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"How Courts Reviewed FDA Action Before *Chevron* and May Again After *Loper Bright*"

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The Supreme Court's recent decision *Loper Bright Enterprises v. Raimondo* is a paradigm shift in administrative law. Overruling *Chevron USA Inc. v. Natural Resources Defense Council*, *Loper Bright* abolished the Chevron doctrine that—for over 40 years—directed courts to defer to an agency's reasonable interpretation of a statute that the agency enforces.

Loper Bright directs lower courts to exercise their "independent judgment" instead, but provides little guidance as to what standards should apply in place of *Chevron*. This article examines the interpretive tools that federal courts used to review FDA action before *Chevron* and that they are likely to return to now.

Looking at the 100 most cited decisions that interpreted the Federal Food, Drug, and Cosmetic Act before 1984, we examine: Skidmore deference, primary jurisdiction, procedural due process, rational basis scrutiny, and other interpretive tools that federal courts will likely use to review FDA action in the future.