

Joanne Roskey Quoted on Significance of ESG 401(k) Rule Case in Bloomberg Law

"ESG 401(k) Rule Case Sets Up Early Appellate Test Post-Chevron"

BLOOMBERG LAW

07.08.2024

Joanne Roskey, a former Deputy Associate Solicitor in the Department of Labor's (DOL) Plan Benefits Security Division (PBSD), commented on a significant case (*Utah v. Su*, 5th Cir., No. 23-11097) challenging a Biden administration rule addressing environmental, social, and governance (ESG) investing in ERISA-covered retirement plans before the Fifth Circuit. The outcome could impact retirement savers' investment options and ignite broader debates in the post-*Chevron* legal landscape about ESG factors in financial decision-making. ERISA-type ESG cases are getting "more and more attention in the courts," Roskey said. "These issues are not going away, and I think clarification on the rule that's going to be used to guide these decisions is going to be really important."