

Environmental Health Policy & Practice



Lesson 11.
Inspections & Investigations
18 April 2012

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Dept. of Environmental & Occupational Health Sciences

ENV H 473: Lesson 11 2

Announcements



Special Events on Friday:
Live Music Behind-the-Scenes Tours
Exhibits Kids' Activities
Scavenger Hunt Events Throughout Campus

ENV H 311: Lesson 11 3

Announcements

❖ **DEOHS Seminar:**

- **Title:** *Climate Change and Human Health in the Northwest*
- **Speaker:** Michael Yost, PhD
Professor,
Environmental & Occupational Health Sciences
University of Washington
- **Date:** Thursday, 19 April 2012
- **Time:** 12:30 - 1:20 p.m.
- **Location:** Room T-435, HSC

ENV H 473: Spring 2012 4

Lesson Overview

- ❖ **Legal Bases**
- ❖ **Entry**
 - > with Consent
 - > with a warrant
- ❖ **Methods & Procedures**

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Lesson Objectives

- ❖ **Understand the concept of an "inspection" as a legal tool used in environmental health programs**
- ❖ **Be able to explain the general statutory and constitutional considerations involved with the inspector's right to conduct regulatory investigations**

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Lesson Objectives (Continued)

- ❖ **Describe the powers, and the statutory and constitutional limits to those powers, delegated to environmental health practitioners**
- ❖ **Discuss the legal issues surrounding the use of the inspection in the investigation of public nuisances**

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Purpose & Function



- ❖ Gather information
- ❖ Necessary to evaluate a condition or situation

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Legal Requisites

- ❖ A Legal Basis
- ❖ Standards
- ❖ Evidence (Observations, Tests and Samples)
- ❖ Records and Reports

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Legal Bases

- ❖ Police Power
- ❖ Statutory Authorization
- ❖ Public Nuisances



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Entry



- ❖ 1. Inspectional Authority
- ❖ 2. Inspection vs. Search

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Frank v. Maryland

- ❖ Facts & Arguments
- ❖ Court History
- ❖ Legal Issues
- ❖ Decision
- ❖ Concurrence and/or Dissent
- ❖ Application/Implications

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Camara v. San Francisco

- ❖ Facts & Arguments
- ❖ Court History
- ❖ Legal Issues
- ❖ Decision
- ❖ Concurrence and/or Dissent
- ❖ Application

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See v. Seattle

- ❖ **Facts & Arguments**
- ❖ **Court History**
- ❖ **Legal Issues**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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U.S. v. Thriftmart, Inc.

- ❖ **Facts & Arguments**
 - Who's suing whom, for what?
- ❖ **Court History**
- ❖ **Legal Issues**
 - Why?
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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Next Lesson



Inspections
Continued

ENV H 473: Lesson 11 19
