

Overturing the Chevron deference

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Environmentalists are holding their breath after the [U.S. Supreme Court ruled in late June](#) that courts, not federal agencies, get the final say in how laws should be implemented. They are concerned that the decision overturns a decades-old legal precedent that allowed federal agencies to interpret laws according to their expertise and scientific evidence. It will take years for the impact to become clear, but it could prompt far more legal challenges against regulations by agencies like the EPA and the Department of the Interior that have a huge role in addressing climate change.

The court's ruling overturns what is known as the "Chevron deference," after a 1984 Supreme Court decision that held that when Congress passes a law that lacks specificity, courts must give wide leeway to decisions made by the federal agencies charged with implementing that law.

While the recent decision applies to all federal agencies, environmentalists are especially concerned about the [impact on climate legislation](#). That's because the Environmental Protection Agency is facing a slew of lawsuits, most of them filed by Republican-led states and fossil fuel industries, that accuse the agency of overstepping its legal authority with regulations to address climate change, such as efforts to reduce greenhouse gas emissions.

Chief Justice John Roberts wrote in his majority opinion that the court was only overturning Chevron, not all of the previous cases that relied upon it. But in new cases, including those making their way through the courts on President Biden's climate policy, the Supreme Court has made clear that federal courts, not regulators, should decide what the law means.

But not all environmental groups are pessimistic. Evergreen, an organization founded to move climate policy forward, sees [opportunities to close regulatory loopholes](#) around reducing air and water pollution. If the courts want to follow the letter of the laws passed by Congress, they should do so evenly, including those that very clearly call for eliminating water pollution and for monitoring air pollution that harms communities. Neither of those requirements are being strictly followed by regulatory agencies.