

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Wednesday, August 21, 2024

5:00 PM

**City Hall
110 Academy Street**

Environmental and Sustainability Advisory Board

1. Call to Order

Board Members Present:

Wendy Millen Carpenter

Jared Teutsch

Richard Abbott

James Murillo

Emma Price

Jason Moody

Deb Payne

City Staff:

Kelly Pendley, Public Works Operations Manager

Council:

Sandy McGrew, Council Ward 1

The meeting called to order by at 5:00 pm by Jared Teutsch.

2. Review/Approval of Agenda

Mr. Jason Moody made a motion to approve agenda.

Mr. James Murillo second the motion.

Motion carried unanimously.

3. Review/Approval of Minutes

- A. Environmental and Sustainability Advisory Board Draft Minutes - June 20, 2024 - Attachment 3A

Attachments: [Minutes - Environmental and Sustainability Advisory Board - June 20, 2024](#)

Mr. Jason Moody made a motion to approve minutes.

Ms. Wendy Millen Carpenter seconded the motion.

The motion was carried unanimously.

4. Public Input

Councilmember Sandy McGrew discussed the Ga Tree Council program she attended.

5. Summary of Chevron Deference Overruled - Jared Teutsch

Mr. Teutsch wrote a summary for the board that gave a breakdown of the Chevron Deference overruled by the U.S. Supreme Court's ruling in Jun 2024. The summary is below.

Established in 1984 in the landmark U.S. Supreme Court ruling Chevron U.S.A. v. Natural Resources Defense Council, the Chevron Deference is the latitude federal judges give agencies over how to interpret the statutes they administer

when a dispute arises.

Over 40 years ago, the Supreme Court articulated a relatively simple two-part test. First, the judges examine the wording and the context of the statute in question to see if Congress's intent is clear. If it is, then the matter is settled: The agency is obliged to follow the letter of the law.

But if the statutory language is ambiguous (meaning if it has two or more reasonable interpretations), the reviewing court must defer to the agency's choice in how to carry out the law. The idea behind such deference is that expert agencies are better suited than federal judges to make the policy choices that Congress left open.

This has played out for decades by allowing subject-matter experts in federal agencies to interpret how best to apply the law when it's ambiguous. Sometimes Congress is purposefully vague in order to give the agency experts space to decide how best to implement a regulation. For example, an agency made up of occupational safety specialists should already be well equipped to decide how to handle the technical, nuts-and-bolts aspects of imposing workplace protections and rules about equipment usage, or the need for periodic employee rest breaks, without the meddling of judges.

*The U.S. Supreme Court's ruling in June 2024 in *Loper Bright Enterprises v. Raimondo* dealt a severe blow to the ability of federal agencies to do their jobs by ending the 40-year-old precedent of "Chevron deference." Instead of deferring to the expertise of agencies on how to interpret ambiguous language in laws pertaining to their work, federal judges now have the power to decide what a law means for themselves. As a result, despite not being accountable to the people, judges will now be able to expand their role into the realm of policymaking.*

Most states, including Georgia, follow the Chevron Deference model allowing state agencies to interpret the statutes they administer. However, Loper changes the process by which courts can intervene and we may see similar litigious challenges in Georgia state courts over agency interpretation (EPD regulations around mining, water withdrawals, and air quality restrictions).

6. Updates on 2024 Goals

The advisory board discussed items that need to be added and items that are still in progress for this year's goals.

7. Adjourn

*Mr. James Murillo motioned to adjourn the meeting at 6:01pm.
Mr. Jason Moody seconded the motion.
Motion carried unanimously.*