

Florida Solid and Hazardous Waste Regulation Handbook: Federal Legislation¹

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This section discusses the important federal laws and regulations that impact solid waste management. Each particular statute is “explained” as it would probably apply to you. This section also includes a brief description of the federal agencies responsible for implementing and enforcing these statutes. First and foremost is the Environmental Protection Agency (EPA), but other federal agencies, such as the Department of Agriculture, the U.S. Army Corps of Engineers, and the U.S. Coast Guard, may become involved in the disposal of solid and hazardous wastes.

Legal Overview

Federal regulation consists of 2 parts: statutes and administrative rules.

1. Statutes—These are passed by the U.S. Legislature (Congress) and outline basic goals and the general procedures to accomplish these goals. Although statutes often provide fairly specific directions or prohibitions, 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 EPA), which, in turn, develop administrative rules and regulations.

2. Administrative Rules—The U.S. 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 U.S. 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.

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

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penalties are considered very harsh and are seldom used except as a last resort for repeated or flagrant violations.

What Are the Important Laws and Regulations?

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. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulates the disposal of hazardous waste and the cleanup of improperly disposed hazardous waste. Other federal statutes affect the management of specific wastes or types of disposal. Examples of these 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).

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This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It should provide a basic overview of the many rights and responsibilities farmers and farmland owners have under Florida laws. The reader is provided information about these rights and responsibilities and the appropriate contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this publication is based

are subject to constant revision, portions of this publication could become outdated at any time. Many details of cited laws are also left out due to space limitations.

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