

Environmental law

Law



Environmental Law Environmental Law Congress creates administrative agencies and then delegates to them the power to implement laws.

Administrative agencies can only function within their scope of enabling legislation. Congress has delegated authority to the agencies to make rules governing the behavior of business and labor deemed to be in concurrence with the interest, necessity, and convenience of the public (Kubasek & Silverman, 2000). Authorities such as the Environmental Protection Agency (EPA) play a crucial part in creating and implementing environmental policies.

Functions of administrative agencies include making rules, adjudication of cases put before an administrative law judge, and administrative work. Along with the passing of an enabling statute, there is also the power to investigate violations of rules and judicial power to adjudicate disputes an agency may have with individuals or businesses (Kubasek & Silverman, 2000).

Administrative agencies have three ways of making rules: informal, formal and hybrid ones - all governed by the Administrative Procedure Act (APA). In informal rulemaking, an agency starts the process by publishing the proposed law in the Federal Register, together with a justification of the legal power for issuing the law. It also describes how people can be part of the rulemaking the procedure, and invites those interested in submitting written comments. The agency then evaluates the comments and publishes the adopted law in the Federal Register. It bears a statement of its purpose and the date it becomes effective.

Formal rulemaking occurs when an enabling statute stipulates that all regulations be passed by an agency as part of a formal inquiry process that includes an official transcript. The process starts in the same way as the <https://assignbuster.com/environmental-law/>

informal one. However, it also includes a public hearing where witnesses give testimonies on the advantages and disadvantages of the proposed law. A transcript of the hearing is maintained. An adopted law based on the received information is then published.

Hybrid rulemaking combines the best features of informal and formal rulemaking in an attempt to minimize their flaws. It starts with publishing the proposed law in the Federal Register followed by informal public hearings and a restricted cross-examination of witnesses. The adopted laws are then published.

Administrative agencies have had a positive impact on local living environments. For instance, the EPA sets rules limiting the level of hazardous air pollutants an industry may emit into the atmosphere (Kubasek & Silverman, 2000). Charging violators in court serves as a deterrent to potential air polluters.