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Chair of Locke Lord's Renewable Energy Section Ben Cowan Quoted by The National Law Journal on Impact of Absence of Chevron Deference to EPA's Statutory Authority

The National Law Journal

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Chair of Locke Lord's Renewable Energy Section and Houston Environmental Partner [Ben Cowan](#) was quoted by The National Law Journal on the potential impact to the Environmental Protection Agency's (EPA) statutory authority after the U.S. Supreme Court's elimination of a legal precedent known as the "Chevron doctrine." The EPA has relied on the Chevron deference to advance "technical rules based on science and analysis," Cowan explains.

"In the absence of deference, you have a judge substituting his or her assessment of what the statute means and what Congress intended," Cowan says. "Where you have highly technical issues, I think it becomes much more challenging for the judiciary to really gain a level of understanding and conduct a level of analysis that an agency like EPA does with the scientific expertise and resources that it brings to bear."

He adds that the decision will likely have wide-ranging implications for an array of energy and environmental rulemakings and agencies, particularly the EPA "because the agency has cited statutory authority to promote renewable energy development."

"The court reigning in that authority presents somewhat of a threat to [the renewable energy] industry," Cowan says.

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