

The Florida Handbook of Solid and Hazardous Waste Regulation: Overview¹

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Overview

Federal law regulating the management of solid and hazardous wastes can be found in many different acts of Congress. For example, the Resource Conservation and Recovery Act (RCRA) affects waste management. No single comprehensive federal law for solid and hazardous waste management exists, although RCRA touches on most of the major issues.

There is also no single comprehensive state law that typically fills in the gaps and supplements federal law. In some cases, as in RCRA, the federal government delegates the responsibility for administering the statute to a state agency. In many instances, state law standards are stricter than federal standards. Consequently, although compliance with state law *may* ensure compliance with federal laws, the converse is not necessarily true. Because state and federal laws often have different purposes, the specific regulations may vary. For example, the federal government may regulate pesticides to protect consumers while the state

regulates pesticides to protect farmworkers. Both statutes regulate pesticides but for different reasons. Therefore compliance with state regulations is not always sufficient to ensure compliance with federal regulations.

Local regulation may be stricter still. Counties and cities in Florida are becoming increasingly aware of the dangers posed by mismanagement of wastes, and are concerned about bearing a disproportionate share of the costs of such mismanagement. Local regulations are not covered in this handbook due to the number and diversity of those regulations throughout the state. We strongly recommend that you contact your local county and city commissions, as well as the local waste-planning agency, for detailed information about local waste management regulations.

If you have questions about whether you have complied with all applicable regulations, always ask, as it is well recognized in the American legal system that ignorance of the law is not an excuse. It is best to prevent a potential problem entirely. Next best is to investigate and correct

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a problem early. The least desirable option is to allow a problem to get out of control and to suffer the penalties. Not knowing or understanding the rules will not protect you from these penalties.