

英美空氣污染防治法簡介

英國

英國雖是判例法的國家，但對於防止危及人類健康之公害，早就制定有管制環境污染之法。1821年制定「蒸氣機關爐法」，1856年制定「倫敦煤煙法」，後又隨化學工業的發展，於1863年制定「亞爾加利碱素工場法」以管制工廠排氣，1868年改為「亞爾加利恆久法」。1892年彙整了六種工廠法規，改為「亞爾加利等工廠規制法」迄今。又英國政府鑑於1952年倫敦煙害事件，特設置「空氣污染委員會」，並於1956年制定「空氣清淨法」。

相關法律包括：

- 1956年 Clean Air Act
- 1968年 Clean Air Act
- 1974年 Control of Pollution Act
- 1989年 Control of Pollution Act
- 1991年 Smoke detectors Act
- 1993年 Clean Air Act

1993年 Clean Air Act 空氣清淨法（條文要旨）

PART I DARK SMOKE

Section

- 1 Prohibition of dark smoke from chimneys
- 2 Prohibition of dark smoke from industrial or trade premises
- 3 Meaning of “dark smoke”

PART II SMOKE, GRIT, DUST AND FUMES

Installation of furnaces

- 4 Requirement that new furnaces shall be so far as practicable smokeless

Limits on rate of emission of grit and dust

- 5 Emission of grit and dust from furnaces

Arrestment plant for furnaces

- 6 Arrestment plant for new non-domestic furnaces
- 7 Exemptions from section 6
- 8 Requirement to fit arrestment plant for burning solid fuel in other cases
- 9 Appeal to Secretary of State against refusal of approval

Measurement of grit, dust and fumes

- 10 Measurement of grit, dust and fumes by occupiers
- 11 Measurement of grit, dust and fumes by local authorities
- 12 Information about furnaces and fuel consumed

Outdoor furnaces

- 13 Grit and dust from outdoor furnaces, etc

Height of chimneys

- 14 Height of chimneys for furnaces
- 15 Applications for approval of height of chimneys of furnaces
- 16 Height of other chimneys

PART III
SMOKE CONTROL AREAS

Creation of smoke control areas

- 18 Declaration of smoke control area by local authority
- 19 Power of Secretary of State to require creation of smoke control areas

Prohibition on emission of smoke in smoke control area

- 20 Prohibition on emission of smoke in smoke control area
- 21 Power by order to exempt certain fireplaces
- 22 Exemptions relation to particular areas

Dealings with unauthorised fuel

- 23 Acquisition and sale of unauthorised fuel in a smoke control area

Adaptation of fireplaces

- 24 Power of local authority to require adaptation of fireplaces in private dwellings
- 25 Expenditures incurred in relation to adaptation in private dwellings
- 26 Power of local authority to make grants towards adaptations to fireplaces in

churches, chapels, buildings used by charities etc

Supplementary provisions

- 27 References to adaptations for avoiding contraventions of section 20.
- 28 Cases where expenditure is taken to be incurred on execution of works
- 29 Interpretation of Part III

PART IV

CONTROL OF CERTAIN FORMS OF AIR POLLUTION

- 30 Regulations about motor fuel
- 31 Regulations about sulphur content of oil fuel for furnaces or engines
- 32 Provisions supplementary to sections 30 and 31
- 33 Cable burning

PART V

INFORMATION ABOUT AIR POLLUTION

- 34 Research and publicity
- 35 Obtaining information
- 36 Notices requiring information about air pollution
- 37 Appeals against notices under section 36
- 38 Regulations about local authority functions under sections 34, 35 and 36
- 39 Provision by local authorities of information for Secretary of State
- 40 Interpretation of Part V

PART VI

SPECIAL CASES

- 41 Relation to Environmental Protection Act 1990
- 42 Colliery spoilbanks
- 43 Railway engines
- 44 Vessels
- 45 Exemption for purposes of investigations and research
- 46 Crown premises, etc

PART VII

MISCELLANEOUS AND GENERAL

Power to apply certain provisions to fumes and gases

- 47 Application to fumes and gases of certain provisions as to grit, dust and smoke

Power to give effect to international agreements

- 48 Power to give effect to international agreements

Administration and enforcement

- 49 Unjustified disclosures of information
59 Cumulative penalties on continuance of certain offences
51 Duty to notify occupiers of offences.
52 Offences committed by bodies corporate
53 Offence due to act or default of another
54 Power of county court to authorise works and order payments
55 General provisions as to enforcement
56 Rights of entry and inspection etc
57 Provisions supplementary to section 56
58 Power of local authorities to obtain information
59 Local inquiries
60 Default powers
61 Joint exercise of local authority functions
62 Application of certain provisions of Part XII of Public Health Act 1936 and corresponding Scottish legislation

General

- 63 Regulations and orders
64 General provisions as to interpretation
65 Application to Isles of Scilly
66 Transitory provisions relating to Alkal, & c Works Regulation Act 1906
67 Consequential amendments, transitional provisions and repeals
68 Short title, commencement and extent

SCHEDULES :

Schedule 1—Coming into operation of smoke control orders

Schedule 2—Smoke control orders : expenditure on old private dwellings

Schedule 3—Provisions having effect until repeal of alkali, & c Works
Regulation Act 1906

Part I—Relation of this Act to Alkali, & c. Works Regulation Act 1906

Part II—Modifications of this Act

Schedule 4—Consequential amendments

Schedule 5—Transitional provisions

Part I—General transitional provisions and savings

Part II—Exclusion and modification of certain provisions of this Act

Part III—Confirmation and coming into operation of certain smoke control
orders

Schedule 6—Repeals

美國

美國工業都市早在十九世紀就飽受煤、煙污染之困擾，但空氣污染問題並非聯邦政府所能干預，而係由地方政府處理。直到1948年因製鐵、硫酸及亞鉛精煉等工廠所排放毒氣，導致14000名居民中毒20人死亡，故美國總統於1950年下令召開「合眾國防治空氣污染技術會議」，並於1955年制定「關於防治空氣污染調查及技術法案」，此為最早之空氣污染法律。1963年又將1955年法修正為「促進預防空氣污染實施計劃法案」，又稱為「空氣清淨化法」，迄今仍為美國聯邦政府推行防治空氣污染之基本法。

其相關法案包括：

1955年 Air Pollution Control Act

1963年 Clean Air Act

1965年 Motor Vehicle Air Pollution Control Act

1966年 Clean Air Act Amendment

1967年 Air Quality Act

1970年 Clean Air Amendments

1974年 Energy Supply and Environmental coordination Act

1977年 Clean Air Act Amendment

1977年 Clean Air Act Amendments 空氣清淨法條文要旨

TITLE I - AMENDMENTS RELATING PRIMARILY TO TITLE I OF THE CLEAN AIR ACT

Sec.101 Training

Sec.102 Waiver of maintenance of effort requirement

Sec.103 Air quality control regions

Sec.104 Criteria and control techniques

Sec.105 Transportation planning and guidelines

Sec.106 Air quality standards

Sec.107 Energy or economic emergency authority

Sec.108 Implementation plans

Sec.109 New source standards of performance

Sec.110 Standards for hazardous air pollution

Sec.111 Enforcement provisions

Sec.112 Compliance orders (including coal conversion)

Sec.113 Notice to state in case of certain inspections, et cetera

Sec.114 International air pollution

- Sec.115 President's air quality advisory board
- Sec.116 Control of pollution from Federal facilities
- Sec.117 Primary nonferrous smelter orders
- Sec.118 Noncompliance penalty
- Sec.119 Consultation
- Sec.120 Unregulated pollutants
- Sec.121 Stack heights
- Sec.122 Assurance of plan adequacy
- Sec.123 Interstate pollution abatement
- Sec.124 Public notification
- Sec.125 State boards
- Sec.126 Ozone protection
- Sec.127 Prevention of significant deterioration
- Sec.128 Visibility protection
- Sec.129 Nonattainment areas

TITLE II - AMENDMENTS RELATING PRIMARILY TO TITLE II OF THE CLEAN AIR ACT

- Sec.201 Light-duty motor vehicle emissions
- Sec.202 Studies and research objective for oxides of nitrogen
- Sec.203 Study and report of fuel consumption
- Sec.204 State grants
- Sec.205 Cost of certain emission control parts
- Sec.206 Warranties
- Sec.207 California waiver
- Sec.208 Maintenance instructions
- Sec.209 Warranties and motor vehicle parts certification
- Sec.210 Repair at owner's place of choosing
- Sec.211 High altitude performance adjustments
- Sec.212 Dealer certification
- Sec.213 High altitude regulations
- Sec.214 Assurance of protection of public health and safety
- Sec.215 Fill pipe standards
- Sec.216 Onboard hydrocarbon technology
- Sec.217 Test procedures for measuring evaporative emissions
- Sec.218 Certain minor and technical and conforming amendments
- Sec.219 Tampering

- Sec.220 Testing by small manufacturers
- Sec.221 Parts standards: preemption of state law
- Sec.222 Testing of fules and fuel additives
- Sec.223 Small refineries
- Sec.224 Emission Standards for heavy duty vehicles or engines and certain other vehicles or engines
- Sec.225 Aircraft emissions standards
- Sec.226 Carbon monoxide intrusion into sustatined use vehicles

TITLE III - AMENDMENTS RELATING PRIMARILY TO TITLE III OF THE CLEAN AIR ACT

- Sec.301 Definitions
- Sec.302 Emergency powers
- Sec.303 Citizen suits
- Sec.304 Civil litigation
- Sec.305 Administrative procedures and judicial review
- Sec.306 Sewage treatment grants
- Sec.307 Economic impact assessment
- Sec.308 Financial disclosure: conflicts of interest
- Sec.309 Air quality monitoring by environmental protection agency
- Sec.310 Modeling
- Sec.311 Employment effects
- Sec.312 Employee protection
- Sec.313 National commission on Air Quality
- Sec.314 Vapor recovery
- Sec.315 Authorizations

TITLE IV - GENERAL AND MISCELLANEOUS PROVISIONS

- Sec.401 Basis of administrative standards
- Sec.402 Interagency cooperation on prevention of environmental cancer and heart and lung disease
- Sec.403 Studies
- Sec.404 Railroad emission study
- Sec.405 Study and report concerning econcmic approaches to controlling air pollution

Sec.406 Savings provision; effective dates

參考書目：

- 1.公害法新理念及實例論集 367.4023／7287
- 2.Air pollution control in the European Community 344.4046342／A298
- 3.Garner's environmental law R344.41046／G234
- 4.Treatise on environmental law R344.73046／G732
- 5.Federal environmental regulation R344.73046／D252
- 6.The Washington environmental policy act R344.797046／S495