

# The UK Environment Act 1995: Comparison to Evolving U.S. Environmental Laws

by Gary A. Lewis and Dr. Paul Nathanail

*"The UK Act states that it is the responsibility of the local authority to identify contaminated land and to direct action necessary."*

The gap that has existed between the United States and the United Kingdom (UK) approach to evaluating and addressing environmental problems created by past contamination is beginning to converge with enactment of the United Kingdom Environment Act 1995 (UK Act). The UK Act and guidance that will accompany this legislation exhibit a number of similarities to U.S. House of Representatives Bill HR 1022 and evolving state environmental legislation that has been patterned after ASTM ES 38-94 (RBCA).

## The UK Environment Act 1995

The UK Act contains provisions with respect to contaminated land intended to improve clarity and consistency in identification and remediation of such land; it amends and updates the Environmental Protection Act 1990. The UK Act provides the first British legal definition of contaminated land. This definition states that contaminated land is:

"... any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on, or under the land, that

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) pollution of controlled waters is being or is likely to be, caused . . . ."

The UK Act will be accompanied by British Secretary of State Guidance (Guidance) that has been published in draft form but does not yet have the force of law. The Guidance will undergo a formal review and public consultation period prior to being published later.

The UK Act states that it is the responsibility of the local authority to identify contaminated land and to direct action necessary to block "significant harm" or "potential significant harm" that may result from the contaminated land. The Guidance provides definitions and a procedure for the local authorities to follow in their identification of contaminated land and on an appropriate response to land identified as contaminated. Terms such as "significant harm" and "significant possibility of harm" are defined in the Guidance.

The UK Act and Guidance are based upon established UK government policy as outlined in "Framework for Contaminated Land" (Framework) published by the UK Department of Environment (DoE) in 1994. The Framework sets the foundations of UK contaminated land policy including the concepts of "suitable for use," "risk assessment," and "prioritization."

The policy with respect to "suitable for use" states the following: "The government is committed to the suitable-for-use approach to the control and treatment of existing contamination . . . by reducing the damage from past activities and

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**Nada Al-Duaij**



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**Development and Harmonization of Environmental Laws ,      Environmental Law Codification in China** Xiaobo Zhao,Noeleen McNamara,Gu Gong,Kaijie Wu,2025-09-26 This book emerges from a series of research seminars and projects conducted over seven years at prestigious Chinese law schools and environmental research institutes focusing on the formulation of an Environmental Code in China Contributors many of whom have participated in these seminars and published in leading Chinese law journals provide readers with an insightful and comprehensive guide to this significant endeavor The primary objective of this book is to analyze the multifaceted aspects of environmental law codification in China against its unique legal social and political backdrop and its far reaching impacts on environmental governance in the country It delves into the necessity and methodologies of developing an environmental code tailored to China s specific environmental challenges offering insider perspectives on procedural and substantive issues related to environmental law codification This includes reviewing the theoretical underpinnings such as the necessity and feasibility of codifying environmental laws as well as discussing the structure and coverage of the proposed Environmental Code Moreover the book explores the interplay between the proposed environmental code and existing national laws such as the Constitution Civil Code Criminal Code and the prospective Administrative Code of China It examines key issues such as environmental rights ecological and environmental liability and low carbon development within the context of the proposed Environmental Code With contributions from counselors and judges of Chinese environmental courts this book is positioned as an authoritative resource for environmental researchers and judges in this field      **The Making of Environmental Law** Richard J.

Lazarus,2023-02-15 An updated and passionate second edition of a foundational book How did environmental law first emerge in the United States Why has it evolved in the ways that it has And what are the unique challenges inherent to environmental lawmaking in general and in the United States in particular Since its first edition The Making of Environmental Law has been foundational to our understanding of these questions For the second edition Richard J Lazarus returns to his landmark book and takes stock of developments over the last two decades Drawing on many years of experience on the frontlines of legal and policy battles Lazarus provides a theoretical overview of the challenges that

environmental protection poses for lawmaking related to both the distinctive features of US lawmaking institutions and the spatial and temporal dimensions of ecological change The book explains why environmental law emerged in the manner and form that it did in the 1970s and traces how it developed over subsequent decades through key laws and controversies New chapters composing more than half of the second edition examine a host of recent developments These include how Congress dropped out of environmental lawmaking in the early twenty first century the shifting role of the judiciary long overdue efforts to provide environmental justice to disadvantaged communities and the destabilization of environmental law that has resulted from the election of Presidents with dramatically clashing environmental policies As the nation's partisan divide has grown deeper and the challenge of climate change has dramatically raised the perceived stakes for opposing interests environmental law is facing its greatest challenges yet This book is essential reading for understanding where we have been and what challenges and opportunities lie ahead Environmental Statutes, 1993 **Environmental Law of Armed**

**Conflict** Nada Al-Duaij, 2021-10-25 This timely study examines how the environmental impact of modern warfare violates fundamental principles of international environmental and humanitarian laws and why these considerations need to be included in rules of armed conflict If direct attacks on innocent civilians are universally recognized as unacceptable then environmental devastation of their habitat by acts of war must also be recognized as an unacceptable consequence of armed conflict The author presents the case that the international community understand its responsibility to curb environmental consequences of modern weaponry and incorporate environmental concerns into the conventions regulating armed conflict Published under the Transnational Publishers imprint **Environmental Law for The Built Environment** Jack

Rostron, 2013-03-04 This book provides a concise exposition of the relevant law and techniques commonly used to meet the regulatory requirements concerning the built environment It provides a much needed reference and learning text for the growing professional and student involved in the subject Aspects of environmental law and technology covered include the administration and sources of law town and country planning water and air pollution waste integrated pollution control and the natural environment It highlights the importance of cross boundary control describing in detail the European and international law and enforcement regimes the agencies involved in town and country planning procedures at inquiries and enforcement measures as well as looking at future developments The important new protocol for assessing the environmental impact of developments is explained in detail The policy framework and technical processes involved in dealing with water pollution are explored in terms of abstraction supply discharge and classification Air pollution is dealt with in terms of energy efficiency nuclear power transport and future potential developments and the recent phenomenon of sick building syndrome is explored in some detail Other areas covered include the regulatory and technical processes involved in dealing with contaminated land recycling re use incineration import export and the law policy and technology of integrated pollution control A detailed exposition is offered of the legal issues concerning protection of the countryside birds and animals the

problem of genetically modified crops forestry and mining      *A Guide to EC Environmental Law* Dorothy Gillies, 2014-07-10

EC law is now a pervasive part of the legislation affecting business government agencies the voluntary sector and the individual citizen across the whole of the European Union This uniquely comprehensive and accessible guide provides a simple and practical explanation of the most important aspects of EC environmental law In straightforward terms it introduces the EC and its institutions and explains where EC environmental law and policy can be found It discusses the main environmental laws relating to air and noise chemicals and industrial risks nature conservation waste and water and explains how these laws can be used to ensure environmental protection The book also explains the EC's law making procedures and discusses the stages at which lobbying can be used to influence the content of future EC environmental laws Useful case studies and suggestions for further reading for those wishing to research a particular area are also included This book will be an invaluable source of reference and practical guidance for lawyers business local government environmental groups and all those needing to understand and use EC law in this area Dorothy Gillies is a lawyer and lecturer in law at the University of Glasgow She has worked in the European Parliament and in the European Commission's Directorate General XI for Environment Nuclear Safety and Civil Protection Originally published in 1998      **Environmental Law and Policy in the European Union and the United States** Randall Baker, 1997-11-20

Authorities in the fields of environmental and international law and policy political science environmental technology and public administration compare and contrast the ways in which the United States and the European Union handle similar environmental issues The contributors critically analyze the influence of culture and history on the way apparently similar developed democracies handle the same problems they examine the center state relationship as it applies to EU member countries in contrast to states within the United States they look at the challenge of transboundary international and global environmental problems and how these relate to the still emerging geopolitical reconfigurations involved in such structures as NAFTA and the EU and they examine how transnational resources are handled in the North American and EU contexts Randall Baker has assembled leading experts who examine significant issues for policymakers and environmentalists in North America and Western Europe      **International Environmental Law** Dinah Shelton, 2021-10-18

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Regulating Threats to the Environment Published under the Transnational Publishers imprint      **International Environmental Law in the Asia Pacific** Ben Boer, Donald R. Rothwell, Ross Ramsay, Donald Rothwell, 1998-02-18 The purpose of this book is to assess the development of international environmental law in the Asia Pacific Consideration is given to the impact upon the region of global regional and subregional environmental law An assessment is also undertaken of how certain states and groups of states have responded domestically and within their own subregions to these developments For the purposes of this book the Asia Pacific is defined as essentially the states which comprise East and Southeast Asia Australia New Zealand and the island states of the Southwest Pacific Occasional consideration is also given to the states of South Asia      *Law in Environmental Decision-making* Tim Jewell, Jenny Steele, 1998 This collection of essays adopts a distinctive approach to environmental legal issues representing a variety of specializations ranging from public law to international law      **Environmental Law** Peter S. Menell, 2019-01-15 This title was first published in 2002 Since the importance of environmental governance was realised in the late 1960s and early 1970s this vibrant area of law has witnessed much change Assembling insightful essays from a number of key contributors Environmental Law takes stock of developments to date and outlines the challenges for the future      Environmental Law in the Russian Federation Aleksey Anisimov, Anatoliy Ryzhenkov, 2022-05-17 Environmental Law in the Russian Federation presents a comprehensive textbook on the current state of environmental legislation of the Russian Federation The textbook is divided into three sections that are ordered for an increasing level of specialization in the subject The first section General Part gives a definition of environmental law formulates its principles and considers the sources of environmental law and legal relations Readers will learn about the issues related to the ownership of natural resources the legal framework and specifics of environmental protection and management and associated human and civil rights The distinguishing features of economic regulation in the area of environmental protection as well as issues of responsibility for environmental offenses are also covered The second section Special Part sets forth the main environmental requirements for certain types of economic and other human activities and the specifics of environmental protection in areas with a special environmental legal regime specially protected areas and ecological disaster zones Chapters in this section consider the main areas of protection of certain natural objects water forests land etc The third section Specialized Part clarifies the main areas of international cooperation in the field of environmental protection and considers the main characteristics of the environmental protection experience of other countries The textbook is an essential reference for law and business students in Russian schools It is also of interest to entrepreneurs planning ventures in Russia and researchers involved in comparative legal analysis      **International Environmental Law, Volume I** Paula M. Pevato, 2017-11-22 This title was first published in 2003 Viewed as a prelude to a broader spectrum of perspectives and approaches captured within international protection of the environment these volumes offer an invitation to further exploration Covering a broad array of topics the essays chosen convey pivotal breakthroughs in

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