

## *Loper Bright 2.0*

*(Revisiting the impact of the Supreme Court's decision, one year later)*

1. *Loper Bright* overruled *Chevron* deference and requires courts to exercise independent judgment in interpreting statutes administered by federal agencies, including cornerstone environmental statutes such as the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act.
2. In federal court litigation, arguments must now persuade courts of the best reading, rather than asking courts to accept an agency's reasonable interpretation as sufficient.
3. *Loper Bright* significantly impacts the employment law landscape, and as such, employers should consider carefully when challenges to administrative regulations should be made. Employers must stay abreast of challenges to administrative regulations, and how those challenges impact their jurisdiction.
4. As shown by *3M v. Comm'r*, if an interpretative tax regulation is burdening your business, *Loper Bright* provides a way to invalidate the regulation.
5. As shown by *Variant Medical Systems*, just because your tax case may be in the Tax Court don't despair; the Tax Court is willing to consider the invalidity of tax regulations based on *Loper Bright*.

## 5 FOR THE ROAD

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