

What Would a U.S. Supreme Court Confirmation of Judge Kavanaugh Mean for Environmental Regulation?

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Over the next several weeks, the U.S. Senate will consider President Trump's nominee, Judge Brett Kavanaugh, to fill the currently vacant seat on the U.S. Supreme Court. Because Judge Kavanaugh is being considered to replace Justice Kennedy, who was often the swing vote in environmental decisions, a Kavanaugh confirmation could significantly affect the trajectory of environmental law. This memo will discuss how Judge Kavanaugh's views, and in particular his stance on deference to administrative agencies such as the U.S. Environmental Protection Agency, will likely tip the balance in environmental cases in a more conservative direction if he is confirmed.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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