# Whitman v. American Trucking Associations, Inc., 531 U.S. 457 (2001) paragraphs 44-50)

## What is the standard in Section 109(b)(1) of the CAA ?

## What was the Appeals court’s problem with this section?

## What are the limits on agency action if there is no intelligible principle?

## What the did the appeals court hold?

## In view of the SC, does the agency’s interpretation of the statute matter in the delegation analysis?

## Why not?

## What did the Solicitor General say§109(b)(1) required the EPA to do?

## Do these standards include a cost benefit analysis to determine if they are worth meeting?

## How does this differ from the OSHA standard in Industrial Union?

## What does feasible imply?

## Why might Chief Justice Rehnquist have found that OSHA standard violated the delegation doctrine?

## Why is that not a problem in this case?

## How often has the court found violations of the non-delegation doctrine?

## What was the standard in Public Utility Holding Company Act of 1935?

## What about for fixing prices during wartime?

## Can “in the public interest” be sufficient intelligible principle?

## Does Congress need to define terms such as imminent, necessary, or hazardous?

## What about “excess profits”?

## Did the court find that the CCA provided an intelligible principle to guide the agency?

## How much do these intelligible principles leave to the discretion of the agency?

## In later chapters we will see how the court’s evolved hard look review to limit this discretion.