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FEDERAL STATUTES AND AGENCIES

For legislative history materials on these and other statutes, see N. Johnson, Sources of Compiled Legislation (HeinOnline) arranged by public law or chapter number. For the legislative history of the basic statutes administered by the Environmental Protection Agency, see EPA, Legal Compilation.

Some Major Statutes


- **CLEAN WATER ACT** (Federal Water Pollution Control Act), ch. 518, 70 Stat. 498 (1956), codified at 33 USC 1151 et seq. and 1251 et seq.


MAJOR FEDERAL AGENCIES

1. Council on Environmental Quality (CEQ)
   - **Enabling legislation**: NEPA, 42 USC 4341 et seq.; Environmental Quality Improvement Act of 1970, 42 USC 4371 et seq.
   - **Regulations**: 40 CFR Title V
   - **Organization**: Three members appointed by the President with advice and consent of the Senate (one of whom is designated chairman by the President).
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- Duties: Formulates and recommends national policies to promote improvement of the environment. Regulations (40 CFR Part 1500) set standards for implementation of NEPA by federal agencies.

Environmental Protection Agency (EPA)
- Enabling legislation: Reorganization Plan No. 3 of 1970 (5 USC App.)
- Regulations: 40 CFR Title I; 41 CFR Chp. 115; 48 CFR Chp. 15
- Organization: Administrator and deputy administrator appointed by the President with advice and consent of the Senate. Office of ALJs issue informal opinions (subject to review by the Environmental Appeals Board within the Agency); Office of General Counsel represents agency and issues informal opinions.
- Duties: Coordinates and implements major federal environmental programs.

Decisions and other issuances
- General Counsel opinions; Environmental Appeals Board decisions; ALJ decisions available on Westlaw and Lexis
- Consent decrees: available in the Federal or Lexis.

Miscellaneous issuances, guidance documents and policy statements:
- EPA Directives (official compilation)
- Environmental Law Reporter: Administrative Materials volume
- BNA Environment Reporter: Federal Laws volumes
- Federal Register: selected only
- EPA internet site

SOME MAJOR RESEARCH PUBLICATIONS AND FINDING AIDS

LOOSELEAF SERVICES

Environmental Law Reporter (Environmental Law Inst., monthly): available on Westlaw, ELR database (and sub-databases), and on Lexis, ENVIRN library, ALLELR file (and sub-files)
  a. Current volumes (annual): news and analysis
  b. Litigation volumes (annual): text of court opinions; table of cases
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provided

c. Pending litigation volumes: summaries of important pending court cases; table of cases provided

d. Administrative materials volume: text of EPA CERCLA RODS and RCRA ALJ decisions; various EPA policy statements and issuances; tables of contents lists documents by statute and subject

e. Statutes volume: text of federal statutes; table of contents provided

f. Indexes volume: provides current and cumulative tables of cases, subject indexes, annual bibliographies, and pending litigation index


   a. Current developments volumes (annual): biweekly newsletter, often reprinting major new documents; quarterly and annual subject indexes

   b. Federal laws volumes: prints federal statutes, regulations, and major policy statements and issuances (mostly from EPA); index in first volume


   d. Environment Reporter--Cases: Current looseleaf volume and bound annual volumes print major federal and state court decisions; access provided by cumulative index-digest. (Bluebook cites as Env’t Rep. Cas. (BNA)).

3. Other looseleaf services: Many looseleaf services deal with specific subject areas; a substantial number are published by BNA and are available on Lexis and Westlaw. For a convenient list of services, check Legal Looseleafs in Print (annual; see index under "Environmental Law").

NEWSLETTERS

Three representative and useful newsletters are Inside Washington Publishers’ Inside EPA series: Environmental Policy Alert, Weekly Report, and Superfund Report. For a list of such newsletters, check Legal Newsletters in Print (annual; see index under "Environment").
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TREATISES

• Frank P. Grad’s Treatise on Environmental Law, 5 vols. (M. Bender, 1973-): it covers NEPA and the work of the EPA, and its last two volumes conveniently reprint federal statutes and EPA regulations and issuances.

• Environmental Law Handbook (Govt. Institutes, 14th ed., 1997).

JOURNALS/INDEXES

Check Current Law Index/Legal Resources Index under the headings "Environmental Law," Environmental Impact Statements," and Environmental Protection," and subheadings thereunder; and the Index to Legal Periodicals under the headings "Environmental Law" and "Environmental Protection."

SOME SECONDARY FEDERAL AGENCIES

Forest Service

• Enabling legislation: Transfer Act of 1905, 16 USC 472.
• Regulations: 36 CFR Title II
• Organization: Administratively part of the Dept. of Agriculture, headed by a Chief and five deputy chiefs; has nine regional offices.
• Duties: Oversees national forests and cooperates with state, local, and private organizations in forestry matters; administers a number of statutes, the most important being the Organic Administration Law, 16 USC 473 (providing basic authority over the national forests), and the Weeks Law, 16 USC 480 (authorizing purchase of national forest land).

National Resources Conservation Service

• Regulations: 7 CFR Title VI
• Organization: Administratively part of the Dept. of Agriculture; headed by a Chief under the direction of the Assistant Secretary for Natural Resources and Environment.
• Duties: Provides technical and financial assistance to farmers, ranchers, and state and local governments to reduce soil erosion and sedimentation.
Farm Service Agency

- **Enabling legislation:** Reorganization Plan No. 2 of 1953 (5 USC App.); and Sec. of Agriculture Memorandum 1010-1, 59 Fed.Reg. 60297.
- **Regulations:** 7 CFR Title VII
- **Organization:** Operations supervised in each state by committee and by executive director appointed by the Secretary of Agriculture.
- **Duties:** Administers commodity and related land use programs for production adjustment and resource protection.

National Oceanic and Atmospheric Administration (NOAA)

- **Enabling legislation:** Reorganization Plan No. 4 of 1970 (5 USC App.)
- **Regulations:** 15 CFR Title IX; 50 CFR Titles II-IV, VI
- **Organization:** Administratively part of the Commerce Dept. headed by an Undersecretary. Includes the National Environmental Satellite Date and information Service, National Marine Fisheries Service, National Ocean Service, National Weather Service, and Oceanic and Atmospheric Research.
- **Duties:** Exploring global oceans and managing and conserving their resources, weather prediction, and management and dissemination of long-term environmental information, under a number of different statutes.

Army Corps of Engineers

- **Enabling legislation:** Enforces various statutes; see below.
- **Regulations:** 33 CFR Title II; 36 CFR Title III
- **Organization:** Administratively part of the Army; headed by the Chief of Engineers (a lieutenant-general) appointed by the President with the advice and consent of the Senate. Directorate of Civil Works oversees regulatory activities, and for these purposes, the Corps has fourteen regional offices.
- **Duties:** Regulates construction projects in navigable waters and transportation and dumping of dredged material in navigable waters, under Rivers and Harbors Acts of 1899, 33 USC 403, and of 1917, 33 USC 1; Army Act of 1918, 33 USC 3; Clean Water Act, 33 USC 1251; and Marine Protection, Research, and Sanctuaries Act of 1972, 33 USC 1401.

Bureau of Land Management (BLM)

Minerals Management Service (MMS)
- **Enabling legislation**: Secretarial Order No. 3071, under Reorganization Plan No. 3 of 1950 (5 USC App.)
- **Regulations**: 30 CFR Title II
- **Organization**: Director appointed by Secretary of Interior, reporting to Assistant Secretary for Land and Minerals Management. Has six regional offices.
- **Duties**: Collection of revenue from mineral leases on federal and offshore land; development of offshore resources while protecting the environment.

Fish and Wildlife Service
- **Enabling legislation**: Fish and Wildlife Act, 16 USC 742a
- **Regulations**: 50 CFR Title I, IV
- **Organization**: Director appointed by Secretary of the Interior; reports to Assistant Secretary for Fish, Wildlife, and Parks. Organized into seven regional offices.
- **Duties**: Conservation and management of fish and wildlife resources and their habitats, particularly migratory birds.

National Park Service
- **Enabling legislation**: Act of Aug. 25, 1916, 16 USC 1
- **Regulations**: 36 CFR Title I
- **Organization**: Director appointed by the Secretary of the Interior; ten regional offices; Service Center in Denver centralizes support services.
- **Duties**: Administers national parks.

Bureau of Reclamation
- **Enabling legislation**: Reclamation Act of 1902, 43 USC 371
- **Regulations**: 43 CFR Title I
- **Organization**: Commission appointed by the Secretary of the Interior; six regional offices.
- **Duties**: Manage, develop, and protect water resources in the western states.
United States Geological Survey

- **Enabling legislation:** 43 USC 31
- **Regulations:** 30 CFR Title IV
- **Duties:** Geological and topographical mapping and compilation of data on natural resources

Office of Surface Mining Reclamation and Enforcement

- **Enabling legislation:** 30 USC 1211
- **Regulations:** 30 CFR Part VII
- **Duties:** Reclamation of surface coal mining properties

ENVIRONMENTAL IMPACT STATEMENTS (EIS's)

When issued, EIS's are briefly noted in the Federal Register. Two publications that index and summarize EIS's are *EIS: Digest of Environmental Index Statements* (1979-) and *EIS Cumulative* (1970-) (both issued by Cambridge Scientific Abstracts). O. Schmidt, *Checklists for Preparing NEPA Documents* (1987), is a useful guide.

ONLINE SERVICES

See [EPA Access](#), and for a list of others, see [Specialized Legal Research](#). Both Westlaw and Lexis provide quite thorough coverage of environmental law materials; in addition, Lexis is strong in its full-text coverage of pertinent trade journals and newsletters, and Westlaw in the provision of various indexing and abstracting services. Check the current Westlaw [Database List](#) and Lexis [Library Contents and Alphabetical List](#).

Two excellent collections of environmental Internet links are

- [Vermont Law School Environmental Law Center](#)
- [Pace Univ. Law School Environmental Programs](#)