

Loper Bright Enterprises, Et. Al. v. Gina Raimondo
2024 U.S. LEXIS 2882 (2024)

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

Since our decision in *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984), we have sometimes required courts to defer to “permissible” agency interpretations of the statutes those agencies administer— even when a reviewing court reads the statute differently. In these cases we consider whether that doctrine should be overruled.

I.

[In Part I of the opinion, the Court summarized the background of the consolidated cases and the procedural history of the cases. Both cases involved interpretation of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), codified at 16 U.S.C. §1801, et. seq. A provision of the law indicated that fishery management plans developed under the law could require that “one or more observers be carried on board” vessels “for the purpose of collecting data necessary for the conservation and management of the fishery.” *Id.* §1853(b)(8). Pursuant to the law, the New England Fishery Management Council adopted a fishery management plan for the Atlantic herring fishery that required observers to be carried on board vessels in some circumstances. The MSA specifically identifies three groups of vessels that must pay for the costs associated with observers required under the law, but it does not include any provisions that address whether Atlantic herring fishermen may be required to pay for the costs associated with any observers that might be required under a fishery management plan developed under the law for the Atlantic herring fishery. For many years, the National Marine Fisheries Service (NMFS), an agency within the U.S. Department of Commerce, paid the costs for the observers but, in 2020, the NMFS promulgated a regulation that required the vessel operators to pay for the cost of observers that may be required under the plans.

Loper Bright Enterprises operates fishing vessels in the Atlantic herring fishery and, along with other businesses operating in the fishery, it brought a lawsuit in the U.S. District Court for the District of Columbia, challenging the regulations adopted by NMFS requiring operators to pay for the cost of observers. The district court upheld the regulation, finding that either the MSA authorized the regulation or the MSA was ambiguous, but the government’s reading of the statute was reasonable under *Chevron* and should be upheld. The D.C. Circuit affirmed the decision, finding that there was some question regarding Congress’ intent, but that the agency’s reading of the statute was reasonable under *Chevron*.

The companion case was brought in the U.S. District Court for the District of Rhode Island by Relentless, Inc. and other companies that operated in the Atlantic herring fishery. Like Loper Bright, they argued that the NMFS rule was not authorized by the MSA. The district

court granted summary judgment to the government, deferring, under *Chevron*, to the government's reading of the statute. The First Circuit affirmed, finding that the NMFS rule was authorized by the statute. The court indicated that it was applying *Chevron*'s two step framework, but it didn't explain which aspects of its analysis were relevant to which step of *Chevron* and it did not indicate whether it was ruling for the government at *Chevron* step one or step two.

The Supreme Court granted certiorari in both cases, limited to the question of whether *Chevron* should be overruled or clarified. Since Justice Jackson heard argument on the Loper Bright case while she served as a judge on the D.C. Circuit, she did not participate in that case on appeal, but participated in the appeal of the case brought by Relentless. The Court issued this single opinion for both cases.]

II. A.

Article III of the Constitution assigns to the Federal Judiciary the responsibility and power to adjudicate “Cases” and “Controversies”—concrete disputes with consequences for the parties involved. The Framers appreciated that the laws judges would necessarily apply in resolving those disputes would not always be clear. * * * The Framers also envisioned that the final “interpretation of the laws” would be “the proper and peculiar province of the courts.” The Federalist No. 78, at 525 (A. Hamilton). * * *

This Court embraced the Framers' understanding of the judicial function early on. In the foundational decision of *Marbury v. Madison*, Chief Justice Marshall famously declared that “[i]t is emphatically the province and duty of the judicial department to say what the law is.” 1 Cranch 137, 177 (1803). * * *

The Court also recognized from the outset, though, that exercising independent judgment often included according due respect to Executive Branch interpretations of federal statutes. For example, in *Edwards' Lessee v. Darby*, 12 Wheat. 206 (1827), the Court explained that “[i]n the construction of a doubtful and ambiguous law, the contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect, is entitled to very great respect.” * * *

Such respect was thought especially warranted when an Executive Branch interpretation was issued roughly contemporaneously with enactment of the statute and remained consistent over time. See *United States v. Dickson*, 15 Pet. 141, 161 (1841) (Story, J., for the Court); *United States v. Alabama Great Southern R. Co.*, 142 U. S. 615, 621 (1892); *National Lead Co. v. United States*, 252 U. S. 140, 145–146 (1920). That is because “the longstanding ‘practice of the government’”—like any other interpretive aid—“can inform [a court's] determination of ‘what the law is.’” *NLRB v. Noel Canning*, 573 U. S. 513, 525 (2014) * * * The Court also gave “the most respectful consideration” to Executive Branch interpretations simply because “[t]he officers concerned [were] usually able men, and masters of the subject,” who were “[n]ot unfrequently . . . the draftsmen of the laws they

[were] afterwards called upon to interpret.” *United States v. Moore*, 95 U.S. 760, 763 (1878). * * *

“Respect,” though, was just that. The views of the Executive Branch could inform the judgment of the Judiciary, but did not supersede it. Whatever respect an Executive Branch interpretation was due, a judge “certainly would not be bound to adopt the construction given by the head of a department.” *Decatur*, 14 Pet., at 515; see also *Burnet v. Chicago Portrait Co.*, 285 U. S. 1, 16 (1932). Otherwise, judicial judgment would not be independent at all. As Justice Story put it, “in cases where [a court’s] own judgment . . . differ[ed] from that of other high functionaries,” the court was “not at liberty to surrender, or to waive it.” *Dickson*, 15 Pet., at 162.

B.

The New Deal ushered in a “rapid expansion of the administrative process.” *United States v. Morton Salt Co.*, 338 U. S. 632, 644 (1950). But as new agencies with new powers proliferated, the Court continued to adhere to the traditional understanding that questions of law were for courts to decide, exercising independent judgment. During this period, the Court often treated agency determinations of fact as binding on the courts, provided that there was “evidence to support the findings.” *St. Joseph Stock Yards Co. v. United States*, 298 U. S. 38, 51 (1936). * * *

But the Court did not extend similar deference to agency resolutions of questions of law. It instead made clear, repeatedly, that “[t]he interpretation of the meaning of statutes, as applied to justiciable controversies,” was “exclusively a judicial function.” * * * It also continued to note, as it long had, that the informed judgment of the Executive Branch—especially in the form of an interpretation issued contemporaneously with the enactment of the statute—could be entitled to “great weight.” *American Trucking Assns.*, 310 U. S. 534, 549 (1940).

Perhaps most notably along those lines, in *Skidmore v. Swift & Co.*, 323 U. S. 134 (1944), the Court explained that the “interpretations and opinions” of the relevant agency, “made in pursuance of official duty” and “based upon . . . specialized experience,” “constitute[d] a body of experience and informed judgment to which courts and litigants [could] properly resort for guidance,” even on legal questions. “The weight of such a judgment in a particular case,” the Court observed, would “depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.”

On occasion, to be sure, the Court applied deferential review upon concluding that a particular statute empowered an agency to decide how a broad statutory term applied to specific facts found by the agency. For example, in *Gray v. Powell*, 314 U. S. 402 (1941), the Court deferred to an administrative conclusion that a coal-burning railroad that had arrangements with several coal mines was not a coal “producer” under the Bituminous

Coal Act of 1937. Congress had “specifically” granted the agency the authority to make that determination. The Court thus reasoned that “[w]here, as here, a determination has been left to an administrative body, this delegation will be respected and the administrative conclusion left untouched” so long as the agency’s decision constituted “a sensible exercise of judgment.” Similarly, in *NLRB v. Hearst Publications, Inc.*, 322 U. S. 111 (1944), the Court deferred to the determination of the National Labor Relations Board that newsboys were “employee[s]” within the meaning of the National Labor Relations Act. The Act had, in the Court’s judgment, “assigned primarily” to the Board the task of marking a “definitive limitation around the term ‘employee.’” The Court accordingly viewed its own role as “limited” to assessing whether the Board’s determination had a “‘warrant in the record’ and a reasonable basis in law.”

Such deferential review, though, was cabined to factbound determinations like those at issue in *Gray* and *Hearst*. Neither *Gray* nor *Hearst* purported to refashion the longstanding judicial approach to questions of law. In *Gray*, after deferring to the agency’s determination that a particular entity was not a “producer” of coal, the Court went on to discern, based on its own reading of the text, whether another statutory term—“other disposal” of coal—encompassed a transaction lacking a transfer of title. The Court evidently perceived no basis for deference to the agency with respect to that pure legal question. And in *Hearst*, the Court proclaimed that “[u]ndoubtedly questions of statutory interpretation . . . are for the courts to resolve, giving appropriate weight to the judgment of those whose special duty is to administer the questioned statute.” At least with respect to questions it regarded as involving “statutory interpretation,” the Court thus did not disturb the traditional rule. It merely thought that a different approach should apply where application of a statutory term was sufficiently intertwined with the agency’s factfinding.

In any event, the Court was far from consistent in reviewing deferentially even such factbound statutory determinations. Often the Court simply interpreted and applied the statute before it. * * * Nothing in the New Deal era or before it thus resembled the deference rule the Court would begin applying decades later to all varieties of agency interpretations of statutes. Instead, just five years after *Gray* and two after *Hearst*, Congress codified the opposite rule: the traditional understanding that courts must “decide all relevant questions of law.” 5 U.S.C. §706.

C.

Congress in 1946 enacted the APA “as a check upon administrators whose zeal might otherwise have carried them to excesses not contemplated in legislation creating their offices.” * * * In addition to prescribing procedures for agency action, the APA delineates the basic contours of judicial review of such action. As relevant here, Section 706 directs that “[t]o the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action.” 5 U. S. C. §706. It further requires courts to “hold unlawful and set aside agency action, findings, and conclusions found to be . . . not in accordance with law.” §706(2)(A).

The APA thus codifies for agency cases the unremarkable, yet elemental proposition reflected by judicial practice dating back to *Marbury*: that courts decide legal questions by applying their own judgment. It specifies that courts, not agencies, will decide “all relevant questions of law” arising on review of agency action, §706 (emphasis added)— even those involving ambiguous laws—and set aside any such action inconsistent with the law as they interpret it. And it prescribes no deferential standard for courts to employ in answering those legal questions. That omission is telling, because Section 706 does mandate that judicial review of agency policymaking and factfinding be deferential. See §706(2)(A) (agency action to be set aside if “arbitrary, capricious, [or] an abuse of discretion”); §706(2)(E) (agency factfinding in formal proceedings to be set aside if “unsupported by substantial evidence”).

In a statute designed to “serve as the fundamental charter of the administrative state,” * * * Congress surely would have articulated a similarly deferential standard applicable to questions of law had it intended to depart from the settled pre-APA understanding that deciding such questions was “exclusively a judicial function,” *American Trucking Assns.*, 310 U. S., at 544. But nothing in the APA hints at such a dramatic departure. * * *

The text of the APA means what it says. And a look at its history if anything only underscores that plain meaning. [The majority then cited provisions in the House and Senate Reports on the legislation and statements of legislators to support its reading of the statute according to the plain meaning.] Even the Department of Justice—an agency with every incentive to endorse a view of the APA favorable to the Executive Branch—opined after its enactment that Section 706 merely “restate[d] the present law as to the scope of judicial review.” Dept. of Justice, Attorney General’s Manual on the Administrative Procedure Act 108 (1947) * * * That “present law,” as we have described, adhered to the traditional conception of the judicial function.

Various respected commentators contemporaneously maintained that the APA required reviewing courts to exercise independent judgment on questions of law. * * *

The APA, in short, incorporates the traditional understanding of the judicial function, under which courts must exercise independent judgment in determining the meaning of statutory provisions. In exercising such judgment, though, courts may—as they have from the start—seek aid from the interpretations of those responsible for implementing particular statutes. Such interpretations “constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance” consistent with the APA. *Skidmore*, 323 U. S., at 140. And interpretations issued contemporaneously with the statute at issue, and which have remained consistent over time, may be especially useful in determining the statute’s meaning. See *ibid.*; *American Trucking Assns.*, 310 U. S., at 549.

In a case involving an agency, of course, the statute’s meaning may well be that the agency is authorized to exercise a degree of discretion. Congress has often enacted such statutes. For example, some statutes “expressly delegate[]” to an agency the authority to

give meaning to a particular statutory term.⁵ Others empower an agency to prescribe rules to “fill up the details” of a statutory scheme, or to regulate subject to the limits imposed by a term or phrase that “leaves agencies with flexibility,” *Michigan v. EPA*, 576 U. S. 743, 752 (2015), such as “appropriate” or “reasonable.”⁶

When the best reading of a statute is that it delegates discretionary authority to an agency, the role of the reviewing court under the APA is, as always, to independently interpret the statute and effectuate the will of Congress subject to constitutional limits. The court fulfills that role by recognizing constitutional delegations, “fix[ing] the boundaries of [the] delegated authority,” and ensuring the agency has engaged in “‘reasoned decisionmaking’” within those boundaries, *Michigan*, 576 U. S., at 750 (quoting *Allentown Mack Sales & Service, Inc. v. NLRB*, 522 U. S. 359, 374 (1998)); see also *Motor Vehicle Mfrs. Assn. of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U. S. 29 (1983). By doing so, a court upholds the traditional conception of the judicial function that the APA adopts.

III.

The deference that *Chevron* requires of courts reviewing agency action cannot be squared with the APA.

A.

In the decades between the enactment of the APA and this Court’s decision in *Chevron*, courts generally continued to review agency interpretations of the statutes they administer by independently examining each statute to determine its meaning. * * *

Chevron, decided in 1984 by a bare quorum of six Justices, triggered a marked departure from the traditional approach. [The majority then outlined the two step test articulated by the Court in *Chevron*. After discussing the first step, the majority turned to the second step.] * * *

⁵ See, e.g., 29 U.S.C. §213(a)(15) (exempting from provisions of the Fair Labor Standards Act “any employee employed on a casual basis in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary)” (emphasis added); 42 U.S.C. §5846(a)(2) (requiring notification to Nuclear Regulatory Commission when a facility or activity licensed or regulated pursuant to the Atomic Energy Act “contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate” (emphasis added).

⁶ See, e.g., 33 U.S.C. § 1312(a); 42 U.S.C. §7412(n)(1)(A).

Without mentioning the APA, or acknowledging any doctrinal shift, the Court articulated a second step applicable when “Congress ha[d] not directly addressed the precise question at issue.” In such a case—that is, a case in which “the statute [was] silent or ambiguous with respect to the specific issue” at hand—a reviewing court could not “simply impose its own construction on the statute, as would be necessary in the absence of an administrative interpretation.” A court instead had to set aside the traditional interpretive tools and defer to the agency if it had offered “a permissible construction of the statute,” even if not “the reading the court would have reached if the question initially had arisen in a judicial proceeding.” That directive was justified, according to the Court, by the understanding that administering statutes “requires the formulation of policy” to fill statutory “gap[s]”; by the long judicial tradition of according “considerable weight” to Executive Branch interpretations; and by a host of other considerations, including the complexity of the regulatory scheme, EPA’s “detailed and reasoned” consideration, the policy-laden nature of the judgment supposedly required, and the agency’s indirect accountability to the people through the President. * * *

Initially, *Chevron* “seemed destined to obscurity.” The Court did not at first treat it as the watershed decision it was fated to become; it was hardly cited in cases involving statutory questions of agency authority. But within a few years, both this Court and the courts of appeals were routinely invoking its two-step framework as the governing standard in such cases. As the Court did so, it revisited the doctrine’s justifications. Eventually, the Court decided that *Chevron* rested on “a presumption that Congress, when it left ambiguity in a statute meant for implementation by an agency, understood that the ambiguity would be resolved, first and foremost, by the agency, and desired the agency (rather than the courts) to possess whatever degree of discretion the ambiguity allows.” * * *

B.

Neither *Chevron* nor any subsequent decision of this Court attempted to reconcile its framework with the APA.

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Chevron defies the command of the APA that “the reviewing court”—not the agency whose action it reviews—is to “decide all relevant questions of law” and “interpret . . . statutory provisions.” §706 (emphasis added). It requires a court to ignore, not follow, “the reading the court would have reached” had it exercised its independent judgment as required by the APA. And although exercising independent judgment is consistent with the “respect” historically given to Executive Branch interpretations, *Chevron* insists on much more. It demands that courts mechanically afford binding deference to agency interpretations, including those that have been inconsistent over time. Still worse, it forces courts to do so even when a pre-existing judicial precedent holds that the statute means something else—unless the prior court happened to also say that the statute is “unambiguous.” *Brand X*, 545 U. S., at 982. That regime is the antithesis of the time honored approach the APA prescribes. * * *

Chevron cannot be reconciled with the APA, as the Government and the dissent contend, by presuming that statutory ambiguities are implicit delegations to agencies. * * * Presumptions have their place in statutory interpretation, but only to the extent that they approximate reality. *Chevron*'s presumption does not, because "[a]n ambiguity is simply not a delegation of lawinterpreting power. *Chevron* confuses the two." As *Chevron* itself noted, ambiguities may result from an inability on the part of Congress to squarely answer the question at hand, or from a failure to even "consider the question" with the requisite precision. In neither case does an ambiguity necessarily reflect a congressional intent that an agency, as opposed to a court, resolve the resulting interpretive question. And many or perhaps most statutory ambiguities may be unintentional. * * *

Courts, after all, routinely confront statutory ambiguities in cases having nothing to do with *Chevron*—cases that do not involve agency interpretations or delegations of authority. Of course, when faced with a statutory ambiguity in such a case, the ambiguity is not a delegation to anybody, and a court is not somehow relieved of its obligation to independently interpret the statute. Courts in that situation do not throw up their hands because "Congress's instructions have" supposedly "run out," leaving a statutory "gap." Courts instead understand that such statutes, no matter how impenetrable, do—in fact, must—have a single, best meaning. That is the whole point of having written statutes; "every statute's meaning is fixed at the time of enactment." * * * So instead of declaring a particular party's reading "permissible" in such a case, courts use every tool at their disposal to determine the best reading of the statute and resolve the ambiguity.

In an agency case as in any other, though, even if some judges might (or might not) consider the statute ambiguous, there is a best reading all the same—"the reading the court would have reached" if no agency were involved. It therefore makes no sense to speak of a "permissible" interpretation that is not the one the court, after applying all relevant interpretive tools, concludes is best. In the business of statutory interpretation, if it is not the best, it is not permissible.

Perhaps most fundamentally, *Chevron*'s presumption is misguided because agencies have no special competence in resolving statutory ambiguities. Courts do. The Framers, as noted, anticipated that courts would often confront statutory ambiguities and expected that courts would resolve them by exercising independent legal judgment. * * * [E]ven *Chevron* itself reaffirmed that "[t]he judiciary is the final authority on issues of statutory construction" and recognized that "in the absence of an administrative interpretation," it is "necessary" for a court to "impose its own construction on the statute." *Chevron* gravely erred, though, in concluding that the inquiry is fundamentally different just because an administrative interpretation is in play. The very point of the traditional tools of statutory construction—the tools courts use every day—is to resolve statutory ambiguities. That is no less true when the ambiguity is about the scope of an agency's own power—perhaps the occasion on which abdication in favor of the agency is least appropriate.

The Government responds that Congress must generally intend for agencies to resolve statutory ambiguities because agencies have subject matter expertise regarding the statutes they administer; because deferring to agencies purportedly promotes the uniform construction of federal law; and because resolving statutory ambiguities can involve policymaking best left to political actors, rather than courts. * * * But none of these considerations justifies *Chevron's* sweeping presumption of congressional intent.

Beginning with expertise, we recently noted that interpretive issues arising in connection with a regulatory scheme often “may fall more naturally into a judge’s bailiwick” than an agency’s. *Kisor*, 588 U. S., at 578. We thus observed that “[w]hen the agency has no comparative expertise in resolving a regulatory ambiguity, Congress presumably would not grant it that authority.” *Chevron's* broad rule of deference, though, demands that courts presume just the opposite. Under that rule, ambiguities of all stripes trigger deference. * * *

But even when an ambiguity happens to implicate a technical matter, it does not follow that Congress has taken the power to authoritatively interpret the statute from the courts and given it to the agency. Congress expects courts to handle technical statutory questions. “[M]any statutory cases” call upon “courts [to] interpret the mass of technical detail that is the ordinary diet of the law,” and courts did so without issue in agency cases before *Chevron*. Courts, after all, do not decide such questions blindly. The parties and amici in such cases are steeped in the subject matter, and reviewing courts have the benefit of their perspectives. In an agency case in particular, the court will go about its task with the agency’s “body of experience and informed judgment,” among other information, at its disposal. *Skidmore*, 323 U. S., at 140. And although an agency’s interpretation of a statute “cannot bind a court,” it may be especially informative “to the extent it rests on factual premises within [the agency’s] expertise.” Such expertise has always been one of the factors which may give an Executive Branch interpretation particular “power to persuade, if lacking power to control.” *Skidmore*, 323 U. S., at 140. * * *

For those reasons, delegating ultimate interpretive authority to agencies is simply not necessary to ensure that the resolution of statutory ambiguities is well informed by subject matter expertise. The better presumption is therefore that Congress expects courts to do their ordinary job of interpreting statutes, with due respect for the views of the Executive Branch. And to the extent that Congress and the Executive Branch may disagree with how the courts have performed that job in a particular case, they are of course always free to act by revising the statute.

Nor does a desire for the uniform construction of federal law justify *Chevron*. Given inconsistencies in how judges apply *Chevron*, see *infra*, it is unclear how much the doctrine as a whole (as opposed to its highly deferential second step) actually promotes such uniformity. In any event, there is little value in imposing a uniform interpretation of a statute if that interpretation is wrong. We see no reason to presume that Congress prefers

uniformity for uniformity's sake over the correct interpretation of the laws it enacts.

The view that interpretation of ambiguous statutory provisions amounts to policymaking suited for political actors rather than courts is especially mistaken, for it rests on a profound misconception of the judicial role. It is reasonable to assume that Congress intends to leave policymaking to political actors. But resolution of statutory ambiguities involves legal interpretation. That task does not suddenly become policymaking just because a court has an “agency to fall back on.” Courts interpret statutes, no matter the context, based on the traditional tools of statutory construction, not individual policy preferences. Indeed, the Framers crafted the Constitution to ensure that federal judges could exercise judgment free from the influence of the political branches. See *The Federalist*, No. 78, at 522–525. * * *

That is not to say that Congress cannot or does not confer discretionary authority on agencies. Congress may do so, subject to constitutional limits, and it often has. But to stay out of discretionary policymaking left to the political branches, judges need only fulfill their obligations under the APA to independently identify and respect such delegations of authority, police the outer statutory boundaries of those delegations, and ensure that agencies exercise their discretion consistent with the APA. By forcing courts to instead pretend that ambiguities are necessarily delegations, *Chevron* does not prevent judges from making policy. It prevents them from judging.

3

In truth, *Chevron*'s justifying presumption is, as Members of this Court have often recognized, a fiction. * * * So we have spent the better part of four decades imposing one limitation on *Chevron* after another, pruning its presumption on the understanding that “where it is in doubt that Congress actually intended to delegate particular interpretive authority to an agency, *Chevron* is ‘inapplicable.’” *United States v. Mead Corp.*, 533 U. S. 218, 230 (2001). [The majority then outlined the various exceptions to the application of *Chevron* developed by the Court over four decades.] Confronted with this byzantine set of preconditions and exceptions, some courts have simply bypassed *Chevron*, saying it makes no difference for one reason or another. And even when they do invoke *Chevron*, courts do not always heed the various steps and nuances of that evolving doctrine. In one of the cases before us today, for example, the First Circuit both skipped “step zero,” and refused to “classify [its] conclusion as a product of *Chevron* step one or step two”—though it ultimately appears to have deferred under step two.

This Court, for its part, has not deferred to an agency interpretation under *Chevron* since 2016. See *Cuozzo*, 579 U. S., at 280. But *Chevron* remains on the books. So litigants must continue to wrestle with it, and lower courts—bound by even our crumbling precedents—understandably continue to apply it. The experience of the last 40 years has thus done little to rehabilitate *Chevron*. It has only made clear that *Chevron*'s fictional presumption of congressional intent was always unmoored from the APA's demand that

courts exercise independent judgment in construing statutes administered by agencies. At best, our intricate *Chevron* doctrine has been nothing more than a distraction from the question that matters: Does the statute authorize the challenged agency action? And at worst, it has required courts to violate the APA by yielding to an agency the express responsibility, vested in “the reviewing court,” to “decide all relevant questions of law” and “interpret . . . statutory provisions.” §706 (emphasis added).

[In Part IV of its opinion, the majority concluded that *stare decisis* was not a barrier to overruling *Chevron* because *stare decisis* “is not an ‘inexorable command’ and the *stare decisis* considerations most relevant *** - the quality of [the precedent’s] reasoning, the workability of the rule it established, and reliance on the decision,” * * * all weigh in favor of letting *Chevron* go.” The majority argued that the Court need not wait for Congress to legislate to eliminate *Chevron* because the Court created the doctrine and should correct its own mistakes. In light of the fact that so many cases were decided by the Supreme Court and lower courts in reliance on *Chevron*, the majority directly addressed the impact of its decision on those cases. The majority wrote, “By [overruling *Chevron*], however, we do not call into question prior cases that relied on the *Chevron* framework. The holdings of those cases that specific agency actions are lawful - including the Clean Air Act holding of *Chevron* itself - are still subject to statutory *stare decisis* despite our change in interpretive methodology.”]

Chevron is overruled. Courts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority, as the APA requires. Careful attention to the judgment of the Executive Branch may help inform that inquiry. And when a particular statute delegates authority to an agency consistent with constitutional limits, courts must respect the delegation, while ensuring that the agency acts within it. But courts need not and under the APA may not defer to an agency interpretation of the law simply because a statute is ambiguous.

Because the D. C. and First Circuits relied on *Chevron* in deciding whether to uphold the Rule, their judgments are vacated, and the cases are remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE KAGAN, with whom **JUSTICE SOTOMAYOR** and **JUSTICE JACKSON** join, dissenting.

For 40 years, *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984), has served as a cornerstone of administrative law, allocating responsibility for statutory construction between courts and agencies. Under *Chevron*, a court uses all its normal interpretive tools to determine whether Congress has spoken to an issue. If the court finds Congress has done so, that is the end of the matter; the agency’s views make no difference. But if the court finds, at the end of its interpretive work, that Congress has left an ambiguity or gap, then a choice must be made. Who should give content to a statute when Congress’s instructions have run out? Should it be a court? Or should it be the agency Congress has charged with administering the statute? The answer *Chevron* gives is that it should usually be the agency, within the bounds of reasonableness. That rule has formed the backdrop against which Congress, courts, and agencies—as well as regulated parties and the public—all have operated for decades. It has been applied in thousands of judicial decisions. It has become part of the warp and woof of modern government, supporting regulatory efforts of all kinds—to name a few, keeping air and water clean, food and drugs safe, and financial markets honest.

And the rule is right. This Court has long understood *Chevron* deference to reflect what Congress would want, and so to be rooted in a presumption of legislative intent. Congress knows that it does not—in fact cannot—write perfectly complete regulatory statutes. It knows that those statutes will inevitably contain ambiguities that some other actor will have to resolve, and gaps that some other actor will have to fill. And it would usually prefer that actor to be the responsible agency, not a court. Some interpretive issues arising in the regulatory context involve scientific or technical subject matter. Agencies have expertise in those areas; courts do not. Some demand a detailed understanding of complex and interdependent regulatory programs. Agencies know those programs inside-out; again, courts do not. And some present policy choices, including trade-offs between competing goods. Agencies report to a President, who in turn answers to the public for his policy calls; courts have no such accountability and no proper basis for making policy. And of course Congress has conferred on that expert, experienced, and politically accountable agency the authority to administer—to make rules about and otherwise implement—the statute giving rise to the ambiguity or gap. Put all that together and deference to the agency is the almost obvious choice, based on an implicit congressional delegation of interpretive authority. We defer, the Court has explained, “because of a presumption that Congress” would have “desired the agency (rather than the courts)” to exercise “whatever degree of discretion” the statute allows.

Today, the Court flips the script: It is now “the courts (rather than the agency)” that will wield power when Congress has left an area of interpretive discretion. A rule of judicial humility gives way to a rule of judicial hubris. In recent years, this Court has too often taken for itself decision-making authority Congress assigned to agencies. The Court has substituted its own judgment on workplace health for that of the Occupational Safety and Health Administration; its own judgment on climate change for that of the Environmental

Protection Agency; and its own judgment on student loans for that of the Department of Education. But evidently that was, for this Court, all too piecemeal. In one fell swoop, the majority today gives itself exclusive power over every open issue—no matter how expertise-driven or policy-laden—involving the meaning of regulatory law. As if it did not have enough on its plate, the majority turns itself into the country’s administrative czar. It defends that move as one (suddenly) required by the (nearly 80-year-old) Administrative Procedure Act. But the Act makes no such demand. Today’s decision is not one Congress directed. It is entirely the majority’s choice.

And the majority cannot destroy one doctrine of judicial humility without making a laughing-stock of a second. (If opinions had titles, a good candidate for today’s would be *Hubris Squared*.) *Stare decisis* is, among other things, a way to remind judges that wisdom often lies in what prior judges have done. It is a brake on the urge to convert “every new judge’s opinion” into a new legal rule or regime. *Dobbs v. Jackson Women’s Health Organization*, 597 U. S. 215, 388 (2022) (joint opinion of Breyer, SOTOMAYOR, and KAGAN, JJ., dissenting) (quoting 1 W. Blackstone, *Commentaries on the Laws of England* 69 (7th ed. 1775)). *Chevron* is entrenched precedent, entitled to the protection of *stare decisis*, as even the majority acknowledges. In fact, *Chevron* is entitled to the supercharged version of that doctrine because Congress could always overrule the decision, and because so many governmental and private actors have relied on it for so long. Because that is so, the majority needs a “particularly special justification” for its action. *Kisor v. Wilkie*, 588 U. S. 558, 588 (2019) (opinion of the Court). But the majority has nothing that would qualify. It barely tries to advance the usual factors this Court invokes for overruling precedent. Its justification comes down, in the end, to this: Courts must have more say over regulation—over the provision of health care, the protection of the environment, the safety of consumer products, the efficacy of transportation systems, and so on. A longstanding precedent at the crux of administrative governance thus falls victim to a bald assertion of judicial authority. The majority disdains restraint, and grasps for power.

I

[Justice Kagan began Part I of her dissent by discussing the various reasons for ambiguity in statutes, provided examples of ambiguities in several regulatory statutes addressing complex scientific and technical issues to demonstrate the difficulty of resolving the ambiguities, and proceeded to explain the rationale for *Chevron*.] A question thus arises: Who decides which of the possible readings should govern? This Court has long thought that the choice should usually fall to agencies, with courts broadly deferring to their judgments. For the last 40 years, that doctrine has gone by the name of *Chevron* deference, after the 1984 decision that formalized and canonized it. In *Chevron*, the Court set out a simple two-part framework for reviewing an agency’s interpretation of a statute that it administers. First, the reviewing court must determine whether Congress has “directly spoken to the precise question at issue.” That inquiry is rigorous: A court must exhaust all the “traditional tools of statutory construction” to divine statutory meaning. And when it can find that meaning—a “single right answer”—that is “the end of the matter”: The

court cannot defer because it “must give effect to the unambiguously expressed intent of Congress.” But if the court, after using its whole legal toolkit, concludes that “the statute is silent or ambiguous with respect to the specific issue” in dispute—for any of the not-uncommon reasons discussed above—then the court must cede the primary interpretive role. At that second step, the court asks only whether the agency construction is within the sphere of “reasonable” readings. If it is, the agency’s interpretation of the statute that it every day implements will control. That rule, the Court has long explained, rests on a presumption about legislative intent—about what Congress wants when a statute it has charged an agency with implementing contains an ambiguity or a gap. An enacting Congress, as noted above, knows those uncertainties will arise, even if it does not know what they will turn out to be. And every once in a while, Congress provides an explicit instruction for dealing with that contingency—assigning primary responsibility to the courts, or else to an agency. But much more often, Congress does not say. Thus arises the need for a presumption—really, a default rule—for what should happen in that event. Does a statutory silence or ambiguity then go to a court for resolution? Or to an agency? This Court has long thought Congress would choose an agency, with courts serving only as a backstop to make sure the agency makes a reasonable choice among the possible readings. * * * Of course, Congress can always refute that presumptive choice—can say that, really, it would prefer courts to wield that discretionary power. But until then, the presumption cuts in the agency’s favor. The next question is why.

For one, because agencies often know things about a statute’s subject matter that courts could not hope to. The point is especially stark when the statute is of a “scientific or technical nature.” *Kisor*, 588 U. S., at 571 (plurality opinion). Agencies are staffed with “experts in the field” who can bring their training and knowledge to bear on open statutory questions. * * *

A second idea is that Congress would value the agency’s experience with how a complex regulatory regime functions, and with what is needed to make it effective. * * * Just as a common-law court makes better decisions as it sees multiple variations on a theme, an agency’s construction of a statutory term benefits from its unique exposure to all the related ways the term comes into play. * * *

Still more, *Chevron*’s presumption reflects that resolving statutory ambiguities, as Congress well knows, is “often more a question of policy than of law.” *Pauley v. BethEnergy Mines, Inc.*, 501 U. S. 680, 696 (1991). The task is less one of construing a text than of balancing competing goals and values. * * * Agencies are “subject to the supervision of the President, who in turn answers to the public.” So when faced with a statutory ambiguity, “an agency to which Congress has delegated policymaking responsibilities” may rely on an accountable actor’s “views of wise policy to inform its judgments.”

None of this is to say that deference to agencies is always appropriate. The Court over time has fine-tuned the *Chevron* regime to deny deference in classes of cases in which Congress has no reason to prefer an agency to a court. The majority treats those “refinements” as a flaw in the scheme, but they are anything but. Consider the rule that an

agency gets no deference when construing a statute it is not responsible for administering. Well, of course not—if Congress has not put an agency in charge of implementing a statute, Congress would not have given the agency a special role in its construction. Or take the rule that an agency will not receive deference if it has reached its decision without using—or without using properly—its rulemaking or adjudicatory authority. See *United States v. Mead Corp.*, 533 U. S. 218, 226–227 (2001). * * * Again, that should not be surprising: Congress expects that authoritative pronouncements on a law’s meaning will come from the procedures it has enacted to foster “fairness and deliberation” in agency decision-making. Or finally, think of the “extraordinary cases” involving questions of vast “economic and political significance” in which the Court has declined to defer. The theory is that Congress would not have left matters of such import to an agency, but would instead have insisted on maintaining control. So the *Chevron* refinements proceed from the same place as the original doctrine. Taken together, they give interpretive primacy to the agency when—but only when—it is acting, as Congress specified, in the heartland of its delegated authority. That carefully calibrated framework “reflects a sensitivity to the proper roles of the political and judicial branches.” Where Congress has spoken, Congress has spoken; only its judgments matter. And courts alone determine when that has happened: Using all their normal interpretive tools, they decide whether Congress has addressed a given issue. But when courts have decided that Congress has not done so, a choice arises. Absent a legislative directive, either the administering agency or a court must take the lead. And the matter is more fit for the agency. The decision is likely to involve the agency’s subject-matter expertise; to fall within its sphere of regulatory experience; and to involve policy choices, including cost-benefit assessments and trade-offs between conflicting values. So a court without relevant expertise or experience, and without warrant to make policy calls, appropriately steps back. The court still has a role to play: It polices the agency to ensure that it acts within the zone of reasonable options. But the court does not insert itself into an agency’s expertise-driven, policy-laden functions. That is the arrangement best suited to keep every actor in its proper lane. And it is the one best suited to ensure that Congress’s statutes work in the way Congress intended.

The majority makes two points in reply, neither convincing. First, it insists that “agencies have no special competence” in filling gaps or resolving ambiguities in regulatory statutes; rather, “[c]ourts do.” Score one for self-confidence; maybe not so high for self-reflection or -knowledge. Of course courts often construe legal texts, hopefully well. And *Chevron*’s first step takes full advantage of that talent: There, a court tries to divine what Congress meant, even in the most complicated or abstruse statutory schemes. The deference comes in only if the court cannot do so—if the court must admit that standard legal tools will not avail to fill a statutory silence or give content to an ambiguous term. That is when the issues look like the ones I started off with: When does an alpha amino acid polymer qualify as a “protein”? How distinct is “distinct” for squirrel populations? What size “geographic area” will ensure appropriate hospital reimbursement? As between two equally feasible understandings of “stationary source,” should one choose the one more protective of the environment or the one more favorable to economic growth? The idea that courts have “special competence” in deciding such questions whereas agencies have “no[ne]” is, if I may say, malarkey. Answering those questions right does not mainly

demand the interpretive skills courts possess. Instead, it demands one or more of: subject-matter expertise, long engagement with a regulatory scheme, and policy choice. It is courts (not agencies) that “have no special competence”—or even legitimacy—when those are the things a decision calls for.

Second, the majority complains that an ambiguity or gap does not “necessarily reflect a congressional intent that an agency” should have primary interpretive authority. On that score, I’ll agree with the premise: It doesn’t “necessarily” do so. *Chevron* is built on a presumption. The decision does not maintain that Congress in every case wants the agency, rather than a court, to fill in gaps. The decision maintains that when Congress does not expressly pick one or the other, we need a default rule; and the best default rule—agency or court?—is the one we think Congress would generally want. As to why Congress would generally want the agency: The answer lies in everything said above about Congress’s delegation of regulatory power to the agency and the agency’s special competencies. The majority appears to think it is a showstopping rejoinder to note that many statutory gaps and ambiguities are “unintentional.” But to begin, many are not; the ratio between the two is uncertain. And to end, why should that matter in any event? Congress may not have deliberately introduced a gap or ambiguity into the statute; but it knows that pretty much everything it drafts will someday be found to contain such a “flaw.” Given that knowledge, *Chevron* asks, what would Congress want? The presumed answer is again the same (for the same reasons): The agency. And as with any default rule, if Congress decides otherwise, all it need do is say. In that respect, the proof really is in the pudding: Congress basically never says otherwise, suggesting that *Chevron* chose the presumption aligning with legislative intent (or, in the majority’s words, “approximat[ing] reality,”). Over the last four decades, Congress has authorized or reauthorized hundreds of statutes. The drafters of those statutes knew all about *Chevron*. So if they had wanted a different assignment of interpretive responsibility, they would have inserted a provision to that effect. With just a pair of exceptions I know of, they did not. Similarly, Congress has declined to enact proposed legislation that would abolish *Chevron* across the board. So to the extent the majority is worried that the *Chevron* presumption is “fiction[al],” ante, at 26—as all legal presumptions in some sense are—it has gotten less and less so every day for 40 years. The congressional reaction shows as well as anything could that the *Chevron* Court read Congress right.

II

[In Part II of her dissent, Justice Kagan rebutted the majority’s argument that *Chevron* deference is inconsistent with the APA. First, Kagan argued that the text of Section 706 is indeterminate on the issue of deference and does not prescribe any standard of review for construing statutes. Kagan argued that a court “decides ... relevant questions of law” as required by Section 706 whether it defers to an agency interpretation of a statute or interprets the statute de novo. Justice Kagan further pointed out that Congress explicitly provided for de novo review of some agency decisions in Section 706(2)(F), but did not include similar “de novo” language in the portion of Section 706 addressing the court’s power to decide all relevant questions of law.

After discussing the text of Section 706, Justice Kagan noted that, at the time that the APA was enacted, legal scholars generally understood Section 706 to allow, or even require, some deference to agencies' statutory interpretation. Kagan also cited numerous Supreme Court decisions in the years shortly after the APA was enacted where the Court deferred to an agency's statutory interpretation. Finally, Justice Kagan cited numerous Supreme Court decisions that predated the enactment of the APA to demonstrate the Court's long history of deference to agencies' interpretations of statutes that was codified in the APA.]

III

[In Part III of her dissent, Justice Kagan criticized the majority's treatment of *stare decisis*. Justice Kagan argued that, as a statutory interpretation decision, *Chevron* was entitled to *stare decisis*'s strongest form of protection, requiring an exceptionally strong reason to overturn the decision. Kagan suggested that such protection was justified because (1) Congress had not overturned the decision over four decades; and (2) *Chevron* was not simply a single decision, but the foundation for a large corpus of law, being adopted 70 times by the Supreme Court and thousands of times by lower courts. In response to the majority's argument that overruling *Chevron* would have little effect because the Supreme Court had not relied on it recently to uphold agency actions, Justice Kagan pointed out that the lower federal courts continued to rely on the decision and she criticized the majority for eroding the doctrine over time as a means of overturning it. Justice Kagan also rejected the majority's arguments that *Chevron* was unworkable and was being applied inconsistently by courts. Most importantly, though, Justice Kagan stressed that Congress and agencies had relied on *Chevron* for 40 years, and that overruling the precedent would cause great disruption.]

IV

Judges are not experts in the field, and are not part of either political branch of the Government.

Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc., 467 U. S. 837, 865 (1984)

Those were the days, when we knew what we are not. When we knew that as between courts and agencies, Congress would usually think agencies the better choice to resolve the ambiguities and fill the gaps in regulatory statutes. Because agencies are "experts in the field." And because they are part of a political branch, with a claim to making interstitial policy. And because Congress has charged them, not us, with administering the statutes containing the open questions. At its core, *Chevron* is about respecting that allocation of responsibility—the conferral of primary authority over regulatory matters to agencies, not courts.

Today, the majority does not respect that judgment. It gives courts the power to make all manner of scientific and technical judgments. It gives courts the power to make all manner

of policy calls, including about how to weigh competing goods and values. (See *Chevron* itself.) It puts courts at the apex of the administrative process as to every conceivable subject—because there are always gaps and ambiguities in regulatory statutes, and often of great import. What actions can be taken to address climate change or other environmental challenges? What will the Nation’s health-care system look like in the coming decades? Or the financial or transportation systems? What rules are going to constrain the development of A.I.? In every sphere of current or future federal regulation, expect courts from now on to play a commanding role. It is not a role Congress has given to them, in the APA or any other statute. It is a role this Court has now claimed for itself, as well as for other judges. And that claim requires disrespecting, too, this Court’s precedent. There are no special reasons, of the kind usually invoked for overturning precedent, to eliminate *Chevron* deference. And given *Chevron*’s pervasiveness, the decision to do so is likely to produce large-scale disruption. All that backs today’s decision is the majority’s belief that *Chevron* was wrong—that it gave agencies too much power and courts not enough. But shifting views about the worth of regulatory actors and their work do not justify overhauling a cornerstone of administrative law. In that sense too, today’s majority has lost sight of its proper role. And it is impossible to pretend that today’s decision is a one-off, in either its treatment of agencies or its treatment of precedent. As to the first, this very Term presents yet another example of the Court’s resolve to roll back agency authority, despite congressional direction to the contrary. See *SEC v. Jarkesy*, 603 U. S. ____ (2024) * * * As to the second, just my own defenses of stare decisis - my own dissents to this Court’s reversals of settled law—by now fill a small volume. * * * Once again, with respect, I dissent.