

Data Submitted (UTC 11): 1/31/2024 12:54:58 AM

First name: Scott

Last name: McNamara

Organization:

Title:

Comments: This is my second comment.

My first was sent on December 18, 2023.

I add this brief second comment in light of new developments at the U.S. Supreme Court.

On January 17, 2024 two (2) cases were argued that question Chevron deference:

Loper Bright Enterprises, Inc. v. Raimondo, Sec. of Comm., No. 22-451

Relentless, Inc. v. Dept. of Commerce, No. 22-1219

In my view, the agencies could have chosen no worse time to radically change their interpretation of the word "installation" to include fixed climbing anchors.

This amounts to a sea change in sixty (60) years of policy.

This type of sea change is very reason why Chevron is being re-examined now.

This matters because if Chevron deference either disappears or is significantly reduced then there is a good chance that the agencies will lose the litigation--- that will invariably ensue.

If you lose, then I think it not hard to imagine that any subsequent rule making as to fixed anchors will become significantly more difficult or impossible.

As I mentioned in my first comment there are many better ways to achieve the desired result than resorting to this heavy handed, ill advised, unfunded, unenforceable interpretation.

Thank you for taking the time to read this second comment.