

The Nondelegation Doctrine And Enviro Regs, Post-Gundy
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Article

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Sometimes a case comes along that looks like a simple affirmation, but really foreshadows a significant policy change. The U.S. Supreme Court's recent decision in *Gundy v. United States* is just such a case, and may have opened the door to a revitalization of the long-dormant nondelegation doctrine.

Such a move could have significant impacts on federal government regulation under environmental statutes. It's been 84 years since the Supreme Court declared a law to be unconstitutional under the nondelegation doctrine, but based on *Gundy*, it seems more likely than ever that the court will return to enforcing the constitutional responsibility of Congress to not delegate its legislative powers.

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