

Administrative Activities

Executive and independent agencies perform various less well-known but equally important tasks, including advising, conducting research, issuing permits, managing property, and providing information to regulated entities, as well as to the general public. One of the most common ways individuals come into contact with agencies is when agencies advise businesses and individuals as to whether the agency considers an activity legal or illegal. Agencies also conduct studies of industry and markets. For example, OSHA and the Food and Drug Administration (FDA) conduct studies to determine safety in the workplace and whether drugs are harmful to the public. Agencies also devote much of their time to issuing licenses or permits. The EPA, for example, helps protect the environment by requiring certain environmentally sound activities before granting permits. Finally, agencies often are responsible for managing property.

Agencies also provide information to the general public on various matters through hotlines (Table 3-2), publications, and seminars. One of the more innovative ways the EPA provides information to regulated entities is through its Web-based compliance assistance centers. These centers were established in conjunction with industry, academic institutions, environmental groups, and other agencies. Each Web-based center provides businesses, local governments, and federal facilities with information and

TABLE 3-2 Environmental Hotlines for Federal Government Agencies

<i>Consumer Product Safety Commission</i> For information or to report a product with an actual or potential hazard	(800) 638-2772
<i>National Institute for Occupational Safety and Health (NIOSH)</i> For questions concerning workplace health hazard evaluations	(800) 232-4636
<i>National Response Center Hotline</i> To report a release or spill of oil or hazardous waste materials anywhere nationwide	(800) 424-8802
<i>Occupational Safety and Health Administration (OSHA)</i> To report a fatality or imminent life-threatening situation; for general labor complaints contact the regional office	(800) 321-OSHA
<i>U.S. Environmental Protection Agency (EPA) Safe Drinking Water Hotline</i> For questions about drinking water standards and contaminants	(800) 426-4791
<i>RCRA—Superfund Hotline</i> For general information on Superfund sites and hazardous waste laws	(800) 424-9346
<i>Emergency Planning and Community Right-to-Know</i> For questions about the national right-to-know law and state and local emergency planning efforts	(800) 535-0202
<i>U.S. Federal Bureau of Investigation</i> To report potential criminal violations of environmental laws	Contact your local FBI Field Office: http://www.fbi.gov/contact-us/field

guidance on environmental requirements and ways to save money through pollution-prevention techniques. Information is provided on a sector-by-sector basis. To make use of these centers, the interested person would go to <http://www.assistancecenters.net/>, the home page for compliance assistance centers, and click on the sector about which they need information. They will be taken to a Web site that explains all the environmental regulations applicable to them in plain language, as well as links to other valuable Web sites and various Web-based tools such as compliance checklists.

LIMITATIONS ON AGENCY POWERS

Statutory Limitations

Certain federal statutes restrict the power of administrative agencies. One of these limiting statutes, the APA, has been discussed previously. Its rule-making procedures, for example, mandate public involvement. Two other acts are especially helpful in keeping agency action open to the public, preventing secret, arbitrary, or capricious activity: the Freedom of Information Act and the Government in Sunshine Act.

The Freedom of Information Act requires federal agencies to publish in the *Federal Register* places where the public can get information from agencies. It also requires publication of proposed rules and policy statements. Finally, it requires agencies to make such items as staff manuals and interpretations of policies available for copying to the public, upon request. The Government in Sunshine Act requires agency business meetings to be open to the public if the agency is headed by a collegiate body. A collegiate body consists of two or more persons, the majority of whom are appointed by the president with the advice and consent of the Senate. This open-meeting requirement applies only when a quorum is present. The law also requires agencies to keep records of closed meetings.

In addition, the Federal Tort Claim Act allows private citizens to sue the government for damages caused by improper acts of employees of federal administrative agencies. The act forces an agency to waive sovereign immunity for its tortious actions and those of its employees. Tortious actions under this act include assault, battery, abuse of prosecution, and false arrest. For example, if an inspector from the EPA illegally enters a business property and pushes the owner who is trying to block the door, and if the owner is injured as a result of the assault, the EPA inspector, as well as the agency, may be held liable.

Institutional Limitations

EXECUTIVE BRANCH The executive branch limits the power of administrative agencies through (1) the power of the president to appoint the heads of the agencies, (2) the power of the OMB to recommend a fiscal year budget for each agency, and (3) the power of the president to issue executive orders. As already discussed, the president appoints the head of each agency, as well as some lower-level heads of departments and divisions that do not fall under the federal civil service system. Presidential appointees usually have the same philosophical bent as the chief executive and are often of the same party. Each president thus gains some influence over both independent and executive agencies.