

BLANKROME

# ENVIRONMENTAL LAW INSTITUTE

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# FUNDAMENTALS OF ENVIRONMENTAL LAW

- ADMINISTRATIVE LEGAL PRINCIPLES
- MAJOR FEDERAL ENVIRONMENTAL STATUTES
- STATE STATUTORY SCHEMES
- COMMON LAWS
- MUNICIPAL AND ZONING LAWS
- INTERNATIONAL LAWS

# ADMINISTRATIVE LEGAL PRINCIPLES

- Rules and principles that regulates how the government can administer and enforce laws and regulations
- Administrative law statutes govern rulemaking by Federal Agencies
- Section 551 of the Administrative Procedure Act gives the following definitions:
  - Rulemaking is "an agency process for formulating, amending, or repealing a rule."
  - A rule in turn is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy."
- Limited review
- The primary administrative law statutes and other laws that govern agency rulemaking include:
  - The Administrative Procedure Act, 5 U.S.C. §§ 552 and 553
  - The Housekeeping Act, 5 U.S.C. § 301, which gives heads of agencies authority to issue rules for agency employees
  - The Regulatory Flexibility Act, 5 U.S.C. §§ 601 et seq., which requires agencies to consider the needs of small entities in rule making
  - The Paperwork Reduction Act, 44 U.S.C. §§ 3501 et seq., which limits the power of an agency to collect information from the public
  - The Congressional Review Act, 5 U.S.C. §§ 801-808, which gives Congress the authority to review and veto any agency regulation
  - The Independent Offices Appropriations Act of 1952, 31 U.S.C. §§ 9701, which limits the power of agencies to set user fees
  - Executive Order 12,866, which requires agencies to use cost-benefit balancing in all regulatory actions

# ADMINISTRATIVE LEGAL PRINCIPLES (continued)

- Formal and Informal Rulemaking
- Federal Register: Rules and Preambles; Codification in the CFR
- Judicial Review -- de novo review versus limited review based upon the record

# MAJOR FEDERAL ENVIRONMENTAL STATUTES

- Clean Water Act
- Clean Air Act
- Resource Conservation and Recovery Act (and HSWA)
- CERCLA
- TSCA/FIFRA
- NEPA/ESA

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## STATE STATUTORY SCHEMES

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## COMMON LAWS

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## MUNICIPAL AND ZONING LAWS



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## INTERNATIONAL LAWS