

Federal Environmental Acts: Issue Overview

The Clean Air Act; 42 U.S.C. s/s 7401 et seq. (1970)
The Clean Water Act; 33 U.S.C. s/s 121 et seq. (1977)
Superfund; 42 U.S.C. s/s 9601 et seq. (1980)
The Emergency Planning & Community Right-To-Know Act; 42 U.S.C. 11011 et seq. (1986)
The Endangered Species Act; 7 U.S.C. 136; 16 U.S.C. 460 et seq. (1973)
The Federal Insecticide, Fungicide and Rodenticide Act; 7 U.S.C. s/s 135 et seq. (1972)
The Freedom of Information Act; U.S.C. s/s 552 (1966)
The National Environmental Policy Act; 42 U.S.C. s/s 4321 et seq. (1969)
The Occupational Safety and Health Act; 29 U.S.C. 61 et seq. (1970)
The Oil Pollution Act of 1990; 33 U.S.C. 2702 to 2761
The Pollution Prevention Act; 42 U.S.C. 13101 and 13102, s/s et seq. (1990)
The Resource Conservation and Recovery Act; 42 U.S.C. s/s 321 et seq. (1976)
The Safe Drinking Water Act; 43 U.S.C. s/s 300f et seq. (1974)
The Superfund Amendments and Reauthorization Act; 42 U.S.C.9601 et seq. (1986)
The Toxic Substances Control Act; 15 U.S.C. s/s 2601 et seq. (1976)

Clean Air Act

The Clean Air Act is the comprehensive Federal law that regulates air emissions from area, stationary, and mobile sources. This law authorizes the U.S. Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment.

The goal of the Act was to set and achieve NAAQS in every state by 1975. The setting of maximum pollutant standards was coupled with directing the states to develop state implementation plans (SIP's) applicable to appropriate industrial sources in the state.

The Act was amended in 1977 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. The 1990 amendments to the Clean Air Act in large part were intended to meet unaddressed or insufficiently addressed problems such as acid rain, ground-level ozone, stratospheric ozone depletion, and air toxics.

Clean Water Act

The Clean Water Act is a 1977 amendment to the Federal Water Pollution Control Act of 1972, which set the basic structure for regulating discharges of pollutants to waters of the United States. The law gave EPA the authority to set effluent standards on an industry basis (technology-based) and continued the requirements to set water quality standards for all contaminants in surface waters. The CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit (NPDES) is obtained under the Act.

The 1977 amendments focused on toxic pollutants. In 1987, the CWA was reauthorized and again focused on toxic substances, authorized citizen suit provisions, and funded sewage treatment plants (POTW's) under the Construction Grants Program.

The CWA provisions for the delegation by EPA of many permitting, administrative, and enforcement aspects of the law to state governments. In states with the authority to implement CWA programs, EPA still retains oversight responsibilities.

Comprehensive Environmental Response, Compensation, and Liability Act

CERCLA (pronounced SIR-cla) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through the Act, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies. In Region 5, CERCLA is administered by the Superfund Division.

Emergency Planning and Community Right-to-Know Act

Also known as Title III of SARA, EPCRA was enacted by Congress as the national legislation on community safety. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards.

To implement EPCRA, Congress required each state to appoint a State Emergency Response Commission (SERC). The SERC's were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee (LEPC) for each district.

Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented.

Endangered Species Act

The Endangered Species Act provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service (FWS) of the Department of the Interior maintains the list of 632 endangered species (326 are plants) and 190 threatened species (78 are plants).

Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees. Anyone can petition FWS to include a species on this list. The law prohibits any action, administrative or real, that results in a "taking" of a listed species, or adversely affects habitat. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited.

EPA's decision to register a pesticide is based in part on the risk of adverse effects on endangered species as well as environmental fate (how a pesticide will affect habitat). Under FIFRA, EPA can issue emergency suspensions of certain pesticides to cancel or restrict their use if an endangered species will be adversely affected. Under a new program, EPA, FWS, and USDA are distributing hundreds of county bulletins that include habitat maps, pesticide use eliminations, and other actions required to protect listed species.

Federal Insecticide, Fungicide, and Rodenticide Act

The primary focus of FIFRA was to provide federal control of pesticide distribution, sale, and use. EPA was given authority under FIFRA not only to study the consequences of pesticide usage but also to require users (farmers, utility companies, and others) to register when purchasing pesticides.

Through later amendments to the law, users also must take exams for certification as applicators of pesticides. All pesticides used in the U.S. must be registered (licensed) by EPA. Registration assures that pesticides will be properly labeled and that if in accordance with specifications, will not cause unreasonable harm to the environment.

Freedom of Information Act

The Freedom of Information Act provides specifically that "any person" can make requests for government information. Citizens who make requests are not required to identify themselves or explain why they want the information they have requested. The position of Congress in passing FOIA was that the workings of government are "for and by the people" and that the benefits of government information should be made available to everyone.

All branches of the Federal government must adhere to the provisions of FOIA with certain restrictions for work in progress (early drafts), enforcement confidential information, classified documents, and national security information.

National Environmental Policy Act

The National Environmental Policy Act was one of the first laws ever written that establishes the broad national framework for protecting our environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.

NEPA requirements are invoked when airports, buildings, military complexes, highways, parkland purchases, and other federal activities are proposed. Environmental Assessments (EA's) and Environmental Impact Statements (EIS's), which are assessments of the likelihood of impacts from alternative courses of action, are required from all Federal agencies and are the most visible NEPA requirements.

Occupational Safety and Health Act

Congress passed the Occupational and Safety Health Act to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions.

In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for the Occupational Safety and Health Administration (OSHA). OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states.

Oil Pollution Act of 1990

The Oil Pollution Act (OPA) of 1990 streamlined and strengthened EPA's ability to prevent and respond to catastrophic oil spills. A trust fund financed by a tax on oil is available to clean up spills when the responsible party is incapable or unwilling to do so. The OPA requires oil storage facilities and vessels to submit to the Federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. The OPA also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

Pollution Prevention Act

The Pollution Prevention Act focused industry, government, and public attention on reducing the amount of pollution through cost-effective changes in production, operation, and raw materials use. Opportunities for source reduction is often not realized because of existing regulations, and the industrial resources required for compliance, focus on treatment and disposal. Source reduction is fundamentally different and more desirable than waste management or pollution control.

Pollution prevention also includes other practices that increase efficiency in the use of energy, water, or other natural resources, and protect our resource base through conservation. Practices include recycling, source reduction, and sustainable agriculture.

Resource Conservation and Recovery Act

RCRA (pronounced "rick-rah") gave EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous wastes.

The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. RCRA focuses only on active and future facilities and does not address abandoned or historical sites (see CERCLA).

HSWA (pronounced "hiss-wa")—The Federal Hazardous and Solid Waste Amendments are the 1984 amendments to RCRA that required phasing out land disposal of hazardous waste. Some of the other mandates of this strict law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

Safe Drinking Water Act

The Safe Drinking Water Act was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources.

The Act authorized EPA to establish safe standards of purity and required all owners or operators of public water systems to comply with primary (health-related) standards. State governments, which assume this power from EPA, also encourage attainment of secondary standards (nuisance-related).

Superfund Amendments and Reauthorization Act

The Superfund Amendments and Reauthorization Act of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions, clarifications, and technical requirements were added to the legislation, including additional enforcement authorities.

Title III of SARA also authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

In Region 5, SARA is administered by the Superfund Division.

Toxic Substances Control Act

The Toxic Substances Control Act of 1976 was enacted by Congress to test, regulate, and screen all chemicals produced or imported into the United States. Many thousands of chemicals and their compounds are developed each year with unknown toxic or dangerous characteristics. To prevent tragic consequences, TSCA requires that any chemical that reaches the consumer marketplace be tested for possible toxic effects prior to commercial manufacture.

Any existing chemical that poses health and environmental hazards is tracked and reported under TSCA. Procedures also are authorized for corrective action under TSCA in cases of cleanup of toxic materials contamination. TSCA supplements other federal statutes, including the Clean Air Act and the Toxic Release Inventory under EPCRA.

Source: Dr. Eric Fitch