

Press Coverage | June 25, 2024

EPA Wins Federal Court Challenge to Amended 'Waters of the United States' Rule

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[Shawn J. Zovod](#)

Shawn Zovod, a partner in Troutman Pepper's Environmental + Natural Resources Practice Group, was quoted in the June 25, 2024 *The National Law Journal* article, "[EPA Wins Federal Court Challenge to Amended 'Waters of the United States' Rule](#)."

"I don't think that this case is necessarily going to affect the bigger picture litigation because it was such a narrow rule," said Shawn Zovod, a partner at Troutman Pepper.

"Maybe we will see this come back up in a different court. I mean, it's certainly conceivable a different court would have a different opinion of it," Zovod said. "But to me, it was almost like a little bit of a test, saying, 'Hey, can we get this interpretation past a court where both [terms] are required' and the court came back and pretty clearly said, 'no, that's not the way we're going to interpret this.'"

Boyle stated the rule "faithfully conforms" to *Sackett*. But Zovod said, "That's an overstatement and overly broad statement, and I don't think that's going to set a precedent in the other litigation."

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Zovod also cited the agency's cycle regarding the waters of the United States rule with an eye toward November's presidential election.

"Regardless of whether we get another administration that tries to redefine the rule again, I think that there are still outstanding questions about which waters, other than just wetlands, are truly subject to federal jurisdiction under the Clean Water Act," Zovod said. "We're going to see this within the next decade probably go back up to the Supreme Court for further interpretation."

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