

Reiter Discusses Application of Major Questions Doctrine in *Law360*

In the News

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A recent *Law360* article examines the growing debate over the U.S. Supreme Court's major questions doctrine in the context of legal challenges to President Donald Trump's global tariffs. While much attention focuses on whether the doctrine will shape the outcome of these tariff cases, Stinson LLP Senior Counsel [Harvey Reiter](#) highlights other significant examples where courts have applied the doctrine — sometimes expansively — in past regulatory decisions.

The major questions doctrine holds that federal agencies must have clear congressional authorization before taking actions with significant economic or political impact. Reiter points to a 2023 Fourth Circuit Clean Water Act case in which the court applied the doctrine even though the Environmental Protection Agency (EPA) was not a party. The court speculated that the EPA would have exceeded its authority had it sided with an advocacy group challenging a shrimp trawler's practice of discarding unwanted fish. Reiter questioned the court's reasoning, calling it an overly broad application of the doctrine and noting that the issue "doesn't strike me as a major question."

Later in the article, Reiter also notes the possibility that the Supreme Court may ultimately avoid ruling directly on the doctrine's application in the tariff cases, instead deciding the matter on broader constitutional separation-of-powers grounds.

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