


Embargoes, Seizures & Condemnations



Lesson No. 9

ENV H 471
Environmental Health Regulation
February 19, 2004

Lesson Overview

- ❖ Nature of powers
- ❖ Use and Effect
- ❖ Procedures


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Lesson Objectives

Be able to . . .

- ❖ Compare and contrast the use and effect of the embargo, seizure and condemnation; and,
- ❖ Select the appropriate remedy for a given specific situation

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Nature of Powers

- ❖ Embargo
 - Hold Order / Red Tag
- ❖ Seizure
 - Physical removal
- ❖ Condemnation
 - Destruction


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Use and Effect

Government Powers	Property Rights		
	Usage	Possession	Ownership
Embargo	⊗		
Seizure	⊗	⊗	
Condemnation	⊗	⊗	⊗


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Procedures

- ❖ Possession of Authority
- ❖ Reasonable Grounds
- ❖ Limits
 - Due Process
 - Equal Protection
 - Probable (Reasonable) Cause
 - Not arbitrary or capricious

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 **Questions**




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 **Cases**


- ❖ *Adams v. Milwaukee*
 - **Group A**
- ❖ *North American Cold Storage v. City of Chicago*
 - **Group B**
- ❖ *Provimi v. United States*
 - **Group C**

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 ***Adams v. Milwaukee***


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

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 **North American Cold Storage**


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


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 **Provimi v. United States**

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

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 **Questions**




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 **Next Lesson**


Administrative Remedies

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 **Assignment for Lesson 10**

- ❖ **Grad: Chapter 15 - Administrative Hearings, pp.288-307.**
- ❖ **Statutes & Regulations:**
 - **29 USC - Occ. Safety & Health Act, §10.**
 - **21 USC - Food Drug & Cosmetic Act, §334**
- ❖ **Required Readings:**
 - **Reading #23 - USPHS Food Service Sanitation Manual, Chapter 10.**

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 **Assignment** *Continued*

- ❖ **Required Readings:**
 - **Reading #7 - DEQ v. Chemical Waste**
 - **Reading #10 - Yaffee v. City of Ft. Smith**
 - **Reading #29 - Rome v. New York State Health**
 - > Group A
 - **Reading #30 - Commonwealth v. Sadecky**
 - > Group B
 - **Reading #31 - Dworkin v. Town of Lakeview**
 - > Group C
- ❖ **Due: March 2, 2004**

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