



# U.S. Department of Justice

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## GENERAL

The U.S. Department of Justice (DOJ) can provide expert advice on complicated legal questions arising from discharges or releases, and Federal agency responses. In addition, the DOJ represents the Federal government, including its agencies, in litigation relating to such discharges or releases. Other legal issues or questions shall be directed to the Federal agency counsel for the agency providing the OSC for the response.

DOJ's Environment and Natural Resources Division, which is organized into ten sections, has primary responsibility for litigation on behalf of the United States regarding prevention and clean up of pollution, environmental challenges to Federal programs and activities, stewardship of public lands and natural resources, acquisition of property for Federal needs, wildlife protection, and Indian rights and claims. With offices across the United States, the Division is the nation's environmental lawyer, and the largest environmental law firm in the country.

### Mission and Goals

DOJ's Environment and Natural Resources Division provides expert advice on complex legal issues involving:

**Pollution and Cleanup of Pollution:** One of the Division's primary goals is to enforce Federal civil and criminal environmental laws such as:

- The Clean Air Act to reduce air pollution
- The Clean Water Act to reduce water pollution and protect wetlands
- The Resource Conservation and Recovery Act (RCRA) to ensure hazardous wastes are properly stored, transported, and disposed
- the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- the Safe Water Drinking Act and Lead Hazard Reduction Act

**Challenges to Federal programs and agencies:** The Division's cases frequently involve allegations that a Federal program or action violates Constitutional provisions or environmental statutes.

**Property Acquisition for Federal Needs:** Another significant portion of the Division's caseload consists of non-discretionary eminent domain litigation. This important work, undertaken with Congressional direction or authority, involves the acquisition of land for important national projects such as National Parks, the construction of federal buildings, and for national security related purposes.

### Organization/Structure

The Environment and Natural Resources Division is organized into ten sections, including:

- Environmental Crimes Section
- Environmental Defense Section
- Natural Resources Section
- Wildlife and Marine Section
- Indian Resources Section
- Land Acquisition Section
- Law and Policy Section
- Appellate Section
- Executive Office



## Role/Responsibility

During a response, under the NCP for oil and hazardous materials, under the Stafford Act for presidentially declared disasters or emergency, or under the National Response Framework, DOJ plays a significant role in the federal response. Their primary strategic role of DOJ is to provide expert legal advice, particularly regarding potential criminal cases. The Attorney General has lead responsibility for criminal investigations of terrorist acts, where such acts are within the Federal jurisdiction of the United States. The Attorney General, through cooperation with other Federal departments and agencies, also coordinates the activities of other members of the law enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States.

## Laws/Authorities Governing their Response (to be reviewed)

- The National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
- The Oil Pollution Act of 1990
- National Response Framework (NRF)
- The Comprehensive Environmental Response, Compensation, and Liability Act,
- Executive Order 12148 — Federal Emergency Management
- Executive Order 12656 — Assignment Of Emergency Preparedness Responsibilities
- Executive Order 12777 - Outlines the responsibilities of certain Federal agencies in preventing and containing discharges of oil and hazardous substances
- The Robert T. Stafford Disaster Relief and Emergency Assistance Act
- The Post-Katrina Emergency Management Reform Act
- Flood Control and Coastal Emergencies Act
- The Defense Production Act of 1950 as Amended
- The National Emergencies Act
- HSPD-5 - Management of Domestic Incidents
- HSPD-7 - Critical Infrastructure
- HSPD-8 - National Preparedness
- HSPD-9 - Defense of United States Agriculture and Food

## Response Requirements

During times of national threat or a Presidential Declaration, the Department of Homeland Security serves as the planning integrator for the President for a more robust federal incident management capability and in order to coordinate all Federal incident Management Activities in support of our State and local partners. All Federal departments and agencies may play significant roles in incident management and response activities, depending on the nature and size of an event. The Federal Emergency Management Agency (FEMA) coordinates response support from across the Federal Government and certain non-governmental organizations (NGOs) by calling up, as needed, one or more of the 15 Emergency Support Functions (ESFs).

Each of these functions are coordinated by a single agency (Primary ESF Coordinating Agency) but may rely on other

agencies (Support Agencies) to provide resources for each functional area. The mission of the ESFs is to provide the greatest possible access to capabilities of the Federal Government regardless of which agency has those capabilities. Under the National Response Framework (formerly known as the National Response Plan), the DOJ and its member divisions and services play a role (either as the Primary or as a Support agency) for the following ESFs:

ESF #	Primary Agency	Support Agency
1 Transportation		X
2 Communications		
3 Public Works & Engineering		
4 Firefighting		
5 Emergency Management		X
6 Mass Care, Emergency Assistance, Housing, and Human Services		X
7 Logistics Management and Resource Support		
8 Public Health and Medical Services		X
9 Search and Rescue		X
10 Oil and Hazardous Materials Response		X
11 Agriculture and Natural Resources		X
12 Energy		
13 Public Safety and Security	X	
14 Long-Term Community Recovery		
15 External Affairs		X