

The Overturning of the Chevron Doctrine & How it Could Impact Disability Community

Summary

The Chevron Doctrine was established by the Supreme Court in a 1984 decision. This Doctrine acknowledged that when a law is ambiguous, the agency has the authority to interpret it as they see best fit and courts will not intervene. In its 40 years of precedent, the courts have often cited this doctrine to allow agencies to be the experts in their areas without interference. However, the Supreme Court overruled Chevron in a recent case called *Loper Bright Enterprises v. Raimondo*. This means that courts now exercise their own independent judgment when interpreting statutes that are ambiguous or silent on key issues.

What is the impact of the overturning on individuals with disabilities?

Overruling the Chevron doctrine introduces uncertainty and possible instability in the enforcement and interpretation of disability-related regulations. This may hinder the ability of federal agencies to effectively protect and serve the disability community, depending heavily on judicial interpretations that may not always align with the technical and policy expertise of the agencies.

Federal courts lack specialized knowledge

Previously, decisions cited under the Chevron doctrine were influenced by the public servants within federal agencies, the input of subject area experts across fields, and the public who chose to share their opinions. Agencies like the Department of Health and Human Services (HHS) and the Social Security Administration (SSA), which oversee disability services and benefits, possess specialized expertise. Overruling Chevron means the federal courts will now have the final say in circumstances where knowledge of highly specialized, complex, and technical issues is required, which is outside the scope of legal training and might undermine the effectiveness of disability programs. Therefore, people with disabilities will potentially be subject to less informed and less consistent legal decisions.

Challenging legal precedents

Regulated entities are more likely to challenge federal agency interpretations of statutes from the past 40 years, including many that safeguard the disability community. This could lead to increased litigation over regulations affecting disability rights and services, potentially causing delays and inconsistencies in their implementation. Federal regulations are central to the implementation of the Americans with Disabilities Act, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation and a myriad of other statutes protecting the rights of people with disabilities. This year, the federal government finalized rules barring disability discrimination in health care, spelling out how the ADA applies for online access, and updating Supplemental Security Income and Medicaid home and community-based services, among other



changes. These, as well as other recent regulations, could all be challenged if the statute used to justify the regulations are not viewed as clear enough.

Limiting future regulations/ Long-term Legal Precedents

Future regulations might be impacted because agencies might be more cautious in creating regulations and less ambitious in fulfilling their mandates, protecting the public, and using taxpayers' resources well in the face of increased risk that courts will undo their work. They will be more focused on ensuring they work within what is authorized clearly within the statute. Future judicial rulings could set precedents that may either strengthen or weaken disability protections, depending on the prevailing judicial philosophies and interpretations at the time. This unpredictability could affect long-term planning for disability services and advocacy strategies.

Reduced Flexibility for Agencies

Agencies like the SSA, which administers disability benefits, might lose the flexibility to adapt their interpretations to changing circumstances. This rigidity can hinder the agency's ability to respond to new challenges or to evolve its policies to better serve the disability community.

Policy Stagnation

With Congress historically slow to pass new legislation, relying on courts to interpret laws without agency deference could lead to stagnation in policy development. In addition, legislation is often ambiguous and not detailed. This may change to allow agencies to work without the risk of court intervention, making it harder to quickly pass legislation. This could particularly impact emerging issues within the disability community that require timely regulatory responses.

Agency Rulemaking and Enforcement

Federal agencies might face greater difficulty in enforcing disability regulations and protections. They will need to ensure that their rules are explicitly supported by statute to withstand judicial scrutiny, which could lead to more cautious and potentially less comprehensive regulatory actions.

Social Security and Disability Benefits implications

In cases relating to Social Security and disability benefits, statutory language is often challenged for being ambiguous. Previously, several cases have used Chevron, and courts have given discretion to the Social Security Administration (SSA). In cases where disability benefits have been revoked, there is often debate as to whether the statutory language of the Social Security Act is ambiguous. Historically, the SSA has received deference in most situations regarding disability benefits. With Chevron overruled, there will be a broader opportunity for those who lose benefits to challenge the ruling, and courts may have the discretion to rule on those situations.