

How the Sackett Decision Changed the Chevron Doctrine

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The *Chevron* doctrine is one of the most important principles of administrative law in the United States. It states that when a federal statute is ambiguous, courts should defer to the reasonable interpretation of the agency that administers the statute, unless Congress has clearly expressed a different intent. The doctrine, which was established by the Supreme Court in [*Chevron v. NRDC*](#) (1984), aims to respect the expertise and policy choices of executive agencies, as well as the separation of powers between the branches of government.

Sackett Decision

In May 2023, the United States Supreme Court issued a decision that appears to have significantly altered or even overruled the *Chevron* doctrine. The case was [*Sackett v. EPA*](#), and it involved a challenge to the EPA's authority to regulate wetlands under the [Clean Water Act](#) (CWA). The Court held that the EPA's interpretation of "waters of the United States" (WOTUS), which defines the scope of federal jurisdiction over water bodies, was not entitled to deference, and that landowners had a right to seek judicial review of agency determinations before facing enforcement actions.

Rationale

The decision was based on two main grounds: first, that the EPA's interpretation raised serious constitutional questions about the extent of federal power over private property; second, that the EPA's interpretation was not consistent with the text, structure, and purpose of the CWA. The Court applied a new test for determining when deference is appropriate, which requires "clear evidence" that Congress authorized the agency to regulate in the manner it proposes. The Court also invoked a "clear statement rule," which requires Congress to speak clearly when it wants to displace certain presumptions, such as the presumption against federal intrusion on state and local authority.

The decision is a major blow to the EPA's jurisdiction to protect wetlands and water quality, as well as a victory for property rights advocates. It also has significant implications for the future of *Chevron* deference and administrative law in general. By introducing a new test and a new rule for deference, the Court has made it easier for litigants to challenge agency interpretations of ambiguous statutes, and harder for agencies to defend their policy choices. The decision also signals a possible shift in the Court's approach to *Chevron* deference, which has been criticized by some conservative justices as giving too much power to unelected bureaucrats and undermining the separation of powers.

Implications

The *Sackett* decision is a clear signal how the Supreme Court will likely treat other pending or future cases involving agency interpretations of statutes, such as *Loper Bright Enterprises v. Raimondo*, which asks whether *Chevron* should be overruled altogether. The decision may also prompt Congress to revisit or revise some statutes that delegate broad authority to agencies, such as the CWA or the Clean Air Act. The *Sackett* decision may also affect how agencies draft their regulations and guidance documents, as they may have to provide more clarity and justification for their interpretations.

Prior to the *Sackett* decision, courts would generally grant agencies substantial discretion when interpreting ambiguous statutes, assuming they were reasonable. However, the *Sackett* decision introduced a more stringent standard for *Chevron* deference, calling for an enhanced level of judicial scrutiny.

Under the *Sackett* decision, courts are now required to perform a more comprehensive analysis of the statutory language and legislative history before deciding whether to defer to an agency's interpretation. This analysis ensures that the agency's interpretation aligns with the text, structure, and purposes of the statute in question.

As a result, agency interpretations will no longer receive automatic or reflexive deference from the courts. Agencies must also provide a more substantial basis for their interpretations, including sound legal reasoning and proper alignment with the legislative intent.

This heightened scrutiny of agency actions means that courts now play a more active role in evaluating agency decisions, promoting greater accountability and transparency. By subjecting agency interpretations to rigorous judicial review, the *Sackett* decision aims to ensure that agencies act within the bounds of their statutory authority and adhere to the principles of checks and balances.

The *Sackett* decision has effectively refined the *Chevron* Doctrine by recalibrating the balance of power between agencies and courts. Previously, *Chevron* deference provided agencies with significant leeway in shaping policy through their interpretations of unclear statutes. However, the *Sackett* decision reasserts the courts' role as the ultimate arbiters of statutory interpretation.

Finally, the *Sackett* decision addresses concerns that the *Chevron* Doctrine may have inadvertently contributed to a perception of excessive agency power. The decision strikes a balance by recognizing the importance of agency expertise while ensuring that the judiciary maintains its oversight role to prevent abuses of power.

Conclusion

The *Sackett* decision of May 2023 has undoubtedly impacted the *Chevron* Doctrine. By narrowing the scope of *Chevron* deference, the decision placed greater emphasis on independent judicial scrutiny of agency interpretations. This has resulted in a more balanced approach that promotes accountability and transparency while preserving agency expertise. The *Sackett* decision has recalibrated the relationship between agencies and courts, refining the *Chevron* Doctrine for future cases and setting the stage for ongoing discussions and potential further adjustments.

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