



**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE  
STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE  
ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL CHAMPIONS  
TRAIN-THE-TRAINERS PROGRAM**

**1 -5 June 2015  
Manila, Philippines**



**SESSION 5: ENVIRONMENTAL PROTECTION LAW**

**Tutorial Problem (Air Pollution Control)**

NOTE: the following fact situation is a hypothetical based on the type of air pollution problems that are being experienced in many cities within Asia. Participants will be divided up, as far as practical, into groups by country and should consider the questions raised in this tutorial problem under the environmental protection laws operating within their own country.

**FACT SITUATION**

Monarto is a coastal, regional capital city that has experienced rapid population and industrial growth over the past thirty years. In that time, it has expanded from a city of 400,000 people that provided a commercial hub for adjacent farming and fishing activities to an industrial centre with a population of over 4 million people. In particular, there has been an influx of heavy manufacturing industries, some owned locally and many others by foreign companies that have been attracted by the combination of cheap labour, lax regulation of worker safety and environmental quality and access to the city's deep port facilities.

In particular, the city has attracted approximately twenty foundries that produce both iron and steel castings for export to other countries. The lack of effective spatial planning controls for Monarto has meant that most of these foundries either have been established in residential areas or have been the subject of encroachment by newly-created residential areas. As a result, there are now many complaints being received by government authorities in Monarto from residents living near these foundries about odour and respiratory problems that they attribute to the emissions from these factories. The unrest has grown to the stage where some residents have formed local action groups to protest against particular foundries, some of which are threatening to block entrances to particular foundries until action is taken to reduce emissions from them.

Air pollutants from these foundries include particulates from dust-producing operations, odours and gaseous emissions from furnace operations (sulphur dioxide, nitrogen oxide, VOCs (volatile organic compounds), and traces of heavy metals (lead, zinc and cadmium)).

**CONSIDER THE FOLLOWING QUESTIONS:**

Assume you are providing legal advice to the relevant environmental protection authority in your country or region thereof:

1. What air quality standards, if any, apply to the foundries under the relevant environmental protection legislation in your country?
2. What administrative mechanisms are available to the environmental authority under this legislation to control air pollution emissions (including odours) from the foundries?
3. What legal action could be taken by the environmental authority against any of the foundries that fail to respond to administrative sanctions imposed by the environmental authority?