


Environmental Health Policy & Practice



Env. Health & the Law

4 April 2012

Chuck Treser
University of Washington
Dept. of Environmental & Occupational Health Sciences

ENV H 473: EH Policy & Practice 2

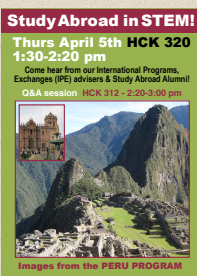
Announcements



- ❖ The Faculty of Science at The University of Auckland will award 10 Northern Hemisphere Summer Scholarships in 2012.
- ❖ 3rd or 4th year undergraduate students
- ❖ six weeks of research on projects directed by academic staff in Auckland, New Zealand in July-August 2012.
- ❖ Enquiries and applications should be made by Friday 13 April 2012.

3

Announcements



- ❖ **STEM Study Abroad in Peru**
 - **Presentation:** HCK 320
 - **When:** 1:30 – 2:20 PM Thursday, 5 April
 - **Q&A Session:** 312 HCK
 - **When:** 2:20 – 3:00 PM Thursday, 5 April

4

Announcements


❖ **DEOHS Seminar:**

- **Date:** Thursday, 5 April 2012
12:30-1:30 pm, T-435 HSB
- **Seminar Title:** *Health & Safety Issues for Truckers*
- **Speaker:** Drew Bossen, PT, MBA
Atlas Ergonomics

ENV H 473: EH Policy & Practice 5

Announcements

NATIONAL PUBLIC HEALTH WEEK
A Healthier America Begins Today: Join the Movement!
April 2-8, 2012



ENV H 473: EH Policy & Practice 6

Lesson Overview

❖ **Overview of the next several lessons:**

- **Law: Purpose & Origins**
- **Institutionalization of Legal Authority**
- **Delegation of Government Powers**
- **Limits to Governmental Powers**

ENV H 473: EH Policy & Practice 7

Lesson Objectives

- ❖ **Be able to:**
 - Discuss the nature, scope and limits of the legal powers of a regulatory agency; and,
 - Apply the general concepts covered in this lesson to particular issues and situations.
 - Determine the specific source of authority for a given EH program
 - Delineate the scope (and limits) of the specific regulatory authority granted

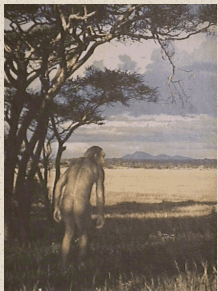
ENV H 473: EH Policy & Practice 8

Anglo-American Law

- ❖ **Introduction — The “Law”**
 - What is law?
 - Where does it come from?
 - What is its purpose?
 - How does it function?

ENV H 473: EH Policy & Practice 9


Origins of Law




- ❖ **Why did law originate?**
- ❖ **How?**
- ❖ **Primitive Tribes**
 - Tradition
 - Taboos

ENV H 473: EH Policy & Practice 10

Babylonian Law

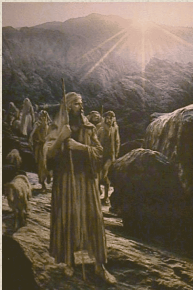


❖ The Code of Hammurabi



ENV H 473: EH Policy & Practice 11

Judeo-Christian Influences



❖ Ethical and moral content

ENV H 473: EH Policy & Practice 12


Greco-Roman Influences



- ❖ Greek intellectual and artistic heritage
- ❖ Roman Legal thought
- ❖ Roman structure of government
- ❖ Courts

ENV H 473: EH Policy & Practice 13


Roman Empire & Fall



- ❖ Germanic invasions
- ❖ Feudalism and Manorialism
- ❖ Christianity
- ❖ Development of Universities
- ❖ Rise of Nation States

ENV H 473: EH Policy & Practice 14

Medieval Europe



- ❖ **Anglo-Saxon England**
 - Divine Right of Kings
 - *Stare Decisis*
 - Equity
- ❖ **Common Law**
 - Trespass
 - Nuisance

ENV H 473: EH Policy & Practice 15

Medieval Governments




- ❖ **English Moot**
 - Saxon Invasion (c. 500)
 - Anglo-Saxon Doms (560-975)
- ❖ **Norman Conquest (1066)**
- ❖ **Henry I - Charter of Liberties (1100)**
- ❖ **John - *Magna Carta* (1216)**
- ❖ **Parliament**
 - Henry III
 - 3 Estates (1295)

ENV H 473: EH Policy & Practice 16

Constitutional Governments

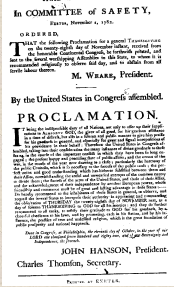
- ❖ From Parliament to Congress
 - Declaration of Independence
 - Articles of Confederation
 - U.S. Constitution



©1997 The Library Company, Inc.

ENV H 473: EH Policy & Practice 17

U.S. Laws



ENV H 473: EH Policy & Practice 18

- ❖ Statutes
- ❖ Ordinances
- ❖ Rules
- ❖ Regulations
- ❖ Judicial Opinions
- ❖ Standards
- ❖ Policies & Procedures

Environmental Law

“Environmental Law” is best defined -- not as a book or compilation of certain laws, but instead, as a system for using all of the laws for environmental, public health and safety purposes.”

Thomas F.P. Sullivan, 1993
Environmental Law Handbook


ENV H 473: EH Policy & Practice 19

Environmental Law

“When we talk about ‘Environmental Law’ ... we are referring to all aspects of our legal system -- the Constitution, statutes, regulation, rules of evidence, rules of procedure, judicial interpretations, the common law, and indeed the criminal law ...”

ENV H 473: EH Policy & Practice 20

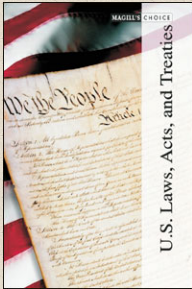
Police Power



- ❖ Definition
- ❖ Source
- ❖ Application

ENV H 473: EH Policy & Practice 21

U.S. Laws



- ❖ Statutes
- ❖ Ordinances
- ❖ Rules
- ❖ Regulations
- ❖ Judicial Opinions
- ❖ Standards
- ❖ Policies & Procedures

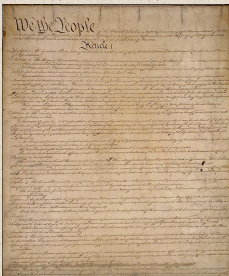
ENV H 473: EH Policy & Practice 22

EH Practice & the Law

- ❖ **Specific Legislation**
 - Statutes
 - Ordinances
 - Rules & Regulations
- ❖ **Procedural Requirements**
 - Statutes
 - Common Law
 - Court Rules

ENV H 473: EH Policy & Practice 23


Constitutional Law



- ❖ **Definition**
- ❖ **Source**
- ❖ **Application**

ENV H 473: EH Policy & Practice 24


Statutes



- ❖ **Definition**
- ❖ **Sources**
- ❖ **Nomenclature:**
 - **Federal Level**
 - ✓ **Bills:**
 - H. xxxx
 - S. xxxx
 - ✓ **Statutes:**
 - PL 92-500 (FWPCA)
 - 33 USC §§ 1251-1387 (CWA)
 - §1362(7) (Navigable Waters)

ENV H 473: EH Policy & Practice 25

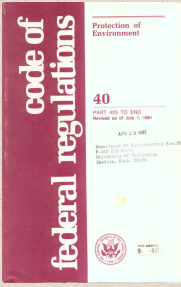
Statutes



- **State Level (Washington)**
 - ✓ **Bills:**
 - HR xxxx or SR xxxx
 - SHR xxxx or SSR xxxx
 - ✓ **Statutes:**
 - 70.05 RCW

ENV H 473: EH Policy & Practice 26

Administrative Law



- ❖ **Definition**
- ❖ **Sources**
- ❖ **Application**
 - **Rules**
 - **Regulations**
 - **Policy & Procedures**

ENV H 473: EH Policy & Practice 27

EH Practice & the Law

- ❖ **Specific Legislation**
 - **Statutes**
 - **Ordinances**
 - **Rules & Regulations**
- ❖ **Procedural Requirements**
 - **Statutes**
 - **Common Law**
 - **Court Rules**

ENV H 473: EH Policy & Practice 28

Next Lesson

Legal Authority

ENV H 473: EH Policy & Practice 30

See you tomorrow!

ENV H 4 31
