Review of Legislation and Law Enforcement Practice of Forest Pest Management and Sanitary Safety

Summary in English

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Reviewers:


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The work presents a review of pest management legislation and its practical application reflecting professional perceptions in this sphere of forest relations.

The monograph is intended for forest experts, as well as a wide range of stakeholders interested in the development of forest relations.

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FOREWORD

Forest pest management is an essential forest management operation critical for the condition of Russian forests. The efficiency of pest management is largely dependent on administrative decisions and law enforcement practice in this area.

Dramatic changes in forest relations formalized in the Forest Code of the Russian Federation (2006) also affected the key aspects of pest management. During the period of application of pest management and sanitary safety standards specified in the Forest Code, the professional community has come to feel the need for major revisions in this part of forest legislation. Public discussions of the issue have generated several legislative initiatives.

Forest mortality annually occurs in Russia over about 0.45 million ha, and the amount of timber in areas of complete dieback is generally estimated as 45.5 million m$^3$ per year. In addition, trees are annually damaged in forest stands affected by fire, windblows, pests, and other natural disasters. The overall amount of timber annually damaged in Russian forests makes up about 796 million m$^3$, which is almost 4 times larger than the annual amount of timber harvesting. This attests the high significance of forest pest management and sanitary safety.

Fundamental regulations on forest pest management and sanitary safety were established by the RF Forest Code (2006) and Rules of Sanitary Safety in Forests. The majority of standards regulating this part of forest relations are contained in guidance documents that are advisory in nature.

However, the existing pest management and sanitary safety regulations are far from perfect, and fail to provide the basis for sustainable development and efficient forest use. Major deficiencies include ambiguous definitions of basic concepts such as “pest management”, “sanitary safety”, and “forest pest monitoring”.

The imperfection of forest legislation with regard to pest management and sanitary safety most obviously manifests in forest planning documents. According to the law, forest management regulations and forest development plans require projection of salvage cutting, as well as pest outbreak containment and eradication. However, the need for such operations occurs as a result of natural events that cannot be forecasted for a long-term period – fires, windblows, pest outbreaks, etc. The established procedure for making changes to forest planning documents actually enacts their recurrent complete revision due to forest damage and mortality. This deficient rule exists because forest planning documents do not specify a minimum threshold of changes occurring in forests.

The main difficulty in the application of pest management and sanitary safety standards stems from the declarative nature of respective by-laws. The Rules of Sanitary Safety in Forests are a framework document specifying that pest management operations should be implemented in accordance with methodological documents to be approved according to the established procedure. This provision suggests enactment of a regulation governing the enforcement of standards and requirements specified in the Rules of Sanitary Safety. At the same time, enforcement of forest legislation is, with few exceptions, the subject-matter of civil law, labor law and other related laws.

Methodological documents on pest management include guidelines (on pest surveys, salvage and preventive operations, pest outbreak containment and eradication). They are approved by the order of the Federal Forestry Agency that was not registered according to the established procedure and thus failed to become a legally binding document. In addition to extensive amount of regulatory and reference information on pest management and sanitary safety, the guidelines contain instructions conflicting with Russian laws. Basically, the standards and reference information presented in the guidelines make up the major part of the Rules of Sanitary Safety in Forests.
In the current practice, administrative actions on pest management and sanitary safety are grouped in two areas: actions based on the results of forest pest monitoring or pest surveys. Results of forest pest monitoring provide the basis for pest outbreak containment and eradication operations. The bulk of administrative decisions is related to sanitary safety in forests, and is based on the results of forest pest surveys. Activities in this area have some specific features in forests assigned for long-term use (lease, permanent perpetual use).

Quality control of pest management operations is performed by forest service officials as part of public federal forest supervision, as well as during inspections to check the execution of delegated powers by Russian regions in the area of forest relations.
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