

Structure of Government

Full Script

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Welcome to the Public Health Law Academy's training on the Structure of Government: Exploring the Fabric and Framework of Public Health Powers. The content for this training was originally developed by ChangeLab Solutions and the Centers for Disease Control and Prevention's Public Health Law Program.

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Here's what we'll be talking about today.

We'll first provide an overview of the basic structure and functions of government in the United States.

Then we'll describe how a balance of powers is maintained between the three branches of government – that is, the separation of powers.

Next we'll introduce the various types of laws that different branches of government can create.

We'll then look at those types of laws in the context of public health when we discuss governmental public health authority.

And finally, we'll discuss why intergovernmental collaboration is so important for achieving improved health outcomes.

Understanding the basic structure of government is more important than ever today. We'll try to use as many examples as possible throughout today's presentation to bring these concepts to life – we also encourage you to think of your own!

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Let's begin with the basic structure and functions of government in the United States.

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As you know, there are three levels of government in this country: federal, state, and local. Government authority, including the power to create and enforce laws related to public health, is divided between these three levels.

Understanding the source of this authority – and how it varies between the federal, state, and local levels – is the basis for understanding the structure of government in the United States.

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Starting with the federal government. The U.S. Constitution is the source of the federal government's authority. It sets forth the extent and limitations of the federal government's powers.

Specifically, the powers the Constitution grants to the federal government can be classified in three ways, which are here on this slide. They are:

- Enumerated powers – those *expressly* stated in the Constitution,
- Implied powers – those within the federal government's authority but *not* expressly listed in the Constitution,
- And concurrent powers – or those *shared* with the states.

Note that the government's powers **MUST** be either enumerated **OR** implied, but that both enumerated **AND** implied powers can be shared with the states.

We'll go into more detail about these types of powers on the next few slides.

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The enumerated powers are the federal powers found in the text of the Constitution.

Some of these are exclusive powers – meaning only the federal government has the authority to exercise them – and some are concurrent powers that are shared with the states.

Some of these enumerated powers include:

- The power to collect taxes,
- The power to raise and support armies,
- The power to establish post offices, and
- The power to provide and maintain a navy.

The list of enumerated powers also encompasses several powers that have important implications for public health interventions. We'll explain why throughout this training, but the enumerated powers I want to emphasize now, include ...

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The power to spend money for the general welfare ...

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The power to regulate commerce (both domestically as well as globally).

As we'll talk about at various points throughout this training, this commerce power is VERY broad. *Gibbons versus Ogden* was a landmark Supreme Court case that expanded Congress' authority to regulate any type of commerce between states. This broad interpretation is the basis for congressional authority to enact social welfare laws, which, as we'll discuss shortly, is a power typically reserved for the states.

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And finally, the authority to make all laws that are necessary and proper to ensure implementation of these powers. This is known as the "Necessary and Proper Clause," and we'll talk about it more on the next slide.

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The Supreme Court has broadly interpreted the federal government's enumerated powers and has found many *implied* powers. Unlike the enumerated powers, implied powers are NOT expressly listed in the Constitution.

Instead, implied powers are those powers that the Supreme Court has interpreted as necessary for carrying out Congress' enumerated powers.

This is a complicated concept to explain in the abstract. Let's look at Congress' power to spend money for the general welfare (also known as the Spending Clause) to see how this works in practice.

As you might recall from a few slides ago, spending for the general welfare is one of the federal government's enumerated powers. Even though the Constitution doesn't say anything about bribery, the Supreme Court has interpreted the Spending Clause as allowing Congress to take any reasonable steps necessary to prevent federal funds from being misspent. This includes prohibiting bribes to any federally-funded organization, even if there is no proof that the attempted bribe actually affected federal funds. According to the Court, requiring proof of a connection between bribes and federal funds would be unreasonable and impractical.

Therefore, prohibiting bribery of organizations that distribute federal funds is a constitutional exercise of *implied* power – because it is *necessary and proper* for the government to exercise its enumerated power granted by the Spending Clause.

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The federal government also has a number of concurrent powers that it shares with the states. This includes the power to:

- Collect taxes,
- Build roads, and
- Establish bankruptcy laws

As you might recall, we mentioned that the power to collect taxes is one of the federal government's enumerated powers. This is a good example of how enumerated powers can also be shared with the states.

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There are times when the concurrent powers of the federal government and state or local government may come into conflict.

When this happens, the law of the higher level of government, in this case federal law, takes precedence over or supersedes the law of the lower level of government. This is known as preemption, and it comes from the Supremacy Clause of the Constitution, which declares federal law as the “supreme law of the land.”

We’ll talk more about preemption on the next slide, but I wanted to first point out that the conflict between federal, state, and local authority is dynamic. Historically, courts interpreted the Constitution as giving the federal government near total control – however, there is currently a robust national debate about the power of the federal government versus states’ rights.

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Menu labeling laws are a good way to illustrate how preemption works in practice.

Federal law requires certain chain restaurants – specifically, those that have 20 or more outlets nationally – as well as certain venues like sports arenas and movie theaters, to post calorie count information on menus.

The federal law explicitly preempts state and local menu labeling laws that differ in any way from the federal law. However, the federal law allows states and local governments to enact identical menu labeling requirements, which would allow them to enforce the law. They can also pass laws with different requirements as long as they apply only to restaurants or other establishments the federal law does not cover. For example, states can pass laws that apply only to restaurants with fewer than 20 outlets nationwide. So, while federal law supersedes lower-level laws, states and local governments still have some room to regulate menu labeling.

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We’ve talked about the source and scope of the federal government’s authority. But what about powers that are reserved solely for the states – for example, the power to require certain immunizations and vaccinations?

Remember, the original colonies *created* the federal government, not the other way around. In doing so, they gave limited powers to the federal government and reserved the rest for the states, which is what the 10th Amendment is about.

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Under the 10th Amendment to the U.S. Constitution, states retain all of the powers not specifically delegated to the federal government. This broad and undefined authority retained by the states – and by extension, local governments – is often referred to as the “police power.” Despite its name, the police power encompasses more than just the power held by law enforcement. Instead, it refers to state and local governments’ expansive authority to promote the public’s health and safety, and the general wellbeing of the community. This means that state and local governments have broad powers to protect the public’s health as long as those actions are reasonable and are balanced against the rights of any affected individuals.

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A good example of the police power is states' and local governments' authority to prevent the spread of infectious disease – whether that be through mandatory vaccination laws or isolation or quarantine orders.

Another valid exercise of police power would be a state or local law aimed at promoting nutrition and healthy eating, such as by requiring nutrition standards for restaurant children's meals.

I should also point out that while states (and by extension, local governments) retain the primary responsibility for protecting the public's health, the federal government can also play a role. This is the result of its enumerated powers which, as we mentioned earlier, have been interpreted very broadly. We'll talk about this more when we talk about governmental public health authority a bit later.

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In addition to the police power, states also have the power to regulate their own internal affairs.

This power is granted to each state by its state constitution. Although the extent of these powers may vary from state-to-state, they typically encompass the power to:

- Conduct elections
- Establish local governments
- Regulate **intrastate** commerce, or business entirely within state boundaries
- Issue licenses (including for things like the medical profession, or assisted living and child care facilities)
- Affirm amendments to state constitutions

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Now let's talk about local powers – the powers of counties and cities. Because these powers are delegated to local governments by the state, the degree to which local governments can act autonomously varies greatly.

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Some states – like Florida and Illinois – give local governments **broad** authority – we call that Home Rule. In those states, local governments can directly enact laws that affect the general public, without relying on a specific delegation of power from the state legislature.

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Other states, like Virginia, greatly limit local authority and allow cities and counties to act only within the powers specifically granted to them by the state legislature. We call that Dillon's Rule.

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Finally, there are states that fall somewhere in between. California, for example, has its own nuance to home rule powers – it grants *some*, but not all, of its local governments broad police powers.

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The main takeaway here is that if you work in local government – find out what type of authority you have!

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How, then, do the three levels of government work together in practice? We'll provide more examples at the end of this training when we talk about intergovernmental collaboration, but to see how this structure applies to public health, let's look at a tobacco control example.

This example was highlighted in an evidence-based guide – released by the CDC in 2014 – to help states prevent and reduce tobacco use. It illustrates the benefits of a comprehensive approach to tobacco prevention and control. It explains that federal, state, and local governments can effectively work together to achieve shared public health goals.

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Tobacco prevention and control has been achieved through national tobacco control legislation, such as the Tobacco Control Act, which gives the Food and Drug Administration authority to regulate the manufacture, distribution, and marketing of tobacco products ...

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State smoke-free workplace laws that eliminate smoking in private-sector worksites ...

Slide 28

And local efforts to enforce comprehensive smoke-free laws that prohibit smoking in all indoor areas of private workplaces, restaurants, and bars, with no exceptions.

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Now that we've talked about the three levels of government, we will next discuss the three different branches of government within each level. This is known as the separation of powers.

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Here, the U.S. Constitution gives each of the three branches of federal government its own unique functions and sets of responsibilities.

For this slide, and the slides that follow, I should note that – although they depict the structure of *federal* government – tribes, states, and local governments follow a similar structure.

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The first branch listed is the legislative branch. At the federal level this is Congress, which is comprised of the Senate and House of Representatives and is responsible for creating laws.

At the state level, this is the state legislature. And at the local level, this is a governing council made up of local elected officials – sometimes called a city or town council, county board of supervisors, or board of selectman.

The composition and powers of the House of Representatives and Senate are established by the U.S. Constitution. On both the federal and state levels, the legislative branch is comprised of more than one chamber. The exception is Nebraska, which is unicameral.

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Moving to the next branch of government, the executive branch is responsible for enforcing the laws created by Congress. At the federal level, the executive branch consists of the President, the Executive and Cabinet Departments, and the independent government agencies like the Central Intelligence Agency, the Environmental Protection Agency, the Federal Communications Commission, and many others.

On the state level, the governor acts as chief executive. On the local level, it's the mayor. Though again, this can vary depending on the state.

Now let's talk about what the executive branch does. As chief executive, the President is responsible for enforcing the laws written by Congress and also acts as Commander-in-Chief of the armed forces.

As we mentioned a few moments ago, the Cabinet supports and advises the President. The Cabinet consists of the Vice President and department heads. This includes the Secretaries of Health and Human Services, Agriculture, Commerce, Defense, and Education, among others.

The Executive Branch also consists of executive agencies that are within the departments of the Cabinet. For example, the CDC is under the Department of Health and Human Services. These executive agencies carry out the laws and are responsive to the President.

At the state and local level, the executive structure varies greatly. There are, however, a few commonalities across jurisdictions. On the state level, for example, governors are directly elected by popular vote. Other executive roles, such as Attorney General and Secretary of State, are also elected by popular vote in most states. Similarly, on the local level, mayors are elected directly by the people.

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And the final branch is the judiciary, which interprets the laws created by Congress and enforced by the executive branch. The judicial branch consists of the courts: On the federal level this is the Supreme Court, the courts of appeal, and the district courts. There are also several special courts at the federal level that hear cases about certain subject matters-- like the Court of Federal Claims, which deals with monetary claims against the U.S. government, and the Court of International Trade, which hears cases involving international trade and customs laws.

State and local judiciaries generally have a similar structure, but we'll talk shortly about some of the differences.

The U.S. Supreme Court is the highest federal court in the United States. This means that the lower courts (the federal appellate courts and trial courts) must follow its interpretations of the law – or the *precedent* set by the Supreme Court – when making their decisions.

As we previously mentioned, there are also state courts. Without going into too much detail about the similarities and differences between state and federal courts, here are a few points of comparison. Though the structure of state judiciaries generally mirrors the federal structure, there are differences in the types of cases heard.

The process for the selection of judges is also different for state courts. While members of the federal judiciary are all appointed, state judges can be elected **OR** appointed, depending on the state.

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As alluded to earlier, and as you probably remember from high school civics, the structure of government ensures a system of checks and balances, so that no single branch has too much power.

The graphic on this slide, and the next series of slides, show how this works on the federal level ... but, checks and balances also work on the state and, to some extent, local levels.

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Starting with the bottom left-hand corner of the slide. As we talked about earlier, Congress has the power to create laws.

In a few moments, we'll also talk about how Congress checks the powers of the executive and judicial branches. The President must rely on the Senate to approve any executive appointments, including the President's judicial nominees. Congress also has impeachment power to remove judges from the bench as well as the President from office.

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Now let's talk about the checks on Congress' power. Although Congress has the authority to create laws, the President has the power to reject, or veto, legislation. And the Supreme Court can declare those laws unconstitutional.

One example of the President's veto power was in 1986 when President Ronald Reagan vetoed a bill passed by Congress to strengthen the Clean Water Act. Concerned with its costs, President Reagan refused to sign the bill within 10 days of receiving it and as a result, the bill died by pocket veto. A pocket veto occurs when the President fails to sign a Congressional bill within 10 days, during which time the legislative session adjourns. I should point out, however, that the President's veto was later overridden – a point that we'll discuss shortly.

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The judicial branch has the role of interpreting the laws created by Congress. Based on its interpretations of the law, courts can strike down actions by the legislative and executive branches. In other words, courts can declare laws created by Congress unconstitutional and can overturn executive actions by the President or the executive agencies.

One example of a judicial check on an executive agency is the Supreme Court case, *Michigan versus EPA*, decided in 2015. The state of Michigan brought this suit after the Environmental Protection Agency, or EPA, released a rule regulating the emission of hazardous air pollutants by power plants without considering cost as a factor. Although the EPA can regulate as "appropriate and necessary" under the Clean Air Act, the Supreme Court held that this failure to consider cost was unreasonable and unlawful.

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There are also checks on the courts, which are illustrated here. For example, some of the courts within the judicial branch – including the nation’s highest court, the Supreme Court – rely on the President to appoint judges, and (as we mentioned earlier) courts rely on Congress to approve those appointments.

Overall, Congress has broad constitutional authority to determine the structure and make-up of the federal judiciary. Even the number of Supreme Court Justices is determined by Congress. There are currently nine seats on the Supreme Court, but there have been as few as six.

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And finally, at the top of the slide, is the President – the head of the executive branch, which is responsible for carrying out and enforcing the laws. As I mentioned earlier, the President also has the power to appoint federal officials as well as to veto bills passed by Congress.

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Again, there are the checks on the President’s powers, many of which we’ve previously mentioned. The Senate approves appointments and has the power to impeach the President. Congress can also override the President’s veto with a two-thirds majority vote in both the House and Senate. Remember our discussion of President Reagan’s veto of the Clean Water Act in 1986? The following year, Congress voted to override the veto and the Clean Water Act Amendments of 1987 became law.

Courts also check the executive branches’ powers – like in the EPA case we mentioned earlier, where the Supreme Court determined that the EPA’s failure to consider cost in its regulation of air pollutants was unreasonable.

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The roles and responsibilities of the different branches of government vary a lot more on the state and local level. Compare what we have been discussing about the system of checks and balances at the federal level, with the structure in Illinois, which has a unique rulemaking system. In Illinois, instead of the legislative branch creating the laws, the **executive** branch has the rulemaking power. And instead of the executive branch approving those rules, all rules must be approved by the Joint Committee on Administrative Rules, which is a **legislative** body. This is just one example of the ways in which the structure can vary at the state level.

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The structure of local governments also varies a lot between the states.

We’ll talk more about this in a moment, but most states have at least two tiers of local government: counties and municipalities. These typically have a governing council made up of local elected officials who govern in conjunction with a mayor or president. As you might call from a few slides ago, the governing council on the local level can be a city or town council, a county board of supervisors, or a board of selectman.

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All states have counties, though they are called “boroughs” in Alaska and “parishes” in Louisiana.

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Generally, every state has organized *county* governments, except Connecticut and Rhode Island, which have geographic regions called counties but not functioning county governments. There are also some states in which certain county areas lack a distinct county government. In these places, the state or a lower level township or municipality provides the services a county government would otherwise provide.

Counties also differ greatly in size and number. For example, Delaware only has 3 counties, while Texas has 254!

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Traditional responsibilities also vary considerably among counties, however, they often include services related to: law enforcement and public safety, transportation and infrastructure, and community health.

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Within counties are municipalities. Municipalities vary from state to state in several ways ...

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First, they vary in quantity. For example, Hawaii and the District of Columbia each have one, while Illinois has over twelve hundred.

They also vary in their designation. Municipalities are called cities, towns, boroughs (except in Alaska), villages, and districts.

Lastly, they vary in their incorporation requirements. Florida, for example, requires 1½ people per acre in order to form a municipality.

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Despite these differences, however, they generally have similar powers and perform similar functions. Their responsibilities can include: police and fire, animal control, parks, public works, and water (to name a few).

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Here’s a trivia question: Which of these U.S. cities is also a county? Philadelphia, Denver, Louisville, New Orleans, Honolulu. [PAUSE] The answer is actually ALL of them! These are just a few examples of what are a number of consolidated city-counties in the U.S. This means that the city and county governments have been merged.

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Now that you have a sense of the various levels and branches of government and what they do, let’s look at the types of laws these different levels of government are able to enact and enforce.

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The first two types of laws we'll talk about are legislation and regulations.

We will break down the key similarities and differences between the two. Though we will use federal legislation and regulations as an example, generally speaking, state structures and processes mirror these.

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What I want to highlight here is that, on both the federal and state level, legislation and regulations have the *effect* of law. However, as we'll discuss on the next few slides, legislation and regulations are different in many ways, starting with who drafts the law all the way to how it is finalized.

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For example, on the federal level, legislation is introduced by members of Congress. Any senator or congressman can introduce legislation. On the state level, state legislatures enact legislation.

Oftentimes legislation requires federal (or state) agencies to draft regulations. Regulations can be used to fill in the details of the legislation, such as by specifying how enforcement will work, or by clearing up ambiguities.

We'll walk through an example on menu labeling shortly that helps illustrate these distinctions.

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Once legislation is introduced, only Congress can make alterations. For regulations, the public can weigh in on changes by submitting comments, which the agency must consider and respond to.

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One similarity between legislation and regulations on the federal level is that BOTH can be stopped by Congress. A piece of legislation may be stopped if it stalls in the committee phase, or if it fails to pass by vote. And a proposed regulation may be halted or revised, if disapproved of by Congress or, sometimes, based on feedback received during the public comment period.

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A final distinction is that a piece of federal legislation becomes a law when it is passed by Congress and the President signs it into law. Many states have similar processes, with the Governor being the person whose signature finalizes state-level legislation.

A regulation, on the other hand, becomes law when it is published in the Federal Register after review and consideration of public comments.

Now let's look at a real-world example to illustrate these differences.

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Recall the menu labeling example we discussed earlier. It's a federal statute, or legislation, that requires that certain chain restaurants and vending machines display proper nutrition labeling.

What the statute does not spell out, however, is the details of *how* that nutrition information must be disclosed to customers. That's where federal regulations come in.

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The Food and Drug Administration issued regulations that outlined and established the nutrition labeling requirements for foods sold in certain chain restaurants and vending machines. For example, the regulations specified that each menu item must have a clearly visible calorie count, and each restaurant must post two statements, one reminding customers that the average daily calorie intake is 2,000 calories, and the other informing customers that more detailed nutritional information is available on request. In other words, the regulations spell out all the details of exactly which menu items need to be labeled and how they need to be labeled.

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So, whereas legislation provides the general framework for a law, regulations provide clarity or more specific requirements and provisions. Regulations therefore can take many forms, whether it's prescribing or proscribing conduct or determining how laws passed by the legislature will be enforced.

A regulation that **prescribes** conduct outlines the actions or procedures that must be followed. The USDA's nutrition standards for school breakfast and lunch are a good example of this. They establish the nutrition requirements for all foods and beverages sold to students on school grounds during the school day.

A regulation that **proscribes** conduct, on the other hand, prohibits certain conduct. An example of this is the US Department of Transportation's ban on smoking during flights.

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In addition to legislation and regulations, there is another type of law. The head of the executive branch (the President at the federal level and the Governor at the state level) can issue executive orders, which have the full force of law.

For example, President Obama issued an executive order in July 2014 in response to the Ebola outbreak. It amends an executive order originally passed by President George W. Bush in April 2003, to expand the list of respiratory illnesses that can warrant quarantine to include Ebola.

Executive orders can be controversial because, unlike other major policy decisions, they do not require Congress' approval. So, they can be seen as operating outside of the system of checks and balances. However, as with legislation and regulations, executive orders can be struck down by a court.

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Judicial decisions also carry the force of law, and sometimes it is up to courts to figure out exactly what a law means. Once they do so, their interpretation can be binding for others. This is called “case law.”

For example, imagine a state where it is illegal to use a cell phone while driving. Now imagine that someone driving in that state gets a ticket for texting while stopped at a stoplight. The driver challenges the ticket in court and argues that he wasn’t actually driving at the time – he was waiting at a stoplight, and therefore did not violate the law. A court needs to interpret the law and determine whether sitting at a stoplight is still considered driving. If the violation is upheld, other drivers, in that community, would then be held to that standard.

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A final type of law is administrative law decisions. This body of law is created by the government’s administrative agencies. So, at the federal level – this would include the federal executive departments and the independent federal agencies.

For example, the Consumer Product Safety Commission is an independent federal agency that oversees the safety of products sold in the United States. If there were a dispute related to product safety, the Commission would typically have an initial hearing with an Administrative Law Judge – who presides over hearings much like federal judges do in district court. There would then be further opportunities to appeal that decision to federal court. The rules for these proceedings are established in the federal Administrative Procedures Act, or APA.

Many states have adopted statutes that are similar to the federal APA. Like the APA, these state statutes outline the rules for how the agencies operate, how they promulgate rules, and how they should conduct hearings and appeals.

Administrative law judges also play a central role in local government and are often responsible for resolving licensing disputes – for example, between a business and the regulatory agency that governs that particular industry or field.

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We’ve just gone through a great deal of information about how the government is structured and what types of laws exist. Now the question is: what does this all have to do with public health? Governmental public health authority refers to how the various levels of government use their powers to ensure the public’s health.

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Although public health powers are primarily reserved for state and local governments, the federal government does have *some* authority. Remember the federal government’s source of power: the Constitution. And remember how it grants the federal government the powers to tax, spend, regulate interstate commerce, and regulate in the interest of national security. It’s from those powers that federal agencies’ derive their public health powers.

But what does national security, for example, have to do with public health?

If required to protect the nation’s security, the U.S. government may quarantine individuals suspected of carrying communicable diseases across state lines or international borders. In other words, the government has the authority to quarantine or detain individuals arriving from outside of the United States who are suspected of carrying communicable diseases.

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The U.S. territories – Puerto Rico, Guam, the US Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands – and native tribes often work with federal and state agencies to provide public health services; however, both have independent authority to address public health concerns in their communities. In this respect, they are similar to states.

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State health departments have very broad and flexible authority to protect the health, safety, and welfare of the community, including the power to:

- Require mandatory vaccinations
- Require children to wear bicycle helmets
- Invoke isolation and quarantine orders
- Investigate disease outbreaks
- Limit portion sizes of unhealthy foods and beverages

It's important to know that these actions are not limited to state health departments. Depending on state law and the particular action, it may be the legislature that enacts these requirements, and the state health department that is entrusted with issuing regulations and enforcing the requirements.

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We've gone through some examples of state public health powers. But sometimes the role of the state health department can be quite broad. For example, in Illinois, the Department of Public Health is responsible for asbestos abatement and for enforcing the state plumbing code.

If you work for a state or local government agency, it's important to know the structure and authority of your state and local laws. They won't all be like Illinois ... So consult an attorney!

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The structure of public health governance within state agencies also varies greatly by state. This variation includes:

- The extent of states' authority over local health agencies ...
- Who has the authority to make budgetary decisions ...
- The powers that local governments are granted ...
- Who appoints top executives ...
- And what percentage of local health unit budget is provided by the state.

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There are big differences between states, even neighboring states like South Carolina and North Carolina. We will now highlight the key differences between centralized and decentralized structures of governance.

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South Carolina has a *centralized* governance structure--meaning its local health units are primarily led by state employees. For example, only the state has the authority to make budgetary decisions. And although local governments have the authority to *implement* public health orders, the orders are *issued* at the state level. The top executive is appointed and approved by the state. Finally, three-quarters to 100 percent of the local health units' budgets are funded by the state.

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North Carolina, on the other hand, is *decentralized* – so, local health units are led by employees of *local* governments. Local governments have the authority to make budgetary decisions WITHOUT state input, and have broader authority to not only issue public health orders, but also establish taxes for public health as well as fees for services without state approval. The top local health executive is appointed and approved by *local* officials. And the state gives local health units significantly less money for health initiatives: less than 25 percent of the local health unit budget is provided by the state.

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Local health departments are responsible for promoting the health of citizens within their county or city.

The CDC identifies ten essential services that local health departments should undertake, which are to:

1. Monitor health status to identify and solve community health problems. This includes periodic assessments of community health in order to identify health risks, disparities, and potential assets and resources.
2. Diagnose and investigate health problems and health hazards in the community.
3. Inform, educate, and empower people about health issues through various avenues such as through health education and promotion, community partnerships, media advocacy, and social marketing.
4. Mobilize community partnerships and action to identify and solve health problems, whether through formal or informal partnerships, identifying key stakeholders, forming coalitions, and building constituencies.
5. Develop policies and plans that support individual and community health efforts.
6. Enforce laws and regulations that protect health and ensure safety.
7. Link people to needed personal health services and assure the provision of health care when otherwise unavailable.
8. Assure that there is a competent public and personal health care workforce.
9. Evaluate effectiveness, accessibility, and quality of personal and population-based health services.
10. And, lastly, research for new insights and innovative solutions to health problems through epidemiological studies, health policy analyses, and public health systems research.

Any surprises here?

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In addition to local health departments, some states, like Mississippi, have local boards of health that share responsibility for promoting the public's health. Their roles, duties, and composition are typically established by state statute, and usually include the responsibility to:

- Review public health regulations,
- Provide oversight and guidance for local health departments,
- Recommend and set public health priorities for the community, and
- Foster activities such as community health assessment, assurance, and policy development.

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Local boards of health are responsible for developing and adopting public health *policies*, while health departments are primarily responsible for instituting the *programs and services* to support those policies.

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A recurring theme that has come up in this presentation is different powers and authorities. State-to-state differences can be confusing, and some powers and authorities are not clearly spelled out for every situation. Also, different government agencies might overlap when it comes to addressing public health issues.

This can be especially difficult if there is an emergency requiring quick and decisive action. When the powers and authorities are not clearly laid out, there is confusion. So how do different levels of government coordinate and collaborate?

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Consider for example: controlling infectious disease. There are roles for all levels of government when it comes to protecting the public from infectious disease outbreaks.

On the federal level, laws – like the Safe Drinking Water Act and the National Environmental Policy Act – set standards to ensure that drinking water is safe for public consumption and that communities remain environmentally safe and healthy.

And as we mentioned earlier, the federal government may also quarantine individuals suspected of carrying communicable diseases across state lines or international borders.

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At the state level, government agencies are responsible for disease surveillance, investigating outbreaks, regulating drinking water and waste disposal, implementing the use of quarantine or isolation, and licensing, such as for health professionals.

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Local governments also play a fundamental role in controlling infectious disease outbreaks. They can establish sanitary and building codes and drinking water standards, and can regulate zoning and the inspection of food establishments. They may also have the authority to issue quarantine and isolation orders.

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Ensuring the safety of food is another example illustrating the shared responsibility of the federal, state, and local governments to protect the public's health and well-being.

The Food and Drug Administration is responsible for ensuring that all domestic and imported food products are safe, sanitary, nutritious, and properly labeled, and for establishing regulatory requirements and guidance for assuring that food is okay for consumption and isn't adulterated. The primary statutes providing them with this authority are the Federal Food, Drug, and Cosmetics Act and the Public Health Services Act.

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State and local governments also play an important role in ensuring food safety. In particular, state and local health and agriculture departments conduct inspections of food establishments and laboratory analyses of foods, and take enforcement action when violations put the public's health at risk.

So, not only is intergovernmental regulation of public health issues inevitable, it is also critical to achieving the shared goal of ensuring improved health for all.

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Here's a recap of what we discussed today: We first covered the basic structure and functions of government, starting with the three branches of government and their sources of power.

Then we learned how those divided powers are balanced within a system of checks and balances, known as the separation of powers.

We also talked about the expression of power, or the types of laws that different divisions of government can create. We then took a look at governmental public health authority more specifically.

And finally, we discussed how and why intergovernmental collaboration goes hand in hand with achieving improved health outcomes.

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Questions/Thank you!