

SOME LEGAL ASPECTS OF POLLUTION CONTROL*

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The broad ramifications of the environmental problem have been the subject of the weekly sessions of this seminar for the last three months. Pollution, one of its many aspects, is itself multifaceted. On its physical plane are medical, chemical, engineering, topographical, meteorological and other considerations; on the social angle are the legal, sociological, political, psychological, economic, and industrial among the various factors bearing on the pollution problem. These are inter-related, though for purposes of discussion one factor may be isolated and examined as it relates to the subject.

At the outset, some definition will have to be adopted for purposes of discussion. Since we shall deal with the legal aspects, it would be well to start with the definition adopted in Republic Act No. 3931 which states:

"Pollution" means such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air of the Philippines, or any such discharge of any liquid, gaseous or solid substance into any of the waters and/or atmospheric air of the country as will or is likely to create or render such waters and/or atmospheric air harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to livestock, wild animals, birds, fishes or aquatic life."

It will be noted that this is limited to air and water pollution, though conceivably other types of environmental pollution exist, like noise, soil or radiation pollution. I understand that thermal pollution is deemed included in air pollution.

It is not for me to establish a case against pollution. Previous discussants in this seminar must have done this and a national policy on the subject has been announced. I assume that we all want clean air, safe water, and a pleasant and healthful atmosphere.

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Pollution control is not new in the legal field. The methods of control have developed with the development of the legal order. In early society the means were primitive and direct and as the legal order developed, more complex and sophisticated methods were also evolved. Thus, if caveman A built a fire so close to the mouth of the cave of B, the latter must have used his club in putting out the fire or at least putting A out of commission with a solid whack on the head. He would have most likely employed the same direct method if A had dirtied the spring from which he drew his water. Later laws were fashioned to deal with the smoke problem. In England, Edward I promulgated in 1273 the first smoke abatement law prohibiting the use of coal as detrimental to public health. In 1306, the lords temporal and spiritual and other members of the English Parliament were so annoyed at the increasing smoke that they obtained a Royal Proclamation prohibiting the use of coal in furnaces. The following year an Englishman was convicted and executed for violating it.¹ Today we still have laws regulating the emission of smoke but more realistically the burning of coal is not prohibited, nor is the capital penalty imposed. But methods of dealing with it have been so developed that means have been devised not only of measuring its density but also of determining its content.

It is not so much the density of the emission into the air that causes concern, as the contents of that emission — the fumes and aerosols, the lime and coal, cement dust, the sawdust and fly ash, the carbon particles and soot, the carbon monoxide, sulfur, oxides of nitrogen, etc.

Pollution of waters has likewise been the subject of regulation for some time. Under article 268 of the Spanish Law of Waters of 1866, which was extended to the Philippines in 1871, when an industrial establishment was found after due investigation to have contaminated the waters with substances or properties noxious to the public health, the Governor could suspend its operations until the owner adopted a suitable remedy.

Part of the price man has to pay for prosperity is the progressive deterioration of his environment. Urbanization and industrialization, advances in science and technology have been accompanied by increased pollution. There is a continuing effort to find the means to safeguard the environment. Adequate legal measures for preventing and abating pollution are continually being evolved.

¹ Chass and Feldman, *Tears for John Doe*, 27 S. Cal. L. Rev., 349, 452 [1954] citing Steer, W. R. Hornby, *The Law of Smoke Nuisances*, second edition, National Smoke Abatement Society, London, 1945.

CONSTITUTIONAL CONSIDERATIONS

In pollution control the law deals with competing interests — those of the private individual or enterprise as against the public interest. In the control of pollution the power of the state is brought to bear on the exercise of constitutionally protected rights. Thus, the owner of a steel mill emitting smoke and discharging industrial wastes could well assert the right to utilize his property in the manner to which it is best suited. An individual owning a Mercedes Benz burning diesel fuel may claim that its use is a right essential to his happiness. On the other hand, the state in the exercise of its inherent powers may adopt measures to protect the health, the welfare, safety, good order, etc. of the community. At the threshold of pollution control measures is the constitutional question of whether laws and regulations interfering with individual activities may be validly adopted.

The constitutional guarantees of the right to life, liberty, and property are not absolute. Weighed against a greater public interest these rights have to yield to reasonable regulations. It is usually the right to enjoyment of property that is most affected by measures directed at pollution control, although the right to liberty — to act as one pleases without unreasonable interference may also be involved. One's property is to be used so as not to cause injury to others. As the Latin maxim goes: *sic utere tuo ut alienum non laedas*. Legal measures regulating the use of property are founded on the exercise of police power, directly exercised by the state through its government or delegated to local subdivisions.

The legal aspects of pollution control have various dimensions. On the jurisdictional level the question is whether the enactment of measures for pollution control pertains to the national government, to local subdivisions or to the international community. In a federal system, the federal, state, and local governments may have jurisdictional problems regarding pollution control measures.

The pollution problem may vary from place to place depending on factors like density of population, topography, or degree of industrialization. Several incidents of disaster traced to air pollution in London in 1952, in Donora, Pennsylvania in 1948, and along the Meuse River in Belgium in 1930 and in Poza Rica Mexico in 1950 would show how some areas may be more susceptible than others to the adverse effects arising from atmospheric pollution.

Since local conditions vary, it may well be left to local governments to formulate rules regulating activities undertaken within their territorial

bounds. Thus, it has long been recognized that it is within the competence of municipalities and cities to enact zoning ordinances, specifying in what areas factories or industrial establishments may be allowed and which areas shall be reserved for residential purposes. Zoning ordinances as well as building codes can be utilized for pollution control. The first makes possible the keeping out of residential areas the smoke, noise, odor and the wastes discharged from industrial plants, and the latter can effectively supplement the permit requirement for discharge of wastes.

But in certain cases, the national government itself preempts the area of pollution control and exercises regulatory powers through statutes uniformly applicable throughout the state. In cases where the problem of pollution control affects not one state but several, as in the case of atomic explosions and experimentation and the disposal of atomic wastes in the ocean bed, or discharge of wastes in waterways like the Mediterranean, some international pollution control arrangements reached by treaty agreements would be necessary.

The legal approach to pollution control has taken several forms. Measures adopted may be preventive, regulatory or punitive. They may be enforced administratively or judicially; if the latter, through civil action for abatement and/or damages or through criminal prosecution. The statutes bearing on pollution control may be *first*, general ones expressed in broad terms so as to cover a multitude of subjects including pollution, *second*, scattered provisions in various statutes which are not primarily on the subject of pollution but touch on it or *third*, a measure adopted specifically on the subject like the National Water and Air Pollution Control Commission Act.

NUISANCE

Long before laws specifically dealing with pollution were enacted, there were remedies available against nuisances. The concept of nuisance is a comprehensive one. According to Blackstone, a nuisance is "anything that worketh hurt, inconvenience or damage."² Its broad coverage may be seen from our Civil Code³ which defines and enumerates what constitutes nuisance in this manner:

"Art. 694. A nuisance is any act, omission, establishment, business, condition of property, or anything else which:

- (1) Injures or endangers the health or safety of others; or
- (2) Annoys or offends the senses; or

² 2 Commentaries on the Laws of England 215.

³ Book II, Title VIII, articles 694-707.

- (3) Shocks, defies or disregards decency or morality, or
- (4) Obstructs or interferes with the free passage of any public highway or street, or any body of water; or
- (5) Hinders or impairs the use of property."

It is fairly clear that all kinds of pollution are comprehended in this definition. Nuisances are classified according to their nature, into nuisance *per se* or nuisance *per accidens*. The first are those which would be considered a nuisance under whatever circumstances they may be found. An example of this is a mad dog. A nuisance *per accidens* is one which is a nuisance only because of the circumstances under which it is found. Thus, a car is not a noxious object but stalled in the middle of a busy intersection it may be considered a nuisance. Depending on the people they adversely affect nuisances may be classified as public or private. If a nuisance affects a whole neighborhood or a considerable number of persons, it is a public nuisance although the extent of annoyance or damage or individuals may be unequal.⁴ For example, if my next door neighbor were to construct an incinerator so that the smoke and odor go directly to my bedroom window bothering me and my family and nobody else, the nuisance is private. However, if the whole neighborhood were to be affected the nuisance would be public. This classification is important under our Civil Code because it determines the methods for abatement and the party who may abate it.

A public nuisance may be abated by any or all of the following ways: (1) prosecution under the Penal Code or any local ordinance; or (2) civil action; (3) or abatement, without judicial proceeding.⁵ The district health officer shall take care that one or all of the remedies against a public officer are availed of and if a civil action is brought, the city or municipal mayor shall initiate⁶ it except in those cities where the charter places the power in another official.⁷ But a private person specially prejudiced by a public nuisance may take steps to abate it.⁸ He could file a civil action asking the court to enjoin or stop a hurtful conduct like the emission of smoke, offensive odor, dust, heat or the discharge of effluents and demand damages for the injury he has suffered. In *Bengzon v. Province of Pangasinan*, the plaintiff successfully sued the province for damages arising from the operation by the latter of a water pumping station and reservoir so close to the plaintiff's house that the noise, smoke and other emissions made the house uninhabitable. The Supreme Court ordered

⁴ *Ibid.*; Art. 695.

⁵ *Ibid.*; Art. 698.

⁶ *Ibid.*; Articles 700 and 702.

⁷ *Ibid.*; Art. 701, but see *Sitchon v. Aquino*, 98 Phil. 458 (1956).

⁸ Civil Code, Art. 703 and 704.

the province to pay the plaintiff ₱3,000, the just value of the property. The operation of the pump amounted to a taking of the plaintiff's property. Since the defendant in this case was a political subdivision of the government with authority to expropriate property to be devoted to public use, the court decided that the province should pay the plaintiff the value of the property. Were the defendant a private party and the plaintiff unwilling to part with it, the decision could have taken another form, namely, abatement of the nuisance even to the extent of closing down the pump, plus the payment of damages caused the plaintiff.

In another case, a different decision was reached regarding complaints of residents against the Iloilo Ice and Cold Storage Company⁹ that the smoke coming from its plant was injurious to their health and comfort. Acting on the complaints, the municipal council passed a resolution giving the defendants one month to raise its smokestacks failing which the municipal president would execute the order requiring the closing or suspension of operations of the establishment. The company brought action before the court to prevent the municipality from carrying the resolution into effect. The Supreme Court after a disquisition on nuisances held that it was not within the power of a municipal council to declare the operation of the ice and cold storage plant a nuisance and abate it without a judicial declaration that it was indeed a nuisance. The case was remanded to the lower court for appropriate trial.

The case of *Velasco v. Manila Electric Co.*¹⁰ presents interesting issues regarding noise pollution and the remedies available against it. The plaintiff brought action for abatement of a nuisance against the Manila Electric Company alleging that the noise generated by a substation of the company disturbed his concentration and sleep, impaired his health and lowered the value of his property. He sought its abatement as a nuisance and the recovery of compensatory, moral and other damages which the trial court denied. On appeal the Supreme Court, finding that the sound emitted by the substation transformers was of much higher level than the ambient sound of the locality, stated:

"The conclusion must be that, contrary to the finding of the trial court, the noise continuously emitted, day and night, constitutes an actionable nuisance for which the appellant is entitled to relief, by re-

⁹ *Iloilo Ice and Cold Storage Co. v. Municipal Council of Iloilo*, 24 Phil. 471 (1913). See also *de Ayala v. Baretto*, 38 Phil. 538 (1916).

¹⁰ G.R. L-18390, Aug. 6, 1971, 40 SCRA 342; on reconsideration, Dec. 20, 1971, 42 SCRA 556. The Supreme Court allowed the plaintiff ₱20,000 in damages and ₱5,000 in attorney' fees.

quiring the appellee company to adopt the necessary measures to deaden or reduce the sound at the plaintiff's house, by replacing the interlink wire fence with a partition made of sound absorbent material, since the relocation of the substation is manifestly impracticable and would be prejudicial to the customers of the Electric Company who are being serviced from the substation."

But the abatement of a nuisance does not always have to await a long drawn court action. It may be done summarily under the conditions provided in the law. Our Supreme Court has held that constructions on public property are nuisances per se and may be abated summarily.¹¹ This was the basis even before martial law for the demolition of illegal constructions on esteros and public property. A private person may also summarily abate a nuisance pursuant to the conditions set down in the Civil Code which provides:

"Art. 704. Any private person may abate a public nuisance which is specially injurious to him by removing, or if necessary, by destroying the thing which constitutes the same, without committing a breach of the peace, or doing unnecessary injury. But it is necessary;

- (1) That demand first be made upon the owner or possessor of the property to abate a nuisance;
- (2) That such demand be rejected;
- (3) That the abatement be approved by the district health officer and executed with the assistance of the local police; and
- (4) That the value of the destruction does not exceed three thousand pesos."

The same remedy is available to him in case of a private nuisance provided the above conditions are complied with, for a private or a public official extrajudicially abating a nuisance may be liable for damages if he causes unnecessary injury and it is later declared by the court that there was no real nuisance.¹²

A private nuisance may be abated extrajudicially or by civil action.

The abatement of nuisance as a method of pollution control available under common law and by statutory provision has certain inadequacies insofar as air pollution is concerned. To be able to abate it,

¹¹ *City of Manila v. Garcia*, G.R.L.-26053, Feb. 21, 1967 19 SCRA 413;

¹² In *Farrales v. The City Mayor of Baguio* G.R.L.-24245, April 11, 1972 the Supreme Court pointed out that a public official extrajudicially abating a nuisance shall be liable for damages in only two cases: (1) if he causes unnecessary injury, or (2) if an alleged nuisance is later declared by the courts to be not a real nuisance.

one must determine the cause of the pollution and trace it to the person or entity against whom abatement action is to be taken. But air pollution is the result not so much of the activity of a few identifiable persons but may be the cumulative effect of activities of a whole community like the driving of motor vehicles, the maintenance of furnaces, heaters, factories, etc. For this reason, other measures have been adopted for more effective pollution control. This will be discussed later.

The Civil Code also specifically imposes an extra-contractual obligation on the part of proprietors for damages arising from water and air pollution by providing:

Art. 2191. Proprietors shall be responsible for damages caused:

* * *

(2) By excessive smoke, which may be harmful to person or property;

* * *

(4) Emanations from tubes, canals, sewers, or deposits of infectious matters constructed without precautions suitable to the place.

SPECIAL STATUTORY PROVISIONS BEARING ON POLLUTION

The legislature has from time to time enacted laws on various subjects and made specific provisions prohibiting and penalizing pollution. Thus, the Fisheries Act¹³ prohibits the use of obnoxious or poisonous substances or explosives in fishing and imposes the penalties of fine or imprisonment or both plus forfeiture of the explosives, boat, tackle and other apparatus used. Section 14 of the law deals directly on water pollution. It provides:

"It shall be unlawful to place, cause to be placed, discharge or deposit, or cause to be discharged or deposited, or to pass or place where it can pass into the waters of the Philippines any petroleum, acid, coal, or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous material or substance, molasses, mining, mill tailings, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, sugar central, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse or any substance or material deleterious to fish or aquatic life."

By a subsequent enactment the National Water and Air Pollution Control Commission was given authority to bring an action for damages for the fish and aquatic life destroyed.

¹³ Act No. 4003 as amended (1932).

Section 103 of the Mining Law¹⁴ penalizes any person who wilfully and maliciously causes or permits sludge or tailing to accumulate in, or flow from his mining claims so as to cause danger to any public road, rivers, or streams, or other public property. Upon conviction a fine not exceeding two hundred pesos besides compensation for damages caused may be imposed.

Another law¹⁵ punishes the dumping into any river of refuse, waste matter or substance of any kind that may cause elevation in the level of river beds or block the course of the stream. This law while primarily directed against artificial fluvial formations, like the Mining Act, relates to water pollution.

With the accelerated activity in oil exploration, the provisions of the Petroleum Act of 1949 assume great significance. This law authorizes the promulgation of rules and regulations which shall require concessionaires to utilize in their exploration and exploitation operations, the latest and most improved methods and devices to prevent waste in petroleum as well as to prevent oil, oil-field contamination from causing pollution or otherwise damaging streams, surface or underground water supply and valuable mineral deposits.¹⁶

We are daily exposed to the pollution caused by motor vehicles. A law that is by all available evidence very poorly implemented is section 34 of the Land Transportation and Traffic Code which provides:

“(j) Mufflers. — Every motor vehicle propelled by an internal combustion engine shall be equipped with a muffler, and whenever said motor vehicle passes through a street of any city, municipality, or thickly populated district or barrio, the muffler shall not be cut out or disconnected. No motor vehicle shall be operated in such a manner as to cause it to emit or make any unnecessary or disagreeable odor, smoke or noise.¹⁷

In the United States the campaign against pollution caused by motor vehicles has been brought to the very source — the automobile manufacturers who under later laws are required to equip the cars they manufacture with the appropriate device to prevent harmful emissions and to fuel manufacturers regarding additives for added power.

¹⁴ Com. Act No. 137 (1936).

¹⁵ Com. Act No. 383 (1938).

¹⁶ Rep. Act No. 387 (1949).

¹⁷ Rep. Act No. 4136 (1964).

THE NATIONAL WATER AND AIR POLLUTION CONTROL COMMISSION

Realizing the growing magnitude of the pollution problem and the need for a more systematic and scientific approach to it, Congress enacted in 1964 a law creating the National Water and Air Pollution Control Commission,¹⁸ declaring it a policy to maintain reasonable standards of purity for the waters and air of this country with their utilization for domestic, agricultural, industrial and other legitimate purposes. The Commission is an administrative agency vested with regulatory and adjudicative functions. Represented in its membership are the science and technology as well as the public and private sectors. Thus, the chairman is the Chairman of the National Science Development Board (NSDB). Of four part-time commissioners, one is an officer of the Department of Health designated by the Secretary of Health, another is an officer of the Department of Agriculture designated by the Department Secretary. The two others come from the private sector appointed by the President, one upon the recommendation of the Philippine Council of Science and Technology, the other upon the recommendation of the Chamber of Industries. There are two full-time Commissioners also appointed by the President. One of them has to be a sanitary engineer and the other a lawyer. The Commission appoints a Technical Secretary, also a sanitary engineer, who shall be the active administrator of all water and air pollution control activities. The Commission provides the technical, scientific or other services, including the necessary laboratory and other facilities required for carrying out the purposes of the law. Among its authorized personnel are engineers, chemists, physicists, and other technicians.

The provision of the Act directed against pollution reads:

“Sec. 9. Prohibitions. — No person shall throw, run, drain, or otherwise dispose into any of the water and/or atmospheric air of the Philippines, or cause, permit, suffer to be thrown, run, drain, allow to see or otherwise dispose into such waters or atmospheric air, any organic or inorganic matter or any substance in gaseous or liquid form that shall cause pollution of such waters or atmospheric air.

No person shall perform any of the following activities without first securing a permit from the city or district engineer for the discharge of all industrial wastes and other wastes which are or may be

¹⁸ Rep. Act No. 3931 (1964).

discharged into the water or atmospheric air of the Philippines, which could cause pollution thereof:

(1) the construction, installation, modification or operation of any sewage works or any extension or addition thereto;

(2) the increase in volume or strength of any wastes in excess of the permissive discharge specified under any existing permit;

(3) the construction, installation, or operation of any industrial or commercial establishments or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes directly into the waters or atmospheric air of the Philippines or would otherwise alter the physical and chemical or biological properties of any waters or atmospheric air of the Philippines in any manner not already lawfully authorized;

(4) the construction or use of any new outlet for the discharge of any waste, gaseous or liquid directly into the waters or atmospheric air of the Philippines."

How does one classify the use of pesticides or fertilizers in agriculture? Is prior permit necessary?¹⁹

The statutory powers and functions of the Commission may be classified into:

1. Administrative functions which include the issuance of permits, inspection of construction and maintenance of sewerage works and industrial disposal units or premises from which activities contributing to pollution are carried on, and the adoption of preventive measures.

2. Investigative functions to determine existence of pollution, and look into complaints of pollution.

3. Rule-making functions — the rules may be procedural or substantive, the latter dealing on specifications, designs, or plans for disposal of waste, or on matters bearing on the implementation of the law.

4. Adjudicative functions — to settle or compromise disputes or after notice and hearing to revoke, suspend or modify permits;

5. Abatement functions — make, alter or modify order requiring discontinuance of pollution:

¹⁹ Large scale farming and the use of pesticides as in the banana plantations of Davao pose yet another source of pollution. The unregulated use of pesticides using toxic substances could cause serious ecological problems.

6. Prosecutorial function — to institute or cause to be instituted before the appropriate court, the legal proceedings to compel compliance with the law; or to recover damages for water pollution;
7. Research and experimentation;
8. Education and dissemination of information.

In 1971 the Commission conducted 25 public hearings to determine the existence of pollution, issued 6 orders, recorded 44 new registrations, conducted 263 investigations, survey and inspection activities and issued 21 permits to construct anti-pollution works. It made a total of 56 air and 585 water effluent samplings. The following year the activities in the areas named increased, in some cases more than twice the number recorded the previous year.²⁰

But the Commission has to depend on city or district engineers for the issuance of permits for construction of sewage and disposal systems. Legal proceedings in a court of competent jurisdiction are necessary to secure compliance with the provisions of the law. Much depends, therefore, on the voluntary compliance by private industries of the provisions of the Act, since coercive action is time consuming and complicated.

The penal sanction provided for violation of the law is relatively light, i.e., a fine of ₱50 per day of violation or imprisonment of from two years to six years or both fine and imprisonment and discontinuance of the violation.²¹

RADIATION POLLUTION

Pollution caused by radioactive substances requires special treatment. Reference need only be made to the use of atomic energy in warfare as well as for peaceful purposes and the risks attending them to see why on the international as well as on the national level very special rules have been formulated regarding its use. On the research field the Philippine Atomic Energy Commission operates under the Science Act

²⁰ National Water and Air Pollution Control Commission, Seventh Annual Report, FY 1971-1972 at p. 7.

²¹ The law could be more effective against corporations and other enterprises if instead of the alternative penalties of fine or imprisonment or both fine and imprisonment on any person who violates the law, the provision imposed both fine and imprisonment and squarely placed responsibility for its violation on the head of the firm. A fine of fifty pesos a day would be nothing to a big firm but imprisonment for its president would be something else.

of 1958.²² Another statute²³ governs the licensing and regulation of atomic energy facilities and materials and establishes the rules on liability for nuclear damages. The Act is entitled "Atomic Energy Regulatory and Liability Act of 1968." It places the power to carry out its provisions in the Philippine Atomic Energy Commission. The law contains detailed provisions on the issuance of license, prescribing the qualification of the applicants, the form and contents of the application and the conditions under which the license will issue.

The Commission also exercises rule-making and adjudicative functions. Notice and hearing are as a rule required for the granting, suspending, revoking or amending of a license. Decisions of the Commission may be reviewed by the Court of Appeals.

The law provides for the liabilities for nuclear damage caused by a nuclear incident defining the responsibility of the operator, the exceptions and limits of liability.²⁴

The penal provisions in the law are relatively more severe — imprisonment for not more than 5 years or a fine of not more than ₱10,000 or both for violation of the license requirement of the law and for violation of other provisions — imprisonment of not more than 2 years or a fine of not more than ₱2,000 or both.

CONCLUSION

This survey of the various provisions of our laws which have a bearing on pollution indicates that the safeguarding of our environment against pollution has received some attention from our government. The laws are there. They cover a multitude of subjects: nuisances, the tapping of geothermal energy, natural gas and methane, fisheries, mining operations, construction of dikes, the regulation of the practice of sanitary engineering and plumbing, the use of motor vehicles, and with greater specificity, the regulation of activities producing water, atmospheric air and radiation pollution.

The most effective way of meeting the pollution problem has yet to be evolved. Law makers with the assistance of men of science and technology can only formulate general rules and policies, leaving to men

²² Rep. Act No. 2067 (1958).

²³ Rep. Act No. 5207, the Atomic Energy Regulatory and Liability Act of 1968 (1968).

²⁴ A maximum of the equivalent of five million dollars for one incident.

with expertise the authority to implement them through rules and regulations intended to meet the more technical problems and the details of administration. But for more effective protection against pollution, the scattered provisions and the numerous unrelated measures need to be integrated in a systematic manner. The legal aspects of pollution control are complex and require more thorough treatment.

Taking into account the complexity of the problem, it is not surprising if the statutes do not effectively provide for every contingency. It cannot be denied that in this jurisdiction, we have not been unaware of the problems of pollution. But much more remains to be done. It must, however, be constantly borne in mind that laws do not enforce themselves. Between the enactment of even the best conceived of laws and their enforcement is a wide gap which administrators as well as ordinary citizens must fill.²⁵ The laws on pollution are laws which to a large degree are dependent for their effectiveness on the degree of observance by the people. When they realize that a right to breathe clean air and to have safe water is as valuable to them as any other right, they will not only comply with the provisions of law protecting them but also see that others do so.

²⁵ Provision giving any person standing to enjoin acts causing pollution could help substantially in pollution control. The traditional methods of nuisance abatement which would give a private person a right to abate a public nuisance only if he is specially prejudiced by it are no longer adequate.