THE POST-CHEVRON TOOLKIT

THE NEW ERA FOR REGULATORY REVIEW

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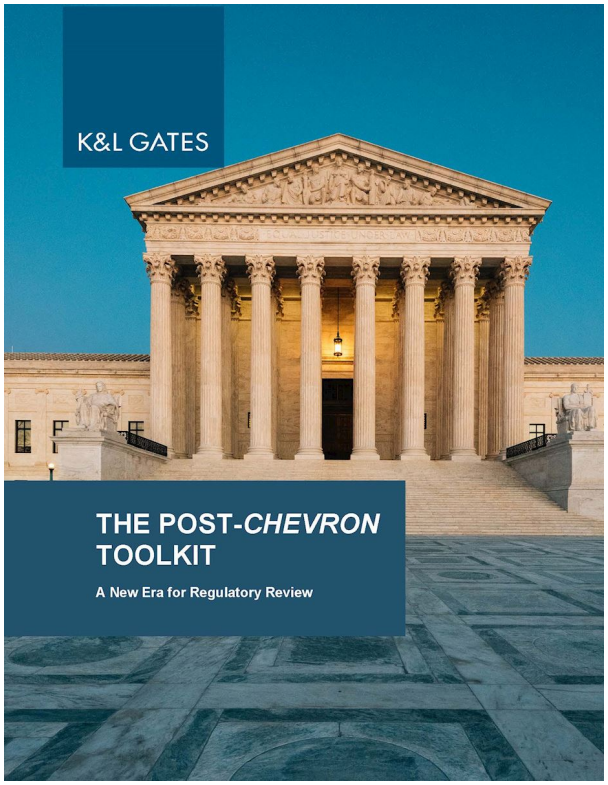

In a landmark ruling on 28 June 2024, the US Supreme Court expressly overruled the 40-year-old *Chevron* doctrine with its decision in *Loper Bright Enterprises v. Raimondo*, eliminating the requirement that courts defer to federal agencies' interpretations of ambiguous statutes.

Congress cannot implicitly delegate authority through ambiguous terms, agencies no longer have a thumb on the scale when construing unclear statutes, and the courts have reasserted their role as the ultimate arbiter of what federal laws mean. The resulting effects are far-reaching. The *Loper Bright* decision affects every industry that is regulated by US federal agencies, and it is expected to usher in more frequent judicial challenges to agency rules, greater scrutiny of agency actions, and a different approach to lawmaking by Congress.

To help our clients understand, anticipate, and navigate the full impact of the Supreme Court's decision, we have developed *The Post-Chevron Toolkit: A New Era for Regulatory Review* (Toolkit). This Toolkit is designed to be a basic primer on the ramifications of *Loper Bright* on the regulated community. While this Toolkit is not meant to be a definitive catalog of every possible implication of the Supreme Court's decision, we have endeavored to highlight the core regulatory issues faced by our clients and the industries that we serve.

Inside this Toolkit, you will find:

- A primer on the “administrative state” and how *Loper Bright* fits into it.
- A one-pager on the *Loper Bright* decision and what it means.
- Frequently asked questions on what has (and has not) changed because of *Loper Bright*.
- A step-by-step checklist to the questions you should now ask when reviewing regulations.
- A refresher on statutory construction in the post-*Loper Bright* era.

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- A glossary of frequently used terms and phrases.

Click here to download the toolkit.

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