

Legal Brief: The Skinny on CERCLA, Superfund, Chevron, and the U.S. Supreme Court

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Of Counsel **Michael Blumenthal** (Cleveland) was interviewed in “Legal Brief: The Skinny on CERCLA, Superfund, Chevron, and the U.S. Supreme Court” in 3E. He discussed the implications of the Supreme Court overturning the ruling in *Chevron v. National Resources Defense Council*.

“What we have seen, since that case has been issued, is this incredible overreaching by federal agencies. And I think [the Supreme Court is] going to roll back a federal agency’s authority in interpreting their rules.”

“For closed Superfund sites, EPA will have an uphill battle in reopening those sites. EPA will have to demonstrate that whatever remedy was utilized in closing the Superfund site is now inadequate in protecting human health and the environment given the designation of PFAS and PFOS as hazardous substances. Deference that was once so freely given by the courts to federal agencies in interpreting their rules is expected to be significantly rolled back, thereby resulting in a more ‘level playing field’ for private party litigants in challenging EPA’s authority. Thus, the stage is set for potentially responsible parties (PRPs) to put forth a compelling argument that the reopening of previously closed Superfund sites is overreach by the federal agency,” he said.

Read the full article [here](#).

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Michael R. Blumenthal