



Examining Regulation and Environmental Policy Through the Chevron Deference Reversal

Lesson Length: 2 class periods

Grade Levels: 11th–12th

Overview

By exploring the impacts of the reversal of the Chevron deference, students will examine the connection between economics, public policy, and human progress and its effects on sustainable systems for the environment. The *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.* Supreme Court case is not limited to environmental policy regulation. Still, it uncovers the interdependent relationship of markets and policy decisions, which consequentially affects environmental science as a whole. Through text and data analysis paired with Socratic discussion, students will be able to synthesize the outcomes of the Supreme Court's ruling and evaluate—through a viewpoint-diverse lens—their impact on environmental sustainability.

This lesson aligns with Advanced Placement Environmental Science Unit 9: Global Change and highlights the intersection between 2 of the 4 big ideas explored in the course regarding sustainability and interactions between different species and the environment. The lesson is also suitable for economics, government, or other advanced subjects to help students identify interdisciplinary connections.

Objectives

- Define regulation and explain how the legislative and executive branches implement it
- Analyze text to gather evidence to support claims about how the government regulates environmental policy
- Evaluate and discuss the intended and unintended consequences of the 2024 Supreme Court case *Loper Bright Enterprises v. Raimondo*, which overturned the Chevron deference on the environment.

Vocabulary

- Regulation
- Chevron deference (also referred to as the Chevron doctrine)
- Competitive advantage
- Public policy
- Environmental policy vs. energy policy
- Federal agencies

Materials

- *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. (1984)* from the National Constitution Center (printed or digital for prework)
- *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* court case description from Oyez (printed or digital for prework)
- “The US Supreme Court’s Chevron Deference Ruling Will Disrupt Climate Policy” from Council on Foreign Relations (printed or digital for lesson activity)
- “Why the Chevron Victory Won’t End the Administrative Abuse Coming from the EPA” from the Cato Institute (printed or digital for lesson activity)
- “Around the Halls: After Chevron, What’s Next?” from Brookings (printed or digital for lesson activity)
- “Study Finds Economic Prosperity Is Associated with a Cleaner Environment” from Human Progress (printed or digital for lesson activity)
- “Assessing the Economic Impacts of Environmental Policies” from the Organization for Economic Co-operation and Development (printed or digital for lesson activity)
- Prework graphic organizer
- Know, want to know, learned (KWL) chart
- Lesson graphic organizer
- Sticky notes (optional; can be replaced with a digital version)
- Laptops and internet
- Pencils/pens and highlighters (optional for the articles)

Prework (30 minutes to 1 hour)

Teacher note: Before entering conversations about challenging topics with students, we encourage you to create discussion norms as a class. We recommend utilizing our editable *Class Norms Document* and *Healthy Discussion Norms poster* as a starting point. As you prepare to guide students in discussion, leverage our *Science Tips and Tricks* resource to identify meaningful ways to engage with students.

Before the lesson, have students read *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. (1984)* and *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* Explain to students that they will be examining and analyzing the impacts of the 2024 reversal of the precedent set in this case regarding environmental policy. Share that to prepare for the lesson, students should read both short articles and answer the following questions in the graphic organizer to guide their understanding of the material.

Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.		
Question	Text Evidence	Comments
What was the premise of the case?		
How did the Supreme Court interpret the Constitution in this case?		
What precedent did the case set?		

Optional Enrichment Extension for Prework

If you want to add a free response to prework, have students answer the following questions using the graphic organizer and text. Encourage students to use the ACE format (answer, cite, explain).

Refer to the readings to answer the following questions.

- Explain the case precedent on federal agencies versus courts.
- Describe 2 impacts the Chevron deference might have on businesses and the environment.

Day 1

WARM-UP (10 MINUTES)

PART 1

Step 1

Pass out sticky notes (or, if you prefer to be paperless, have students create a document on their computer). Ask students to take out their graphic organizers from the prework and “SIT” with their thoughts about the readings. Share that they should think of one thing that surprised them about the

court case (S), one thing that interested them (I), and one thing that troubled them (T). Give students about 3 minutes to jot down their thoughts.

Step 2

Have students pair with a neighbor to SIT together. Remind students of discussion norms, encourage active listening, and provide 2 minutes for each student to share their thoughts.

Step 3

Welcome students back to a whole-group discussion and ask for volunteers to share their thoughts.

PART 2

Step 1

Transition to the second part of the warm-up by asking students to recall the 3 branches of government and share examples of what agencies might constitute those branches. Some examples are the Environmental Protection Agency (EPA), Food and Drug Administration, and Department of Energy. Then proceed as a class to fill out the first column of the KWL chart.

Know	Want to Know	Learned
What do we know about the relationship between executive branch agencies, such as the EPA, and the legislative branch with regard to interpreting laws and setting regulations?	What do we want to know about the relationship between executive branch agencies, such as the EPA, and the legislative branch with regard to interpreting laws and setting regulations?	What have we learned about the relationship between executive branch agencies, such as the EPA, and the legislative branch with regard to interpreting laws and setting regulations?

Step 2

State that regulations are rules set forth by agencies of the federal government to ensure that the laws Congress passes are followed. The EPA is an example of a federal agency that interprets laws

from Congress to set regulations on various industry activities such as turning waste allotments into fresh water and how manufacturers monitor chemical emissions.

Step 3

Debrief column 1 and then proceed to column 2.

Step 4

Share with students that in today's lesson they will be exploring the relationship between agencies in the executive branch and courts in the legislative branch. Students will then examine how these agencies set forth regulations regarding environmental policy under the reversal of the Chevron deference.

Explain to students that in 2024, the Supreme Court reviewed the case *Loper Bright Enterprises v. Raimondo*, which centered on a group of commercial fishermen suing the National Marine Fisheries Service for charging \$710 per day for funding at-sea monitoring programs. The premise of the lawsuit was a regulation based on an agency interpretation of the Magnuson–Stevens Fishery Conservation and Management Act of 1976. In 2024, the Supreme Court ruled that ambiguous statutes should remain with the courts to interpret, not federal agencies, thereby overturning the precedent of the Chevron deference that had been in place for over 40 years.

Note: In the articles they will be analyzing, students should expect to gather viewpoint- diverse evidence on perspectives regarding intended and unintended consequences that might arise from the policy reversal. The students' goal in conducting text analysis will be to identify the reasoning for the different perspectives and build their own opinions regarding the impacts of the policy reversal in the field of environmental policy. At the end of the class session, students will bring their opinions to a Socratic discussion.

LESSON ACTIVITIES

STEP 1

Split students into 2 group sections. One section will analyze the 3 articles on the Chevron deference, and the other section will analyze the 2 articles on the economics of environmental policy regulation. *Adjust group size as appropriate for your class needs.*

STEP 2

Ask students to open a shared copy of the graphic organizer below and locate the reading section to which they have been assigned.

Chevron Reversal Groups

Article	How do the authors interpret the reversal of the Chevron deference?	What does the article reveal about the potential intended or unintended consequences of the policy reversal?	What is the role of economics in relation to regulation, according to the authors?
"The US Supreme Court's Chevron Deference Ruling Will Disrupt Climate Policy"			
"Why the Chevron Victory Won't End the Administrative Abuse Coming from the EPA"			
"Around the Halls: After Chevron, What's Next?"			
Regulation Groups			
Article	How do the authors address the relationship between environmental regulation and economics?	How do the authors describe who should determine regulation policies?	
"Study Finds Economic Prosperity Is Associated with a Cleaner Environment"			
"Assessing the Economic Impacts of Environmental Policies"			

STEP 3

Explain to students that they will fill out their section with information from their assignment article and use evidence from the text to support their answers. After students have read the articles, encourage each group to identify a notetaker to type what they discuss and their answers.

STEP 4

Ask students to share their findings and engage in a brief whole-group discussion.

ACTIVITY 2—KWL REVISITED (10 MINUTES)

STEP 1

Direct students back to the KWL chart. Ask students to share the answers to the third column and ask if there is anything they would add to the second column.

STEP 2

Explain to students that they will engage in a Socratic seminar in which they will discuss the following 3 questions:

- To what extent should courts instead of federal agencies decide a statute's meaning? How does this affect environmental policy?
- What are the intended and unintended consequences of environmental regulation policy on the economy?
- How does regulation hinder or advance human progress in addressing sustainable practices for the environment?

Preview these questions with students, and share that they should come prepared to discuss their perspectives using evidence from the texts they analyzed with their peers to evaluate the overall impact of the Chevron deference on environmental policy.

EXIT TICKET (5 MINUTES)

Ask students to revisit their SIT sticky note. Ask them to add any information that changed their perspective on their answers.

Day 2—Socratic Seminar

WARM-UP (10 MINUTES)

STEP 1

Have students connect to learning from Day 1 by answering the following free-response questions.

Describe 2 ways the Chevron deference reversal had an impact on environmental policy.

Identify the role of the executive and legislative branches in setting regulations.

STEP 2

In a whole-group discussion, ask students to share their answers.

LESSON ACTIVITY (45 MINUTES)

STEP 1

Have students recall your class community norms. If you did not do this during the prework section, this is a great time to set a goal of 3 norms to maintain before entering discussion, or embed this during the warm-up.

STEP 2

- Ask students to engage in a Socratic discussion about the following 3 questions:
- To what extent should courts instead of federal agencies decide a statute's meaning? How does this affect environmental policy?
- What are the intended and unintended consequences of environmental regulation policy on the economy?
- How does regulation hinder or advance human progress in addressing sustainable practices for the environment?

Remind students to consider their understanding of the court cases and various perspectives they studied. Emphasize that the goal is to focus on having a discussion, not a debate, and to use the civil discourse discussion framework. As students engage in the discussion, ensure that they focus on the 4 key components of a successful Socratic seminar: the text they have used, the prompt, the facilitator of the seminar, and their classmates. Further tips on seating arrangements may be found in the [Civil Discourse Primer](#).

STEP 3

Close the discussion by encouraging further research into the topic and highlighting the role that economics, progress, and environmental sustainability play in public policy.

EXIT TICKET (5 MINUTES)

Ask students to reflect on the relationship between economics, public policy, and environmental sustainability. Have them explain, in bullet-point form or short sentences on a sticky note or loose-leaf paper, what surprised them about this relationship. Encourage them to consider what unexpected connections they discovered between the topics covered.

Optional Extension Project

Have students work with a partner to choose an area of the environment, such as water pollution or carbon emissions, that faces a sustainability issue. Ask them to apply their knowledge from this lesson to examine and respond to the following:

- Identify the current regulations and which agencies are enforcing them.
- Describe the intended and unintended consequences of those regulations on that particular issue's environment and economy.
- Propose and justify a potential solution that navigates the intersection of regulation, economics, and environmental sustainability.

Students should use the ACE format to write a free response to each of the prompts together and create a presentation about their ideas to share with the class.