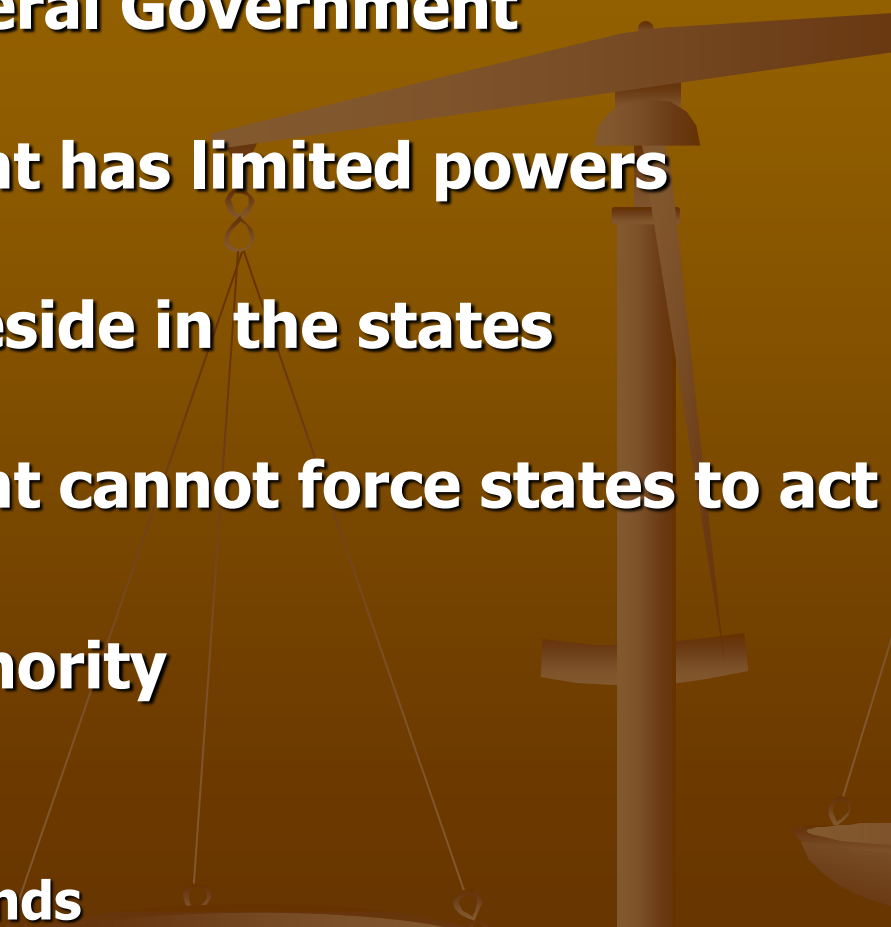


Introduction to...

U.S. Environmental Policy



U.S. Constitutional Principles

- **States created federal Government**
 - **Federal government has limited powers**
 - **All other powers reside in the states**
 - **Federal government cannot force states to act**
 - **Other areas of authority**
 - **treaty**
 - **defense**
 - **federally owned lands**
- 

The Commerce Clause

- Environment generally regulated by commerce clause



Pre-emption

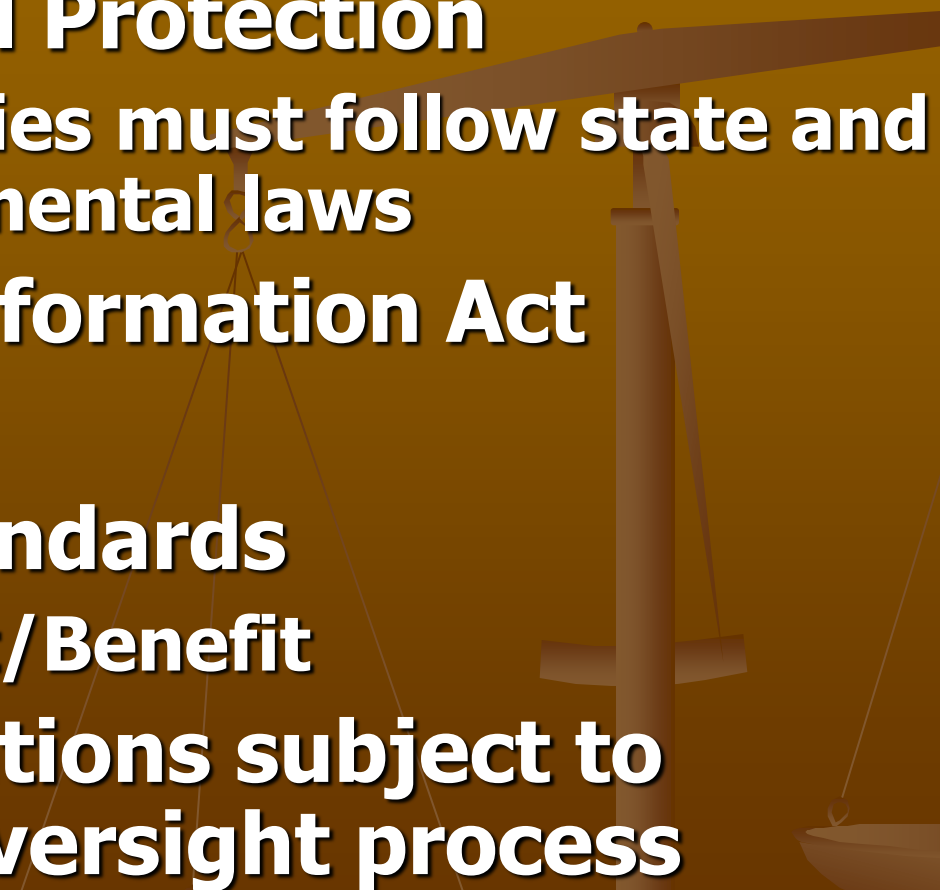


- **Where federal government has authority, it may pre-empt regulation by state or local government**
States have same authority over local government
- **General Enforcement Concepts**
 - **Federal government can encourage state cooperation**
 - **Denial of funding**
 - **Federal government can enforce federal laws**

Environmental Protection/ Resource Management

- **Environmental Protection= reduction of pollution of air, water, or ground**
- **Resource Management= value judgment about how to best use natural resources (energy; parks; public lands; fish & game; forests; coast; special areas)**
- **Federal approaches are quite different to EP and RM**

General concepts for federal

- **Environmental Protection**
 - **Federal facilities must follow state and local environmental laws**
 - **Freedom of Information Act**
 - **Citizen suits**
 - **Protection standards**
 - **Health v. Cost/Benefit**
 - **US EPA regulations subject to Presidential oversight process**
- 

Major Federal Laws

- **Clean Air Act- 1970**
- **Clean Water Act- 1972**
- **Ground Pollution**
 - **RCRA (Resource Conservation & Recovery Act)- 1976**
 - **CERCLA (Superfund)- 1980**

Hierarchy of Intergovernmental Regulation

- **Congress— Passes Law**
- **US EPA- Regulations, Approves Plans**
- **California – Write and implements Plans**
 - **State Implementation Plans (SIP)**
- **Local/ Regional- Writes Permits, Enforcement**

Ground Pollution



- Toxic
 - California Department of Toxic Substance
 - 4 Local regional offices
- Municipal Solid Waste
 - CA Integrated Waste Management Board
CIWMB
 - Local Enforcement Authority- County Health
Agencies

Federal Enforcement in Practice

- US EPA enforces in half of states
- Consistent during Nixon, Ford, & Carter
Party dependent since 1981
 - Republican- no enforcement; lots of environmental citizen suits
 - Democrat- enforcement; lots of industry suits to attach new regulations

California's Unique Approach to Environmental Protection

- Many independent boards/commissions
 - Multiple state/regional/local entities
 - 31 Air Districts
 - Governing Regional Water Districts 10
 - Toxics Substance ~500
 - Non-toxic 59

Special California Rules

- Brown Act
- Public Records Act
- Initiative/Referendum/Recall



Cal EPA-

- **Air and Water**

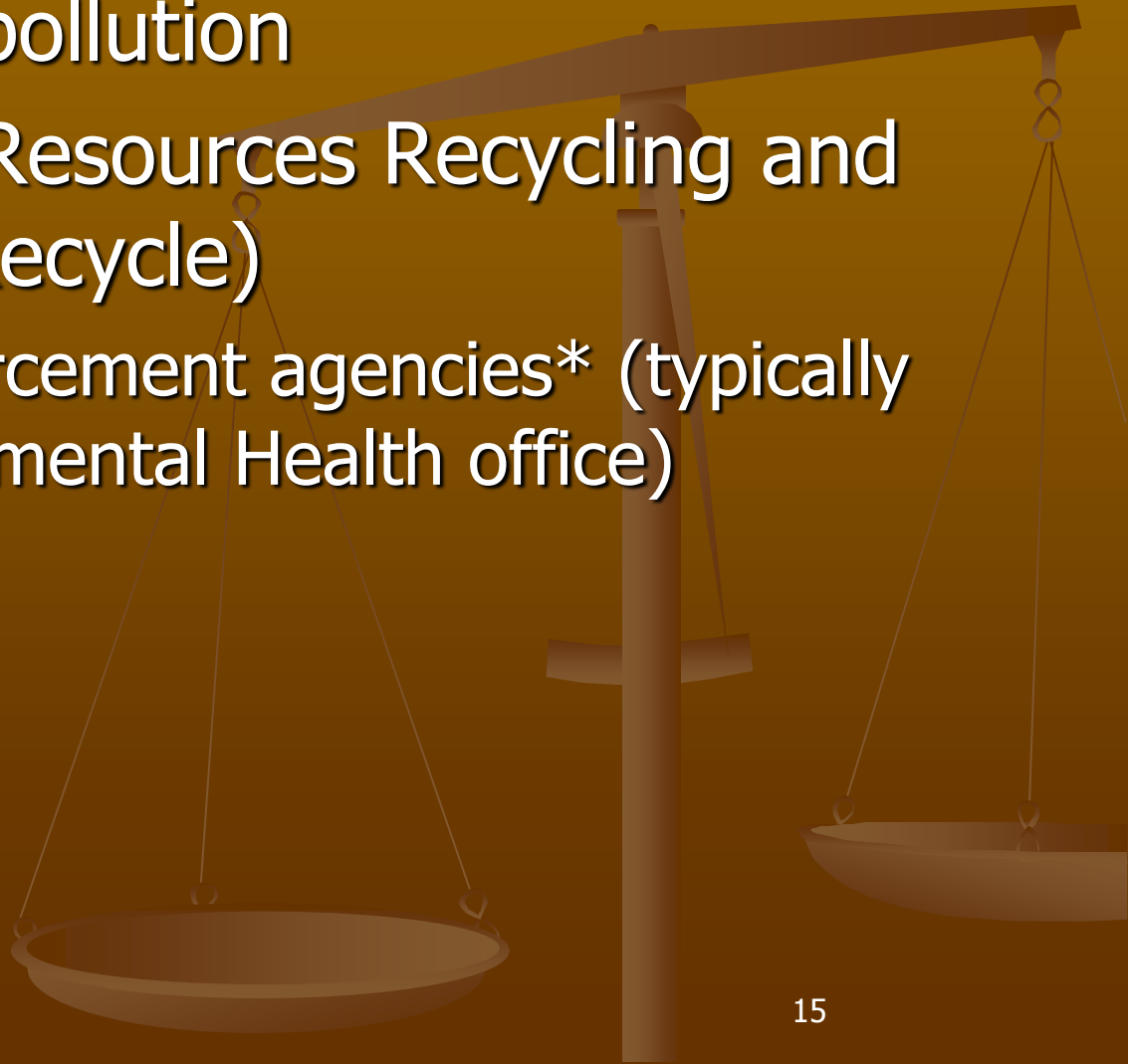
- Water pollution control
 1. California Water Resources Control Board* (also manages water rights)
Regional Water Quality Control Boards* (9- handle water pollution permitting and enforcement; not involved in water rights)
- Air pollution control
 2. California Air Resources Board* (ARB)
about 35 separate air pollution control districts*

Cal EPA- Toxics on Land

- Department of Toxic Substances Control
3 regional enforcement offices for treatment & disposal facilities
Local Fire Departments enforce for users of toxics
-
- Office of Pesticide Regulation
-
- Office of Environmental Health Hazards Assessment (OEHHA)

Environmental Protection as a Resources Agency

- Non-toxic land pollution
- Department of Resources Recycling and Recovery (Cal Recycle)
 - 58 county enforcement agencies* (typically County Environmental Health office)



California Resources Agency

- Energy agencies
- Puc and energy commission differences



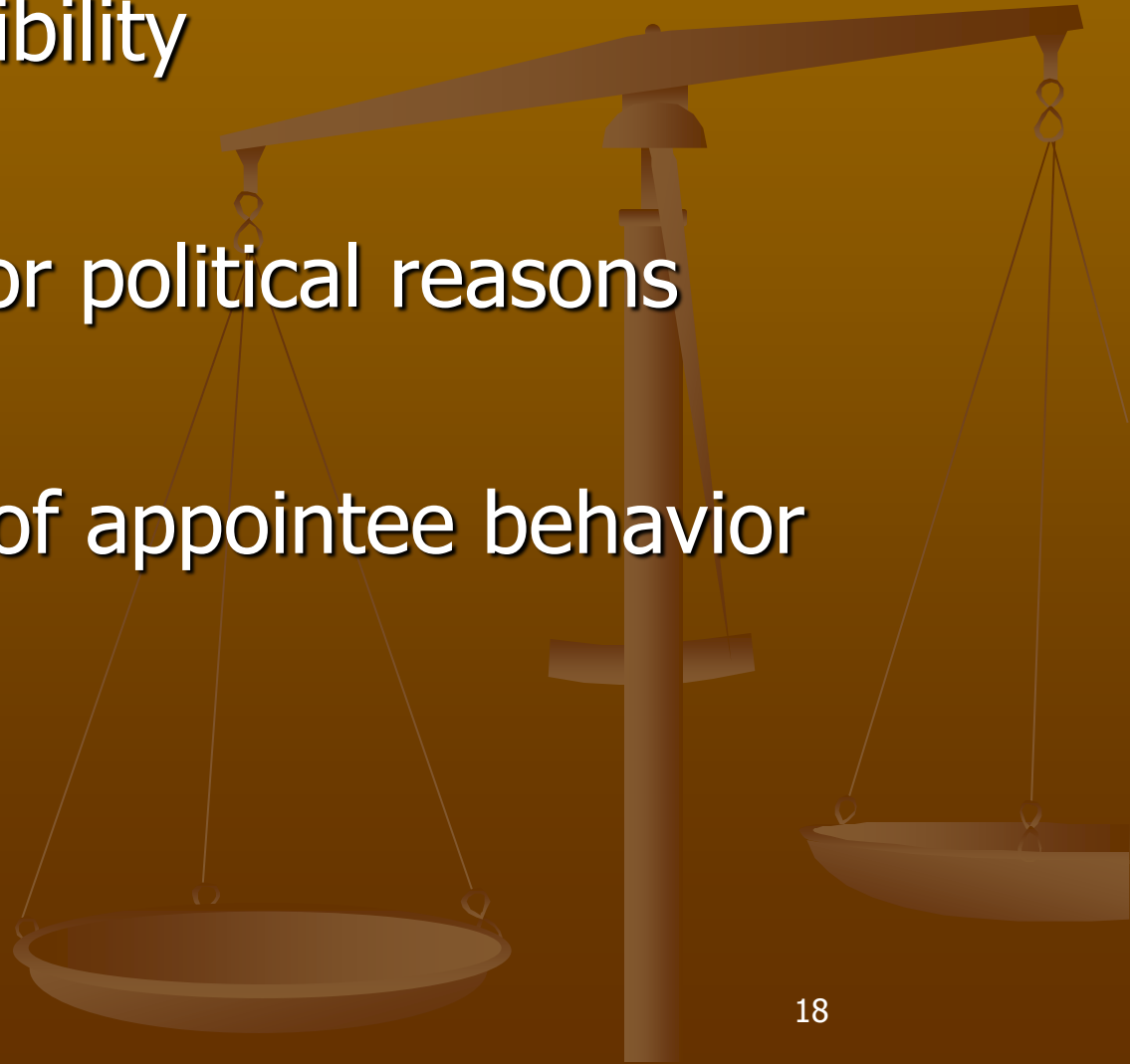
California Approach- Advantages

- **Openness**
- **Continuity**
- **Distancing from political influence**



California- Disadvantages

- Lack of responsibility
- Appointments for political reasons
- Little oversight of appointee behavior



Overall comments

- Approaches made by media
- Some conceptual similarity
- Discouraging decline into partisanship

