

The US Supreme Court Is About to Unleash a Major Weapon Against Climate Action

Media Mentions

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The US Supreme Court heard arguments this past week in a pair of lawsuits against the government challenging “Chevron deference,” which requires judges to defer to the expertise of federal agencies in cases where there is an ambiguity in the law during a dispute. SCOTUS seems likely to restrict or toss out a 40-year legal precedent that shields many key environmental and climate policies from being rolled back.

Bracewell’s **Jeff Holmstead** recently gave comments to *Semafor* on the [potential demise of Chevron](#).

“Overturning Chevron will make it even more difficult for the Biden administration to pursue its ‘whole of government’ approach for dealing with climate change, which is really at odds with the court’s view of what the executive branch can do,” said Holmstead.

If the court overturns Chevron — which takes its name from a 1984 dispute between the oil major and an environmental group over vague language in air-pollution regulations — it would be open season for fossil-fuel trade groups and others to pick apart President Biden’s climate regulations.

Rather than scrapping Chevron altogether, it’s possible the justices will simply give courts more leeway to rule that an agency’s reading of a law is reasonable or not, without necessarily requiring them to rehash every technical detail. And they may set a very high bar for the circumstances under which longstanding environmental regulations could be newly challenged, added Holmstead.

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