

U.S. ENVIRONMENTAL LAWS

A list of major U.S. federal laws (unless otherwise indicated) pertaining to the environment.

Atomic Energy Act (1954): Was passed because of the government's keen interest in monitoring the commercial and national defense uses of atomic energy. Government concerns included radiation hazards and the disposal of radioactive waste. The act establishes a general regulatory structure for construction and use of nuclear power plants and nuclear weapons facilities. Unlike most environmental statutes, it does not permit citizen suits and affords only limited opportunities for suits by public interest groups.

Clean Air Act (1970, 1977, 1990): Sets goals and standards for the quality and purity of air in the United States. By law, it is periodically reviewed. A significant set of amendments in 1990 toughened air quality standards and placed new emphasis on market forces to control air pollution.

Clean Water Act (1972): Establishes and maintains goals and standards for U.S. water quality and purity. It has been amended several times, most prominently in 1987 to increase controls on toxic pollutants, and in 1990, to more effectively address the hazard of oil spills.

Coastal Zone Management Act (1972): Provides a partnership structure allowing states and the federal government to work together for the protection of U.S. coastal zones from environmentally harmful overdevelopment. The program provides federal funding to participating coastal states and territories for the implementation of measures that conserve coastal areas.

Comprehensive Environmental Response, Compensation and Liability Act (1980): Requires the cleanup of sites contaminated with toxic waste. This law is commonly referred to as "**Superfund.**" In 1986 major amendments were made in order to clarify the level of cleanup required and degrees of liability. CERCLA is retroactive, which means it can be used to hold liable those responsible for disposal of hazardous wastes before the law was enacted in 1980.

Emergency Planning and Community Right-to-Know Act (1986): Requires companies to disclose information about *toxic chemicals* they release into the air and water and dispose of on land.

Endangered Species Act (1973): Is designed to protect and recover endangered and threatened species of fish, wildlife and plants in the United States and beyond. The law works in part by protecting species habitats.

Energy Policy Act of 1992- The Energy Policy Act (EPA) of 1992 set goals, created mandates, and amended utility laws to increase *clean energy use and improve overall energy efficiency* in the United States.

Energy Policy and Conservation Act of 1975- declared it to be U.S. policy to establish a reserve of up to 1 billion barrels of petroleum

Federal Food, Drug, and Cosmetic Act (1938): Is the nation's major law regulating contaminants in food, including pesticides. The Food and Drug Administration implements most of this law; the Environmental Protection Agency carries out its pesticide standard setting provisions (with FDA enforcement). See also Food Quality Protection Act.

Federal Land Policy and Management Act (1976): Provides for protection of the scenic, scientific, historic and ecologic values of federal lands and for public involvement in their management.

Federal Insecticide, Fungicide, and Rodenticide Act (1947): Controls the sale, distribution and application of pesticides; amended in 1972, 1988, and 1996. See also Food Quality Protection Act.

Fishery Conservation and Management Act of 1976, 1978, 1982: this law established a 200-mile fishery conservation zone

Fish and Wildlife Conservation Act of 1980: authorizes financial and technical assistance to the States for the development, revision, and implementation of conservation plans and programs for non-game fish and wildlife.

Food, Drug and Cosmetics Acts of 1938, 1954, 1958: authorizes EPA to set tolerances, or maximum residue limits, for pesticide residues on foods. In the absence of a tolerance for a pesticide residue, a food containing such a residue is subject to seizure by the government. Once a tolerance is established, the residue level in the tolerance is the trigger for enforcement actions. That is, if residues are found above that level, the commodity will be subject to seizure.

Food Quality Protection Act (1996): Is designed to ensure that levels of pesticide residues in food meet strict standards for public health protection. Under this law, which overhauled the Federal Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency is required to better protect infants and children from pesticides in food and water and from indoor exposure to pesticides.

Fisheries Conservation and Management Act (1976): Governs the management and control of U.S. marine fish populations, and is intended to maintain and restore healthy levels of fish stocks and prevent overharvesting. Better known as the Magnuson Stevens Act.

Homestead Act of 1862: gave an applicant ownership of land, typically called a "homestead", at little or no cost.

Lacey Act of 1900: The Lacey Act protects both plants and wildlife by creating civil and criminal penalties for a wide array of violations. It prohibits trade in wildlife, fish, and plants that have been illegally taken, transported or sold.

Marine Mammal Protection Act (1972): Seeks to protect whales, dolphins, sea lions, seals, manatees and other species of marine mammals, many of which remain threatened or endangered. The law requires wildlife agencies to review any activity -- for example, the use of underwater explosives or high-intensity active sonar -- that has the potential to "harass" or kill these animals in the wild. The law is our nation's leading instrument for the conservation of these species, and is an international model for such laws.

Marine Plastic Pollution Research and Control Act of 1987: the discharge of plastics, including synthetic ropes, fishing nets, plastic bags, and biodegradable plastics, into the water is prohibited. Discharge of floating dunnage, lining, and packing materials is prohibited in the navigable waters and in areas offshore less than 25 nautical miles from the nearest land. Food waste or paper, rags, glass, metal, bottles, crockery, and similar refuse cannot be discharged in the navigable waters or in waters offshore inside 12 nautical miles from the nearest land. Finally, food waste, paper, rags, glass, and similar refuse cannot be discharged in the navigable waters or in waters offshore inside three nautical miles from the nearest land.

National Environmental Policy Act (NEPA) (1970): Was the first of the modern environmental statutes. NEPA created environmental policies and goals for the country, and established the President's Council on Environmental Quality. Its most important feature is its requirement that federal agencies conduct thorough assessments of the environmental impacts of all major activities undertaken or funded by the federal government. Many states have enacted similar laws governing state activities.

Ocean Dumping Ban Act of 1988: banned ocean dumping of municipal sewage sludge and industrial waste

Nuclear Waste Policy Act of 1982: required the Secretary of Energy to issue guidelines for selection of sites for construction of two permanent, underground nuclear waste repositories.

Oil Pollution Act (1990): Enacted a year after the disastrous Exxon *Valdez* oil spill in Alaska's Prince William Sound, this law streamlines federal response to oil spills by requiring oil storage facilities and vessels to prepare spill-response plans and provide for their rapid implementation. The law also increases polluters' liability for cleanup costs and damage to natural resources and imposes measures -- including a phaseout of single-hulled tankers -- designed to improve tanker safety and prevent spills.

Pollution Prevention Act of 1990: The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

Proposition 65 (1986): Is a California law passed by voter initiative. Known as the Safe Drinking Water and Toxic Enforcement Act, Prop. 65 is designed to provide public warnings about the risk of exposure to toxic chemicals and to eliminate toxins from drinking water supplies. It is responsible for California having some of the strongest environmental protections in the nation, and thus has helped make the state a model for other regions seeking to address environmental hazards.

Resource Conservation and Recovery Act (1976): Seeks to prevent the creation of toxic waste dumps by setting standards for the management of hazardous waste. Like CERCLA, this law also includes some provisions for cleanup of existing contaminated sites.

Safe Drinking Water Act (1974): Establishes drinking water standards for tap water safety, and requires rules for groundwater protection from underground injection; amended in 1986 and 1996. The 1996 amendments added a fund to pay for water system upgrades, revised standard: setting requirements, required new standards for common contaminants, and included public "right to know" requirements to inform consumers about their tap water.

Surface Mining Control and Reclamation Act (1977): Is intended to ensure that coal mining activity is conducted with sufficient protections of the public and the environment, and provides for the restoration of abandoned mining areas to beneficial use.

Taylor Grazing Act of 1934: signed by President Roosevelt, was intended to "stop injury to the public grazing lands [excluding Alaska] by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; [and] to stabilize the livestock industry dependent upon the public range"

Toxic Substances Control Act (1976): Authorizes the Environmental Protection Agency to regulate the manufacture, distribution, import and processing of certain toxic chemicals.

INTERNATIONAL TREATIES

A short list of international treaties pertaining to the environment.

Comprehensive Test Ban Treaty: A proposed treaty to prohibit all testing of nuclear weapons in all environments: underground, underwater, in the atmosphere and in space. In 1999, the U.S. Senate refused to ratify the treaty.

The Kyoto Protocol: An international agreement setting binding limits on emissions of greenhouse gases from industrialized countries. This agreement was adopted in Kyoto Japan in December 1997 and supplements the United Nations Framework Convention on Climate Change adopted in 1992.

Montreal Protocol: International agreement signed by more than 150 countries to limit the production of substances harmful to the stratospheric ozone layer, such as CFCs.

Non-Proliferation Treaty: A multilateral treaty signed in 1968 which aims to control the spread of nuclear weapons; extended indefinitely in May 1995. The treaty has been signed by over 175 nations.

United Nations Framework Convention on Climate Change: An international agreement for dealing with climate change, adopted at the United Nations Conference on Environment and Development (the "Earth Summit") in Rio in 1992. AKA Climate Change Convention; Climate Treaty. (See also Kyoto Protocol.)