

FEDERAL REGULATION OF NON-NUCLEAR HAZARDOUS WASTES: A RESEARCH BIBLIOGRAPHY

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In 1973, the Environmental Protection Agency sent to Congress its first comprehensive report on the growing problems of hazardous waste disposal in the United States.¹ The report signalled the beginning of a decade of public and governmental concern over the regulation of chemical wastes. By 1981, two major pieces of federal legislation had been enacted.

The first was the Resource Conservation and Recovery Act of 1976 (RCRA),² a general reworking of the existing Solid Waste Disposal Act. Subtitle C of RCRA established a comprehensive program of hazardous waste management and provided the framework for "cradle to grave" regulatory coverage.³

The RCRA approach was primarily prospective, however, and it failed to provide for the cleanup of existing inactive hazardous waste sites. In 1979, the EPA estimated that there were as many as 50,000 such sites, 1200 to 2000 of which posed a "serious risk to public health."⁴ Spurred in part by publicity over the Love Canal incident in New York,⁵ and by the EPA's slow progress in promulgating RCRA regulations,⁶ Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), popularly known as the "Superfund Act."⁷ CERCLA provides authority for emergency responses to releases of hazardous waste from inactive sites, creates a Hazardous Waste Response Trust Fund, and establishes the liability of those responsible for releasing hazardous wastes into the environment.

The two laws form the basis of current federal authority to regulate non-nuclear hazardous waste. Each has been the subject of considerable comment and analysis in legal literature, as has been the general topic of federal regulation in the area. Their passage and implementation have also generated numerous congressional documents and federal agency reports. This bibliography attempts to be comprehensive in its coverage of legal journal articles and congressional material.

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1. U.S. ENVTL. PROTECTION AGENCY, REPORT TO CONGRESS ON HAZARDOUS WASTE DISPOSAL (1973).

2. Pub. L. No. 94-580, 90 Stat. 2795 (codified as amended at 42 U.S.C. §§ 6901-6987 (1976 & Supp. V 1981)).

3. 45 Fed. Reg. 33066 (1980). RCRA regulations are at 40 C.F.R. pts. 260-267 (1982).

4. H.R. REP. NO. 1016, pt. I, 96th Cong., 2d Sess. 18 (1980).

5. *See generally*, M. BROWN, LAYING WASTE: THE LOVE CANAL AND THE POISONING OF AMERICA (1980).

6. H.R. REP. NO. 1016, *supra* note 4, at 22.

7. Pub. L. No. 96-510, 94 Stat. 2767 (codified at 42 U.S.C. §§ 9601-9657 (Supp. V 1981)).

Coverage of monographic literature and other federal documents excludes popular treatments and material on the scientific and technical aspects of hazardous waste management. The bibliography does not cover other federal statutes dealing with regulation of the chemical industry or toxic substances. Nor does it cover the regulation of nuclear wastes. Material on state regulation of hazardous waste is included because of the influence of federal law on state policies.

The bibliography is divided into three sections, the first covering general works; the second, RCRA; and the third, CERCLA. Each section includes a list of periodical and monographic literature, and one of government documents. A listing of loose-leaf and other current awareness services is included under the first section.

Citation form generally conforms to the requirements of *A Uniform System of Citation* (13th ed. 1981). Additional information has been supplied where appropriate.

I

GENERAL WORKS

A. Articles and Monographs

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The texts of the two laws, associated regulations, and information on new developments in the area can be found in the general environmental law loose-leaf services cited below, as well as in several specialized services:

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II

RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

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III

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