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**MODERNISATION THROUGH CONTAMINATION:
DEGRADATION OF THE NATURAL ENVIRONMENT
IN POLAND (1945–70)
AS PERCEIVED BY THE AUTHORITIES
AND THE SOCIETY***

Abstract

The period 1945–70 saw a change in the approach to environmental contamination on the part of Polish authorities and the society. Before 1956, the imposed model of economic modernisation, which imitated and reproduced the Soviet patterns, glaringly contradicted the requirements of ecology. In the aftermath of the political turn of 1956, protection of waters and air against pollution finally became a matter of debate involving the authorities and the society. Basic legal solutions in this respect, meant to protect the environment against degradation, were adopted in the 1960s. The legislators generally followed the arguments and reasons behind the period's industrial policy, with the resulting limited efficiency of the legal acts adopted. In any case, between 1956 and 1970 awareness emerged in the society with respect to threats to the environment. This is attested by the letters sent to the authorities whose authors, individuals and groups, criticised the developments of industrial modernisation – owing, primarily, to its detrimental impact on their health.

Keywords: protection of (natural) environment, ecology in (post-war) communist Poland (the People's Republic of Poland), communism vs. ecology, contamination of waters, pollution of the air

I
INTRODUCTION

Degradation of the natural environment in Poland after the Second World War became a topic of a relatively broad discourse¹ between

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¹ I use the term 'discourse' in a broad meaning – to determine a set of statements existing in the public sphere, according to the thematic criteria concerned.

the authorities and the society in the 1970s and 1980s. It was then that ecological organisations emerged,² against a growing awareness of the need to protect the waters, the air and the soils against contamination and pollution. These issues were more and more frequently discussed in public, though the framework of the debate were restricted by the censorship, particularly in the 1970s – as testified by the censorial bans we know of today.³ It was in 1972–4 that numerous studies, reports and analyses were produced which formed the basis for development of a comprehensive environmental protection programme for Poland up to 1990.⁴ Ecological clubs, active particularly in the 1980s, talked to the authorities on the threats

² My present considerations are limited to degradation and protection of specified elements of the natural environment, notably, the air and surface waters. As a scientific notion, ecology came to stage in 1869 (coined by German biologist Ernest Haeckel) to denote a science dealing with the mutual impacts between animals and the environment, living and nonliving, in their entirety. Today, ecology is considered a science of the relations between organisms and the environment. See, for instance: Stanisław Wiąckowski, *Ekologia ogólna* (Bydgoszcz and Kielce, 2008), 13–20; Ewa Pyłka-Gutowska, *Ekologia z ochroną środowiska. Przewodnik* (Warszawa, 1996), 11–15; Tomasz Umiński, *Ekologia, środowisko, przyroda. Podręcznik dla szkół średnich* (Warszawa, 1996), 12–13. In this sense, ecology focuses on a wide area of topics, and thus has several branches. In modern Polish common parlance, the adjective ‘ecologic(al)’ refers to environmental protection and a variety of associations and social movements dealing with it.

³ The ‘Register of Censorial Prohibitions and Recommendations’ provides as follows (entry dated 18 Oct. 1974): “In studies in environmental protection and threats to the environment in Poland, eliminated should be any pieces of information on direct or immediate threat to the lives or health of the people as may be caused by the industry or chemicals applied in agriculture. This ban refers to specific instances of pollution or contamination of the atmosphere, water, soil and/or foodstuffs, wherever detrimental to human life or health. The ban in question extends to any information on pollution caused by pesticides. Any materials and information regarding threats to health of workers dealing with polyvinyl chloride (PVC) and perils resulting from application of these products of chemical industry, as in the construction industry or elsewhere, or from launching them into the market-place, need being eliminated. The executive team of the GUKPP [i.e. Central Office for Control of the Press, Publications and Entertainment] ought to receive signals concerning any critical materials with respect to the location of industrial facilities (whether existing or designed) that may detrimentally impact the natural environment.” Cf. *Czarna księga cenzury PRL*, vol. 1 (Londyn, 1977), 48–9. For specific examples of intervention, see *Czarna księga cenzury PRL*, vol. 2 (Londyn, 1977), 28–34.

⁴ Antoni Podniewski, *Podstawowe problemy ochrony środowiska w Polsce* (Warszawa, 1979), 224.

following from environmental pollutions and contaminations.⁵ Finally, state institutions were established to tackle the problems in question and produce reports on the condition of the environment.⁶

When reviewing the relevant Polish scientific literature, it becomes apparent that the 1960s marked the beginning of a more extensive interest in these issues, which grew in the course of the two following decades. It was then that specialist studies based on analyses of pollution were first published, along with studies on specific aspects of environmental protection (legal, economic, and social).⁷

Historians have only started to deal in more detail with the topic in question. Previously, aspects of it tended to appear in historical studies incidentally, mostly in the context of criticisms on the 'economic miracle' of the 1970s and deteriorated quality of life.⁸ Before appropriate scholarly

⁵ See, for instance, Warsaw, Central Archives of Modern Records (*Archiwum Akt Nowych* [hereinafter: AAN]), Office of the Council of Ministers [of the People's Republic of Poland] (*Urząd Rady Ministrów* [hereinafter: URM]), 1.5/40, Polish Ecological Club – Lower Silesian District to Prof. Zbigniew Messner, President of the Council of Ministers, 8 Jan. 1986, c. 1; Stefan Kozłowski, *Ekorozwój. Wyzwanie XXI wieku* (Warszawa, 2000).

⁶ AAN, Central Committee of the Polish United Workers' Party (*Komitet Centralny Polskiej Zjednoczonej Partii Robotniczej* [hereinafter: KC PZPR]), LI/440, State Council for Environmental Protection (Państwowa Rada Ochrony Środowiska), Report on the condition of the environment and actions proposed in view of its improvement, Warszawa, Jan. 1982, cc. 5–24.

⁷ See, for instance: Adam Ginsbert-Gebert (ed.), *Ekonomiczne i socjologiczne problemy ochrony środowiska* (Wrocław, Warszawa, and Kraków, 1985); Waclaw Brzeziński, *Ochrona prawna biologicznego środowiska człowieka* (Warszawa, 1971); Julian Aleksandrowicz, *Wpływ zmian środowiska na zdrowie człowieka* (Wrocław, 1975); Józef Jakubowski, *Motoryzacja i ochrona środowiska* (Warszawa, 1976); Jan Juda, *Ochrona powietrza atmosferycznego* (Warszawa, 1974); Adam Ginsbert-Gebert (ed.), *Ekonomiczne aspekty ochrony środowiska* (Warszawa, 1976); Leon Łustacz, *Podstawowe zagadnienia prawne i organizacyjne ochrony środowiska* (Warszawa, 1976); Alfred Klich (ed.), *System ochrony środowiska w Polsce* (Wrocław, 1978); Antoni Symonowicz, *Bilans strat powstałych wskutek degradacji środowiska* (Warszawa, 1990).

⁸ See, for instance: Barbara E. Hicks, *Environmental Politics in Poland. A Social Movement Between Regime and Opposition* (New York, 1996); Andrzej Delorme, *Antyekologiczna spuścizna totalitaryzmu* (Kraków, 1995). That the issues under discussion have become analysed by historians is attested by the papers delivered at two interesting conferences: 'Protection and Use of Environmental Resources in Polish Lands over the Centuries', Sobótka, 20–22 May 2016; and, 'Not Just Chernobyl. Ecological Dimensions of the History of Communism', Poznań, 21–22 April 2016 (printed collection of papers: forthcoming).

studies are compiled, some very basic questions call for consideration, to begin with:

1. When did pollutions of the natural environment become a concern for the communist authorities in Poland?
2. What actions (aspects of social practice) followed from this reflection, and in what ways did the assumed model of economic modernisation influence them?
3. Since when was the social awareness of importance of these issues the case? And, when did the everyday practice stemming from it begin?

Given the present, initial stage of research, these considerations will be limited to pollution and/or contamination of water and the air as the natural resources of primary importance.

II

THE BIRTH AND DEVELOPMENT OF THE DISCOURSE OF ENVIRONMENTAL CONTAMINATION AND POLLUTION

Right after the war, environmental contamination or pollution appeared as a topic in specialist scientific periodicals. One of them wrote, in 1946:

Our water supplies were poor [before the war] and are even worse presently. With a water that is murky, hard, rich in iron, or bacteria-infected, which is distributed poorly and in unsatisfactory amounts, it is not only the human organism that suffers but also the households, urban as well as rural, the processing industry and the heat economy – not to mention the circumstance that water-supply stations are a source of income for the local governments and they entail extension or redevelopment of the sewerage system and sewage-treatment plants, thus contributing to enhanced sanitary condition and a cultural look of towns and residential areas. – A burning issue, and a duty too, is to supply our populace with water from – the existing disposable sources, but utterly deprived of any pathogenic bacteria, parasite eggs and faecal bacteria. The physical condition of our society has been severely debilitated resulting from longstanding wartime shocks and malnutrition, the hygienic conditions we live amidst in cities and settlements affected by hostilities or the enemy's perfidious devastating power are such that the water we daily use, even if vaguely infected, directly or indirectly triggers its pernicious consequences at an accelerated pace and on a higher [i.e. larger] scale compared to what once used to be the case.⁹

⁹ Bronisław Rudziński, 'Zagadnienie dobrej wody jako warunek dobrego zdrowia', *Gaz, Woda i Technika Sanitarna*, 20 (1946), 20–1.

The problem of polluted atmospheric air appeared in the authorities' discourse primarily owing to production- and health-related problems it caused. In 1949, discussions were held within the parliamentary Committees for Health and for Labour and Welfare Care on incidents of intoxication with carbon disulphide in Polish synthetic silk factories. The substance had a disastrous impact on human organisms, causing physical degeneration alongside a psychical change occurring owing to destructions in the brain's grey matter.¹⁰ Research done at the rayon factories in Łódź and Tomaszów Mazowiecki, kept today in the archival files of the State Committee for Economic Planning (*Państwowy Komitet Planowania Gospodarczego*, PKPG), indicates that the contamination reached beyond the plant areas. The municipal authorities complained about the air and water being polluted because of the operation of those factories.¹¹

The Stalinist discourse about problems related to environmental contamination was mostly non-manifest, and was limited to the authority structures. The official propagandist communication (socialist-realist literature, journalism, iconography) predominantly offered a vision of smoke-emitting chimneystacks of newly-developed or upgraded industrial establishments, seen as a symbol of economic modernisation and objects of pride with the achievements of the Six-Year Plan of 1950–5. The motif of clean rivers and lakes accompanied, year by year, the propaganda image of happy children and youth attending holiday camps and adults relaxing in the facilities run by the Worker's Holiday Fund.¹² Pollution was referred to as a threat to the environment in terms of its being part of the discreditable heritage of the capitalist (i.e. pre-war) Poland, which ought to be dealt with in a 'planned'

¹⁰ AAN, Legislative Sejm (*Sejm Ustawodawczy* [hereinafter: SU]), 288, Minutes of the Joint Session of the Committees for Health and for Labour and Welfare Care of 11 Jan. 1949, cc. 124–33.

¹¹ AAN, State Committee for Economic Planning (*Państwowa Komisja Planowania Gospodarczego* [hereinafter: PKPG]), 1852, 'Presidium of the National Council of the City of Lodz, Municipal Committee for Economic Planning to the PKPG, attn. Dr. Stefan Jędrzychowski, the Minister', Łódź, 20 Dec. 1950, npag.

¹² See, for instance: Jolanta Studzińska, *Socrealizm w malarstwie polskim*, Warszawa 2014 (reproductions of paintings dated 1951: Zygmunt Kaniewski's *Przodownica pracy* [Outstanding Female Worker], 185, and Wawrzyniec Chorembalski's *Huta Bankowa* [The Bankowa Steelworks], 252); *Katalog znaczków pocztowych Polskiej Rzeczypospolitej Ludowej 1944–1955* (Warszawa, 1956) [a catalogue of Polish post-stamps], 31, 43, 60, 63, 77, 148.

fashion.¹³ Mentions of deteriorating quality of water in the Polish rivers, if any, could only be found in some hermetic, low-circulation scientific periodicals read within circles of experts.¹⁴

The de-Stalinisation brought about a thorough turn in this respect. The discourse, hitherto restricted, strictly regulated and controlled, became more open – as testified by several symptoms.

Firstly, the problems in question started being debated on within the national leadership teams, including based on expanding scientific research in this field. For example, a study prepared by the Central Board of the Metallurgical Industry, based on data collected from a total of 260 establishments disposing industrial effluents, was presented at a 1957 forum session of the Interdepartmental Committee for Dephenolisation of Industrial Wastewater. The research team found that at least 30 per cent of the phenols contained in such effluents was disposed into public reservoirs, with 9.8 per cent released directly to the rivers within the Vistula catchment basin. The proportion for the Oder River basin was as high as 46.7 per cent; the other catchments under study were found to receive up to 100 per cent of the disposed industrial wastewater!¹⁵

The terrifying contamination of the Oder was eventually reported, based on the expert opinions commissioned, to the MPs who joined the Extraordinary Committee for the Recovered Territories that operated within the Polish Parliament in 1957–61.¹⁶ Industry press more and more often published the research findings and, with time, disputes on how to improve on the situation.¹⁷ Discussions were also held

¹³ See, for instance: Adam Joszt, 'Ochrona rzek', *Gaz, Woda i Technika Sanitarna*, 1 (1952), 21–4; Jan Wierzbicki, 'Zanieczyszczenie rzek miejskimi i przemysłowymi wodami ściekowymi', *Gazeta Obserwatora PIHM*, 2 (1949), 1–3.

¹⁴ See, for instance: Irena Cabejszek, Zbigniew Malanowski, and Stanisław Włodek, 'Zanieczyszczenie rzeki Bzury', *Gaz, Woda i Technika Sanitarna*, 26 (1952), 162–7.

¹⁵ AAN, Ministry of Navigation and Water Management (*Ministerstwo Żeglugi i Gospodarki Wodnej* [hereinafter: MŻiGW]), ref. no. 195, Interdepartmental Committee for Dephenolisation of Industrial Wastewater, 'A study of phenolic wastewater from the industrial and services establishments of Poland and methods of treatment of such wastewater', by Jan Biczysko, Eng., Central Board of the Metallurgical Industry, Nov. 1957, npag.

¹⁶ For more, see Dariusz Jarosz, 'Odra i inne problemy: ziemie zachodnie w dyskursie władz PRL w latach 1957–1961', in Tomasz Głowiński (ed.), *Kresy Zachodnie. Gospodarcze i społeczne znaczenie polskich kresów* (Wrocław, 2015), 183–95.

¹⁷ See, for instance: Stanisław Bontemps, 'W sprawie zanieczyszczeń wód', *Gospodarka Rybna*, 2 (1955), 6–8; Irena Cabjeszek, Bohdan Koziorowski, Zbigniew

over the efficiency of the organisational measures and legal solutions being applied.¹⁸

The research expanded and its precision improved as subsequent bodies and organisations emerged to tackle the environmental problems.¹⁹ The findings regarding the cleanness of the waters as for the years 1964, 1967, and 1970 were presented in a synthetic form in the respective editions of the ‘atlas of pollution of the rivers of Poland’ (*Atlas zanieczyszczeń rzek w Polsce*), a series initiated in 1971.²⁰ As for contamination of the air, the first such studies (unpublished), compiled by specialised offices and dating back to 1965, can be found in the archive of the Ministry of Health and Social Care.²¹ Similar documents, evidencing the attempts to assess the impact of the degraded environment on the forests since 1957, are preserved in the fund of the former Ministry of Forestry and Wood Industry – today, at the Central Archives of Modern Records in Warsaw.²²

Secondly, the condition of the natural environment became a topic of interest for certain licensed social organisations which struggled hard for some freedom of action. A case in point was the Katowice Branch of the Supreme Technical Organisation (*Naczelna Organizacja Techniczna*, NOT), which in July 1955 compiled a ‘Memorial regarding the water management on [*sic*] the industrial establishments of the Voivodeship

Malanowski, and Janina Stanisławska, ‘Charakterystyka higieniczno-sanitarna rzeki Wisły na odcinku Góra Kalwaria–Warszawa’, *Gaz, Woda i Technika Sanitarna*, 5 (1956), 175–81; Franciszek Chrzanowski, ‘Zanieczyszczenie wód śródlądowych województwa gdańskiego’, *Gospodarka rybna*, 7 (1956), 7–8.

¹⁸ See, for instance: Józef Trendota, ‘W sprawie właściwych metod ochrony wód przed zanieczyszczeniem ściekami’, *Gaz, Woda i Technika Sanitarna*, 4 (1956), 142–3.

¹⁹ AAN, Supreme Chamber of Control (*Najwyższa Izba Kontroli* [hereinafter: NIK]), II, 16/201, ‘Sprawozdanie z kontroli ochrony wód powierzchniowych przed zanieczyszczeniem i zapobiegania szkodliwemu działaniu ścieków’, Warszawa, Aug. 1959, npag.

²⁰ *Atlas zanieczyszczenia rzek w Polsce 1967* (Warszawa, 1971); *Atlas zanieczyszczenia rzek w Polsce 1970* (Warszawa, 1972).

²¹ AAN, KC PZPR, 237/XIV-345, Ministry of Health and Social Care, ‘Ocena realizacji wskaźników planu służby zdrowia i opieki społecznej na lata 1961–1965’, 87.

²² AAN, Ministry of Forestry and Wood Industry (*Ministerstwo Leśnictwa i Przemysłu Drzewnego* [hereinafter: MLiPD]), 217, ‘Charakterystyka i ocena szkodliwego oddziaływania przemysłu na lasy’, Katowice, Oct. 1964 (prepared by a team led by Feliks Kamieniecki), npag.

of Stalinogród [as Katowice was renamed in 1953–6]'.²³ The report described the most critical water management problems affecting the Upper Silesian Industrial District, finding, among other things, that due to contamination with wastewater, “the fluvial waters, even those of the larger rivers departing from the District, cannot possibly be used for a number of industrial or agricultural purposes. Some of the establishments which previously made use of these fluvial waters are now forced to quit the option. This situation imposes an extra burden on potable water supply systems, deepening the existing deficit.” Not only small rivers or rivulets were contaminated – those “have turned into drainage ditches”: the large rivers were affected as well, losing their natural self-cleaning capacity. The chemical compounds dissolved in the water, particularly in the Przemsza and the Kłodnica, caused accelerated corrosion of industrial appliances.

The authors emphasised that the water management had not been properly organised, and postulated that a “central, cross-department office for water management” be established – analogically to those functioning in the German Democratic Republic and Czechoslovakia, with field branches as part of their structure. They proposed to set up a water management service within the departments (ministries) responsible for economy, such bodies to be manned with expert teams trained at technological universities or a technical college specialised in water management (which would need being established). The authors moreover demanded that an Industrial Water Management Institute be established in the Upper Silesian area, structurally within the Polish Academy of Sciences.

To what extent or degree these desiderata might have influenced the actual actions taken by the authorities, is hard to establish. What we know is that the memorial was forwarded to Eugeniusz Szyr, the PKPG Chairman by the Chairman’s Plenipotentiary for Water Management.²⁴ Based on what can be concluded from the Committee’s 1956 files, state authorities took more interest in the water management in Upper Silesian region (and, indeed, elsewhere). The files contain documents

²³ The memorial is discussed based on: AAN, PKPG, 8384, ‘Memoriał w sprawie gospodarki wodnej na zakładach przemysłowych województwa stalinogrodzkiego’, Stalinogród, 2 July 1955, npag.

²⁴ AAN, PKPG, 8384, The Plenipotentiary of the Chairman of the PKPG for Water Management to Eugeniusz Szyr, Chairman of the PKPG, Stalinogród, 1 Aug. 1955, npag.

signed by a Plenipotentiary of the Chairman of the PKPG for Water Investment Projects in Upper Silesia (an office probably established in the aftermath).²⁵ The issue of water supplies to the GOP (Upper Silesian Industrial District) area cities was debated among the top authorities.²⁶

Thirdly, the environmental pollution or contamination discourse finally extended to high-circulation newspapers and magazines. Intoxication of surface water by industrial and rural effluents was covered, in a critical tone; the problem of scarcity and malfunctioning of sewage treatment plants was raised.²⁷ Journalists and press commentators reported on burdensome neighbourhoods of urban housing estates, forests, countryside settlements, and plants emitting excessive amounts of dusts.²⁸

III DEVELOPMENT OF THE LAW AND EMERGENCE OF ORGANISATIONAL STRUCTURES

As mentioned earlier, the discourse could extend to degradation of the natural environment doubtlessly as a result of consent given by those in power, under progressing political thaw. Even if one comes to the conclusion (most probably, rightly so; but this would still call for further research) that it also resulted from a number of other factors (such as increased awareness of the threats to the environment

²⁵ See, for instance: AAN, PKPG, 6340, The Plenipotentiary of the Chairman of the PKPG for Water Investment Projects in U.[pper] Silesia to the Chairman of the PKPG, Vice President of the CM [Council of Ministers] Dr. Stefan Jędrzychowski, 3 Aug. 1956, npag.

²⁶ See, for instance: AAN, PKPG, 6340, A note from the conference held 23 Feb. 1956 at the Office of the Plenipotentiary of the Chairman of the PKPG for Water Management in Stalinogród, re. increased supplies of water for the City of Dąbrowa Górnicza, npag.

²⁷ Jerzy Ziętek, 'Zieleń i woda dla mieszkańców śląskich miast', *Trybuna Ludu*, 219 (1954), 3; Tadeusz Keller, 'Problem złej wody', *Tygodnik Demokratyczny*, 49 (1955), 7; Tadeusz Borowy, 'Nasze kłopoty z wodą i ściekami', *Życie Warszawy*, 82 (1956), 4; Leon Lenar, 'Park narodowy czy ścieki', *Życie Warszawy*, 66 (1956), 8; Jerzy Jaruzelski, 'Otrute rzeki', *Życie Warszawy*, 52 (1958), 3–4; Izabella Szenkowa, 'Cena zdrowia', *Służba Zdrowia*, 9 (1959).

²⁸ Krystyna Zielińska, 'Sąsiedztwo', *Trybuna Ludu*, 120 (1966), 3; Zygmunt Trziszka, 'Ciemne niebo', *Tygodnik Kulturalny*, 1 (1970), 1; Tadeusz Kijonka, 'Lasy gina', *Poglądy*, 15 (1964), 1; Julian Brysz, 'Smog nad Łodzią', *Odgłosy*, 22 (1965), 1.

worldwide, the progress of medical knowledge on the effects of absorption of various substances coming from water or the air, and so on), the impulse given by the turn within the Warsaw centre of power in October 1956 proved of extreme importance all the same. The appearance of critical texts on environmental degradation, as a trend coupled with a growing interest in this matter among the public opinion – as attested, among other things, by the inflow of complaints received by state institutions (this to be covered at some length below) – stimulated, but was not always critical to, the taking of specific actions designed to counteract the pollution or contamination. The basic dilemma that was faced by the ruling party is reducible to the questions: How to act in a situation where the assumed model of economic modernisation appears to be in collision with the environmental arguments? Is a degradation of the environment an indispensable cost of the economic development unfolding in line with the assumed pattern? Are these apparently contradicting rationales reconcilable? To what extent or degree should the imperative of production give way to an ideologically declared concern about the health of those doing the production?

In the Stalinist period, this dilemma was rarely considered by the authorities. And, there is no convincing evidence which might suggest that it aroused any real interest in the society.

Among the important effects of this negligence was the local legislation in force not keeping in pace with the challenges related to the environmental effects of the contamination and pollution. In the Stalinist years, the Water Act of 19 September 1922 (i.e. Journal of Laws [hereinafter: JL] 1928, No. 62, Item 574; as amended) continued to be valid. Since there was no related secondary legislation in place, this law was in fact treated as a dead letter. The other pre-war legal acts which remained in force after 1945 proved not much more efficient; these included the Ordinance of the President of the Republic of Poland of 16 March 1928 ‘on removal of wastes and precipitation water’ (JL 1939, No. 90, Item 581; JL 1948, No. 44, Item 317); the Act of Fisheries of 7 March 1932 (JL No. 35, Item 357); and, the Wildlife Conservation Act of 7 April 1949 (JL No. 25, Item 180). In the Stalinist period, the most important regulation in this respect was the Decree of the Minister of Municipal Services of 2 September 1950 ‘on determination of the terms-and-conditions to be complied with by effluents released into surface water bodies and into the ground’ (JL No. 41, Item 371).

Pursuant to this particular piece of legislation, categories of cleanness applicable with surface water were established. Also, the decree defined the notion of wastewater (Pol.: *ścieki*) for the first time. Yet, in the common opinion of the relevant government departments, this law was not observed, as was the case with so many other legal acts and regulations (enterprises reporting to the decree-issuing body having done no better in this respect).²⁹

While aquatic contamination was finally addressed in terms of some (be it defective) legislation, no piece of law could possibly be identified for the early post-war period that would have regulated the quality of the atmospheric air. The earliest such acts were only generated in the 1960s, the same being true for legislation on protection of crops and soils.³⁰

The legislation lagging behind the challenges related to the adverse effects of the developing industry and urbanisation on the environment coexisted with scarcity of efficient organisational structures that would have dealt with contamination of water and atmospheric air. Those which did exist (incl. the Inter-Voivodeship Committee for Protection of the Rivers in Katowice, Plenipotentiary of the Chairman of the PKPG for Potable and Industrial Water Management, Public Utilities Institute – the latter two set up in 1951, and various ministerial/departamental structures) undertook pioneering studies in the condition of the natural environment (via the emerging network of Research and Development Institutes affiliated to the Provincial Committees for Protection of the Rivers), but their impact on improvements in this respect was negligible.³¹ Any specific problems were tackled on an ad-hoc basis, by way of confidential decisions, where the arguments for production tended to prevail over those advocating preservation of the environment.

During the de-Stalinization, institutions dealing with environmental protection expanded and new legislative acts were enacted in an attempt to balance the requirements of production and those of the natural

²⁹ AAN, MŻiGW, 156, Jan Krysiński, 'Ustawodawstwo o ochronie wód przed zanieczyszczeniem', Warszawa, 4 June 1958, npag.; *ibidem*, MŻiGW, 59, Czesław Wdowiak, 'Prawna ochrona wód przed zanieczyszczeniem w Polsce', Poznań, 1960 (paper delivered at a nationwide conference of provincial water law servants in Rzeszów), Poznań, Feb. 1960, npag.

³⁰ Klich (ed.), *System ochrony środowiska*, 35.

³¹ AAN, PKPG, 6661, Activity report by the Secretary of the Inter-Voivodeship Committee for Protection of the Rivers in Katowice as for 1951, npag.

environment. 1954 saw the establishment of a State Inspectorate for Protection of Water (*Państwowa Inspekcja Ochrony Wód*, PIOW), reporting to the Ministry of Municipal Services.³² The Office of the Minister of Navigation and Water Management was set up pursuant to the Act of 28 May 1957 (JL No. 31, Item 130), tasked primarily with “exercising supervision over protection of waters against pollution and contamination, and over the sewage management system in its entirety”.³³ The PIOW was eventually made subordinate to this body.³⁴ The relevant field inspection authorities (incl. seventeen provincial, i.e. voivodeship-based, and two municipal water protection inspectorates) were made part of the Water Management Departments (*Wydziały Gospodarki Wodnej*, WGWs) which were formed since the latter half of 1958 as bodies affiliated to the respective Presidiums of the Provincial National Councils (*Prezydium Wojewódzkiej Rady Narodowej*, PWRNs) and to the two so-called excluded municipalities, to be finally turned (1966) into Water Management and Air Protection Departments (*Wydziały Gospodarki Wodnej i Ochrony Powietrza*, WGWiOPs).³⁵

In 1960, the Water Management Institute (*Instytut Gospodarki Wodnej*, IGW) was formed. This series of organisational changes was crowned by the appearance, also in 1960, of the Central Office for Water Management (*Centralny Urząd Gospodarki Wodnej*, CUGW) as the supreme administrative authority (with the Ministry of Navigation and Water Management being wound up) reporting directly to the President of the Council of Ministers (i.e. Prime Minister); the office ceased functioning in 1972.³⁶

³² ‘Uchwała Prezydium Rządu nr 436 z 7 VII 1954 r. o Państwowej Inspekcji Ochrony Wód’, *Monitor Polski* [Official Journal of the People’s Republic of Poland], No. A-69, Item 863; ‘Zarządzenie Ministra Gospodarki Komunalnej z 29 X 1954 w sprawie organizacji, szczegółowego zakresu działania oraz zasad i trybu postępowania Państwowej Inspekcji Ochrony Wód’, *Monitor Polski*, No. 119, Item 1680.

³³ AAN, MŻiGW, ref. no. 156, Act of 28 May 1957 establishing the office of the Minister of Navigation and Water Management, npag.

³⁴ *Ibidem*; AAN, MŻiGW, 156, Krysiński, ‘Ustawodawstwo o ochronie wód’.

³⁵ See Ordinance of the Council of Ministers of 17 May 1966, amending the Ordinance of 24 Nov. 1961 ‘on the rules of formation of departments by Presidiums of National Councils’ (JL No. 18, Item 115).

³⁶ Jan Krysiński, ‘Węzłowe problemy ochrony czystości wód (organizacyjne, techniczno-ekonomiczne i prawne)’, *Gospodarka Wodna*, 10 (1961), 416–20; Act of 14 June 1960 ‘on the establishment of the Central Office for Water Management and the turning of the office of Minister of Navigation and Water Management into the office of Minister of Navigation’ (JL No. 29, Item 163).

As part of it, the post was set up in 1964 of the Chief Inspector of Water Protection (Główny Inspektor Ochrony Wód) acting on authorisation of the Chairman of the CUGW;³⁷ in 1966, a Council for Protection of the Atmospheric Air (*Rada Ochrony Powietrza Atmosferycznego*) was established (as an advisory body).³⁸ By instruction of the CUGW Chairman, the major research and measurement work in respect of dissemination of pollution in the atmospheric air were entrusted, as from 1966, to the State Hydrological and Meteorological Institute (*Państwowy Instytut Hydrologiczno-Meteorologiczny*, PIHM). An Office for Protection of the Atmospheric Air was set up as part of the Central Office.³⁹

The specialised staff dealing with protection of waters and the air in the field was expanding. By 1962, the WGWs (themselves initially formed in all the voivodships and 'excluded municipalities') had a total of 21 water and effluent research laboratories established. In 1960–4, a total of 116 regional WGWs were set up as bodies affiliated to presidiums of the district National Councils. The Provincial Inspectorates for Protection of Water, being the PIOW's local bodies, within all the PWRNs, had as at the end of 1964 47 inspectors and 327 employees working at the 21 water and effluent research laboratories, including 203 members of engineering and technical staff.⁴⁰ In 1970, most of the Water Management and Air Protection Departments had one inspector for air protection employed in each; the Katowice department had as many as four such inspectors, whilst Cracow, Opole, Poznań, Łódź and the Capital City of Warsaw had two each. There were 13 air protection laboratories.⁴¹

³⁷ AAN, Central Office for Water Management (*Centralny Urząd Gospodarki Wodnej* [hereinafter: CUGW]), 823, 'Notice of the Chief Inspector of Water Protection re. actions taken with respect to protection of waters against contamination and pollution as for 1965, and the lines of action', Warszawa, Dec. 1965, npag.

³⁸ Instruction No. 59 of the President of the Council of Ministers of 21 September 1966 'on the establishment of the Council for Protection of the Atmospheric Air, affiliated to the CUGW' (unpublished; reprinted in Waclaw Tarasiewicz (ed.), *Ochrona powietrza atmosferycznego przed zanieczyszczeniem (przepisy i objaśnienia). Według stanu prawnego na dzień 1 czerwca 1968* (Warszawa, 1968), 83–4.

³⁹ AAN, CUGW, 57 (4/70), Elaboration of the lines of development of the research-and-development facilities of the CUGW in regard of protection of the atmospheric air, [1970], npag.

⁴⁰ AAN, CUGW, 5, vol. ii, Analysis and evaluation of the operations of the services protecting water against pollution, Warszawa, July 1965, npag.

⁴¹ AAN, CUGW, 69, vol. vi, CUGW, 'Bieżące problemy ochrony powietrza atmosferycznego' (Current issues related to protection of the atmospheric air), Warszawa, Nov. 1970, npag.

The standards of professional education of those who dealt with environmental pollutions and contaminations gradually improved. As of 1970, the Universities of Technology in Gliwice, Warsaw and Wrocław offered postgraduate studies in protection of the air.⁴² These organisational changes resulted from the adoption of legislative solutions that marked a new approach toward water protection problems. It was commenced by the Ordinance of the President of the Council of Ministers No. 147 'on application of measures preventing contamination of surface waters with effluents', issued on 23 June 1954. The Prime Minister thereby bound the ministers in charge of establishments generating wastewater to issue orders enabling thorough review of treatment appliances, rendering such equipment fully operational, and establish a system of wastewater control, part of which would be chemical testing done on a daily basis.⁴³ An appendix attached thereto detailed the plants whose wastewaters caused the most severe contamination of the water of the Vistula; the list included 13 coalmines, 11 ironworks, 3 zinc plants, 2 oil refineries, 2 cellulose and paper mills, 2 chemical establishments, and 1 coke-chemical plant.⁴⁴

On 20 August 1955, Resolution No. 668 of the Presidium of the Government 'on protection of waters against pollution and counteracting the adverse effects of wastewater and economic use of the same' was issued. The ministers in charge of establishments generating effluents were obligated to find appropriate solutions to treat such sewage, within their respective departments. The regulation provided that designing of any construction, redevelopment, upgrade, or extension of any establishment that discharges wastewater into surface water should be impermissible without a reasonable solution proposed with respect to treatment preventing the detrimental effects of sewage.⁴⁵ The Act 'on

⁴² *Ibidem.*

⁴³ AAN, MŻiGW, 156, Krysiński, 'Ustawodawstwo o ochronie wód'.

⁴⁴ AAN, MŻiGW, 156, List of the establishments generating the wastewater that causes the severest contamination of water in the Vistula River, npag.

⁴⁵ AAN, MŻiGW, 156, Krysiński, 'Ustawodawstwo o ochronie wód'; AAN, MŻiGW, 57, Resolution No. 668/55 of the Presidium of the Government of 20 August 1955 'on protection of waters against pollution and counteracting the adverse effects of wastewater and economic use of the same', npag. Practical application of this Resolution was hampered owing to its vague wording and lack of relevant secondary legislation. See AAN, MŻiGW, 156, A report of the State Inspectorate for Protection of Water, [after 30 June 1957], npag.

protection of water against pollution and contamination' was adopted on 31 January 1961 (JL No. 5, Item 33); based thereupon, an Ordinance of the President of the Council of Ministers 'determining the allowable norms of contamination of water and the terms-and-conditions to be complied with by effluents discharged into water and the ground' was issued on 28 February 1962. The provisions of the Act of 31 January 1961 were included, with a slightly amended wording, in the Water Law adopted on 30 May 1962 (JL No. 34, Item 158).⁴⁶

Air pollution legislation was much less advanced at the time. On 1 March 1961, the Council of Ministers adopted a Resolution (unpublished) No. 91 'on reduction of air pollution within the area of the GOP'. The aforementioned Water Law provided (in Art. 82, Item 4) that it should be applicable also with respect to the air being polluted in a way that may cause harmful contamination of water. Resolution No. 7 of the Council of Ministers of 12 January 1965 (unpublished) defined the CUGW as a public administration authority responsible for protection of air.⁴⁷ Also the ministries produced relevant standards or norms.⁴⁸ The Act of 21 April 1966 'on protection of the atmospheric air against pollution and contamination' (JL No. 14, Item 87) was the first piece of legislation to regulate this aspect in a general manner.

The actual wording of these legal acts was subject to compromise, the decisions made in this respect being only partly clear today, in light of the extant source materials. Why were they finally adopted or enacted? It was difficult to balance the diverse arguments or rationales. The post-war communist Poland was far from democratic; questions this important would normally have been subject to open public debate. But even the fragmentary knowledge we have today of the legislation, primarily with respect to water protection, indicates that – apart from the abovementioned incentives such as concern for the health of citizens and about the natural environment as such – the reason of primary

⁴⁶ Brzeziński, *Ochrona prawna*, 155–9; AAN, MŻiGW, 60, A note regarding the Bill on protection of waters against contamination and pollution, Warszawa, 18 Oct. 1960 [CUGW], npag.

⁴⁷ Adam Jaroszyński, *Ochrona prawna zasobów naturalnych w PRL* (Warszawa, 1972), 167; Tarasiewicz, *Ochrona powietrza*, 3–4.

⁴⁸ AAN, NIK, II, 23/224, Checking the delivery of Resolution no. 91/61 of the Council of Ministers of 1 March 1961 and Order no. 110/61 of the Minister of Mining and Power Industry of 5 October 1961 'on reduction of the pollution of air with fly ashes and gases', Katowice, 2 Oct. 1962, c. 157.

importance was, paradoxically, the challenges of industrial production and the interests of various industrial lobbies, many of which are hard to precisely identify.

The contamination and pollution of the environment in the former half of the 1950s became so extreme that it hindered the delivery of production plans by establishments, which directly translated to the payrolls of their employees (or, could otherwise have affected them). Contamination of the waters by cities or factories equipped with no sewage treatment plants rendered difficult, if not prevented, the use of untreated water in a number of technological processes.

On the other hand, the pressure groups (ministries, industrial unions) agglomerating the establishments of 'dirt-generating' industries (mining, metallurgy, textile industry, paper industry, metal industry, food industry) realised that adoption of a legislation that would make them arrange for expensive (but often not-quite-efficient) treatment appliances might have an adverse effect on their financial standing.

Such a way of thinking probably influenced the line of discussion on the legislation on water protection, particularly the aforementioned Act of 31 January 1961 and the Water Law of 30 May 1962.⁴⁹ Both these legal acts used the term 'contamination of water' [Pol.: *skazenie wody*] (the Water Law spoke of 'harmful contamination of water') which was meant to denote changes causing that "water is no more useful in terms of municipal, industrial, agricultural, fishing, and other". In the opinion of the CUGW managerial team, it meant parting with the previously prevalent view (which used to be present in the legislation that remained in force until 1961) whereby any instance of contamination or pollution in excess of the common use measure was detrimental and intolerable. The rigorous and unrealistic requirements of the regulations binding until 1961 not only caused, as CUGW officials found it, an increase in the cost of construction of the appliances, often non-commensurable with the effects, but often some yet-insurmountable difficulties as far as technological solutions were concerned.

In this approach, water protection plans ought to have taken into account the real technical and economic potential of wastewater treatment and the obvious current needs of consumers of water resources.⁵⁰

⁴⁹ Brzeziński, *Ochrona prawna*, 155–9; AAN, MŻiGW, 60, A note regarding the Bill.

⁵⁰ AAN, MŻiGW, 60, A note regarding the Bill.

Detrimental contamination of water – in excess of the cleanness degree envisioned for a given drainage basin – was prohibited.⁵¹ Release into inland waters (or, to inland maritime waters and territorial sea) of substances or energies that might cause a harmful contamination or pollution of such water called for obtaining a permit under the Water Law. Such permit was issued based on the designs of water management structures (treatment appliances) required for use of the water, and was meant to specify the quantities, condition and composition of the effluents being disposed. In case of failure in observance of these principles, the permit could have been cancelled. The establishments which, as of the entry-into-force date of the Act of 31 January 1961 (i.e. 9 February), did not have the required appliances to protect water against contamination had to be gradually equipped with them, as per the decisions of the Council of Ministers made on request of the Chairman of the CUGW submitted in agreement with the Chairman of the Planning Committee affiliated to the Council of Ministers and the ministries involved. Until then, they could legally and with impunity discharge into water effluents in the amounts, condition and composition such as they were on 9 February 1961 (Art. 166, Item 6 of the Water Law). The plants that had facilities preventing contamination of water, but had no permits issued under the Water Law, were bound to obtain the same by a determined date. The Water Law provided for establishment of protection zones for springs and water intakes for purposes of consumption.⁵²

Both the 1961 Act and the Water Law of 1962 provided for penalties for excessive pollution of water, to be administered by the public prosecutor's office, penal administrative boards, and water management sectors (air protection was included since 1966). The pecuniary penalties were charged against the establishment's business operations.⁵³

As testified by the preserved archival documents, the final versions of the proposed solutions were subject to controversy. The January bill was debated at a Government session on 31 December 1959, arousing some 'fundamental objections', particularly from the Minister of Light Industry. The controversy concerned the provision whereby any change

⁵¹ Stanisława Surowiec, 'Uwagi do ustawy o ochronie wód przed zanieczyszczeniem', *Gospodarka Wodna*, 10 (1961), 426–7.

⁵² Brzeziński, *Ochrona prawna*, 155–71.

⁵³ *Ibidem*, 187.

in the production processes which might contribute, in a permanent manner, to increased quantity, influence the condition or composition of wastewater released into waters, shall be subject to conciliation with the administrative authority in charge of water economy. The Minister insisted on a more rigorous regulation, whereby “any change in the production processes may not imply any discharge whatsoever into production water recipients with a contamination load any higher than predetermined”.⁵⁴ Objections were raised by the Minister of Heavy Industry with respect to the implementing regulation under the law of January, which standardised the admissible quantities, compositions and condition of effluents discharged into water. In this particular case, the Minister considered the projected restrictions too severe.⁵⁵ This particular case shows how complicated were the lines of division and incentives driving those at the centre of power, with a real influence on the state’s legal system.

The rationale behind the solutions adopted in the Act of 21 April 1966 ‘on protection of the atmospheric air from pollution’ was similar to that related to the ‘water laws’. Hence, the air was subject to protection against pollution or contamination that is burdensome to humans or has adverse effect on human health or on the climate, plant vegetation, animal rearing, useful value of soils or waters, or one that causes other losses to the national economy (Art. 1.1). Air pollution was defined as “introduction thereto of solid, liquid and gaseous substances ... in quantities or type such that may cause excess of the allowable concentrations in the atmospheric air” (Art. 1.2). These ‘allowable concentrations’ were to be determined by the Council of Ministers by way of an ordinance.⁵⁶ Any establishments whose operations might cause an excess of these limits were bound to construct, install and operate the appropriate protective appliances (Art. 3.1).⁵⁷ The projected zoning plans

⁵⁴ AAN, MZiGW, 60, A note to Cit. Janusz Grochulski, MSc. Eng., Vice Minister of Navigation and Water Management, Warszawa, 26 Jan. 1960, npag.

⁵⁵ *Ibidem*, Minister of Heavy Industry to the Office of the Council of Ministers, Warszawa, 6 May 1960, npag.

⁵⁶ See Ordinance of the Council of Ministers of 13 September 1966 ‘on the allowable concentrations of substances in the atmospheric air’ (JL No. 42, Item 253).

⁵⁷ The construction of such equipment was regulated by the Ordinance of the Council of Ministers of 23 March 1967 ‘on the protection zones established for protection of the atmospheric air against pollution’ (JL No. 15, Item 66) and the Instruction of the Chairman of the CUGW of 30 May 1967 ‘on the width of

and the location of a plant whose operations could possibly imply an excess in the admissible concentrations of noxious substances in the air ought henceforth to be reconciled with the relevant body in charge of protection of the atmospheric air (Art. 4.2).

The plants or factories discharging substances into the air, which existed as of the date the law in question was made effective, were obligated to report to the provincial (voivodeship) air protection bodies the data specifying the quantities and composition of these substances. The role of the said bodies was to determine, in agreement with the competent state sanitary inspector, for each of the reporting establishments the type and amount of substances ‘allowable for release’ and bind them to “construct, install and operate the appropriate appliances or to apply the relevant [protective] measures”, and prescribe the time-limits for delivery of these duties (Arts. 13.1 and 13.2). Who should have failed, in spite of the obligation to that effect, to have constructed, erected or installed, and/or operated the appropriate protective appliances, or refrained from applying the protective measures in maintenance of spoil heaps or dumping grounds, or failed to measure the concentrations of substances in the air, or to report on the data regarding the type or quantity of such substances, was subject to penalty of fine of up to 4,500 złoty under the penal administrative case-law procedure. The monetary penalties charged against the business results of enterprises (and affecting the employee benefit funds) were to be administered for exceeded limits in the type and quantity of substances allowable for release (Arts. 15.1 and 15.2). The actual amounts and collection procedure were to be determined by the Council of Ministers (Art. 15.3).⁵⁸ The importance of this piece of legislation was debilitated by two provisions contained in its final section: the Act was not to be applicable to protection of air within enclosed or confined spaces (Art. 16)⁵⁹ and to effects of radioactive substances (Art. 17). Dated

protection zones established to protect the atmospheric air from pollution’, *Monitor Polski*, No. 32, Item 152.

⁵⁸ See Ordinance of the Council of Ministers of 26 Sept. 1967 ‘on the rules regarding the determination of the amounts of pecuniary punishments administered to establishments for excessive quantities of dusts allowable for release into the atmospheric air’ (JL No. 40, Item 203).

⁵⁹ In this particular case, air protection was regulated by the Health-and-Safety-at-Work Act of 30 March 1965 (JL No. 13, item 91). As per Art. 19.1 thereof, the highest allowable concentration of substances hazardous to the health were to be

31 January 1970, the Resolution of the Council of Ministers No. 18 ‘on protection of forests from adverse effects of harmful dusts and gases emitted by industrial establishments’ (*Monitor Polski*, No. 4, Item 33) laid down the obligations of such establishments to cover the costs and expenses of ‘special forest management’ applied in the zones threatened by the effects of polluted air.

All in all, one may find that in light of the legislation adopted in the 1960s the air and the waters within the territory of Poland were to be cleaner than before – which did not, however, make them entirely clean. To what extent they could remain contaminated was subject to top-down decisions and prearrangements made at the central level of authorities. The decision-making bodies were certainly not (or, not entirely) driven by environmental protection standards but, primarily, by the internal determinants of economic development.

IV ENVIRONMENTAL PROTECTION IN ACTION

And, what did this mean in practice? The aforementioned laws and regulations collided with the production priorities adhered to by industrial establishments.⁶⁰ As regards the Water Law under analysis, the crucial dilemmas were: “Is refusal to a permit for use of water by discharge of effluents allowable in the event that such particular use is critical to the delivery of the establishment’s planned tasks?”⁶¹ And,

set by the Council of Ministers by way of an ordinance, on request from or consultation with the Central Council of Trade Unions (*Centralna Rada Związków Zawodowych*, CRZZ). Detailed health-and-safety-at-work regulations could be issued by the ministers in agreement with the Minister of Health and Social Care, under reconciliation with the central boards of the trade unions involved.

⁶⁰ Such was the wording used, for instance, in an official CUGW document prepared for an offsite session of the CUGW College [i.e. council] in Katowice, 1–2 March 1965, entitled ‘Communication re. the central problems of water management – in particular, supplies of water to Silesia, viewed against the Long-Term Plan for the Water Management of the Silesian-Cracow Industrial District’ (AAN, CUGW, 56, vol. lxii, npag.); quote: “The reason for the unsatisfactory effects in achieving the planned cleanness of water is, among other aspects, the fact that construction and operation of wastewater treatment and neutralisation appliances is approached by the Departments [in charge] as side tasks, which always give way to production.”

⁶¹ Brzeziński, *Ochrona prawna*, 161.

is the concrete enterprise, rather than the State as its owner, to be held responsible for lack of sewage treatment appliances? Such questions were subject to discussion among lawyers.⁶² How were they tackled in the enterprises' daily practice?

Harmful contamination of water (and pollution of air, the awareness of which was very low) was subject to penalisation. Yet, penalties were imposed reluctantly, selectively, and at random. In 1967 alone – a few years after the adoption of the Water Law – the number of applications for punishment under the various procedures adopted by public prosecutor offices and administration authorities was in excess of 240, with only a fraction of these cases concluded with a penalty charged to the perpetrators of contamination of rivers.⁶³

The penalties reckoned resulting from the legal action instituted as prescribed by the regulations varied by region and sector. They were relatively the highest for hard coal mines. For example, in 1967, the establishments reporting to the Ministry of Mining and Power Industry were charged with fines totalling 2,610,691.60 złoty under Art. 160 of the Water Law, with the total amount of fines so imposed countrywide being in excess of 33 million złoty.⁶⁴

The law in force also provided imposition of individual fines. What were the amounts? We have only got the data for selected sectors and voivodeships. A breakdown of directors and managers of plants punished with a fine by minor penal administrative courts (so-called *kolegiums*), dated March 1968, for the Voivodeship of Lublin lists eleven names, the highest fines having been imposed on the Chief Technologist with the Klemensów sugar factory (3,500 złoty) and the Director of the sugar mill of Werbkowice (3,125 złoty).⁶⁵

⁶² *Ibidem*, 161–3.

⁶³ AAN, CUGW, 69, vol. vi, Communication of the Chairman of the CUGW re. the execution of the Act entitled 'Prawo Wodne' (The Water Law) – protection of water from contamination and pollution, [1970], npag.; AAN, CUGW, 69, vol. ii, 'Information on the current state-of-affairs and tasks regarding protection of waters against contamination', [1967], npag.; AAN, CUGW, 69, t. iv, Communication of the Chairman of the CUGW re. delivery of the water management plan countrywide and the plan and budget of the CUGW as for 1967, Warszawa, June 1968, npag.

⁶⁴ AAN, CUGW, 912, Punishments under Article 160 of the Water Law administered to establishments reporting to the Ministry of Mining and Power Industry, npag.

⁶⁵ AAN, CUGW, 912, A breakdown of the Directors and Managers of the establishments that have been punished with individual pecuniary penalties (minor penal

Eradication of polluters was a hard job, starting with detecting and identifying the very fact of contamination. As Agata Zawieruszanka, for instance, remarked in a 1966 release of the biweekly *Prawo i Życie*, a total of 44 members of staff of the Provincial Inspectorates of Water Protection took care of instituting cases related to contamination of water; the remaining 350 Inspectorate workers, on the county level, dealt with protection of waters occasionally.

With a staffing like this, a mere forty-four, how could one possibly speak of any efficient control, even with respect to the lower-industrialised voivodeships? The circumstances being, just few hours of delay in sampling the contaminated water for analysis has a decisive impact on whether to initiate an investigation, or to terminate it. Further on, the party applying for imposition of a penalty under the penal administrative procedure or based on the criminal proceedings is bound to submit complete evidence, otherwise the public prosecutor will reject the notification 'just like that'. I am *not* aware of any incident where a public prosecutor's office would have taken immediate *ex-officio* action solely on the basis of a report stating that a river has been contaminated, by opening an investigation and seeking the perpetrator. ... The county minor courts receiving applications for punishing one director or the other – who usually is a local notable – normally assume a tolerant approach toward the case and readily look for some formal ploys ... just to free themselves from the need to resolve the case. The [Civic Militia? They have never taken charge of such matters yet.⁶⁶

The related files seem to confirm the observation that the public prosecutors were rather moderately inclined toward running investigations in cases of the sort. Symptomatic in this respect was the case of the 'Szczygłowice' Hard Coal Mine in Szczygłowice, County [*powiat*] of Rybnik. A penalty was administered based upon the entity having discharged, without an appropriate water supply and sewage effluent disposal licence, of untreated washery effluent to a stream called Książenicki, a tributary of the Bierawka River. Harmful contamination was evidenced as for 29 July to 5 August 1966 and, to a lesser degree, between 6 August and 10 September 1966. The Mine was imposed a fine of 602,411.25 złoty, under Art. 160 of the Water Law.

administrative courts) for harmful contamination of water [in the] Voivodeship of Lublin, 25 March 1968, npag. As of 1968, the average salary in the 'collectivised' (i.e. State-run) industry equalled 2,447 złoty. Cf. Central Statistical Office (*Główny Urząd Statystyczny*, GUS), *Rocznik statystyczny* [Statistical Yearbook] (1971), 7, Table I.

⁶⁶ Agata Zawieruszanka, 'Wodę wyżej!', *Prawo i Życie*, 18 (1967), 1 and 5.

The enterprise appealed against the amount to the CUGW. Along with criminal procedure instituted under Art. 160, complaint was filed to the County Public Prosecutor's Office in Rybnik regarding the aforesaid stream and river having got contaminated. As of 31 January 1967, the Public Prosecutor resolved to discontinue the procedure, remarking that "the protected good represents a remarkably higher value than the expended good" [underlined by D.J.] and that the Mine operated under a 'state of necessity'. The WGWOP did not agree and filed a complaint against this decision to the Provincial Public Prosecutor's Office. The final decision is unknown to us, but the reasoning at the core of the above-quoted justification is pretty symptomatic.⁶⁷

The strategies followed by the enterprises in the face of the contaminated water issue were diverse. Some took efforts to improve and upgrade or construct effluent treatment appliances. This was so especially where the water they received from the rivers was so polluted by the industrial plants using it before that it eventually proved to be of no use in production processes. In calculating their expenses, the managerial teams of some enterprises came to the conclusion that paying the periodically imposed penalties is a more profitable option than erection of costly but sometimes not entirely efficient sewage treatment installations. If extremely high, the fines could have made the establishment completely refrain from paying them.⁶⁸ Given these findings, it can be stated that contamination of rivers with wastewater coming from water-consuming establishments as well as that of municipal origin was the order of the day.

⁶⁷ AAN, CUGW, 908, PWRN, WGWOP in Katowice, Discussion of the instances of breach of the Water Law, [1966], npag.

⁶⁸ Strategies of the establishments were covered by Prof. Ryszard Manteuffel in his 1968 press article ('Trucie rzek i ekonomia', *Życie Warszawy*, 13 [1968], 3), where he found that for a long time the factories polluting rivers with effluents have only been bearing civil liability, and merely theoretically so. "Hence, in a worst case, an industrial plant could have chosen the path that was the less expensive for it: treat the sewage, or pay for the devastation it causes. Usually the latter has been the cheaper path to follow. ... Moreover, a quite common practice in various industrial establishments is that they include the indemnities paid for the damages caused by refuse water in their technical and economic plans on the 'costs' side, thus transferring the cost to the recipients of their commodities – and thus directly charging the citizens of this country, who have been suffering because of the contaminated water anyway." The author pointed to the rare cases of penal responsibility applied with respect to the perpetrators.

The data gathered by the CUGW for January to September 1967 revealed a total of 214 instances of harmful contamination of waters occurring in Poland. These cases did not extend to contamination caused by those establishments which under Art. 166 of the Water Law were dismissed from criminal liability unless they have exceeded the quantities and composition of effluents as determined as of 9 February 1961. The establishments which incessantly polluted waters in Poland included municipal services enterprises and several thousand of others which as of the date the Water Law entered into force did not have the required waste treatment equipment. The adverse effect of those enterprises on the cleanness of surface waters became predominant as things came to the point that a number of recipients were considered to be sewers with no biological life. Albeit 52 new incidents of harmful contamination of water were recorded in 1967 for the Voivodeships of Katowice and Cracow, they were, consequently, not as evident as in the other regions where permanent contamination was lower.⁶⁹

V SOCIAL PRACTICES

How much of an issue was the steadily deteriorating condition of the basic constituents of the natural environment to the people of Poland? Is it legitimate to state that elements of ecological awareness appeared before 1970⁷⁰ – and, if so, did they imply any documentable societal attitudes and practices?

Finding the answer is difficult due to scarcity of relevant sociological research. The people's or communities' response to the degradation of the environment appeared in official documents rarely – in fact,

⁶⁹ AAN, CUGW, 69, vol. v, Communication of the Chief Inspector of Water Protection, the Vice Chairman of the CUGW, re. the incidents of water contamination in 1967, 9 Nov. 1967, npag.

⁷⁰ In line with Polish scholarly tradition, the term 'ecological awareness' used in this essay embrace a set of pieces of information and convictions or beliefs with respect to the condition of the environment and how it is associated with the living conditions and quality of life. See Tadeusz Burger, 'Konflikt i współdziałanie. Świadomość ekologiczna i postawy społeczeństwa', in Włodzimierz Mirowski (ed.), Piotr Gliński (ass. ed.), *Świadomość ekologiczna i społeczne ruchy „zielonych” w Polsce* (Warszawa, 1999), 36; Tadeusz Burger, *Świadomość ekologiczna społeczeństwa polskiego* (Warszawa, 2005), 10.

marginally. This being the case, the reply to the question about the social awareness of environmental threats ought to be searched in sources and records of a different sort. My query in the collections of letters received by various central institutions, especially the Polish Radio and Television, has yielded some interesting results.

Importantly, a significant share of those letters were written on behalf of a group or community, which proves that the awareness of the threats and looking for ways to counteract them was not limited to individuals. Some authors emphasise that they had tried to apply to a number of institutions, to no avail. The authors were often propelled not only (or even not primarily) by the conviction that the natural environment (being an autotelic value) was getting degraded but also by the threat to human health or even life (especially as far as they themselves, their families, and the local milieus were concerned) that was (potentially) caused by the pollution and contamination concerned.

The examples confirming this are vastly represented in the archives. 23 December 1957 is the date of a complaint submitted by 43 workers of the 'Bolesław Chrobry' Coke-Chemical Factory in Wałbrzych, which described the effects of the operation of a local 'small factory' of sulphuric acid:

Clouds and mists of russet smoke are spreading across the area and have caused complete destruction of the surrounding wildlife. The trees, shrubs, the grass, and even the resistant weeds have dried out completely within a few years. In the course of the summer, the plant surrounded by the naked skeletons of trees, their arms stretching toward the sky, makes a gloomy and disheartening impression. And the people? The people are working, and suffering. They cannot hide from the poisoned air, since there is nowhere to hide. And the air is detrimental to health, the workers are pretty ill with respiratory tract infections, hair loss, dermatitis [*sic*], which is stated by a commission attended by the works' physician by means of a report dated 10 December 1956.⁷¹

A similar collective letter (concerning small-particle pollution of Cracow produced by the 'Bonarka' Super Basic Slag Factory) was sent from

⁷¹ TVP [Polish Television], Documentation and Programme Collections [i.e. Archives] Centre (*Ośrodek Dokumentacji i Zbiorów Programowych* [hereinafter: ODiZP]), Broadcasting Committee 'Polish Radio' (*Komitet do Spraw Radiofonii „Polskie radio”* [hereinafter: KdSR]), 1050/24, vol. i, Mail Handling Office, Bulletin no. 25, 3 April 1958, c. 190.

Cracow.⁷² The locals dwelling in Mikołowska St., near the ‘Wujek’ coal mine in Katowice, described in March 1958 a clay-pit by their settlement covered up by stones and subsequently by slag from the mine, containing sulphur compounds and flushing in spite of being cooled with water. As a result, “the hydrogen sulphide, which is detrimental to health”, was gradually combusted. Putting the blame on the company engineer, whom they found responsible, the senders wrote: “Hitler intoxicated the people in the gas chambers, and Cit. Z., engineer, turned us into his guinea-pigs and poisons us gradually in our dwellings. When you get up in the morning, your head aches and you feel odd. Vomiting exhausts your intestines.”⁷³

An employee with the Poznań Chemical Plant complained in February 1958 to the Polish Radio:

The health conditions prevalent in our housing estate are indescribable. Right next to our area is the Sulphur Factory in Poznań-Zegrze [at] Obotrycka St. There is nobody to consider the fact that it will be harmful to the whole housing estate, and that the area is deprived of fruit and vegetables because of the explosions that occur twice a week and everyone who can see it can confirm how noxious they are. When you are back from work you have to stay enclosed in your flat because staying out in the open or, possibly, opening the windows is impossible.

The author stresses that the estate’s dwellers have notified the Ministry of Health, but all in vain.

Our estate community are so mutinous that they cannot contain themselves any longer. You take it to heart that we are also citizens of the People’s Republic and we also need to be attended to with care and offered the conditions any citizen should enjoy. It seems to us that it is easier to move this one built-up area – the factory, than a developed residential estate.⁷⁴

A particularly dramatic tone is found in a letter referring to air pollution in Upper Silesia, sent from Chorzów on 19 March 1958 by someone initialled ‘N.W.’

⁷² *Ibidem*, A letter from ‘Inhabitants of Cracow’ regarding the small-particle pollution affecting Cracow, emitted by the ‘Bonarka’ Super Basic Slag Factory, Feb. 1956, c. 189.

⁷³ ODiZP, 1050/24, vol. i, KdSR, Mail Handling Office, Bulletin no. 37, 17 May 1958, npag.

⁷⁴ *Ibidem*.

To describe the issue, – its author argues – probably three litres of ink have been used, tonnes of articles written for the local press, the issue has been widely discussed in radio broadcasts, it having been minutely calculated how many tonnes of particulate matter and soot falls daily onto the areas of individual Silesian towns, all the adverse effects of the phenomenon to the residents' health having been discussed, and – well, that's the end of it. It would seem entirely undisputable that it is better to spend money on electrofilters for our industrial plants than on thousands of hospital beds for those injured. The silence kept by the MPs from Silesia in this respect is inexcusable. My letter is, perhaps, spiced with some embitterment, but please do not be surprised: I have recently learned that I have a cancer expanding in my lungs, and the tumour tissue has emerged resulting from the wrapping with a malignant dust coming from the air. I cannot be saved anymore, and have the death sentence imposed, but the concern is about the thousands of my successors who are not willing to die owing to the reprehensible negligence of our deputies. My voice comes, therefore, as if from beyond the grave.⁷⁵

The motif of intoxication of the atmospheric air and its consequences for the health and wildlife reappears in a 1966 complaint concerning the area of Trzebinia:

The most annoying thing is the zinc ore roasting unit and the so-called 'Trzebinia II', where aluminium is refined, scrap metal recast, and so on. The high numbers of ailing children and adults is telling evidence of the damaging activity [i.e. effect] to human organisms in the region. Among the common diseases are the cardiovascular disease and cancer. Many children and grownups are suffering from various respiratory illnesses. And what can one say about the health of the locals if there's even no grass growing! The region is turning into a moonscape (spoil heaps, wasteland). On the one hand, there's the poisonous gases: SO₂, SO₃, HF, H₂S, CO from the nearby plants, of which there is plenty all over the place (a number of active boiler-stations with low-efficient furnaces, operating [i.e. fired] with heavily sulphurised coal – black smokes). On the other hand, there are considerable incidental dust clouds from the heaps and the roads. Added to that, the depth of groundwater has gone lower, which is caused by the 'Siersza' coal mine and 'Trzebionka' Mining Plant, plus the numerous harmful sewage, high dustiness, enormous motor vehicle traffic, the terrain – and the source of these sicknesses becomes clear. The quality of the water originating from the zinc-and-lead deposits with a maximum degree of hardness contributes to the picture as well. The worst thing is that you

⁷⁵ ODiZP, 1050/24, vol. i, KdSR, Bulletin no. 25, 3 April 1958, npag.

breathe in the same air after work, for the city has no protection zones, nor any 'green lungs' (trees/parks) whatsoever.⁷⁶

These original documents attest that in Gomułka-ruled Poland, the sense of threat to the natural environment and to human health and life occurring due to polluted or contaminated environment was concurrent with the belief that the measures taken by public institutions to improve the situation were unsatisfactory and inefficient. All the same, those exposed to the effects of pollution wrote complaints (not infrequently collective ones), made appeals and submitted requests to the authorities, sometimes with a successful outcome. To quote an example, a reportage by Mirosława Okolska published 1966 in the *Polityka* weekly described the case of the aforementioned Cracow-based Super Basic Slag Factory 'Bonarka'. The effects of environmental contamination in the area surrounding the factory were described as follows: "The trees were still blossoming but yielded no more fruit. The tomatoes and the beans were affected by black disease. White dust was falling onto the ground day and night. Then, the orchards gradually began to wither, the vegetables perishing; the roof tiles crumbled between the fingers." In 1953, one local decided to file a suit with the court against the factory. The avalanche pushed forward: if this author is to be trusted, in a total of 3,600 cases against the plant, the courts adjudged approx. 50 million zloty of indemnification, which forced the managing team to have the electrofilters installed and to employ a head of the in-house air protection laboratory on a full-time basis.⁷⁷

This example of a successful mass action against a pollution-generating factory was rather an exception to the rule, though. Much more often, the calculation of profits and losses and the conflict of interests between the imperative to produce and the need to install costly air purification appliances implied the putting in place of solutions detrimental to environmental protection.

⁷⁶ ODiZP, 1050/73, National Radio and Television Committee (*Komitet do Spraw Radia i Telewizji*), *Polskie Radio i Telewizja* (an in-house newsletter) no. 276, Warszawa, Aug. 1966, npag.

⁷⁷ Mirosława Okolska, 'Włączyć filtry', *Polityka*, 16 (1966).

VI CONCLUSIONS

The emergence of the thinking in terms of protection of, and threats to, the natural environment in the People's Republic of Poland is associable with the transition related to de-Stalinisation. It was at that time, roughly from 1954 onwards, that the sense of degradation of the environment inclined the authorities to take more resolute legislative and organisational actions. From the standpoint of those in power – focused, as they were, on the genetically Stalinist model of economic modernisation based on strenuous industrialisation – environmental pollution was primarily a problem that 'disturbed' the industrial production. Clean air and waters were not autotelic values; they were approached instrumentally, as burdensome 'costs' of production, along with the accompanying development of social infrastructure. Resulting from such a way of thinking among the leadership team, the environmental legislation was constructed in a way for it to pose no real threat to the economic plans, and even to benefit them. In the social practice, the production priorities were delivered at the expense of contaminated environment.

The sense of threat posed to the environment and to human health and life due to polluted environment, which prevailed in the nation, coexisted with the conviction that the measures undertaken by the public institutions in order to improve the situation were inefficient. In any case, no dedicated and determined ecological movement was institutionalised at the time.

All these conditions and determinants, interdependencies, not-completely-clear interests and destructive competition made the environmental degradation even worse. Studies showed that as for the period 1967–70, as compared to 1964–7, the cleanness of water had deteriorated. Although the absolute values of the measured contamination concentrations eventually decreased in heavily polluted rivers, they still exceeded the allowable rates.⁷⁸ The first comprehensive measurements of the air in Poland, carried out in 1965, indicated that the most severely dusted area, which covered 9 per cent of the country's territory, was populated by some 6 million (19.5 per cent)

⁷⁸ Antonina Leńkowa, 'Aktualny stan zagrożenia środowiska w Polsce', in Leon Eustacj (ed.), *Prawo a ochrona środowiska* (Wrocław and Warszawa, 1975), 29–31; *Atlas zanieczyszczenia rzek w Polsce 1970*, 144–5.

people.⁷⁹ The CUGW reports tell us that between 1967 and 1970 small particle emissions were confined whilst emissions of gases into the atmosphere tended to increase. This came as a consequence of extension of the industry emitting such gases, with no efficient methods of their reduction put in place.⁸⁰ The research conducted in 1971–2 led to the conclusion that approx. 30 per cent of the country's territory was exposed to perceptible effects of contamination with smokes and industrial fumes. Approx. 60–70 per cent substances and chemical compounds were emitted by industrial and power plants, the source of the other 30–40 per cent including transport, household hearth, and other. The global dust emission was estimated then at 3.5 to 4 million tonnes *per annum*, the figure for noxious gases (mainly SO₂) being approx. 3.0 to 3.5 million tonnes annually.⁸¹ This proved even worse in the 1970s.

trans. Tristan Korecki

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⁷⁹ AAN, KC PZPR, 237/XIV-345, Ministry of Health and Social Care, Evaluation of the delivery of the Healthcare and Social Welfare Plan indicators as for the years 1961 to 1965, 87; AAN, CUGW, 508, Report on the activities as for 1965, Warszawa, Jan. 1966, cc. 14–15.

⁸⁰ AAN, CUGW, 511, Report on the activities of the CUGW as for 1968, Warszawa, Jan. 1969, cc. 25–6; AAN, CUGW, 512, Report on the activities of the CUGW as for 1970, cc. 6–8; AAN, CUGW, 57 (6/70), Analysis of the delivery of the State policy with respect to protection of atmospheric air against pollution, as for 1969, Warszawa, May 1970, npag.

⁸¹ *Communication on the condition of the environment in Poland* (Warszawa, 1973), 2.

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