Challenges to the Agency Deference Doctrine

A cornerstone of US administrative law, Chevron deference, is in flux. Developments at the US Supreme Court or Congress (or both) could result in a fundamental change or wholesale elimination of the doctrine....

http://www.freshlawblog.com/2017/03/14/are-changes-on-the-horizon-to-the-deference-historically-afforded-to-us-administrative-agencies/  

**Key recent events:**

**Regulatory Accountability Act that has passed the House and is now in the Senate:**  

Appointment of Neil Gorsuch, critic of the overuse of Chevron deference, to the Supreme Court, where Justices Roberts, Kennedy, and Alito already appear to favor narrowing the doctrine and Justice Thomas would eliminate it altogether.-- http://www.nationallawjournal.com/id=1202778280405/Gorsuchs-Criticism-of-Agency-Deference-Has-Support-Among-Justices  
(For a closeup of Gorsuch’s views, see http://www.scotusblog.com/2017/03/roots-limits-gorsuchs-views-chevron-deference/)  

**Recent decision in the Court of Appeals for the District of Columbia (Waterkeeper v. Environmental Protection Agency)** vacated EPA’s rule that exempted some agricultural feeding operations from the reporting chemical emissions from animal wastes.--  
http://www.americanbar.org/groups/environment_energy_resources/committees/snrld_regional_updates/20170419_waterkeeper_alliance_v_environmental_protection_agency.html

**History:**

http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1902&context=lawfaculty  

Aditya Bamzai, The Origins of Judicial Deference to Executive Interpretation, Yale Law Journal (February 2017)

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