Who Sets the Rules?

How government powers shape public policy

MWH.P.2.1.B "Evaluate the impact of the structure and powers exercised by governmental systems on public policy, using historical and contemporary examples."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the powers used by federal and state governments. Circle the effects those powers had on policy so you can compare the two cases.

Clean Air and Public Health

1. In 1970, Congress amended the Clean Air Act after smog made breathing difficult in many American cities. The law gave the federal Environmental Protection Agency (EPA) power to set national limits for several common air pollutants. States had to write plans showing how they would meet those limits, while state and local agencies carried out much of the work. If a state failed to submit an adequate plan, the EPA could create one instead. This division of authority meant that a factory faced national air-quality goals, but the steps used to reach them could differ from state to state.

2. In 2020, the COVID-19 pandemic posed a different policy problem. The federal Centers for Disease Control and Prevention issued public health guidance, but state governors and health departments generally made the decisions about statewide mask rules and business restrictions. Some states required masks in many indoor public places; others did not impose statewide mask mandates. Congress also approved emergency aid, including payments to households, while the federal government helped fund vaccine development. A person who crossed a state border might therefore encounter different rules for visiting a store, even as federal aid reached households across the country.

3. Both cases involved a federal system, but the powers used shaped each policy differently. Congress used a law to set a lasting national framework for air quality, with federal oversight of state plans. During the pandemic, states used public health powers to respond to local conditions, so statewide restrictions varied. Variation allowed governors to adjust rules as circumstances changed, but it also made expectations less consistent for people and businesses operating across state lines. Neither level of government acted alone: federal agencies, Congress, state officials, and local workers all played roles in putting decisions into practice.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the division of federal and state powers shape both consistency and flexibility under the Clean Air Act?

2. What effect could the EPA's power to create a plan have if a state failed to submit an adequate one?

3. How did states' power over mask rules affect what a person might experience when crossing a state border in 2020?

4. Compare the effects of Congress's emergency aid and states' public health rules on how similar the pandemic response was across the country.

3 YOUR TURN

Your own words

A heat wave affects outdoor workers in several states. In four or five sentences, propose a policy, name the powers federal and state governments would use, and evaluate one benefit and one drawback of dividing authority that way.

ANSWER KEY

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HIGH SCHOOL · MWH.P.2.1.B

PART 1 · READ AND MARK

Underline the powers used by federal and state governments. Circle the effects those powers had on policy so you can compare the two cases. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the division of federal and state powers shape both consistency and flexibility under the Clean Air Act?	**EPA limits set national air-quality goals, while state plans allowed different ways to meet them.**
2	What effect could the EPA's power to create a plan have if a state failed to submit an adequate one?	**Federal action could keep a state from avoiding the national air-quality goals by failing to provide an adequate plan.**
3	How did states' power over mask rules affect what a person might experience when crossing a state border in 2020?	**The person might enter a state with a different rule for wearing a mask in a store.**
4	Compare the effects of Congress's emergency aid and states' public health rules on how similar the pandemic response was across the country.	**Congress approved aid, including household payments, that reached people across the country. State decisions about mask and business rules produced different restrictions in different places.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could pass a national law requiring minimum water and rest breaks for outdoor workers during dangerous heat. State legislatures could set stricter protections suited to local temperatures. A national minimum would protect workers in every state. Different state rules could make compliance harder for employers operating in several states.

Accept other accurate effects supported by the passage for Part 2. For Part 3, look for a workable policy, a plausible power at each level of government, and a benefit and drawback tied to that division of authority.