



# Ending *Chevron* Deference

## Impacts on Federal Environmental Protections

Center for American Progress January 10, 2024

Many of the current federal regulations that protect our air, water, and land are derived from agency rulings and capacity to make rules. If the U.S. Supreme Court strikes down *Chevron* deference, Environmental Protection Agency (EPA) rules against pollutant emissions that benefit the planet—and the economy—are at risk. The following highlights just some of the benefits that environmental regulations provide to everyday Americans, and what the Supreme Court is putting at risk.

### Regulatory environmental benefits to everyday Americans:

- The economic benefits of environmental regulations outweigh the costs 30 to 1.<sup>1</sup> Further, international studies reflect that, compared with maintaining the status quo, enacting rules aiding the transition to lower emissions will lead to 2.3 percent higher gross domestic product growth, 85 million more jobs around the globe, and two times more workers in renewable energy—significantly boosting the economy.<sup>2</sup> Other empirical studies<sup>3</sup> refute the false contentions<sup>4</sup> that stringent environmental regulations negatively affect the economy; rather, they boost economic production, with long-term positive effects.<sup>5</sup>
- It was projected in 2011 that in 2020,<sup>6</sup> clean air regulations would prevent 230,000 premature deaths, 200,000 heart attacks, 5.4 million lost school days, and 17 million lost workdays.

### Regulations at stake:

- **Oil and gas plant methane rule:** This regulation,<sup>7</sup> finalized and promulgated on December 2, 2023, tightens rules against methane flaring and leaking at oil and gas plants. Methane is 80 times more potent than carbon dioxide,<sup>8</sup> and reductions are critical to meeting goals of limiting global warming to 1.5 degrees Celsius to abate catastrophic climate change.<sup>9</sup> Eliminating *Chevron* deference would give courts more leeway to strike down this rule, allowing more of this extremely potent greenhouse gas to leak into the atmosphere.
- **Light- and heavy-duty vehicles emissions standards:** The EPA is expected to issue updated emissions standards for both light-duty vehicles<sup>10</sup> and heavy-duty vehicles,<sup>11</sup> such as commercial trucks and buses, in 2024. These standards are

different from the U.S. Department of Transportation’s fuel efficiency rules, the Corporate Average Fuel Economy standards,<sup>12</sup> and are a critical tool for limiting emissions of carbon and other pollutants—some of the largest contributors to climate change.<sup>13</sup> Losing *Chevron* deference would threaten a critical component of the EPA’s ability to limit greenhouse gas emissions,<sup>14</sup> severely setting back the fight against climate change.

- **Fossil fuel power plant emissions standards:** The EPA is expected in April 2024 to finalize its power plant emissions standards regulation,<sup>15</sup> which is tailored to comply with the major questions doctrine created by the U.S. Supreme Court in *West Virginia v. EPA*.<sup>16</sup> The rule will help significantly reduce greenhouse gas and particulate pollution from fossil fuel power plants but would be threatened by a decision striking down *Chevron* deference; conservative jurists and advocates have long been hostile to the EPA’s exercise of Clean Air Act Section 111 authority, which is what empowers the EPA to establish this new rule.<sup>17</sup>

## Endnotes

- 1 U.S. Environmental Protection Agency, “The Clean Air Act and the Economy,” available at <https://www.epa.gov/clean-air-act-overview/clean-air-act-and-economy> (last accessed January 2024).
- 2 International Renewable Energy Agency, “World Energy Transitions Outlook 2022: 1.5°C Pathway” (Abu Dhabi, UAE: 2022), available at <https://www.irena.org/publications/2022/mar/world-energy-transitions-outlook-2022>.
- 3 Antoine Dechezleprêtre and Misato Sato, “The Impacts of Environmental Regulations on Competitiveness,” *Review of Environmental Economics and Policy* 11 (2) (2017): 183–206, available at <https://www.journals.uchicago.edu/doi/10.1093/reep/rex013>.
- 4 Paul Krugman, “Why Republicans Turned Against the Environment,” *The New York Times*, August 15, 2022, available at <https://www.nytimes.com/2022/08/15/opinion/republicans-environment-climate.html>.
- 5 Dechezleprêtre and Sato, “The Impacts of Environmental Regulations on Competitiveness.”
- 6 U.S. Environmental Protection Agency, “Benefits and Costs of the Clean Air Act 1990-2020, the Second Prospective Study,” available at <https://www.epa.gov/clean-air-act-overview/benefits-and-costs-clean-air-act-1990-2020-second-prospective-study> (last accessed January 2024).
- 7 U.S. Environmental Protection Agency, “Actions and Notices about Oil and Natural Gas Air Pollution Standards,” available at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-operations/actions-and-notices-about-oil-and-0> (last accessed January 2024).
- 8 U.N. Environment Programme, “What’s the deal with methane?,” October 18, 2022, available at <https://www.unep.org/news-and-stories/video/whats-deal-methane>.
- 9 *Ibid.*
- 10 U.S. Environmental Protection Agency, “Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,” June 26, 2023, available at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-multi-pollutant-emissions-standards-model>.
- 11 U.S. Environmental Protection Agency, “Regulations for Greenhouse Gas Emissions from Commercial Trucks and Buses,” April 12, 2023, available at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>.
- 12 U.S. Department of Transportation, “USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026,” April 1, 2022, available at <https://www.transportation.gov/briefing-room/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>.
- 13 *Ibid.*
- 14 Mandy M. Gunasekara, “Environmental Protection Agency,” in Paul Dans and Steven Groves, ed(s)., *Mandate for Leadership: The Conservative Promise* (Washington: Heritage Foundation, 2023).
- 15 U.S. Environmental Protection Agency, “Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants,” available at <https://www.epa.gov/stationary-sources-air-pollution/greenhouse-gas-standards-and-guidelines-fossil-fuel-fired-power> (last accessed January 2024).
- 16 *West Virginia v. Environmental Protection Agency*, 597 U.S. \_\_\_ (June 30, 2022), available at [https://www.supremecourt.gov/opinions/21pdf/20-1530\\_n758.pdf](https://www.supremecourt.gov/opinions/21pdf/20-1530_n758.pdf).
- 17 Gunasekara, “Environmental Protection Agency.”