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THE EFFECTIVENESS OF CLASS ACTION LAWSUITS IN RESOLVING DISPUTES REGARDING UNLAWFUL ACTS IN THE ENVIRONMENTAL SECTOR

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Abstract: *This article examines the legal mechanism and practical effectiveness of environmental class actions in resolving disputes arising from unlawful acts. It uses normative-empirical legal research, combining statutory, conceptual, and case approaches with interview records concerning environmental management in North Sulawesi. The legal analysis focuses on Article 91 of Law No. 32 of 2009, Supreme Court Regulation No. 1 of 2002, and Supreme Court Regulation No. 1 of 2023. The available field materials describe reported pollution complaints in Tateli, Minahasa, and North Minahasa, together with administrative responses and institutional constraints. They do not establish a verified count of environmental disputes or class-action filings, and some interview attributions remain incomplete. The findings indicate that class actions provide a legal route to collective compensation and specific environmental remedies where group members share relevant facts, legal grounds, and claims. In the locations described, however, reported complaints were addressed mainly through administrative measures, and no local class-action proceeding is identified in the source materials. Limited public awareness, coordination difficulties, scientific proof, and incomplete monitoring capacity constrain practical access to this remedy. The article concludes that effectiveness depends on procedural compliance, credible evidence, representative accountability, and enforceable restoration or compensation.*

Keywords: *Effectiveness; Class Action; Environmental Dispute; Unlawful Act.*

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Introduction

Environmental pollution and damage may affect many people through a single activity or a series of connected activities. Where each affected person is required to file an individual civil action, the costs, evidentiary burden, and risk of inconsistent judgments may make litigation inaccessible, particularly when each person's loss is relatively small but the collective harm is substantial. A class action responds to this problem by allowing one or more members of a group to litigate on behalf of other members who share

relevant factual and legal issues. Its principal rationale is access to justice and judicial economy, not the removal of ordinary requirements of civil liability.

The constitutional basis for environmental protection is found in Article 28H paragraph (1) of the 1945 Constitution, which recognises the right to a good and healthy environment. Article 33 paragraph (4) further requires the national economy to be conducted in an environmentally sustainable manner. At the statutory level, Law No. 32 of 2009 on Environmental Protection and Management (the Environmental Law), as amended, recognises several distinct avenues of environmental litigation. For a group of affected residents, Article 91 provides the right to bring a class action where they suffer loss because of pollution and/or environmental damage and where the group shares relevant facts or events, legal grounds, and types of claim. The provision is not Article 37 of Law No. 32 of 2009. Article 37 was contained in the former Law No. 23 of 1997; the operative class-action provision in Law No. 32 of 2009 is Article 91 (Indonesia, 2009, as amended 2023).

A class action must also be distinguished from the standing of an environmental organisation under Article 92 and from a citizen lawsuit. Article 92 gives qualifying environmental organisations a right to sue for the preservation of environmental functions, with the claim limited principally to specific actions and actual costs. A citizen lawsuit, by contrast, is generally used to challenge alleged failures or omissions of public authorities in matters of public interest. These procedural routes have different claimants, standing requirements, and remedial purposes. Treating them as interchangeable obscures the question of who has suffered a legally cognisable loss and what relief may be sought.

The civil-law basis for a claim arising from environmental pollution or damage includes Article 1365 of the Indonesian Civil Code, which requires an unlawful act, fault, loss, and a causal connection between the act and the loss. Article 87 paragraph (1) of the Environmental Law provides that a person in charge of a business and/or activity who commits an unlawful act causing pollution and/or environmental damage that results in loss to another person or the environment must pay compensation and/or undertake certain actions. Article 88, which regulates strict liability in specified activities involving serious threats to the environment, is a separate liability basis and should not be conflated with the fault-based elements of Article 1365. The distinction matters because class certification does not itself prove the defendant's liability; the material requirements of the claim must still be established.

Earlier scholarship has addressed the legal and procedural role of class actions in environmental disputes. Sawitri and Bintoro (2010) examine litigation and non-litigation mechanisms for environmental dispute resolution, including class actions and

organisational legal standing. Erlina (2010) discusses the use of class actions in environmental law enforcement and illustrates the varied outcomes of public claims. Pontoh (2016) focuses on the legal position of environmental class actions and procedural difficulties in court, while Widiarty (2015) analyses the class-action mechanism in consumer disputes and its relationship to access to justice. These studies establish the importance of collective proceedings, but they do not provide a focused account of the reported environmental complaints, administrative handling, and institutional constraints described in the North Sulawesi materials examined here.

The source manuscript records several local accounts: a coal-related industrial activity in Tateli in 2017 that allegedly affected water resources serving surrounding villages; community objections to charcoal production in North Minahasa because of air pollution; and an odour complaint concerning waste from a pig-farming activity in Minahasa. The source also records administrative responses by local government agencies and reports limited human resources, laboratory facilities, operational budgets, and public awareness. These are qualitative accounts rather than a systematic environmental-case database. The available manuscript does not provide a verified number of disputes, a complete set of environmental monitoring results, or a complete mapping between each incident and a named interviewee. The article therefore treats these reports as indicative field material and does not generalise them as a province-wide statistical trend.

The significance of the research lies in examining the gap between the formal availability of a class-action remedy and the ability of affected groups to use it. Its contribution is to assess effectiveness through a consistent set of procedural and remedial indicators and to compare those indicators with the field accounts available for Minahasa and North Minahasa. The study addresses two questions: (1) how is an environmental class action legally structured and what requirements must be satisfied to bring a claim based on unlawful acts; and (2) what factors, as reflected in the available North Sulawesi field materials, support or constrain the practical effectiveness of this remedy.

Method

This study uses normative-empirical legal research. The normative component examines the legal basis, requirements, and consequences of environmental class actions. It applies statutory, conceptual, and case approaches. The statutory approach considers the 1945 Constitution, Law No. 32 of 2009 on Environmental Protection and Management as amended by Law No. 6 of 2023, the Indonesian Civil Code, Supreme Court Regulation No. 1 of 2002 on Class Action Procedures, Supreme Court Regulation No. 1 of 2023 on Guidelines for Adjudicating Environmental Cases, and Law No. 48 of 2009 on Judicial Power. The conceptual approach uses access to justice, judicial economy, class commonality, representative adequacy, and environmental liability. The case approach considers selected decisions relevant to environmental class actions, particularly the Mandalawangi and PT Rayon Utama Makmur cases.

The empirical component is limited to interview information recorded in the source manuscript concerning environmental management in North Sulawesi. The listed interview materials identify Henny Kasenda, Head of Equipment and Logistics at a technical unit for mining testing and equipment (20 July 2026); Veni Kompo, Chair of the Batu Api Talawaan Cooperative in North Minahasa (23 July 2026); Frangky S. Waworuntu, Secretary of the Minahasa Environmental Agency (3 August 2026); and Fonnie M. Kainde, Head of Waste and Hazardous and Toxic Waste Management and Capacity Building at the Minahasa Environmental Agency (5 August 2025). The manuscript also refers to an unnamed official of the North Minahasa Environmental Agency in 2025. These records are treated as the empirical sources actually identified in the manuscript; the article does not attribute a particular incident to an individual informant where the original material does not do so.

The materials were assembled through review of the legislation, the cited judicial decisions, the scholarly works identified in the original manuscript, and the interview references contained in that manuscript. The available source file does not include complete interview transcripts, an interview guide, a sampling explanation, or precise dates and identities for every field account. Accordingly, this article does not reproduce direct quotations, claim that interviews were semi-structured, or present numerical findings that cannot be traced to the source. The field accounts are organised by location and issue, then analysed qualitatively by comparing them with the statutory requirements for group representation, commonality, proof of loss and causation, notice, opt-out, and enforceable remedies. This limitation is material: the field component provides contextual indications of how complaints were handled, but it is insufficient to measure the frequency of environmental disputes or to establish that no relevant class action has ever been filed throughout North Sulawesi.

Discussion

Legal Structure and Procedural Requirements of Environmental Class Actions

Article 91 paragraph (1) of the Environmental Law authorises a community to file a class action for its own interest and/or the interest of the community when it suffers loss because of pollution and/or environmental damage. Paragraph (2) requires common facts or events, legal grounds, and types of claim between the class representatives and the class members. These requirements provide the substantive connection between the representative plaintiffs and the group. They also prevent a class action from becoming a general public-interest claim brought by persons who have not themselves suffered the relevant loss.

The procedural framework is supplied by Supreme Court Regulation No. 1 of 2002. Article 2 identifies three core considerations: the number of group members must make individual or ordinary collective litigation impractical or inefficient; the members must share substantially similar facts or events, legal grounds, and types of claim; and the class representative must act honestly and seriously to protect the interests of the represented group. The class must be defined specifically even though the names of every member need not be stated in the statement of claim. The representative must be able to explain the group's common position and protect the interests of members whose individual losses may differ in amount.

Article 3 of Supreme Court Regulation No. 1 of 2002 requires the statement of claim to contain, among other matters, the complete identity of the representative, a detailed and specific definition of the class, information needed for notification, and the legal and factual grounds of the claim for the representatives and the members. Where the nature or amount of loss differs, subclasses may be necessary. The claim for compensation must be specific and should explain the proposed method of distributing compensation, including any proposed team or panel to assist distribution. A vague class definition or an unworkable distribution plan risks producing a judgment that cannot be implemented fairly.

Class certification is a distinct procedural assessment. The court must decide whether the dispute is suitable for representative proceedings before proceeding to the merits. Once the class procedure is authorised, notice must enable class members to understand the case and the consequences of remaining in or opting out of the group. Notice is not merely a formality: it protects the autonomy of absent members and informs them of the binding effect of the eventual judgment. The opt-out mechanism is particularly important because a final judgment may bind members who do not individually appear in court, subject to the applicable procedure.

Supreme Court Regulation No. 1 of 2023 reinforces the environmental application of this mechanism. Article 32 paragraph (1) expressly permits a class-action plaintiff to seek compensation and/or specific actions aimed at securing the right to a good and healthy environment. Paragraph (2) directs courts to apply Article 91 of the Environmental Law together with Supreme Court Regulation No. 1 of 2002. Paragraph (3) requires the examining judge, at the first hearing, to assess the validity of the class representative and the authority of counsel, explain the procedure and the claim to the parties, and determine whether the class-action procedure is valid. This provision confirms that environmental class actions are not merely a theoretical possibility; they are integrated into the current judicial guidelines for environmental cases (Supreme Court Regulation No. 1 of 2023, art. 32).

The remedial structure should also be clear. A class action may seek compensation for individual or common losses and/or specific action, including measures needed to stop unlawful conduct or restore environmental conditions. Where compensation is sought, the pleading should distinguish individual losses (for example, medical costs or property damage) from collective or environmental restoration measures. The court should be able to determine the persons entitled, the criteria for calculating each category of loss, the time and method of payment, and the steps to be taken if a defendant does not comply. Without this clarity, an otherwise successful judgment may fail to deliver effective relief.

Distinguishing Class Actions, Environmental Organisation Standing, and Citizen Lawsuits

The distinction among the available forms of environmental litigation is essential. An Article 91 class action is brought by one or more members of an affected group on behalf of themselves and other members who share the relevant facts or events, legal grounds, and types of claim. The representative must be a credible member of the class and must have suffered the relevant loss. Compensation for group members and specific remedies may be sought, subject to the governing procedural rules.

Article 92 addresses a different claimant and purpose. A qualifying environmental organisation may sue to protect the preservation of environmental functions. Its standing is tied to its organisational objectives and statutory requirements. The claim is principally limited to specific actions and actual costs or expenses; it is not a substitute for a class action seeking compensation for the individual losses of residents. The distinction is material where community members have personal claims for health-related expenses, property damage, or other losses while an environmental organisation seeks restoration of environmental functions.

A citizen lawsuit is generally directed at an alleged failure or omission by public authorities to discharge legal duties affecting the public interest. It is not identical to the representative claim of residents who have suffered loss under Article 91. Its procedural development in Indonesia has largely been shaped by judicial practice, and the claimant, defendant, cause of action, and requested relief must be analysed separately. A plaintiff cannot avoid the statutory requirements of an Article 91 class action merely by labelling the case a citizen lawsuit, nor can a group of injured residents rely only on the standing requirements applicable to an environmental organisation.

Unlawful Acts and Environmental Civil Liability

For a claim based on Article 1365 of the Civil Code, the claimant generally must establish four elements: an unlawful act, fault, loss, and a causal relationship between the act and the loss. In environmental cases, the unlawful character of conduct may arise from a breach of statutory duties, a violation of environmental approval requirements, or conduct that infringes legally protected rights. The existence of pollution or environmental damage is relevant, but it should not be substituted for a complete analysis of fault, loss, and causation where Article 1365 is relied upon.

Article 87 paragraph (1) of the Environmental Law specifically requires a person in charge of a business and/or activity that commits an unlawful act causing pollution and/or environmental damage, with resulting loss to another person or the environment, to pay compensation and/or undertake certain actions. Article 88 establishes strict liability for specified activities involving hazardous and toxic substances, waste, or serious threats to the environment, subject to the statutory requirements. The legal basis must therefore be identified with precision: a fault-based claim under Article 1365 is not the same as a strict-liability claim under Article 88. The availability of a class-action procedure does not erase these substantive distinctions.

Environmental proof may be difficult because pollution may arise from multiple sources, effects may emerge after a long latency period, and establishing causation may require scientific expertise. Evidence can include environmental monitoring results, laboratory tests, permits or environmental approvals, inspection records, medical documents, expert evidence, photographs, and reliable testimony. The evidentiary plan should connect the alleged activity to the specific pollutant or damage, identify the affected area and period, and explain whether the individual losses share a common causal question. Where members have materially different forms or degrees of loss, the pleading should consider subclasses or separate calculation methods rather than assume that each member suffered an identical amount.

The administrative handling of a complaint does not automatically extinguish a civil claim. An agency warning, order to suspend an activity, or closure of an operation may

stop or reduce ongoing harm, but it does not by itself compensate affected residents or establish that the environment has been restored. Conversely, the existence of an administrative sanction does not by itself prove all elements of civil liability. The evidence and remedies in the civil action must be assessed independently, while avoiding double recovery for the same loss.

Judicial Decisions and the Development of Environmental Class Actions

The Mandalawangi case illustrates the potential of representative proceedings in environmental disputes. Supreme Court Decision No. 1794 K/Pdt/2004, delivered on 22 January 2007, concerned a class action arising from the landslide disaster in the Mount Mandalawangi area of Garut. The case involved claims against Perum Perhutani and public authorities responsible for the relevant forest-management and governmental functions. The decision is commonly discussed in connection with environmental class actions, the precautionary principle, and strict liability. It demonstrates that a collective proceeding can provide a forum for addressing harm affecting a broad community and can connect compensation with environmental recovery (Supreme Court Decision No. 1794 K/Pdt/2004, 2007).

A more recent example is the dispute between residents and PT Rayon Utama Makmur. The Supreme Court's official decision directory records Decision No. 4441 K/Pdt/2024, dated 16 December 2024. The Supreme Court granted the cassation application and set aside the Semarang High Court Decision No. 43/PDT/2024/PT SMG, which had previously set aside the Sukoharjo District Court Decision No. 29/Pdt.G/2023/PN Skh. The docket classifies the dispute as a civil unlawful-act case and records the Supreme Court decision as final and binding. The sequence is relevant because it shows that the admissibility and procedural treatment of environmental class actions may differ across judicial levels and that appellate review can materially change the outcome (Supreme Court Decision No. 4441 K/Pdt/2024, 2024).

These decisions should not be treated as proof that every environmental class action will succeed. Their significance is narrower: they illustrate the practical importance of a clearly defined class, a properly authorised representative, a pleaded basis of liability, evidence that can connect the defendant's activity with the harm, and a remedial order capable of implementation. They also demonstrate why consistency in judicial assessment is central to effectiveness.

North Sulawesi Field Accounts and Institutional Responses

The original manuscript describes three groups of local environmental complaints and several institutional constraints. Because the interview records and incident documents are incomplete, the table below reports the substance of the source material with

explicit qualifications. It should not be read as a verified inventory of all environmental disputes in the province.

Table 1. Summary of Field Accounts Reported in the Source Manuscript

Location / period	Account recorded in the source manuscript	Reported response / context	Relevance and evidentiary limit
Tateli, Minahasa (2017)	The manuscript reports that a coal-related industrial process associated with SKJ (Sederhana Karya Jaya) allegedly threatened water sources serving five surrounding villages. Residents were said not to have received compensation.	The source states that the company was subjected to an administrative sanction in the form of closure of its business activity.	The manuscript does not attach monitoring results, the closure decision, or a clear attribution of this incident to a named interviewee. The account therefore requires documentary verification.
North Minahasa (2025–2026 references)	The manuscript records community objections to charcoal production because of air pollution allegedly associated with shortness of breath and coughing. It also reports that mining activity by PT Meares Soputan Mining (PT MSM) was described as orderly and not generating community complaints.	The charcoal-production issue was said to have been resolved by the local government. No class action concerning mining activity in North Minahasa was identified in the source account.	The official who reportedly supplied the account is unnamed. Absence of a class action in the source record does not prove absence of pollution, injury, or barriers to litigation.

Location / period	Account recorded in the source manuscript	Reported response / context	Relevance and evidentiary limit
Minahasa (2025–2026 references)	The manuscript reports an odour complaint related to waste from a pig-farming activity, with residents experiencing discomfort and respiratory disturbance.	The source describes written warnings and suspension of the relevant activity as administrative responses. It also identifies difficulties in monitoring waste-treatment locations through the online licensing system.	The exact farm, incident date, agency records, and informant attribution are not supplied. The reported response should be checked against official administrative documents.

The Tateli account is significant because the reported administrative closure did not resolve the separate question of compensation to affected residents. If residents suffered a common loss caused by the same activity, Article 91 may provide a procedural route, provided the class and representative requirements are satisfied and the evidence establishes the relevant liability. The five-village reference suggests a potentially broad affected group, but a class cannot be defined solely by geographical proximity. The plaintiffs would need to identify the affected persons or a workable class definition, establish the relevant common facts, and provide evidence of the alleged impact on water sources and the causal connection to the defendant's activity. The statement that compensation was not received also requires supporting records before it can be treated as a proven finding.

The North Minahasa accounts point to two different situations. Community opposition to charcoal production suggests that a local pollution complaint may trigger administrative intervention before a civil class action is considered. The report that no class action was filed in connection with PT MSM mining activity is relevant, but it cannot be used as a proxy for the absence of environmental harm or for the effectiveness of class actions. At most, it indicates that the manuscript's informant did not identify a class-action proceeding in that context. Whether the lack of litigation reflects the absence of legally cognisable loss, effective administrative resolution, settlement, limited awareness, evidentiary barriers, or other reasons remains unestablished by the source material.

The Minahasa account similarly suggests that administrative intervention was the primary response to a reported odour problem from pig-farming waste. Written

warnings and suspension of activities may be appropriate preventive or corrective measures. Nevertheless, if residents incurred health-related or other losses, the question of civil compensation remains analytically separate. The manuscript's observation that online environmental approval processes make it harder for officers to monitor waste-treatment locations also suggests a regulatory oversight issue. That observation should be tested against the current licensing and allocation-of-authority framework, because the source manuscript does not include the relevant administrative records or a legal analysis of the post-amendment institutional framework.

Factors Constraining Practical Effectiveness

First, public awareness and collective organisation affect whether an eligible group can identify and use the class-action mechanism. The source manuscript reports limited public understanding of environmental rules and of class-action procedures. Even where residents share a common grievance, they may pursue individual complaints, rely on administrative intervention, or remain inactive because they do not know the available remedies. Community coordination is necessary to identify the group, agree on representative plaintiffs, collect evidence, and communicate with members during the proceedings.

Second, representative adequacy and class definition require careful preparation. A representative must have a genuine connection to the alleged harm, act honestly and seriously, and be able to protect the group. Environmental cases may involve residents who live in different areas, use different water sources, or suffer different degrees of health or property loss. If those differences are ignored, the class may be too broad or the claim may fail to reflect the interests of all members. A detailed class definition, a common factual theory, and subclasses where necessary can reduce this risk.

Third, environmental causation and damages require reliable technical evidence. The source manuscript identifies limited laboratory facilities and a shortage of personnel with specialised environmental investigation skills. Such constraints affect not only administrative enforcement but also the ability of residents to obtain admissible and persuasive evidence. For class-action purposes, the evidence must support common issues while also allowing individual losses to be assessed where the amount differs among members. Independent laboratory testing, expert assistance, monitoring records, and medical documentation are therefore important to the success of a claim.

Fourth, the source describes limited operational budgets and gaps in public outreach, as well as difficulties associated with monitoring hazardous and toxic waste management. These statements represent institutional constraints reported in the manuscript, not a complete description of the current statutory division of powers among central and regional agencies. The exact allocation of authority should be checked against the

current Environmental Law and implementing regulations before any jurisdiction-specific conclusion is made. Still, the reported lack of staff, facilities, and regular monitoring illustrates how administrative enforcement gaps may leave residents without the documents or technical findings needed to pursue civil relief.

Fifth, procedural implementation determines whether a judgment produces practical relief. Notice must reach class members; opt-out opportunities must be meaningful; compensation must be distributed through a transparent mechanism; and specific environmental actions must be sufficiently precise to monitor. A judgment ordering restoration should identify the intended outcome, responsible party, timeframe, and verification method. Without these elements, a successful class action may produce a formal legal victory but an incomplete remedy.

An Integrated Assessment of Effectiveness

For this article, effectiveness is assessed through five connected indicators. The first is access and judicial economy: whether collective proceedings reduce the practical barriers created by multiple individual claims. The second is procedural suitability: whether the class is defined, commonality is demonstrated, and the representative is adequate. The third is evidentiary capacity: whether the claim can prove unlawful conduct, loss, and causation, or establish the requirements of a separate statutory liability basis. The fourth is remedial performance: whether compensation and/or restoration can be ordered, implemented, and distributed fairly. The fifth is accountability and deterrence: whether the process contributes to ending harmful conduct and preventing repetition.

Applied to the available North Sulawesi materials, the first indicator is supported at the level of legal design but not tested through a local class-action proceeding. The accounts concern groups of residents or neighbouring communities, yet the source material does not identify a filed class action, a defined class, or a certification decision. The second indicator therefore cannot be assessed empirically for the reported incidents. The third indicator is constrained by the absence of attached environmental test results, medical documentation, and a traceable account of the evidentiary record. The fourth indicator is only partly reflected in the reported administrative measures; the source does not establish a class-based compensation distribution or a judicial restoration order. The fifth indicator is suggested by the closure or suspension of activities, but no evidence is provided about long-term compliance or recurrence.

The overall assessment must therefore be qualified. Normatively, environmental class actions are available and can provide collective access to compensation and specific environmental remedies. Practically, the field material examined here does not demonstrate that this mechanism has been used in the described local incidents. The

more defensible conclusion is not that class actions are categorically ineffective in Indonesia or throughout North Sulawesi, but that the available study records show a gap between legal availability and observed use in the reported locations. That gap appears to be associated with limited awareness, organisation, technical evidence, and the predominance of administrative complaint resolution. A stronger empirical conclusion would require complete interview records, official case data, and documentary verification of each incident.

Conclusion

The legal mechanism for environmental class actions is principally governed by Article 91 of Law No. 32 of 2009, as amended, together with Supreme Court Regulation No. 1 of 2002 and Article 32 of Supreme Court Regulation No. 1 of 2023. A claim requires a sufficiently large group, common facts or events, common legal grounds and types of claim, and an honest and adequate class representative. The pleading must define the class, set out the common case, provide for notice and opt-out, and explain how compensation or specific environmental action will be implemented. Where unlawful acts are alleged, the claim must also identify the relevant basis of liability and prove the necessary elements, including loss and causation where applicable. Class actions must be distinguished from environmental organisation standing under Article 92 and from citizen lawsuits.

The available field accounts from Tateli, Minahasa, and North Minahasa show that reported complaints were addressed mainly through administrative measures, including closure, written warnings, or suspension of activities. The manuscript does not identify a class-action proceeding for the reported local incidents, and it does not provide complete transcripts, incident records, or environmental test results. These limitations prevent a conclusive assessment of the actual number of disputes or the province-wide use of class actions. The field materials nevertheless point to practical constraints involving public awareness, coordination among affected residents, class-representative selection, scientific proof, monitoring capacity, and the implementation of remedies.

Accordingly, class actions have a strong normative potential but their practical effectiveness cannot be inferred merely from the existence of Article 91 or from the absence of local filings. Local environmental agencies should improve public legal education, preserve monitoring and enforcement records, and facilitate access to reliable testing. Communities require assistance to document shared harm and organise representative claims. Courts should apply class certification, notice, opt-out, and distribution requirements consistently and ensure that remedial orders are specific and enforceable. For final publication, the empirical claims in this article should be supported with complete interview records and the relevant administrative and scientific documents.

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