

Administrative Regulation Interpretation

Administrative Regulation interpretation is the process by which courts, agencies, and practitioners determine the meaning and application of rules issued by governmental bodies. In the study of statutory interpretation, it is essential to master a specialized vocabulary that captures the nuances of this field. The following exposition defines the principal terms, illustrates their use with concrete examples, and discusses practical challenges that arise when applying these concepts in real-world contexts.

Regulation refers to a rule promulgated by an administrative agency that has the force of law. Unlike statutes, which are enacted by legislatures, regulations are created under authority delegated by a statute. For example, the Environmental Protection Agency (EPA) issues a regulation that sets permissible levels of airborne pollutants. The regulation's text, structure, and cited statutory authority are all examined when interpreting its requirements.

Administrative Agency is the governmental entity empowered to create, enforce, and interpret regulations within a particular domain. Agencies may be independent (e.G., Federal Communications Commission) or part of an executive department (e.G., Department of Labor). Each agency possesses expertise, procedural rules, and an internal hierarchy that influence how its rules are drafted and applied.

Statutory Delegation is the grant of authority from Congress (or a state legislature) to an agency to fill in details that the legislature deemed too technical or variable for a fixed statute. The delegation language often includes phrases such as "shall prescribe standards" or "may issue rules." The scope of delegation determines whether an agency's rule is considered a "legislative rule" (binding) or an "interpretive rule" (non-binding).

Legislative Rule (sometimes called a "substantive rule") is a regulation that carries the force of law and is subject to the formal rulemaking procedures of the Administrative Procedure Act (APA). The APA requires notice, public comment, and a final rule publication. Courts give considerable deference to legislative rules because they are presumed to embody the agency's policy judgment within its statutory mandate.

Interpretive Rule is a guidance document that explains how an agency reads its own regulations, but it does not create new rights or obligations. Interpretive rules are not subject to the APA's notice-and-comment requirements, and they are generally accorded less judicial deference. An example is an agency's "policy statement" clarifying the meaning of a term such as "material injury" in a fisheries regulation.

Interpretive Guidance encompasses a broader category that includes policy statements, memoranda, FAQs, and other non-binding publications. While not legally binding, such guidance can influence enforcement discretion, affect how regulated parties comply, and shape the agency's internal decision-making. Courts may consider interpretive guidance as persuasive authority, especially when the agency's expertise is evident.

Chevron Deference is a cornerstone doctrine that governs judicial review of an agency's interpretation of the statute it administers. Originating from the Supreme Court case *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, The doctrine operates in two steps. In the first step, the court asks whether the statutory language is clear; if it is, the agency's interpretation is irrelevant. If the statute is ambiguous, the second step asks whether the agency's interpretation is "reasonable."

Chevron Step One asks whether the congressional intent on the specific issue is clear. Courts examine the statutory text, legislative history, and context to determine if the law provides an unambiguous answer. For instance, if a statute states that "any vehicle exceeding 10,000 pounds must obtain a permit," the term "vehicle" is clear, and the agency cannot expand the definition to include bicycles.

Chevron Step Two addresses the situation where the statute is ambiguous. The court then evaluates the agency's interpretation for reasonableness. Reasonableness does not require the agency's view to be the best possible; it merely must be within the range of permissible meanings. In practice, a court may uphold an agency's interpretation that a "vehicle" includes heavy-duty trucks, provided the agency can show that the interpretation aligns with the statutory purpose and is not arbitrary.

Skidmore Deference provides a lesser form of judicial respect for agency interpretations that are not subject to Chevron's two-step analysis, typically because the interpretation is not a formal rulemaking. Originating from *Skidmore v. Swift & Co.*, The Supreme Court held that an agency's interpretation may be given "respectful consideration" based on factors such as the agency's thoroughness, consistency, and persuasiveness. Courts weigh these factors when deciding whether to follow the agency's view.

Precedential Weight refers to the influence of prior judicial decisions on current interpretation. In administrative law, both statutory precedents (e.g., Past Chevron applications) and agency precedents (e.g., Prior interpretive memoranda) can shape analysis. A court may cite earlier cases that upheld a particular agency reading, thereby granting it greater authority.

Plain Meaning is the principle that words should be given their ordinary, dictionary definitions unless the context suggests a specialized meaning. This approach is central to textualism, a method that focuses on the text's language rather than external factors. For example, the term "shall" in a regulation is typically understood as mandatory, whereas "may" signals discretion.

Purposivism is an interpretive method that seeks to understand the underlying purpose of the regulation. Practitioners employing purposivism examine the regulatory goals, policy statements, and legislative findings to infer the intended outcome. If a regulation aims to protect public health, a purposivist may read ambiguous language in a way that maximizes health protection.

Textualism emphasizes the statutory or regulatory text itself, treating the words as the primary source of meaning. Textualists caution against relying on legislative history or agency intent unless the text is truly ambiguous. This approach can lead to different outcomes than purposivism, especially when the regulatory language is technical.

Rulemaking is the formal process by which an agency creates a legislative rule. The APA requires agencies to publish a notice of proposed rulemaking, allow public comment, and issue a final rule with an explanatory

statement. The procedural safeguards ensure transparency and give interested parties an opportunity to shape the rule before it becomes binding.

Notice-and-Comment is the procedural component of rulemaking that obligates agencies to provide a public notice of the proposed rule, a period for written comments, and a response to significant concerns raised. Failure to follow notice-and-comment can render a rule vulnerable to judicial invalidation for procedural deficiency.

Judicial Review is the authority of courts to examine agency actions for compliance with statutory and constitutional requirements. When a party challenges a regulation, the court may assess whether the agency acted within its delegated authority, complied with procedural rules, and provided a reasonable interpretation of the underlying statute.

Administrative Procedure Act (APA) is the federal statute that governs the processes by which agencies develop and enforce regulations. The APA sets standards for rulemaking, adjudication, and judicial review. Its provisions on "arbitrary and capricious" review require courts to ensure that agencies provide a reasoned explanation for their actions.

Arbitrary and Capricious Standard is the substantive review test applied by courts under the APA. An agency must show that it considered all relevant factors, explained its decision, and avoided reliance on irrelevant considerations. If an agency fails to justify a regulation's change in scope, a court may find the rule "arbitrary and capricious" and invalidate it.

Regulatory Gap occurs when a statute delegates authority but leaves an issue unaddressed, and the agency's regulation also fails to fill the void. Courts may step in to interpret the statute and fill the gap, often employing the Chevron framework. For instance, a statute may authorize an agency to regulate "hazardous waste," but the statute does not define "hazardous." The agency's regulation attempts to define it, and courts may review that definition for reasonableness.

Preemption is the principle that federal law supersedes conflicting state law. In the regulatory context, an agency's rule can preempt state statutes when the rule occupies the field or when state law stands as an obstacle to the federal purpose. Preemption analysis often involves determining whether the agency intended to "occupy the field" with its regulation.

Field Preemption occurs when the federal regulatory scheme is so comprehensive that Congress intended to leave no room for state regulation. For example, the Federal Aviation Administration's safety regulations may preempt state laws that attempt to impose additional safety standards on aircraft.

Conflict Preemption arises when a state law directly conflicts with a federal regulation, making compliance with both impossible. If a state law requires a higher emission limit than the federal regulation permits, the state law is preempted because it undermines the federal standard.

Supremacy Clause of the United States Constitution establishes that federal law is the "supreme Law of the Land," providing the constitutional basis for preemption. When a regulation is deemed a valid exercise of congressional delegation, it benefits from the supremacy clause's protection against contrary state

measures.

Doctrine of Implied Repeal holds that when two statutes (or a statute and a regulation) are inconsistent, the later one implicitly repeals the earlier one to the extent of the conflict. Courts must determine whether the agency's later regulation was intended to supersede an earlier statutory provision.

Chevron's Three-Step Test is a shorthand for the two steps plus the initial inquiry into statutory clarity. Some scholars describe the process as three steps: (1) Is the statute ambiguous? (2) Is the agency's interpretation reasonable? (3) If the agency's interpretation is unreasonable, the court may provide its own construction.

Deference Doctrine is a collective term for judicial doctrines—including Chevron and Skidmore—that prescribe the level of respect courts must accord to agency interpretations. Understanding when each doctrine applies is crucial for accurate regulatory analysis.

Binding Effect describes whether a regulation creates enforceable obligations. Legislative rules have binding effect; interpretive rules typically do not, unless the agency's interpretation is later adopted as a formal rule.

Non-Binding Guidance provides insight into an agency's expectations but does not create a legal right or duty. Companies often rely on non-binding guidance to shape compliance programs, but they must be aware that regulators may still enforce the underlying regulation regardless of guidance.

Enforcement Discretion is the agency's authority to decide how aggressively to enforce a regulation. Even when a rule has clear language, agencies may prioritize certain violations over others. For example, the Securities and Exchange Commission may focus enforcement resources on high-value fraud cases while giving lower-level infractions a warning.

Regulatory Impact Analysis (RIA) is a systematic evaluation of the costs and benefits associated with a proposed rule. While not a legal requirement for all regulations, RIAs often influence agency decision-making and can be cited in court to demonstrate that the agency considered relevant factors.

Standing is the requirement that a party bringing a lawsuit must show a concrete and particularized injury that is traceable to the agency's action. In the regulatory context, a corporation may have standing to challenge a rule that imposes a new compliance cost, while a consumer may lack standing unless the rule directly harms them.

Ripeness asks whether a controversy is ready for judicial review. Courts may dismiss a challenge to a regulation as premature if the agency has not yet begun enforcement, because the plaintiff cannot demonstrate an actual injury.

Administrative Law Judge (ALJ) is a neutral adjudicator within an agency who conducts hearings, takes evidence, and issues decisions on contested cases. While ALJ decisions are not final judicial review, they form part of the administrative record that courts consider when reviewing agency actions.

Regulatory Interpretation is the act of determining the meaning of a rule's language, structure, and purpose. This process may involve examining the rule's preamble, definitions, cross-references, and any accompanying guidance.

Interpretive Construction is a term used to describe the methodical analysis of a regulation's text and surrounding materials to develop a coherent understanding of its scope.

Lexicographic Analysis involves consulting dictionaries, technical manuals, and industry standards to ascertain the ordinary meaning of a term at the time the regulation was issued. For instance, interpreting the term "motor vehicle" may require referencing the Merriam-Webster definition as it existed in 1995, the year the regulation was promulgated.

Contextual Reading requires examining the regulation within its broader statutory and regulatory framework. A term defined in one part of the code may have a different meaning in another part, and the court must reconcile these differences.

Rule of Leniency (or "rule of lenity") is a canon of construction applied to ambiguous criminal statutes, requiring courts to adopt the interpretation that imposes the lesser penalty. While primarily a criminal law principle, some courts apply a similar lenient approach when a regulation imposes punitive sanctions.

Presumption of Constitutionality is the assumption that statutes and regulations are constitutional unless a clear conflict with the Constitution is demonstrated. Courts apply this presumption when reviewing a regulation's validity, only striking it down if it violates a specific provision, such as the Due Process Clause.

Due Process Review assesses whether a regulation deprives a party of a protected interest without adequate procedural safeguards. For example, a regulation that revokes a license without notice or an opportunity to be heard may be deemed a violation of procedural due process.

Substantive Due Process examines whether a regulation's content itself infringes on fundamental rights, such as the right to free speech. A rule restricting political advertising on public radio would be subject to substantive due process analysis.

Equal Protection challenges arise when a regulation treats similarly situated individuals differently without a rational basis. A rule that exempts certain industries from compliance while imposing stricter standards on others may be vulnerable to an equal-protection claim.

Preliminary Injunction is a court order that halts enforcement of a regulation pending a full hearing. Parties seeking a preliminary injunction must show a likelihood of success on the merits, irreparable harm, and that the balance of equities favors relief.

Permanent Injunction is a final order that permanently bars the agency from enforcing a particular rule or requires the agency to amend the regulation.

Declaratory Judgment is a judicial determination of the parties' rights without ordering any specific action. A regulated entity may seek a declaratory judgment to clarify whether a particular conduct violates a regulation.

Administrative Appeal is the internal process by which a party dissatisfied with an agency's decision can request review by a higher official within the same agency. This step often preserves the issue for later judicial review.

Remand occurs when a court sends a case back to the agency for further action, typically after finding procedural defects. Remand may require the agency to conduct additional notice-and-comment or to provide a more thorough explanation of its reasoning.

Judicial Deference Spectrum ranges from strong Chevron deference to minimal Skidmore deference. The level of deference depends on factors such as the formality of the agency's action, the statutory delegation language, and the presence of a clear congressional intent.

Agency Expertise is a key justification for deference. Courts recognize that agencies possess specialized knowledge that legislators lack, and this expertise underpins the rationale for allowing agencies to interpret ambiguous statutes.

Chevron's Reasonableness Standard does not demand that the agency's interpretation be the best possible, only that it be within a permissible range. This standard is often clarified by asking whether the agency's view is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

Non-Delegation Doctrine limits Congress's ability to delegate legislative power without providing an "intelligible principle." If a statute grants an agency overly broad discretion, courts may find the delegation unconstitutional, rendering the agency's regulations invalid.

Intelligible Principle is the minimal standard that a statute must contain to survive a non-delegation challenge. Phrases such as "to promote public health" or "to prevent fraud" are typically sufficient, whereas vague directives like "to regulate the industry as it sees fit" may be problematic.

Interpretive Exception is a narrow carve-out that allows agencies to issue guidance without formal rulemaking when the guidance does not have the force of law. The Supreme Court has recognized that agencies may issue interpretive rules so long as they do not create new rights or duties.

Regulatory Definition is a term expressly defined within the text of a regulation. Definitions are critical because they narrow or expand the ordinary meaning of a word. For example, a regulation may define "small business" as an entity with fewer than 50 employees, overriding the common usage of "small."

Cross-Reference occurs when a regulation refers to another provision within the same code or to a separate statute. Interpreting a cross-reference requires reading both sections together to ensure consistency.

Amendatory Rule modifies an existing regulation, often to correct errors, update standards, or reflect new policy. The amendment process typically follows the same procedural requirements as the original rulemaking.

Repeal is the complete removal of a regulation from the code. Repeals may be explicit, where the agency states that a rule is revoked, or implicit, where a later amendment renders the earlier provision inoperative.

Retroactive Application concerns whether a regulation applies to conduct that occurred before its effective date. The general presumption is against retroactivity unless the agency expressly states that the rule has retroactive effect.

Prospective Application is the default approach, where a regulation governs only future conduct. Agencies often provide a compliance timeline to allow regulated parties to adapt.

Effective Date is the date on which a regulation becomes enforceable. The effective date may be immediate, after a set number of days, or contingent upon publication in the Federal Register. Courts often examine whether the effective date provides sufficient notice to affected parties.

Transitory Provision is a temporary rule that applies for a limited period, often used to address emergencies or to bridge gaps while a permanent regulation is drafted.

Emergency Rule is issued by an agency to address an urgent situation that threatens health, safety, or the environment. Emergency rules bypass notice-and-comment but must be followed by a formal rulemaking within a prescribed period.

Regulatory Gap Filling occurs when courts must interpret a regulation to address a situation that the agency did not anticipate. The court's role is limited to interpreting the existing text, not creating new policy.

Agency Interpretation is the agency's own reading of a regulation. Courts may defer to agency interpretation under Chevron or Skidmore, but they retain the ultimate authority to interpret the underlying statute.

Judicial Interpretation is the court's analysis of the regulation and its underlying statutory authority. Courts apply established interpretive tools, such as textualism, purposivism, and the Chevron framework, to reach a decision.

Regulatory Construction Manual is a guide produced by some agencies to assist staff and external parties in interpreting rules. While not binding, such manuals can be persuasive evidence of the agency's intended meaning.

Policy Memo is an internal agency document that outlines the rationale for a regulatory approach. Though not public, policy memos may be discovered during litigation and can influence the court's view of the agency's intent.

Rule of Avoidance is a principle that courts should avoid deciding constitutional questions if a case can be resolved on other grounds, such as statutory interpretation. In the regulatory context, a court may choose to interpret a rule narrowly to avoid striking it as unconstitutional.

Doctrine of Constitutional Avoidance parallels the rule of avoidance, urging courts to interpret statutes and regulations in a way that preserves their constitutionality whenever possible.

Interpretive Authority is the power an agency has to explain its regulations. This authority is derived from the delegation language and the nature of the agency's expertise.

Regulatory Ambiguity arises when the language of a rule is unclear, vague, or contradictory. Ambiguity triggers the Chevron analysis and may lead courts to look at legislative history and agency purpose.

Legislative History includes committee reports, floor debates, and other documents produced during the passage of the enabling statute. While textualists may downplay legislative history, purposivists often rely on it to discern congressional intent.

Agency Record is the compilation of all documents, comments, and evidence that an agency considered during rulemaking. Courts must review the record when assessing whether the agency complied with procedural requirements and provided a reasoned explanation.

Rulemaking Docket is the organized collection of all filings related to a specific regulation, including public comments, agency responses, and supporting analyses. The docket provides a transparent view of the rulemaking process.

Public Participation is the opportunity afforded to individuals, businesses, and interest groups to submit comments during the notice-and-comment phase. Effective public participation can shape the final rule and may be cited by courts as evidence of the agency's responsiveness.

Compliance Program is a systematic approach adopted by regulated entities to ensure adherence to applicable regulations. Compliance programs often reference the agency's interpretive guidance to align internal policies with regulatory expectations.

Regulatory Enforcement Action is the agency's use of its enforcement powers to compel compliance, which may include fines, penalties, or injunctive relief. The agency's enforcement strategy may be informed by its interpretive guidance.

Enforcement Litigation occurs when a regulated party challenges an agency's enforcement action, often on grounds that the agency misinterpreted the regulation or overstepped its authority.

Administrative Appeal Process provides a procedural avenue for parties to contest agency decisions before seeking judicial review. The process may involve a hearing before an ALJ, a review by the agency's director, and a final decision.

Remedy in the regulatory context may include vacating the rule, ordering the agency to re-issue the rule after proper procedures, or awarding damages if the agency's action caused harm.

Judicial Remedy can also take the form of declaratory relief, where the court merely declares the parties' rights without ordering specific performance.

Regulatory Interpretation in Practice is often a collaborative effort among attorneys, compliance officers, and policy analysts. The process begins with a careful reading of the rule's text, followed by an assessment of definitions, cross-references, and the agency's published guidance.

Example 1: Definition of "Material Injury" – The EPA issued a regulation prohibiting discharge of pollutants that cause "material injury" to the environment. The agency later published an interpretive memo stating that "material injury" includes any measurable decline in water quality, even if the decline is temporary. A company challenged the memo, arguing that it effectively created a new substantive rule without notice-and-comment. The court applied Skidmore deference, analyzing the memo's thoroughness,

consistency, and reliance on scientific data. Because the memo was found to be well-reasoned and based on extensive expertise, the court gave it persuasive weight, though it did not treat the memo as binding.

Example 2: Chevron Application to “Vehicle” – A statute directed the Department of Transportation to regulate “vehicles” that operate on public highways. The regulation defined “vehicle” as “any self-propelled conveyance capable of moving on a highway.” A trucking company argued that the definition excluded autonomous trucks that lack a human driver. The agency issued an interpretive rule stating that “self-propelled” includes driverless technology. The company sued, claiming the agency’s interpretation was unreasonable. The court first examined the statutory language and found the term “vehicle” ambiguous, triggering Chevron Step One. In Step Two, the court evaluated the agency’s interpretation and concluded that it was reasonable, given the statute’s purpose of ensuring safety on highways. The court upheld the agency’s interpretation under Chevron deference.

Example 3: Non-Binding Guidance on “Small Business” – The Federal Trade Commission (FTC) published a policy statement defining “small business” as an entity with fewer than 50 employees for the purpose of a particular competition rule. A small-business owner argued that the definition should be based on revenue, not employee count. The FTC’s guidance was non-binding, and the court applied Skidmore deference. Because the policy statement lacked a detailed explanation and was inconsistent with prior FTC practice, the court found it insufficiently persuasive and applied its own interpretation of the regulation, which relied on the employee count definition.

Challenges in Administrative Regulation Interpretation include:

1. **Ambiguity** – Many regulations are drafted with technical language that can be open to multiple readings. Determining whether a term is truly ambiguous or merely unfamiliar requires careful analysis of the regulatory context and the agency’s expertise.
2. **Deference Thresholds** – Deciding whether Chevron or Skidmore applies hinges on the formality of the agency’s action. Agencies sometimes issue “interpretive rules” that appear formal but lack notice-and-comment, leading courts to grapple with the appropriate level of deference.
3. **Procedural Deficiencies** – Failure to follow APA procedures can invalidate a regulation, even if its substantive content is sound. Attorneys must scrutinize the rulemaking docket to ensure compliance with notice-and-comment, proper publication, and sufficient explanation.
4. **Preemption Analysis** – Identifying whether a federal regulation preempts state law involves a two-pronged inquiry: (A) does Congress intend to occupy the field? And (b) does the state law conflict with the federal rule? This analysis can be complicated by overlapping jurisdictions and divergent policy goals.
5. **Changing Agency Policy** – Agencies may shift their interpretive stance over time, issuing new guidance that contradicts earlier positions. Courts must decide whether a new interpretation supersedes an older one, particularly when the agency has not formally amended the regulation.
6. **Judicial Philosophy** – Judges’ interpretive philosophies (textualist vs. Purposivist) influence how they apply Chevron, Skidmore, and other tools. A textualist may favor narrow readings, while a purposivist may be

more willing to consider agency purpose and policy goals.

7. Technological Evolution – Rapid advances in technology can outpace regulatory language, creating gaps that courts must fill. For example, regulations drafted before the rise of drones may lack clear definitions, forcing courts to interpret the statute in light of new capabilities.

8. International Considerations – Some regulations intersect with international agreements, adding another layer of interpretive complexity. Courts may need to reconcile domestic regulatory language with treaty obligations, taking into account principles of treaty interpretation.

Practical Application for Practitioners –

- Begin each analysis by isolating the regulatory text and identifying any defined terms.
- Conduct a lexicographic search of dictionaries and industry standards contemporaneous with the regulation's effective date.
- Review the agency's rulemaking docket for any relevant public comments, agency responses, and supporting analyses.
- Examine agency guidance, distinguishing between interpretive rules (subject to Skidmore) and formal legislative rules (subject to Chevron).
- Assess whether the underlying statute provides a clear directive; if not, proceed to Chevron Step Two.
- Evaluate the reasonableness of the agency's interpretation by considering the agency's expertise, the regulatory purpose, and consistency with prior interpretations.
- If the agency's action is non-binding, apply Skidmore factors: Thoroughness, consistency, and reliance on expertise.
- Consider preemption issues, especially when state law or other federal statutes may conflict with the regulation.
- Anticipate procedural challenges by confirming that the agency complied with APA requirements, including proper notice-and-comment and a reasoned explanation.
- Prepare to argue standing and ripeness, ensuring that the client has a concrete injury and that the controversy is ripe for review.

Key Vocabulary Summary –

- Regulation – Agency rule with legal force.
- Administrative Agency – Body empowered to issue regulations.
- Statutory Delegation – Legislative grant of authority.
- Legislative Rule – Binding regulation subject to APA procedures.
- Interpretive Rule – Non-binding agency explanation.
- Chevron Deference – Two-step test for agency statutory interpretation.
- Skidmore Deference – Persuasive respect for agency interpretations.
- Plain Meaning – Ordinary definition of words.
- Purposivism – Interpretation guided by regulatory purpose.
- Textualism – Focus on the text alone.
- Notice-and-Comment – Procedural requirement for rulemaking.

- Arbitrary and Capricious Standard – APA review test.
- Preemption – Federal supremacy over conflicting state law.
- Chevron Step One – Is the statute clear?
- Chevron Step Two – Is the agency's interpretation reasonable?
- Skidmore Factors – Thoroughness, consistency, expertise.
- Binding Effect – Whether a rule creates enforceable duties.
- Non-Binding Guidance – Agency advice without legal force.
- Enforcement Discretion – Agency's choice of how to enforce.
- Regulatory Impact Analysis – Cost-benefit evaluation of a rule.
- Standing – Requirement of personal injury for lawsuit.
- Ripeness – Timing of judicial review.
- Administrative Law Judge – Agency adjudicator.
- Rule of Leniency – Ambiguity resolved in favor of lenient interpretation.
- Presumption of Constitutionality – Default assumption of legality.
- Due Process Review – Procedural fairness assessment.
- Equal Protection – Non-discriminatory treatment analysis.
- Preliminary Injunction – Temporary halt of enforcement.
- Permanent Injunction – Final court order to stop enforcement.
- Declaratory Judgment – Court declaration of rights.
- Administrative Appeal – Agency-internal review process.
- Remand – Sending case back to agency.
- Non-Delegation Doctrine – Constitutional limit on congressional delegation.
- Intelligible Principle – Minimum standard for valid delegation.
- Cross-Reference – Link between regulatory provisions.
- Amendatory Rule – Modification of an existing regulation.
- Retroactive Application – Rule applied to past conduct.
- Effective Date – Date regulation becomes enforceable.
- Emergency Rule – Rule issued without notice-and-comment for urgent matters.
- Regulatory Construction Manual – Agency guide for interpreting rules.
- Policy Memo – Internal agency rationale document.
- Rule of Avoidance – Preference to resolve cases without constitutional questions.
- Interpretive Authority – Agency's power to explain its rules.
- Regulatory Ambiguity – Lack of clear meaning in a rule.
- Legislative History – Documents created during statute passage.
- Agency Record – Complete collection of rulemaking materials.
- Public Participation – Opportunity for external comment.
- Compliance Program – Organizational system to meet regulatory requirements.
- Enforcement Litigation – Lawsuit challenging agency enforcement.
- Remedy – Court-ordered relief.

By mastering these terms and applying the interpretive frameworks outlined above, students and practitioners can navigate the intricate landscape of administrative regulation interpretation with

confidence. The ability to dissect regulatory language, evaluate agency authority, and anticipate judicial deference is essential for effective legal analysis and for advising clients on compliance strategies.