**Category: Obligation to Provide Access to Legal Remedies**

**Sub-Category: Improving Access to Courts**

**Name of Good Practice: Citizen Suit Provisions in Environmental Law**

Key Words: Litigation, Accountability, Access to Justice, Monitoring

Implementing Actors: Individuals; Courts

Location: United States

Description: Many of the federal environmental laws in the United States allow members of the public to initiate lawsuits in federal court against actors, including corporations, that violate requirements imposed pursuant to federal environmental laws and regulations. Although these provisions are colloquially referred to as authorizations for “citizen suits,” they do not require that the plaintiffs be U.S. citizens. Such laws include, among others, the Resource Conservation and Recovery Act, the Clean Water Act, the Clean Air Act, and the Endangered Species Act. This practice intends to provide an instrument of accountability for private actors in violation of environmental statutes and regulations. Although these provisions do not provide for recovery of damages, they do not preclude a plaintiff from seeking damages using other laws governing personal injury.

Generally speaking, such citizen suit provisions require a notice of intent to file the lawsuit to the person or facility believed to be violating federal environmental requirements, as well as the federal agency which regulates the requirements, and in some cases the state where the individual or facility operates. There is usually a 60 to 90 day waiting period following notice before the plaintiff can file the lawsuit. Those wishing to bring a citizen suit may do so through their own attorney or represent themselves, and the provisions allow for the recovery of attorneys’ fees in certain situations. This practice aims to benefit members of the public who may be adversely affected by a violation of federal environmental regulation that has gone unnoticed by the regulatory enforcement agency, and also to provide environmental enforcement through community empowerment.

Further Information: Examples of citizen suit provisions can be found in the following federal laws: 42 U.S.C. § 6872 (Resource Conservation and Recovery Act); 33 U.S.C. § 1365 (Clean Water Act); 42 U.S.C. § 2604 (Clean Air Act); 16 U.S.C. § 1540(g) (Endangered Species Act).