Any Guesses?

1. What laws set standards for effluent and emissions?

2. What law requires evaluation of the environmental impacts of a project or activity prior to its undertaking?

3. What law requires the proper transportation, storage, and disposal of hazardous wastes?

4. What law resulted in part by what happened at Love Canal?

5. What laws are designed to protect ecosystems and species from harm?
The American Legal System

- The U.S. Constitution
  - Written in 1787, ratified in 1788

- The Bill of Rights/Amendments
  - Bill of Rights Ratified in 1791

- The formation and the establishment of laws
  - Legislative, judicial, executive
The U.S. Constitution:

- Spells out the powers of the federal government
- Defines distinct powers for Congress (legislative branch), the President (executive branch), and the federal courts (judicial branch)
- This division of authority is known as the separation of powers
  - Ensures that none of the branches of gov’t can dominate others
Checks and Balances

- By dividing various powers, the Constitution creates a system of *checks and balances*.

- If one branch threatens to become too powerful, other branches may act to thwart it.

- On 12/24/03, the courts (judicial branch) halted changes to the Clean Air Act (legislative branch) that were proposed by the Bush administration (executive branch).
Articles of the Constitution

**Article I vests legislative power in Congress**
- Only Congress can enact general laws, i.e. adopting national environmental policy like the Clean Air Act
- Spending power

**Article II vests executive power in the President**
- Law enforcement
- Prosecutes federal crimes
- Agencies

**Article III vests judicial power in the Supreme Court and other federal courts**
- Law interpretation
- Power to conduct trials
Article I

**House Requirements**
- Selected every 2nd year by popular vote
- 25 years old
- Citizen for 7 years
- Apportioned to the states based on population
- Each state will have at least one representative
- Currently a total of 435 members of the House of Representatives

**Senate Requirements**
- Selected every 6th year by popular vote*
- 30 years old
- Citizen for 9 years
- Two Senators per state
- 100 voting members of the Senate
The Commerce Clause provides the authority for Congress to pass environmental laws.

Commerce refers to trade, or exchange of goods and services.

Currently, the Commerce Clause is broadly interpreted to mean that any activity can be regulated by the federal government if it substantially effects interstate commerce.
In *Hodel v. Virginia Surface Mining Reclamation Association (1981)*, the plaintiff challenged the Surface Mining and Reclamation Act because they held that it regulated private matters rather than interstate commerce.

The Supreme Court ruled that there was a rational basis for Congress to determine that mining affects interstate commerce because of the impact of mining on water pollution; national standards were required.

Therefore, the court held that the purpose of the Act is to protect interstate commerce from adverse effects.
Article II

- Vests executive power in the President
- Holds a term of four years
- President must be 35 years old
- Natural born citizen
- Commander in Chief of the armed services
- Power to make treaties with foreign governments
  - With 2/3 concurrence of the Senate
Article III

- Vests judicial power in the Supreme Court and in other federal courts

- Judicial power extends to:
  - Federal questions
  - Controversies between two or more states
  - Controversies between citizens of different states