



What's Next for Employers? An ACC Update on the Supreme Court's Overturning of "Chevron Deference"

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For in-house counsel representing employers, the US Supreme Court's decision in *Loper Bright Enterprises v. Raimondo* — along with a handful of related high court rulings from the end of term — can have wide-reaching consequences, according to Jackson Lewis P.C. attorney [Kathy Schatz](#). Schatz spoke on the latest developments in a members-only meeting with ACC's Employment & Labor Law Network Community.

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The June 28 decision overturned the so-called “Chevron deference,” the precedent that had stood for 40 years, allowing administrative agencies to implement their own regulations when legislation was left ambiguous. Deference can still be established when Congress delegates discretionary authority to the enforcing agency.

Schatz emphasized that *Loper Bright* became a one-two punch with the Court's July 1 ruling in *Corner Post v. Federal Reserve*, which shifts the statute of limitations in challenging an agency action to begin at the time that the plaintiff is injured by the final agency action. This ruling holds the door open for litigants to bring facial challenges to federal regulations.

Taken in combination with the June 27 decision in *SEC v. Jarkesy* and the June 26 decision in *Murthy v. Missouri*, the *Loper Bright* decision creates many new questions for federal agencies — though the ruling did uphold *stare decisis* as to previous decisions regarding federal regulations.

Schatz also shared insights on what is at stake for corporate counsel, across agencies including the Equal Employment Opportunity Commission, Department of Labor, Federal Trade Commission, Occupational Safety and Health Administration, and National Labor Relations Board.

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