

**AGENCY DEFERENCE AT
THE TEXAS SUPREME COURT**



6 Steps to Agency Deference

Step 1: Is the agency interpretation formal and entitled to deference or informal and not entitled to deference?

Step 2: How long-standing is the agency interpretation?

Step 3: Does the agency have authority to enforce the statute (*i.e.*, is the statute within the agency's area of expertise)?

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Step 4: Does the agency interpretation conflict with the plain language of statute?

Step 5: Is the agency interpretation reasonable?

Step 6: Courts will generally uphold agency interpretation.

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Step 1: Is the agency interpretation formal and entitled to deference or informal and not entitled to deference?



- Notice and Comment Rules. *Comm'n of Tex. v. Tex. Citizens for a Safe Future & Clean Water.*



- Amicus Briefs. *Id.*
- Comments in Hearings. *Id.*
- Advisories
- Bulletins

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