92)81/En/pdf.> Accessed August 26, 2024.
[24]European Community Treaty, 1993.Article 102 Rule 2.<https://eur.lex.european.eu.summary>. accessed January 22, 2024.
[25] Ayobami Olaniyan, "Imposing Liability for Oil Spill Clean-ups in Nigeria: An Examination of the Polluter-Pays-Principle" Vol. 40, 2015, Journal of Law, Policy and Globalisation at <https://core.ac.uk/download/pdf/234650275.pdf> accessed August 26, 2024.
[26] Mary Stevens, "The Precautionary Principle in the International Arena", Sustainable Development Law and Policy Spring/Summer 2002, 13-15 at https//digitalcommons.wci.american.edu/cgi/viewcontent.cgi?article=1278&content=sdip accessed August 27, 2024.

serious and irreversible environmental damage especially to other jurisdictions or States[27]. The Precautionary Principle ensures that a substance or activity posing a threat to the environment is prevented from adversely affecting it, even if there is no conclusive scientific proof linking that particular substance or activity to the environmental damage. Inadequacies of science are the real basis that has led to the emergence of Precautionary Principle. The Principle is based on the theory that it is better to be on the side of caution and prevent environmental harm which may indeed become irreversible[28]. The Precautionary Principle has been given utmost importance in the United Nation's Conference on Environment and Development held at Rio in 1992.

Principle 15 of the 'Rio Declaration' states:

> In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.[29]

C. **The Public Trust Doctrine**

The 'Public Trust Doctrine' is the principle that certain resources are preserved for public use, and that the government is required to maintain them for the reasonable use of the public[30]. Hence these resources should not be destroyed by State in the course of carrying out its duties and responsibilities. A State will therefore be held liable in damages if it breaches this trust imposed on them. The ancient Roman Empire developed a legal theory known as 'The Doctrine of Public Trust', which was founded on the ideas that certain common properties such as rivers, seashore, forests and the air were held by government in trusteeship for the free and unrestricted use of the general public[31]. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea water and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private

[27] Majambere Rodrigue, "The Precautionary Principle in Environmental Law" Open Journal of Social Sciences, Vol. 11, No. 12, Dec. 2023 at <https://www.scirp.org/journal/paperinformation?paperid=130154> accessed August 27, 2024.
[28] Jacqueline Peel, "Precaution- A matter of Principle, Approach or Process? Vol. 5 Melbourne Journal of International Law, 2004 at <https://www.unimelbourne.edu.au/data/assets/pdf_file/003/1681122/Peel.pdf> accessed August 27, 2024.
[29] United Nations Conference on Environment and Development (Rio Declaration). Principle 15. <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>.accessed May 17, 2024.
[30] Erin Ryan," A short History of the Public Trust Doctrine and Its Intersection with Private Water Law" 39 Vir. Envtl. L.J. 135 (2020) at <https//ir.Law.fsu.edu/articles/719> accessed August 28, 2024.
[31] Ibid

ownership[32]. These resources being gifts of nature, should be freely available to everyone, irrespective of the status in life. The doctrine enjoins the government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or for commercial purposes.[33]

D. Inter-Generational Equity (IGE)

The use of the term *Inter-Generational Equity* is a concept of recent origin under the regime of International Environmental Law. Inter-Generational Equity is a concept that states that human beings hold the natural and cultural environment of the earth in common- both with the members of present and future generations[34]. It simply portrays that we have inherited our earth from our ancestors and have an obligation to pass it on in reasonable conditions to future generations which resonates with sustainable development.

The principle of Inter-Generational Equity is based on the notion that 'justice between generations requires equity between generations'. Accordingly, each person has an inherent right to exist, survive threats, have access to resources and pursue a decent life, despite his or her social and economic status, by the same token, unborn generations must inherent various opportunities for a good life that have not been diminished by those who came before them.[35]

The central notion of Inter-Generational Equity is that the future generations shall have the same access to the resources and ecological services that the current generation is enjoying. There are three required principles of Inter-Generational Equity and these principles require that the current generation has the following obligations on their part:

[32] David L. Callies and Katie L. Smith, "The Public Trust Doctrine: A United States and Comparative analysis" (2020) 7:1 JICL 41-70 at <https://www.jicl.org.uk/storage/journals/november2020/nnlwmTba8fWs58uLt20.pdf> accessed August 28, 2024.
[33] Sean Lyness, "The Local Public Trust Doctrine" 34:1 Georgetown Env'T Law Review at <https://www.law.georgetown.edu/environmental-law-review/wp-content/uploads/sites/18/2022/11/GT-GELR220012.pdf> accessed August 28, 2024.
[34] Jane Anstee-Wedderburn,"Giving a Voice to Future Generations: Intergenerational Equity, Representatives of Generations to Come, and the Challenge of Planetary Projects, 2014, vol.1 (1) Australian Journal of Environmental Law. At <https://www.austLii.edu.au/journals/AUJIEnvLaw/2014/3.pdf> Accessed August 27, 2024,
[35] Ibid

a. **Conservation of options**: fulfilment of this principle can be accomplished not only by conservation of resources directly, but also by new technological developments that creates substitutes for existing sources.
b. **Conservation of Quality**: each generation is required to maintain the quality of planet so that it is passed on in no worse condition than in which we received from previous generations.
c. **Conservation of access**: each generation should provide its members with equitable rights of access to the legacy of previous generations and should conserve this access for future generations.

The principle of Inter-Generational Equity is one of the central components of sustainable development. This is apparent from the most widely accepted definition of sustainable development featured in the Brundtland Report[36]. Accordingly, sustainable development is the development that meets the needs of present generations without compromising the ability of future generations to meet their own needs. Principle 1 of Stockholm Conference proclaims that:

> Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears the solemn responsibility to protect and improve the environment for present and future generations[37]

This principle was again reaffirmed at Rio Declaration, 1992 in Principle 3 which provides thus: "the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations[38]."

E. The obligation of prevention

Customary international law obliges States to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits

[36] Bruntland Report, 1987 at <https://www.are.admin.ch/are/en/home/media/publications/sustainable-development/bruntland-report.html> accessed August 28, 2024.; Mohammandhadi Hajian and Somayeh Jangchi Kashani, "Evolution of the Concept of Sustainability: From Bruntland Report to Sustainable Development Goals" Sustainable Resource Management, 2021, 1-24. At <https://www.sciencedirect.com/science/article/abs/pii/B9780128243428000183> accessed August 28, 2024.
[37] United Nation Conference on human environment, 1972. Principle 1. <https://www.cil.nus.edu.sg>databasecil.1972.declaration>. accessed January 26, 2024
[38] United Nations Conference on Environment and Development (*Rio Declaration).* Principle 15. <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>.accessed January 26, 2024.

of national jurisdiction.[39] The principle of prevention has its origins in the due diligence that is required of a State in its territory. The obligation of prevention obliges a State 'to use all the means at its disposal in order to avoid activities which take place in its territory, or in any area under its jurisdiction, from causing significant damage to the environment of another State. Where a State fails to take the necessary preventive action but decides to deliberately infringe on the rights of other States, it shall be liable to payment of damages to those States. This was the basis of the ICJ Judgment in the *Costa Rica and Nicaragua Border Case*[40] decided in 2015. In that case Nicaragua while engaged in the act of constructing a road along the San Juan River within it borders with Costa Rica, had breached its international obligations by excavating several canals, which had affected the rich biodiversity of the disputed area. According to the judgment, Nicaragua had an obligation to compensate Costa Rica for material damages caused by the unlawful activities which would have been prevented if due diligence have been employed.

This judgment is significant because it is the first time that the ICJ has addressed the question of compensation for environmental harm. The judgment begins by reciting the well-known principles of international law relating to reparation, including the famous dicta of the Permanent Court of International Justice in the *Chorzow Factory Case* that 'reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed'. The Court built upon this previous jurisprudence when it explained that 'damage to the environment, and the consequent impairment or loss of the ability of the environment to provide goods and services, is compensable under international law [and] such compensation may include indemnification for the impairment or loss of environmental goods and services in the period prior to recovery and payment for the restoration of the damaged environment.

E. Prevention of Pollution and Environmental Harm

International law does not allow states to conduct or permit activities within their territories, or in common spaces, without regard for the rights of other states or for the protection of the

[39] Rebecca M.M. Wallace and Olga Martin-Ortega, *International Law*, 7th ed. (2013, London, Sweet &Maxwell) 228.
[40] See summary in James Harrison, 'Significant International Environmental Law Cases: 2015-16' (2016) 28 JEL 533, 533–38.

global environment.[41] This point is sometimes expressed by reference to the maxim *sic uteretuo, utalienum non laedas* or 'principles of good neighbourliness,' but the contribution of customary law in environmental matters is neither as modest nor as vacuous as these phrases might suggest.[42]However two principles stands out with respect to prevention and protection of the environment.

1) States have a duty to prevent, reduce, and control trans-boundary pollution and environmental harm resulting from activities within their jurisdiction or control.

2. States also have a duty to cooperate in mitigating trans-boundary environmental risks and emergencies, though notification, consultation, negotiation, and in appropriate cases, environmental impact assessment.

4. Recommendations

International laws should properly set out the consequences of engaging in acts of environmental degradations that not only affects the jurisdiction of a State but goes beyond the limits of national jurisdiction. Also domestication, rectification and implementation of existing international laws should be encouraged by all States so as to put in place measures geared towards global best practices with respect to the protection and conservation of the environment. A strict application of these Laws, policies and regulations regulating polluters conduct would significantly reduce pollution and prevent most of the avertable harm caused to the environment.

Stakeholders should endure liabilities, penalties and fines imposed on corporations reflect new economic conditions.

Environmental cases should be properly prosecuted in court to ensure compliance, promote enforcement of decisions and deter environmental violations. To this end, judges and judicial staff must be adequately trained on environmental law. Such training should equip them with the relevant knowledge on the complex nature of the legislative and regulatory framework for environmental protection and proceedings. Such concepts as strict liability, standing, class action and environmental principles like polluter pays principles, sustainable development, the precautionary principle and intergenerational equity.

[41] Patricia Bernie, Alan Boyle, Catherine Redgwell *International Law and the Environment*, Oxford University Press, 2009.
[42] Ibid

6. Conclusion

The deterioration of the environment through depletion of resources such as air, water and soil and the destruction of the ecosystem should be prevented by States if the earth is to be protected from the danger posed by environmental degradation to humanity and other living species. Hence States should take all necessary measures to ensure that their activities do not result in trans boundary harm to other States. Environmental impact assessment of all key projects should, therefore, be encouraged to prevent, reduce, and control trans-boundary pollution and environmental harm. Finally, judges and judicial staff should be adequately trained on environmental laws to enable them to properly prosecute environmental Law cases, ensure compliance, promote enforcement of decisions and deter environmental violations..