

- the source of virtually all transboundary air pollution - is the Clean Air Act, first enacted in June, 1971, and amended in December 1980 to provide reciprocal protection to residents of the United States, described further below.

However, there are other Acts which can be applied to ensure such control. Air pollution from substances which endanger human health or the environment can be controlled under the Environmental Contaminants Act. Fisheries Act jurisdiction can be used to control any discharge into the environment from whatever source, stationary or mobile, if the emission could ultimately pollute water frequented by fish. The use of the Fisheries Act is particularly important because it creates a strict liability for any discharges. Moreover, there is a specific section in the Criminal Code making it an offence to endanger the life, safety, health, property or comfort of the public. These Acts have been used or are available for use in the control of air pollution. Pollution from mobile sources is controlled by other legislation including the Motor Vehicle Safety Act.

4. Description of Federal Legislation

Clean Air Act

The Clean Air Act of 1971 empowers the federal government to prescribe national ambient air quality objectives, reflecting tolerable, acceptable and desirable ranges of ambient air quality; national emission guidelines, indicating quantities and concentrations in which any air contaminant should not be emitted into the ambient air by any stationary or other source; national emission standards, establishing maximum quantities or concentrations of air contaminants that may be emitted from any stationary source; and specific emission standards for any stationary source. It defines air pollution to mean degradation of the ambient air due to emission of air contaminants to such an extent as to endanger the health, safety and welfare of persons, to interfere with the normal enjoyment of life or property, to endanger the health of animal life or to cause damage to plant life and to property.

i. International Provisions

The Clean Air Act was amended by Bill C-51, in December, 1980. Under this amendment, the federal government may prescribe a specific emission standard with respect to any source of air pollution if the emission from that source constitutes a significant danger to the health, safety and welfare of persons in another country, provided that that country gives essentially the same kind of