

Section 20 of the Environmental Quality Act is the section prohibiting air pollution in Quebec. It incorporates a strategy based essentially on a regulatory plan centered on emission standards as the preferred pollution control method. Thus the first paragraph of section 20 prohibits the discharge into the environment of contaminants in a greater quantity of concentration than that provided for by regulation of the Government.

The second paragraph of that section has two aspects: it establishes the same prohibition for any contaminant the presence of which in the environment is prohibited by regulation of the Government or

"is likely to affect the life, health, safety, welfare or comfort of human beings, or to cause damage to or otherwise impair the quality of the soil, vegetation, wildlife or property."

This last prohibition -- of a residual nature -- is inspired by a pollution control method based on the concept of harmfulness. It has two advantages: first, its universality, (that is, it applies to all forms of environmental contamination) and, second, its preventive value ("likely" to produce certain environmental effects).

This regulatory strategy does not, however, exclude recourse to ambient air standards as a pollution control method.

Mechanisms for intervention by the Department of the Environment include "cease" or "limit" Orders of the Minister or the Deputy Minister of the Environment, criminal proceedings, prior authorization in the case of new pollution sources, pollution reduction programs, imposed interventions whereby the Department of the Environment may itself carry out an order which has not been complied with by the person to whom it was addressed, injunction and emergency plans.

Other Provinces

A list of the main items of environmental legislation in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, as well as in the Territories is appended.

6. Standing from the Canadian Perspective

As a footnote to the substantive law relating to control of air pollution, it may be useful to note the question of standing before courts and administrative bodies.