



The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: Federal Legislation¹

Michael T. Olexa and Ian Goldfarb²

Legal overview

Federal laws and regulations impact solid and hazardous waste management. Federal agencies, such as the Environmental Protection Agency (EPA), the Department of Agriculture (USDA), the Army Corps of Engineers (USACE), and the U.S. Coast Guard (USCG), are often involved in enforcing federal laws and regulations concerning solid and hazardous waste management.

Federal legislation consists of two parts: statutes and administrative rules.

1. Statutes – These are passed by the legislature (Congress) and outline basic goals and the general procedures to accomplish these goals. Although statutes often provide fairly specific directions, prohibitions, or enforcement clauses, the details of regulation are frequently too technical and detailed for the legislature. Therefore the legislature delegates these

technical details to administrative agencies (such as the EPA) which, in turn, develop administrative rules and regulations.

2. Administrative Rules – The legislature generally relies on administrative agencies to actually carry out the basic goals of the statutes. The legislature has delegated the authority to adopt rules (which have the force of law) to administrative agencies. The authority of the administrative agencies is limited by the legislature.

As an example, the legislature might decide to regulate the use of certain pesticides. It might pass a statute that broadly outlines acceptable pesticide uses or prohibitions on pesticide use. Then an agency, in this case, EPA, would make rules about when, by whom, and in what quantities the pesticide may be applied.

1. This is EDIS document FE761, a publication of the Food and Resource Economics Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL. Published November 2008. Please visit the EDIS website at <http://edis.ifas.ufl.edu>.

Disclaimer: This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice and that the information contained herein should not be regarded or relied upon as a substitute for professional advice. This handbook is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, using these materials constitutes an agreement to hold harmless the authors, the Center for Agricultural and Natural Resource Law, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that may be incurred by any person or party as a result of reference to or reliance upon the information contained in this handbook.

2. Michael T. Olexa, professor, Food and Resource Economics Department; director, Center for Agricultural and Natural Resource Law, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL; and member, Florida Bar and Agricultural Law Committee of the Florida Bar; and Ian Goldfarb, graduate student, Levin College of Law and Hough Graduate School of Business, University of Florida, Gainesville, FL.

Agencies often regulate by requiring permits or licenses. They enforce their rules through both criminal and civil penalties. If an agency discovers someone violating a statute or a rule, that person could be fined or charged with a crime. Criminal penalties are considered very harsh, and are seldom used except as a last resort for repeated or flagrant violations.

The most important federal statute dealing with waste management is the Resource Conservation and Recovery Act (RCRA). This statute regulates solid waste “from cradle to grave,” so to speak. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulates the disposal of hazardous waste and the cleanup of improperly disposed hazardous waste (sometimes called Superfund). Other federal statutes affect management of specific wastes or types of disposal. Examples include the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Toxic Substances Control Act (TSCA); Clean Air Act (CAA); Clean Water Act (CWA); and the Occupational Safety and Health Act (OSHA). These federal statutes, as well as a few others, are discussed in EDIS documents FE762 through FE770 (see FE758, Table of Contents).