


**Sources of Authority**



**Lesson No. 3**

ENV H 471  
Environmental Health Regulation  
January 13 & 15, 2004

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**Case "Groups"**

- ❖ **Group A**
  - Farrel, Daniel
  - Sheldon, Susan
  - Smith, Jesse
- ❖ **Group B**
  - Beckley, Paige
  - Parseon, Perry
  - Singh, Raveena
  - Takatani, Karen

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**Case "Groups"**

- ❖ **Group C**
  - Freed, Jon
  - Rozaly, Falahyh
  - Toepel, Kathryn

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### 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.

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### Lesson Overview

- ❖ Lesson 2. Finish up & Review
  - Origins & Purpose of Law
- ❖ Authority
  - Police Powers
- ❖ "Power" Cases

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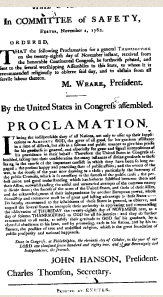
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### U.S. Laws



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

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 **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 ...”

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 **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*

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 **Police Power**



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

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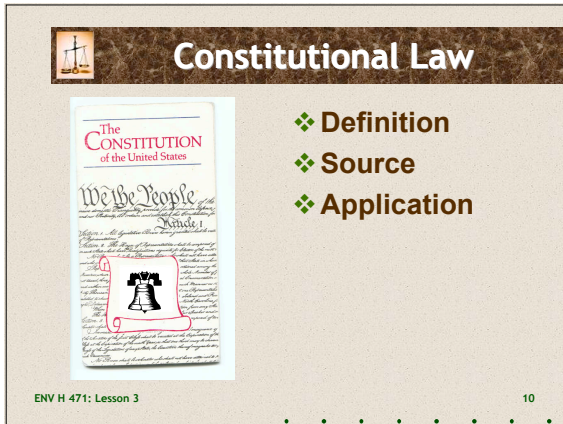
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**Constitutional Law**

- ❖ Definition
- ❖ Source
- ❖ Application

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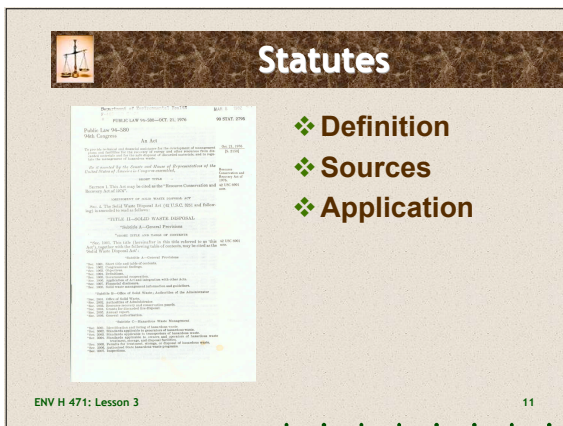
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**Statutes**

- ❖ Definition
- ❖ Sources
- ❖ Application

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**Administrative Law**

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

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 **Common Law**

- ❖ Definition
- ❖ Source
- ❖ Nature
- ❖ Important Common Law Doctrines
  - Nuisance
    - > Public
    - > Private
  - Trespass

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 **Case Law**



- ❖ Definition
- ❖ Sources
- ❖ Application

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 **Cases**

- ❖ Group A: *Huntington v. State Water Commission* 73 S.E.2d 833 (1953).
- ❖ Group B: *Philadelphia v. New Jersey* 437 US 617 (1978).
- ❖ Group C: *Department of Environmental Quality v. Chemical Waste, Storage and Disposal, Inc.* 19 Ore 712 (1974).

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 **Huntington v. State Water**

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

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 **Philadelphia v. New Jersey**

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

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 **DEQ v. Chemical Waste**

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

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 **Assignment for Lesson 4**

- ❖ **Grad: Chapter 4 -- PH Law Enforcement and the Bill of Rights.**
- ❖ **Buck: Chapter 3 -- The Public Policy Process**
- ❖ **Cases**
  - **Group A: Reading #8 - *Rollins v. Iberville Parish***
  - **Group B: Reading #9 - *Carey v. Town of Westmoreland***
  - **Group C: Reading # 10 - *Yaffee v. City of Ft. Smith***
  - **Case Briefs Due: January 22, 2004**

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 **Next Lesson**

**Scope & Limits  
of Governmental  
Authority**

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