Major Environmental Laws and Summaries

Clean Air Act

42 U.S.C. s/s 7401 et seq. (1970)

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

Clean Water Act History

Growing public awareness and concern for controlling water pollution led to enactment of the Federal Water Pollution Control Act Amendments of 1972. As amended in 1977, this law became commonly known as the Clean Water Act. The Act established the basic structure for regulating discharges of pollutants into the waters of the United States. It gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry. The Clean Water Act also continued requirements to set water quality standards for all contaminants in surface waters. The Act made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. It also funded the construction of sewage treatment plants under the construction grants program and recognized the need for planning to address the critical problems posed by non-point source pollution.

Subsequent enactments modified some of the earlier Clean Water Act provisions. Revisions in 1981 streamlined the municipal construction grants process, improving the capabilities of treatment plants built under the program. Changes in 1987 phased out the construction grants program, replacing it with the State Water Pollution Control Revolving Fund, more commonly known as the Clean Water State Revolving Fund. This new funding strategy addressed water quality needs by building on EPA-State partnerships.

Over the years, many other laws have changed parts of the Clean Water Act. Title I of the Great Lakes Critical Programs Act of 1990, for example, put into place parts of the Great Lakes Water Quality Agreement of 1978, signed by the U.S. and Canada, where the two nations agreed to reduce certain toxic pollutants in the Great Lakes. That law required EPA to establish water quality

criteria for the Great Lakes addressing 29 toxic pollutants with maximum levels that are safe for humans, wildlife, and aquatic life. It also required EPA to help the States implement the criteria on a specific schedule.

The electronic version of the Clean Water Act (available below) is a thirtieth anniversary snapshot of the law, as amended through the enactment of the Great Lakes Legacy Act of 2002 (Public Law 107-303, November 27, 2002). Provided by the Congressional Great Lakes Task Force, it is the amended law as of that particular point in time. This electronic version annotates the sections of the Act with the corresponding sections of the U.S. Code and footnote commentary on the effect of other laws on the current form of the Clean Water Act.

Introduction to the Clean Water Act

The Clean Water Act (CWA) is the cornerstone of surface water quality protection in the United States. (The Act does not deal directly with ground water nor with water quantity issues.) The statute employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

For many years following the passage of CWA in 1972, EPA, states, and Indian tribes focused mainly on the chemical aspects of the "integrity" goal. During the last decade, however, more attention has been given to physical and biological integrity. Also, in the early decades of the Act's implementation, efforts focused on regulating discharges from traditional "point source" facilities, such as municipal sewage plants and industrial facilities, with little attention paid to runoff from streets, construction sites, farms, and other "wet-weather" sources.

Starting in the late 1980s, efforts to address polluted runoff have increased significantly. For "non-point" runoff, voluntary programs, including cost-sharing with landowners are the key tool. For "wet weather point sources" like urban storm sewer systems and construction sites, a regulatory approach is being employed.

Evolution of CWA programs over the last decade has also included something of a shift from a program-by-program, source-by-source, pollutant-by-pollutant approach to more holistic watershed-based strategies. Under the watershed approach equal emphasis is placed on protecting healthy waters and restoring impaired ones. A full array of issues are addressed, not just those subject to CWA regulatory authority. Involvement of stakeholder groups in the development and implementation of strategies for achieving and maintaining state water quality and other environmental goals is another hallmark of this approach.

Take the "Fact or Fiction" Clean Water Act Quiz: http://www.epa.gov/watertrain/cwa/

Endangered Species Act

7 U.S.C. 136; 16 U.S.C. 460 et seq. (1973)

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 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.

Emergency Planning & Community Right to Know Act (EPCRA)

42 U.S.C. 11001 et seq. (1986)

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.

Federal Insecticide, Fungicide, and Rodenticide Act

7 U.S.C. s/s 136 et seq. (1996)

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.

National Environmental Protection Act

42 U.S.C. s/s 4321 et seq. (1969)

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 (EAs) and Environmental Impact Statements (EISs), 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.

Oil Pollution Act of 1990

33 U.S.C. 2702 to 2761

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

42 U.S.C. 13101 and 13102, s/s et seq. (1990)

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 are 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

42 U.S.C. s/s 6901 et seq. (1976)

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

42 U.S.C. s/s 300f et seq. (1974)

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).

Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (CERCLA)

42 U.S.C. s/s 9601 et seq. (1980)

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.

CERCLA Overview

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA:

- established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- provided for liability of persons responsible for releases of hazardous waste at these sites; and
- established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response.
- Long-term remedial response actions, that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening. These actions can be conducted only at sites listed on EPA's National Priorities List (NPL).

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the NPL.

CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986

Superfund Amendments and Reauthorization Act (SARA)

42 U.S.C.9601 et seq. (1986)

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).

The Superfund Amendments and Reauthorization Act (SARA) amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. SARA reflected EPA's experience in administering the complex Superfund program during its first six years and made several important changes and additions to the program. SARA:

- stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites;
- required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- provided new enforcement authorities and settlement tools;
- increased State involvement in every phase of the Superfund program;
- increased the focus on human health problems posed by hazardous waste sites;
- encouraged greater citizen participation in making decisions on how sites should be cleaned up; and
- increased the size of the trust fund to $8.5 billion.

SARA also required EPA to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites that may be placed on the National Priorities List (NPL).

View the National Priorities List by State: http://www.epa.gov/superfund/sites/npl/npl.htm

Toxic Substances Control Act (TSCA)

15 U.S.C. s/s 2601 et seq. (1976)

The Toxic Substances Control Act (TSCA) of 1976 was enacted by Congress to give EPA the ability to track the 75,000 industrial chemicals currently produced or imported into the United

States. EPA repeatedly screens these chemicals and can require reporting or testing of those that may pose an environmental or human-health hazard. EPA can ban the manufacture and import of those chemicals that pose an unreasonable risk.

Also, EPA has mechanisms in place to track the thousands of new chemicals that industry develops each year with either unknown or dangerous characteristics. EPA then can control these chemicals as necessary to protect human health and the environment. TSCA supplements other Federal statutes, including the Clean Air Act and the Toxic Release Inventory under EPCRA

What is the TSCA Chemical Substance Inventory ?

EPA classifies chemical substances as either "existing" chemicals or "new" chemicals. The only way to determine if the substance you are working with is a new chemical is by consulting EPA's Toxic Substances Control Act Chemical Substance Inventory (commonly referred to as the TSCA Inventory or just the Inventory). Any substance that is not on the Inventory is classified as a new chemical. If a substance is "new", it can be manufactured for a commercial purpose only if it is subject to an exemption from PMN reporting or a TSCA reporting exclusion (for example, a Low Volume Exemption, or exclusion as a naturally-occurring material). For substances which are "existing", the Inventory can be used to determine if there are restrictions on manufacture or use under the **Toxic Substances Control Act (TSCA)**.There are approximately 75,000 chemical substances, as defined in Section 3 of the TSCA, on the Inventory at this time.

TSCA Section 8 required EPA to issue regulations for an inventory of chemical substances manufactured for commercial purposes ("manufactured" includes "imported" for purposes of this requirement). Manufacturers and importers of chemical substances were required to submit information about chemical substances already in commerce during an initial reporting period for the Initial Inventory. Since the Initial Inventory was published, intending non-exempt commercial manufacturers or importers of substances not on the Inventory have been required to submit notices to the Agency under Section 5 of the TSCA most are PMNs. PMNs not disapproved by the Agency, and for which the submitters file Notices of Commencement of Manufacture/Import (NOCs), become new listings on the Inventory. Non-PMN submissions (LVEs, LoREXs, TMEA) and exempt uses not subject to submission (R&D) are not followed by inventory listing. The Agency has developed policy about how to identify chemical substances for the purpose of assigning a unique and unambiguous description of each substance for the Inventory. Several papers giving Inventory nomenclature guidance are available, covering TSCA Inventory representation for:

- **Polymeric Substances**;
- **Certain Chemical Substances Containing Varying Carbon Chain Lengths (Alkyl Ranges Using the Cx-y Notation)**;
- **Combinations of Two or More Substances: Complex Reaction Products** ;
- **Products Containing Two or More Substances, Formulated and Statutory Mixtures; and**
- **Chemical Substances of Unknown or Variable Composition, Complex Reaction Products and Biological Materials (UVCB Substance)**

Federal Food, Drug, and Cosmetic Act (FFDCA)

21 U.S.C. 301 et seq.

authorizes EPA to set maximum residue levels, or tolerances, for pesticides used in or on foods or animal feed. FFDCA:

- mandates strong provisions to protect infants and children
- provides the authority to set tolerances in foods and feeds (maximum pesticide residue levels)
- also provides authority to exempt a pesticide from the requirement of a tolerance
- rule-making process required to set tolerances or exemptions
- before a registration can be granted for a food use pesticide, a tolerance or tolerance exemption must be in place
- mandates primarily a health-based standard for setting the tolerance--"reasonable certainty of no harm"
- benefits may be considered only in limited extreme circumstances, very unlikely
- pesticide residues in foods are monitored and the tolerances enforced by FDA (fruits and vegetables, seafood) and USDA (meat, milk, poultry, eggs, and aquacultural foods)

Food Quality Protection Act (FQPA) of 1996

The Food Quality Protection Act (FQPA) of 1996 amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food Drug, and Cosmetic Act (FFDCA). These amendments fundamentally changed the way EPA regulates pesticides. The requirements included a new safety standard-reasonable certainty of no harm-that must be applied to all pesticides used on foods. This web site provides background information on FQPA's provisions and discusses some of the specific issues raised by FQPA, as well as status of implementation of this important law.