

Setting the Stage

Chapter One

You get two days in the sun at the EPA. Once when you come and once when you leave. Every day in between it rains on you.

—WILLIAM D. RUCKELSHAUS

In 1966, in one of her frequent trips to a family cabin in rural upstate New York, Carol Yannacone was shocked to find hundreds of dead fish floating on the surface of Yaphank Lake, where she had spent her summers as a child. After discovering that the county had sprayed the foliage surrounding the lake with DDT to kill mosquitos immediately prior to the fish kill, Yannacone persuaded her lawyer husband to file suit on her behalf against the county mosquito control commission. The suit requested an injunction to halt the spraying of pesticides containing DDT around the lake.¹

Although the Yannacones initially were able to win only a temporary one-year injunction, they set into motion a chain of judicial events that would permanently affect the policies of the then-nonexistent U.S. Environmental Protection Agency (EPA). For it was through this lawsuit that a group of environmentalists and scientists formed the Environmental Defense Fund, a not-for-profit group dedicated to promoting environmental quality

through legal action. After eight years of protracted litigation, the Environmental Defense Fund won a court battle against the EPA that Judge David Bazelon heralded as the beginning of "a new era in the . . . long and fruitful collaboration of administrative agencies and reviewing courts."² That judicial decision triggered a permanent suspension of the registration of pesticides containing DDT in the United States.

The Yannacone case is only one of several hundred court cases that have affected our nation's most important environmental agency since its inception in 1970. This book is about the impact of federal court decisions on the policies and administration of the EPA in all seven of its major statutory areas from 1970 through October 1, 1991. It is important for several reasons. A large public agency with a staff of over 17,500 and a budget of more than \$6.94 billion, the EPA is responsible for implementing most federal laws designed to protect the environment. The EPA has jurisdiction over the air we breathe, the water we drink, and the food we eat. Its far-reaching regulations penetrate every level of our society. With each lawsuit filed in federal court concerning the EPA there is the possibility of change, both positive and negative, in important policies and regulations that affect our collective health and the environment.

Moreover, environmental policy and environmental administration are growing daily as important areas of study. In 1990 the EPA concluded that the United States devoted 2 percent of its gross national product to controlling pollution and to cleaning up the environment.³ As new sources of pollution are discovered and the full impact of old and new sources of pollution becomes more fully understood, the delayed effects on our ecosystem become increasingly apparent and the percentage of the gross national product that is devoted to pollution cleanup is expected

to rise. The policy questions and administrative challenges inherent in environmental issues are of interest to academics and nonacademics, public managers, environmentalists, conservationists, and members of the general public alike. In 1991, for example, a Gallup poll reported that 78 percent of U.S. citizens think of themselves as environmentalists.⁴ That study also reported that 71 percent of U.S. citizens favor protecting the environment even at the risk of curbing economic growth. Two-thirds of the respondents expressed concern about contamination of drinking water and pollution of lakes, rivers, soil, air, and beaches. More than one-half (57 percent) said they would choose immediate, drastic action to save the environment.

At the same time, several authors maintain that judges are becoming increasingly active in their oversight of administrative agencies.⁵ Judges in many instances are no longer passive reviewers of agency actions but are full participants, shaping litigation and its outcomes.⁶ Some say a new relationship, a "partnership" between the courts and public agencies, has been forged,⁷ and administrators and scholars are hotly debating the nature of the effects of the new judiciary-agency partnership.

This "critical case study"⁸ of the courts and the EPA challenges much of the conventional wisdom about judicial influence on agency policy making and administration espoused by modern authors and other contemporary thinkers, both conservative and liberal. This challenge is accomplished through the analysis of both a range of changes in EPA policies and procedures across statutory areas and a range of reactions evidenced by EPA administrators to court decisions. By providing a broad window into the world of the interaction of the EPA and federal courts, this case study yields a more complete understanding of the impact of court decisions on public agencies.⁹

Setting the Stage: The U.S. Environmental Protection Agency

When President Richard M. Nixon called for a major reshuffling of federal agencies to create the Environmental Protection Agency in July of 1970, he did so apparently less out of an interest in cleaning up the environment than out of concern for his own political career. Two months earlier, on Earth Day—April 22, 1970—millions marched to demonstrate their commitment to a less polluted earth. Public opinion polls showed that U.S. citizens ranked pollution second only to crime in their list of the most serious domestic problems.¹⁰ Nixon had been in office for two and a half years, and his most visible challenger in the next presidential election was Senator Edmund Muskie (D-Maine) who had preempted the environmental policy field on the national level. Nixon apparently wanted to take the spotlight off of Muskie and other Democratic environmental legislators and shine it on himself.

Initially the EPA was given no new functions or powers by Congress or by the president. When the agency opened its doors on December 2, 1970, it began operation for fiscal year 1971 with 5,650 employees and a budget of \$1.4 billion, combined from several different federal programs and departments (see Table 1). The largest organizational components were taken from the National Air Pollution Control Administration, housed in the Department of Health, Education and Welfare (HEW), and the Federal Water Quality Administration, housed in the Department of the Interior (see Figure 1).

The reorganization was bitterly opposed by Walter J. Hickel, then secretary of the interior, who had proposed that all environmental programs be shifted to his department and that the name be changed to the Department of the Environment. (Hickel was

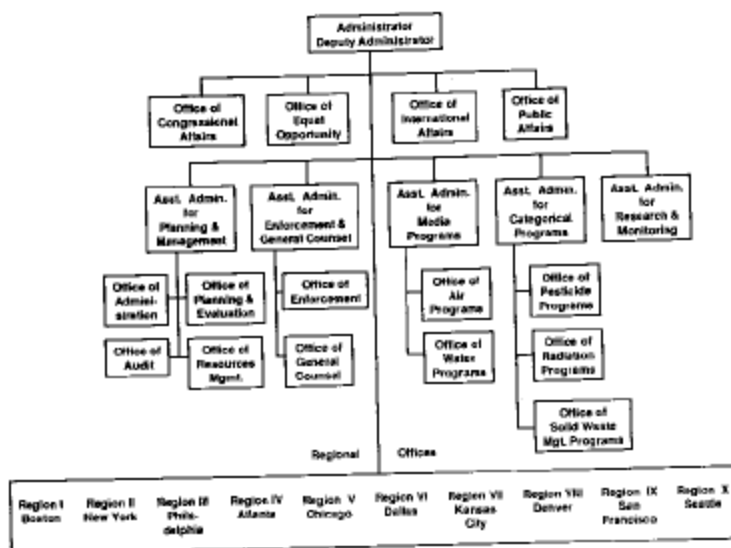
Table 1
The EPA "Inheritance"

Inherited Subunit	"Donor"	Number of Personnel	Fiscal Year 1971 Budget (\$ millions)
Federal Water Quality Administration	Interior	2,670	1,000.0
Bureau of Water Hygiene	HEW	160	2.3
National Pollution Control Administration	HEW	1,100	110.0
Bureau of Solid Waste Management	HEW	180	15.0
Pesticides Regulation Division	Agriculture	425	5.1
Office of Pesticides Research	HEW	275	10.7
Research on Effects of Pesticides on Wildlife and Fish	Interior	9	0.2
Bureau of Radiological Health	HEW	350	9.0
Federal Radiation Council	Intra-agency	4	0.1
Division of Radiation Protection Standards	Atomic Energy Commission	3	0.1

Source: Kennedy School of Government, *William Ruckelshaus and the Environmental Protection Agency*, Case #C16-74-0270.

dismissed by the president a few months later for taking too harsh a stand against perpetrators of oil spills.) Clifford M. Hardin, Nixon's secretary of agriculture, and Robert H. Finch, Nixon's secretary of HEW, also vigorously opposed the creation of the EPA, apparently fearing a loss of programs and power. Although the plan was accepted by Congress generally, it was

Figure 1
EPA Organization Chart, December 2, 1970



Source: Council on Environmental Quality, *Second Annual Report of the Council on Environmental Quality* (Washington, D.C.: Government Printing Office, August, 1971).

criticized by many congressional committee chairpersons who were afraid that the reorganization would lessen their power over particular departments and agencies.

The creation of the EPA was initially supported by many industry officials, who wanted one federal regulator, not several, establishing pollution control standards. A 1970 *Fortune* magazine poll concluded, for example, that 53 percent of the executives surveyed approved of having a single federal agency to implement pollution control programs. Moreover, the same survey showed that 57 percent of the executives supported increased environmental regulation. Eighty percent of the respon-

dents said that they favored environmental protection even if it would inhibit new products, cause production to become stagnant, and reduce profits.¹¹ The new agency was also supported by conservationists who believed that no organization charged with promoting the development of a natural resource (such as minerals, oil, or forests) should be charged with protecting the environment against the potentially negative effects of this development. Joining the conservationists were those who delighted in the smashing of long-held bureaucratic strongholds. For example, the new agency was heralded in a *New York Times* editorial as "the triumph of imagination over the politics of special interest."¹²

The early months of the agency were tumultuous. On his first day as administrator of the agency, William Doyle Ruckelshaus pledged to "go after the polluters," adding that antipollution enforcement must be "as forceful as the laws provide." Urging the "development of an environmental ethic," Ruckelshaus said that the United States could no longer afford the unbridled progress symbolized by "industrial smokestacks belching their poisons into the air."¹³ In return, the new EPA director was immediately confronted with an administrative proposal to withdraw the tax-exempt status of public interest groups that file environmental lawsuits and a presidential proposal to relax regulations concerning oil spills.

In other areas, the EPA has been caught between the White House, which generally has expressed concerns about the potential negative impact on the economy that pollution control laws may have, and Congress, which generally has sought to push the EPA toward rapid pollution cleanup. A prime example is the 1970 Clean Air Act. The EPA estimated that \$320 million would be needed in fiscal year 1973 to implement the law. President Nixon officially requested only \$171.6 million: \$148.4 million less than

the EPA's estimated need. Congress eventually upped the ante, authorizing \$300 million for that year, and the Clean Air Act was shepherded through Congress by Senator Muskie. When the president held a ceremony to sign the act, however, Senator Muskie was excluded from the invitation list.

The Nixon administration's lukewarm treatment of the agency also was reflected in the continual lack of support exhibited by other federal agencies. When the EPA proposed guidelines to aid states in drawing up plans for implementing the Clean Air Act, for example, it asked other federal agencies for comments. The Federal Power Commission (now the Federal Energy Regulatory Commission) objected to the EPA's preference for the use of low-sulfur fuels in power plants, citing the need for more electricity. The Commerce Department objected to the economic infeasibility of the plan, citing the lack of opportunity for states to take into consideration the ability of individual plants to meet the Clean Air Act regulations. And the Department of Defense objected to the fact that military installations and major defense contractors were not exempted from the antipollution plans.

These battles over political turf between the EPA and other federal organizations continue today, exacerbated by an increasingly complex political and economic environment. The EPA of the 1990s is continually caught between competing interests—the president, Congress, the public, environmental groups, and industry. As soon as they feel the cost of regulation, industry groups complain, and politicians wince, putting pressure on the agency to back off. An example is the statement by Senator Jake Garn (R-Utah) that if the EPA failed to “clean up its act,” then as chairperson of a congressional budget committee he would “do anything he . . . [could] to gut . . . [the agency's] budget.”¹⁴

Nevertheless, since the days of EPA Administrator Anne M. Gorsuch, when “sweetheart deals” with polluting industries were

reported, politicians have become even more demanding of the agency and much more confrontational.¹⁵ Accordingly, Congress's function in overseeing the agency has grown in a topsy-turvy fashion. The EPA originally had only a handful of congressional committees to deal with, and these were generally friendly (with the exception of Representative Jamie Whitten's Agricultural Committee, discussed in Chapter Three). Today over one hundred congressional committees and subcommittees are responsible for overseeing the EPA.

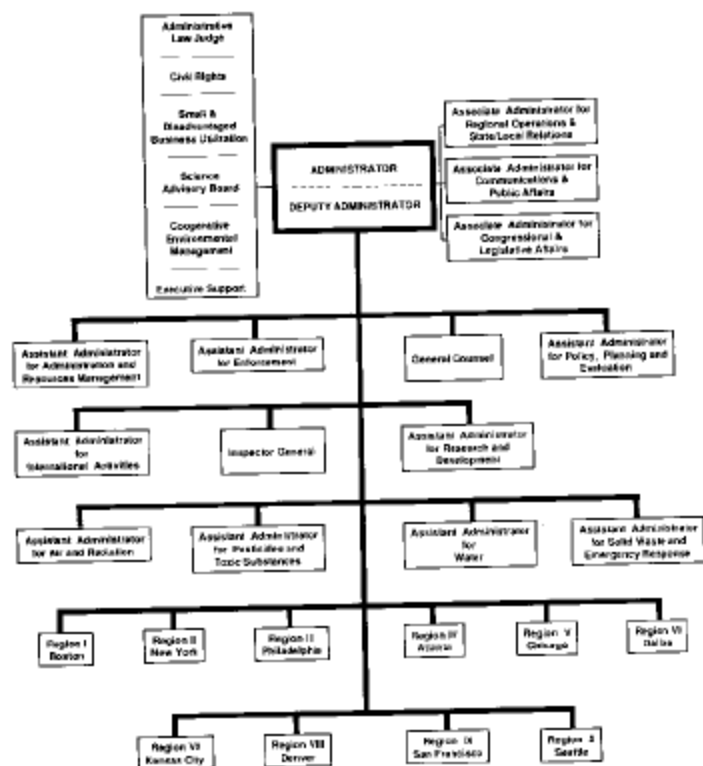
Organizational Structure

The EPA is organized in what Bruce Ackerman and William Hasler call a new approach to regulation.¹⁶ Unlike most regulatory agencies, the EPA has one administrator, rather than a board or commission. The EPA administrator is appointed by the president and confirmed by the Senate, without the protection of the fixed term that is usually granted to heads of regulatory agencies.

By design the agency is not a member of the president's cabinet, but this may change in the 1990s. Several bills were introduced in Congress to elevate the EPA to cabinet status, but none was successfully endorsed by both the House of Representatives and the Senate as of July, 1993.¹⁷ In November, 1992, William J. Clinton was elected president of the United States. One of Bill Clinton's campaign promises was that he would elevate the EPA to cabinet-level status. Senator John Glenn (D-Ohio), at the request of President Clinton, introduced a bill soon after the inauguration that would elevate the EPA to the cabinet. On February 24, 1993, however, the White House asked the Senate to halt consideration of the bill temporarily.¹⁸ Congresspersons and environmentalists had expressed concern about President Clinton's announced plan to eliminate the Council on Environmental Quality (CEQ) and to transfer CEQ functions to the new Office of

Environmental Policy at the White House. Further, draft bills were circulating that would give all CEQ responsibilities not to the White House but to the EPA, and jurisdictional conflicts were emerging among congressional committees. As of the writing of this chapter, Senator Glenn and President Clinton were attempting to address these controversies before proceeding with the

Figure 2
EPA Organization Chart, 1992



Source: U.S. Environmental Protection Agency Office of Public Affairs.

elevation of the EPA to cabinet status. At the same time, Carol Browner, the new EPA administrator, was participating fully in the president's cabinet and was fostering discussion among cabinet members concerning the coordination of environmental policy among federal organizations.

Many maintain that the additional prestige derived from cabinet-level status would be more than offset by a lack of effectiveness prompted by increased pressures to support presidential programs regardless of their effect on the environment. Moreover, because environmental problems cut across so many jurisdictions and the EPA is forced to work with a myriad of federal agencies, many believe that the independence of the agency is essential.

The EPA comprises a headquarters with eleven core offices located in Washington, D.C., and ten regional offices. Although the agency was originally conceived as an organization molded around "functional" administrative offices (such as research and monitoring, planning and management, and standards and compliance), it has evolved into a combination of functional and programmatic units (see Figure 2).

EPA regional directors and assistant administrators are a mix of those who have made their careers in antipollution work and those who received their appointments primarily because of political connections. In the first year of the agency, Ruckelshaus became involved in a fight concerning these appointments. In July of 1971, one environmental newsletter wrote:

The scramble for EPA regional directorships . . . [is] nothing short of ghoulish. Apart from the wrecked careers of some dedicated civil servants now acting as regional directors, *Air and Water News* sees a heightened potential for chaos in antipollution en-

forcement. We urge the White House to stop paying off political debts with our environmental heritage.¹⁹

At that time, Ruckelshaus was able to control seven of the ten regional appointments and most of the assistant administrator appointments. In Atlanta, however, a man with twenty-seven years of experience in environmental work and a reputation for strict enforcement of pollution laws was replaced by an individual whose only claim to the job, by all accounts, was an eleven-month appointment as the administrative assistant to Senator Strom Thurmond of South Carolina.²⁰ Similar politically motivated appointments were made in Denver and Boston that year, to the dismay of many supporters of the new agency.²¹ This tension between political and career employees continues today and has exacerbated policy differences between diverse factions both inside and outside the agency.

EPA's Programs and Functions

Although all of the EPA's organizational units share its goal "to protect and enhance our environment today and for future generations to the fullest extent possible under the laws enacted by Congress,"²² the agency derives its authority from a patchwork of statutes with different legal foundations. Adding to the air and water statutes inherited from the Department of the Interior and HEW, Congress passed legislation in 1970 to increase the agency's authority to regulate solid waste and in 1972 to increase the agency's authority to regulate pesticides. In 1974 Congress created a new drinking water program, and in 1976 both a toxic substances program and a hazardous waste program were born. In 1980 Congress enhanced the agency's capacity for cleaning up hazardous wastes by creating the national Superfund program.

Seven major environmental laws enacted by Congress are implemented by the EPA:

1. Clean Air Act (CAA)
2. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) as amended by the Superfund Amendments and Reauthorization Act (SARA)
3. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
4. Federal Water Pollution Control Act (FWPCA or the Clean Water Act [CWA])
5. Resource Conservation and Recovery Act (RCRA)
6. Safe Drinking Water Act (SDWA)
7. Toxic Substances Control Act (TSCA)

The EPA also has some responsibility to implement other statutes, including the following:

Asbestos School Hazard Abatement Act

Coastal Management Act

Deep Water Ports Act

Energy Policy and Conservation Act

Emergency Planning and Community Right to Know Act

Environmental Research, Development and Demonstration Authorization Act

Federal Food, Drug and Cosmetic Act

Marine Protection, Research and Sanctuaries Act

National Environmental Policy Act

Noise Control Act

Nuclear Regulatory Act

Nuclear Waste Policy Act

Ocean Dumping Act

Outer Continental Shelf Lands Act
 Quiet Communities Act
 Rivers and Harbors Act (Refuse Act)
 Surface Mining Control and Reclamation Act
 Uranium Mill Tailings Radiation Control Act
 Used Oil Recycling Act

The six major programs and functions controlled by the EPA are pesticides, air protection, water protection, radiation, toxic substances, and hazardous waste.²³

Pesticides. The major objectives of the pesticide program are to protect the public from unreasonable pesticide risks and to permit the use of necessary techniques for controlling pests. The EPA reviews new and existing pesticide products, while developing techniques for the proper application of pesticides. It undertakes research to develop up-to-date information on pesticide products, and it enforces pesticide laws through the administrative and judicial process.

Air Protection. The EPA coordinates a nationwide program of air pollution research, regulation, and enforcement comprising several activities. The agency oversees state and local governments, which have primary responsibility for the prevention and control of air pollution, and takes action where states do not fulfill their responsibilities. The agency also determines and enforces standards for air quality, emissions control, and the regulation of hazardous air pollutants. The air research and development program attempts to identify, and if possible quantify, the adverse effects of exposure to air pollutants on human health and to develop new technologies for preventing and controlling air pollution.

Water Protection. The EPA's water quality program is multifaceted. The agency, or a delegated state agency, issues permits for pollution discharges pursuant to National Pollutant Discharge Elimination System guidelines. A pretreatment program for industrial sources that discharge pollution into municipal wastewater treatment facilities also is administered by the EPA or delegated to the states. The construction grants office oversees state and U.S. Army Corps of Engineers activities in the construction of wastewater treatment plants, but funds for such activities are rapidly diminishing.

EPA officials work with state administrators to train operators of municipal wastewater treatment facilities. The agency also implements a program to regulate ocean disposal of pollutants and oversees the monitoring and analysis of national water quality by the states and the U.S. Geological Survey under a grant program.

The EPA's drinking water program is primarily an effort to protect public health. The agency supervises public drinking water systems to ensure that utilities comply with appropriate standards. In addition, the agency implements a program to protect present and future sources of drinking water from contamination by underground injection. All of these responsibilities can be delegated to the states.

Radiation. The radiation program spans all media regulated by the EPA. A substantial effort to identify and characterize the problem of indoor radon was initiated in 1980 and continues today. The radiation research and development subunit identifies and evaluates the health effects of exposure to radiation. The abatement and control activities concentrate primarily on the establishment of specific criteria and standards for environmental radiation protection programs.

Toxic Substances. The EPA's toxic substances program centers on two main functions. The first function entails the development of adequate data on the effects of chemical substances on health and the environment. The second function concerns the regulation of chemicals that present an unreasonable risk of injury to health or the environment. The program also responds to toxic emergencies through either legal or administrative proceedings.

Hazardous Waste. The main purpose of the EPA's hazardous waste program is to protect public health and the environment from damages caused by improper waste management. The agency regulates the generation, transportation, storage, treatment, and disposal of hazardous wastes. Where states have primary responsibility over hazardous wastes, the EPA oversees their programs. In states that have not assumed primary responsibility for hazardous waste management, enforcement centers on administrative and public hearing requirements for issuing permits and monitoring compliance.

Under the Superfund program, the EPA undertakes a number of responsibilities. The agency responds to emergencies involving hazardous substance spills and emergencies caused by uncontrolled and abandoned hazardous waste sites that may present an imminent danger to public health. EPA staff members and contractors take long-term remedial and containment actions at sites where responsible parties cannot be identified or refuse to take appropriate action.

The EPA takes responsibility for continually updating and revising the National Contingency Plan for hazardous waste, which contains definitive guidelines on methods of site discovery, evaluations, and alternative remedial actions. The agency also conducts enforcement activities designed to identify parties re-

sponsible for hazardous waste sites and spills. Once a potentially responsible party is designated, the agency uses enforcement actions to induce the party to undertake acceptable remedial actions. Finally, the agency uses enforcement actions against liable parties to recover costs incurred by the EPA for cleanup actions at sites and spills.

The EPA in Court: The Players

The enforcement strategy of the EPA was developed by the agency's first administrator in the early 1970s. Formerly an attorney with the Justice Department, Ruckelshaus brought with him a preference for aggressive enforcement of environmental laws through the courts. The agency attorneys were initially on the offensive and deliberately sought to win court victories to send a message to polluters and to the general public. At first industry officials were reluctant to challenge the EPA at every turn, fearing that they might generate a negative public image. As the agency has matured and the financial stakes involved in pollution control have increased, however, the EPA has found its actions challenged more frequently by industry officials who maintain that the agency oversteps its bounds and environmental groups that maintain that the agency is not being aggressive enough. Congress sided with environmental groups by strengthening their position in court through the enactment of citizen suit provisions in six of the EPA's seven major statutes (although industry, state, and profit-motivated attorneys in private practice also have filed suit under such provisions). These laws give "citizen groups" the right to sue and often reward successful anti-EPA plaintiffs with attorneys' fees and litigation expenses. EPA Administrator William K. Reilly once estimated that 80 percent of his decisions were appealed to the courts.²⁴

Several kinds of groups regularly engage with the EPA in

court. Most can be categorized as "repeat players";²⁵ organizations that frequently interact with the agency over extended periods of time. First and foremost is the Justice Department, which approves and files the majority of EPA lawsuits. Attorneys for the EPA often grumble about the time and effort they put into the preparation of a lawsuit only to be upstaged by a Justice Department attorney who may take the lead in court. Justice Department attorneys are also consulted about the EPA's implementation of court decisions.

The major foes of the EPA in court are generally at opposite ends of the spectrum of pollution control policy.²⁶ Large companies whose products are regulated by the EPA (such as Monsanto, Dow Chemical, Shell Oil, and Union Carbide) and trade associations that represent groups of companies (such as the National Coal Association or the National Solid Wastes Management Association) often appeal EPA administrative decisions and rules to courts. They usually complain that the EPA regulations cost jobs, restrict economic growth, and are unnecessarily costly and cumbersome to comply with.

On the other end of the spectrum are the not-for-profit environmental groups. These organizations range from the hundred-year-old Sierra Club to the newer organizations founded in the late 1960s and early 1970s, such as the Environmental Defense Fund, the Natural Resources Defense Council, and Citizens for a Better Environment. The largest of the litigious not-for-profit environmental groups is the National Wildlife Federation, with a membership of approximately 4.5 million. Most environmental groups are funded by grants, membership fees, donations, and court-awarded attorneys' fees. When in court, representatives of these environmental groups usually maintain that EPA antipollution measures are not stringent enough to protect the environment and human health adequately.

Other individuals and groups interact with the EPA in court

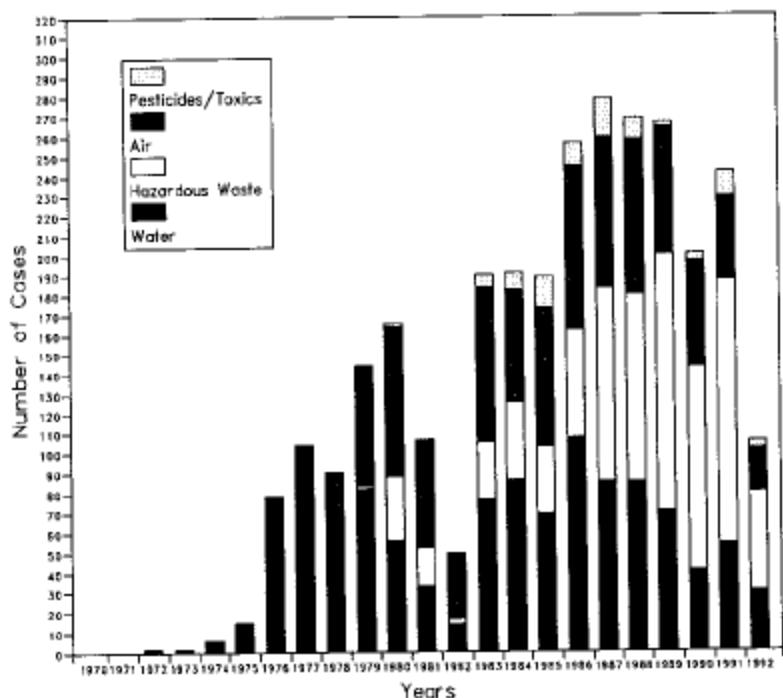
on a much less frequent basis. These include other federal government organizations such as the Department of Energy (see Chapter Six) and the Department of Defense, whose facilities have had environmental problems. Although the general rule in the past has been that the EPA will not fine another federal agency, that is changing. In October, 1992, President George Bush signed into law the Federal Facilities Compliance Act that gives the EPA and states the authority to levy fines and penalties against federal facilities that violate the Resource Conservation and Recovery Act (see Chapter Six). Critics of this approach point out that these EPA-levied fines merely transfer funds from, and then back to, the U.S. Treasury. Supporters of the fines think it may be the only way the EPA can show that it is serious about cleaning up polluting federal facilities. Matters concerning other federal organizations typically are handled out of court, but that may change in the future. The Office of Management and Budget has been cited as a defendant in a suit filed by environmental groups that charged that the office unduly interfered with the EPA's process of promulgating regulations (see Chapter Six). State attorneys general, state environmental agencies, local governments, and affected citizens have gone to court with the EPA, both as plaintiffs and as defendants.

The EPA in Court: The Process

A dispute involving the EPA can get to court in several ways. In situations where the EPA proposes to assess a civil penalty against a party violating a statute or regulation, or where the agency proposes to deny, modify, or revoke a license or permit, most environmental statutes require that it first grant the party a hearing on the matter.²⁷ Most of these hearings are governed by the Consolidated Rules of Practice²⁸ and are presided over by one of the EPA's administrative law judges.²⁹ The administrative law judge issues an opinion, which may be appealed to the agency

Figure 3

District Court Cases Filed by the EPA, 1970–June, 1992



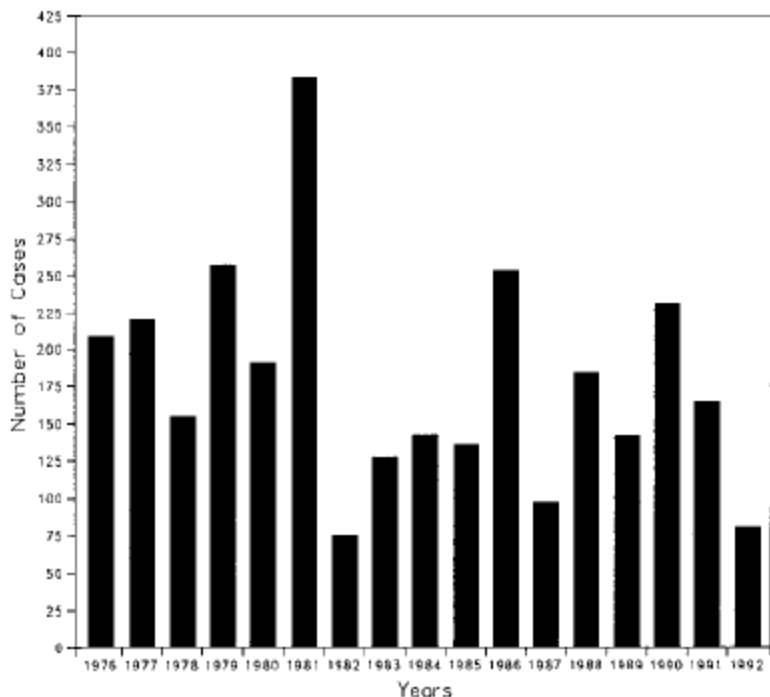
Note: Over 50 percent of these cases were settled, withdrawn, or dismissed.

head.³⁰ The decision may then be appealed to federal district court.

Rule making at the EPA is guided by the Administrative Procedure Act. The Administrative Procedure Act requires agencies to provide notice and an opportunity for participation in the rule-making process. The EPA's general policy is to provide a hearing on regulations upon written request. Challenges to EPA

Figure 4

Appeals of EPA Administrative Decisions to U.S. Courts of Appeals, June, 1976–June, 1992



Note: Over 50 percent of these cases were settled, withdrawn, or dismissed.

rules, as well as alleged violations of the Administrative Procedure Act, are appealed to the courts of appeals.

Most of the EPA's statutes contain specific provisions for direct judicial review of other agency actions either in district courts (see Figure 3) or in courts of appeals (see Figure 4). Unless an issue falls within a category specifically set aside for review in a court of appeals, however, the proper forum is a district court. Industry groups and environmental groups are becoming increas-

ingly sophisticated in "forum shopping," in which they search for the court most sympathetic to their side of a case.

Conclusion

The unique setting of the EPA provides an opportunity to examine the impact of federal court decisions on an entire federal agency. Viewing the varying impacts from an agencywide perspective is important because it serves to widen and balance our understanding of the implications of court-EPA interactions. This book presents several intricate case studies of the judicial-EPA "partnership" in the important environmental policy areas of water pollution, hazardous waste, toxics, pesticides, and air pollution. The concluding chapter moves out of the sample and into the universe, describing the cumulative effects of federal courts on the policies and administration of the EPA and assessing the implications of the "new partnership" between the courts and the agency.