

## The Future Is *Loper Bright*

Podcast | Environmental Law Monitor

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Bracewell partners [Jeff Holmstead](#) and [Brittany Pemberton](#) join host [Daniel Pope](#) to dive into the seismic shift in environmental law following the overturning of the *Chevron* deference in *Loper Bright Enterprises v. Raimondo*. Listen as Jeff, Brittany and Daniel dissect the implications of this landmark decision for the future of agency policymaking. Hear a conversation that will help you unravel the complexities of this pivotal moment in legal history with insights from those at the heart of environmental regulation.

### Featured Guests

**Name:** [Jeff Holmstead](#)

**About:** Jeff Holmstead, former assistant administrator of the US Environmental Protection Agency for Air and Radiation, is one of the nation's leading climate change lawyers as recognized by *Chambers USA* (2008-2024). He advises clients dealing with an increasingly complex regulatory, legal and public relations landscape, drawing on his experience in policy development, administrative and legislative advocacy, litigation and strategic communications.

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**Name:** [Brittany Pemberton](#)

**About:** Brittany is an environment and natural resources partner in Bracewell's Washington, DC office. She advises energy, oil and gas, and industrial clients in environmental regulatory compliance and enforcement matters, including handling stationary source enforcement and compliance matters under the

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Clean Air Act (CAA) before the US Environmental Protection Agency and state agencies.

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## Episode Highlights

[1:30] **The End of *Chevron* Deference and Its Implications:** Daniel recaps the *Loper Bright* decision, describing how *Chevron* deference became more controversial over time. He cites “regulatory whiplash” – the policy shifts that come with changes of presidential administration – as one reason *Chevron* deference became more unworkable.

[7:16] **Navigating Changes in Environmental Regulation and Policy:** Jeff discusses how he believes the decision will affect agency policymaking. He speculates how businesses will need to interact with agencies in this new regulatory environment.

[13:47] **The Fate of *Chevron* Decisions Post-*Chevron*:** Brittany says that Chief Justice Roberts has suggested that rules litigated or upheld under *Chevron* won’t be reopened in a tidal wave of litigation. Brittany believes any rule challenge will likely need special justification to overcome the reliance on precedent.

[23:59] **The Unintended Legacy of *Chevron* Deference:** Jeff references the publication of a new book recounting the history of *Chevron* deference to reflect on *Chevron*’s 40-year legacy. He notes how *Chevron* became an important decision when that was not the intention of the decision’s original authors.

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