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***Regulatory Oversight Podcast: Georgia on My Mind: On the Frontlines of Federal Rulemaking With AG Carr***

**Hosts: Stephen Piepgrass and David Dove**

**Guests: Chris Carr**

**Stephen Piepgrass:**

Welcome to another episode of *Regulatory Oversight*, a podcast that focuses on providing expert perspective on trends that drive regulatory enforcement activity. I'm Stephen Piepgrass, one of the hosts of the podcast and the leader of the firm's regulatory investigations strategy and enforcement practice group.

This podcast features insights from members of our practice group, including its nationally ranked State Attorneys General team, as well as guest commentary from business leaders, regulatory experts, and current and former government officials. We cover a wide range of topics affecting businesses operating in highly regulated areas.

Before we get started today, I want to remind all of our listeners to visit and subscribe to our blog at [RegulatoryOversight.com](https://www.regulatoryoversight.com), so you can stay up to date on developments and changes in the regulatory landscape.

Today, my colleague David Dove speaks with the Attorney General of Georgia, Chris Carr, on a variety of topics, including General Carr's early career in Washington, D.C., how his experiences have shaped his perspective as Attorney General, the intricacies of federal rulemaking, and his current role.

David is a leading member of our Regulatory Investigation Strategy and Enforcement Practice and heads up our Regulatory and Economic Investment Practice in Georgia. Before joining us, David had extensive leadership experience in state government, culminating in his role as Executive Counsel to Georgia Governor Brian Kemp. One of his significant victories in that role involved collaborating with Attorney General Carr and his office in the tri-state water wars.

General Carr serves as the 49th Attorney General of Georgia. Since assuming office in 2016, he has prioritized combating human trafficking, gang activity, opioid misuse, elder abuse, and consumer fraud.

David and General Carr, I know we are very much looking forward to your discussion.

**David Dove:**

Stephen, thank you so much for that introduction. We're really excited to have on the podcast today, the Attorney General of the State of Georgia, Chris Carr, Mr. Attorney General, thank you for joining us,

**Chris Carr:**

David, it is a thrill to be with you. Thank you so much for asking me to be on the podcast with you.

**David Dove:**

We're excited to have you. By way of introduction to our listeners, obviously, you and I have known each other for some time. When I worked in the governor's office before coming over to Troutman, I always tell people, we had a very great relationship with our attorney general's office, working on many issues with you and your staff. So, it is great to have you on and I'm excited for our listeners to hear about what all your office has been undertaking over the last several years, and to hear from you on several of these points as it relates to initiatives in your office.

**Chris Carr:**

Well, I'm excited about it and you're very kind. We've had a great relationship. I've known you for a long time. Very fortunate, I think, from the state's perspective to have that relationship, because I don't know that that happens all over the country. But in Georgia, the governor's office, the AG's office, you as Executive Council, we're very, very fortunate with that working relationship and I'm grateful for it.

**David Dove:**

I am as well. We'll jump right in. I know a lot of people may not know this about you, but you actually have a long career in public service, going back to sometime in DC and then working in other executive branch agencies. How does that experience impact the way that you view your role as attorney general?

**Chris Carr:**

Well, that's actually an interesting question. I got the good fortune to serve as Deputy Chief of Staff and Chief of Staff to Senator Johnny Isakson for many years, little over 10 years. Then, Governor Nathan Deal who you worked with once upon a time as well appointed me Commissioner of Economic Development. One of the things that I think is a little bit different is a lot of my colleagues, a lot of my AG colleagues around the country came from private practice, or maybe they came from the prosecution world.

Well, I came from the legislative side, on the federal side, and then economic development. Look, private practice and being a prosecutor are critically important skill sets. But I was always coming at things from a, how do you bring folks together? How do you solve problems, kind of perspective? A little bit of a different skill set. I think it's been valuable, as we'll talk, I know, probably down the road. But as we've tried to shift the focus of this office a little bit, we've tried to be – it's our job to uphold the rule of law. But also, I think Georgia is a pro-business environment and I've always tried to say that whether you're an individual in this state, or you're

a good corporate citizen, you deserve to have us know the facts, as well as the law. And those relationships matter.

But I think, working with Isakson on federal issues, and AGs now doing more and more in the federal space, these are all issues, whether they're environmental, or as it relates to business issues, or immigration, whatever it may be. All these issues, we got a chance to work on before. Then with Governor Deal, he'd spent time in DC, but then also in the legislature and being pro-business and encouraging us to go find that next job and that next dollar of investment, I think, was critical.

So, dealing with federal issues, but then also seeing the impact of laws, regulatory policy, tax policy on business was critically important as well. So, being the lawyers for the state, from a civil perspective, and then now from a criminal perspective, I think, it's just provided a unique opportunity for me.

**David Dove:**

Yes. Absolutely. I can imagine there's a lot of overlap between particularly issues of national importance and dealing with those while in the Senate, as well as dealing with those now that your attorney general in Georgia. Talk through, I know, we've worked together on water wars and all these other issues that are kind of broad national concern that are acute issues within your office. How does that background work with your decision-making as attorney general?

**Chris Carr:**

Well, yes. I think one is the familiarity with the issues, number one. Then, number two, you've got to be able to partner on a lot of these. David, you appreciate this too, having worked in the governor's office, but having worked with the federal delegation, as well. Kind of the way that I've seen it is the way things are going in Washington right now, in particular. Nature abhors a vacuum. If Congress doesn't do, it's supposed to be first among equals, and if they don't pass laws then that vacuum gets filled by the Federal Executive through executive order, regulation, whatever it may be.

You've seen this over the course of the last two decades where state AGs, in particular, governors as well, have been the pushback that if Congress isn't going to do it in our federal system, the states are in a good position to push back and AGs are in kind of the best position as the chief legal officers for their states. So, having an understanding of those issues over a decade working in Washington, then having seen it and to be able to work with the governor, two governors, Deal and Kemp, work with the legislature and understanding what's important, I think from the state's perspective, from a rule of law perspective, I think it really gave me an incredible viewpoint, a credible perspective on how to deal with these issues.

**David Dove:**

That's a really interesting point. I mean, looking at how federal regulation has just grown as a body of law over the last couple of decades. I mean, it certainly is a sea change in how the federal government is effectuating policy on a yearly basis. Obviously, in your role, you're

having to address that from the state perspective. Is that largely being done through litigation? Or what kind of challenges to rulemaking has your office brought against some of these federal regulations?

**Chris Carr:**

That's a great question. It's kind of an all-in approach. I mean, you have everything from what I would have called a dear colleague in Congress, where you're just talking about a policy issue that you might be pushing. There have been comment letters where we're in the rulemaking process that we've either done individually. We've joined other AGs as well. We have filed lawsuits ourselves. We've joined amicus briefs. So, it's kind of the whole buffet of options.

Again, you're just seeing, I think, you've seen it more and more. It used to be that the AGs were kind of behind the scenes, and I think very bipartisan and found a lot of issues to deal with. Governors were usually kind of out front. AGs were behind. But as the world has become more partisan, so is the AG world. But as the world has become more partisan, and again, is Washington gets less and less done, you're just seeing administrations and both parties that if they can't get it done in Congress, or they're not willing to go to Congress, then they're going to take a shot at passing a reg or some go through the rulemaking process. So, you have to be as an attorney general, willing to partner with others, and you've got to be willing to use all the arrows in the quiver in our federal system to uphold the rule of law.

**David Dove:**

Absolutely. So, to that end, I'm sure our listeners would love to hear about some of the cases that you felt like mandated a state response, particularly in this space of federal rulemaking.

**Chris Carr:**

Well, yes. One of the issues, you and I dealt with a lot. I mean, you're one of the experts on that and that's water wars and the water issues, Waters of the US. We joined with West Virginia. Yes, it's funny, David, you'll appreciate these Waters of the US rule. It started off in the Obama years, and then we sued. Then, in the Trump years, we've got to work with the administration and Congress to we thought put forth a policy that made sense. Then, in the Biden administration, it kind of come back. I'm a big movie buff. It's kind of like one of those Halloween movies. You keep killing Michael Myers, and he keeps coming back. Well, the Waters of the US is kind of like the Michael Myers of rulemaking. So, that's one issue.

EPA's power planner rule. The Clean Power Plant, we worked on those issues. The power plant rule right now, basically, again, sets unrealistic timelines. When in Georgia, we have reliable and low-cost energy and that has been one of our strengths as it relates to economic development. Well, the EPA, we got a new rule that's going to be costly, and in our opinion, just unattainable from an emission standard perspective. The SEC has a climate disclosure rule. Everything now again, what we've kind of seen as from the admittance of this current administration, the Biden administration has had to do with climate change. Well, now you got the SEC, who's got a climate disclosure rule that basically requires companies to produce all kinds of documents that include weather reports and climate risks and things that go way outside the scope of what the SEC is tasked with doing.

Those are some of the issues. Your NEPA, that's another one. The National Environmental Policy Act, creating what we think are roadblocks to infrastructure projects. In Georgia, as well as elsewhere, again, infrastructure is critically important when you have the busiest airport in the world, and you have the fastest-growing port. Your logistics is part of your lifeblood. There's a number of issues. The business issues have really been the issues that I'm passionate about and I've enjoyed working with others on. It looks like this is kind of the trend for the foreseeable future.

**David Dove:**

Yes. Absolutely. Not to mention your success in a lot of those issues as well in terms of being able to get injunctions or in the case of water wars, your office winning 9-0 before the US Supreme Court after it was litigated before the special master. I mean, I've got to imagine that you've seen federal agencies change tactics in how they go about rulemaking based on some of these, whether it's lawsuits or comment letters, or dear colleague letters, some of this engagement that they've seen from your office and other state AGs.

**Chris Carr:**

Yes. I've mentioned the SEC climate disclosure rule. I mean, the fact that we've pushed back and others as well, I'm sure. But the fact we pushed back. The SEC issued a temporary stay on that rule, so we've seen success. On the other side of the coin, though, one of the things that we've seen, I think we have been very effective. Again, it's turned more partisan in nature over the last decade, or decade and a half, which kind of is what it is. But as it relates to recently, we've had a lot of success litigating. We've had some success as well in the rulemaking process.

But one of the things that we're seeing that's gotten a little bit frustrating, because it's what I said, it goes back. If you're not going to Congress, and if Congress isn't going to address the issues, then there's just this incentive for the federal executive to just continue the rulemaking process, which ends up being pretty political in nature, in my opinion. You can say that probably on both sides. But what happens is we prevail, we win in court, we get a change effectuated, and then the administration will come back and just change one, or two, or three words. Then, we're kind of back at it again, which I don't know that that's the way that the process was intended to go. But be that as it may, we've seen change. I've seen changes of – I'm in my eighth year now as attorney general. Since 2016, I've seen changes that have occurred, just in the approach to a lot of these issues.

**David Dove:**

Yes. I could imagine. Shifting gears, a little bit, because I definitely want to touch on this. One of your biggest responsibilities as law enforcement officer for the state, chief law enforcement officer for the state is prosecuting crimes. We live in an age now, where as our economy is growing, creating new facets and industries, crime grows with that. What do you see as being some of the key areas that state attorneys general have to prosecute in new areas of law that may not have been around 10 or 20 years ago?

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**Chris Carr:**

Well, this is where I think, and you know this, because you're a part of it, and I can't thank Governor Kemp and the legislature enough for having the foresight and the support, so that we can all partner on these issues. But again, in Georgia, the AG was largely a civil practice. We tried to do excellent work representing the agencies, boards, and the authorities that comprise state government to the best of our ability. But really going back to 2017, 2018 timeframe, and then beyond, the office has really become a very vibrant and effective criminal practice too.

So, '17 We got to the authority over domestic terrorism. 2019, again, working with the First Lady with the governor, the legislature, the authority over human trafficking. 2022, over statewide gang activity, which is critically important when 60% to 90% of all violent crime is gang-affiliated and all Georgians deserve to be safe. This is not just a public safety issue. It's an economic development issue, which has been critically important our state. Now, organized retail crime. So now, you've got organized groups of people that are hitting brick-and-mortar retail, whereas it used to be, you go to the pawn shop and sell it. Now, you're selling it online. Now, it's become a big issue both for big box retailers as well as for mom and pops.

But I think, again, I'm really proud of what we've done in Georgia collectively and again, from the governor's office, to the legislature, to our office, but then also federal state and local law enforcement working together on these issues. I think again, one issue of great importance I think to the business community in particular, is this issue of organized retail crime. I mean everything from – you've seen the stories nationwide on the smash and grabs. You've seen people going into malls, but it's also CVS and Walgreens and Home Depots and Lowes. But PGA superstores, industrial strength pallets.

We've got a company in Alpharetta, Georgia that found a bunch of pallets out in New Mexico. So, these are the issues that I think are of statewide reports. And yes, they are public safety issues. But they are also economic development issues. I've said this before, no company is going to locate in a place they don't feel safe. You're not going to expand your customer base in a place you don't feel safe. You're not going to go to great sporting events like the World Cup that we're about to have, or SEC championship, if people don't feel safe. This, to me, is a critically important public safety as well as economic development issue and I'm proud that we're working together on it.

**David Dove:**

No. I'm glad you made the point about it being an economic development issue, because I think it's very easy to take for granted what the dollar amounts are that that some of these corporations are seeing. I was thinking about this conversation this weekend when I was at Home Depot and the modifications they've made to the store with the placement of registers, turnstiles when you go in, things to prevent somebody from walking out with a piece of lawn equipment, or something else. I mean, it's really affecting both retail industries, as well as different types of industry and manufacturing as well.

I mean, it's to that point about the economic development, I mean, it's critically important, and particularly here in Georgia, certainly glad that your office is on top of that and getting those prosecutions moving. Because I know it means a lot to our business community here. Along

with that, I know you mentioned human trafficking too. This is something that we obviously worked a lot together with your partnership with First Lady Marty Kemp in the governor's office. But I mean, Georgia has really been a champion for this area of preventing human trafficking and rescuing survivors from the grip of this ugly industry. Could you tell our listeners a little bit more about some of the things that you're doing through the human trafficking unit in your office and how that battle is being won in Georgia?

**Chris Carr:**

Yes. Well, I'm so proud of the team that we have. But when you really look at it, David, you hit the nail on the head, when First Lady Marty Kemp came into office. Even before they came into office, we did an event on human trafficking. The first lady brought together what's called the grace commission in Georgia. She really brought together all the different partners, whether it's prosecutors, it's non-profits, those that are involved in restoration, policymakers, brought everybody around the table and said, "How do we address this issue?"

So, we've got the piece of the prosecution side, a little bit on the training side, too. But oftentimes people say because of Atlanta, because Hartsfield, Georgia, in Georgia, the number one state for human trafficking. Well, nobody knows. It's really hard to get the data, whether it's federal data or state level or around the country. But I know this, Georgia has become the number one state to address and beat the human trafficking game, which has become just a horrific industry.

We started off in 2019, with the Governor, First Lady in the legislature, and we have really developed relationships. We've just last year alone, rescued and assisted 129 victims. Since January of last year, we've convicted 30 individuals. In fact, one of the, again, as this issue gets sicker and sicker all the time, but we just had a conviction for an individual that was trafficking a disabled adult. We've seen parents that are calling their children for drug money. It's just awful. But the fact that we've all come together, and recognizing it's kind of like with gang activity, I always say who are the communities most often terrorized by gangs. It's lower income, racially diverse, and immigrant populations. Who are the communities that are most vulnerable to human trafficking? Lower-income, racially diverse, immigrant populations. And we've really come together as a state. And we were talking about this in the office today. I mean, our prosecution team has done an unbelievable job and constantly coming for folks that are taking these plea deals. We've had a couple of trials and we've been very successful, still got 100% success rate.

But I'm really proud of Georgia. I mean, there are a lot of states that have focused on this issue. But what I think we have done in the last five years collectively, is really a model for the nation and I'm proud of it.

**David Dove:**

Well, I think you're exactly right. I mean, when you look at national leaders in this space in terms of prosecuting crimes, and passing new statutes to deal with new tactics, I mean, Georgia is really at the tip of the spear. You and your office have certainly been a huge part of that with bringing down these trafficking rings and these people engaging in this industry. We've talked about a lot in terms of new areas, new concerns. I mean, I got to imagine as an attorney general

sitting here in 2024, there have got to be a lot of things that are coming down the pike in terms of new concerns for not only regulation, but also criminal behavior, and other challenges that are going to face attorneys general offices across the country over the next 5, 10, 20 years. I mean, how are you perceiving those challenges, new threats, and what is your office doing to prepare Georgia for those?

**Chris Carr:**

Well, one of the issues we've kind of mentioned, I think, is organized retail crime. Again, what I think is gone from a local go-to-the-pawn shop type thing to really a national and multinational issue that needs to be addressed. I think that's an area where we can work together more collectively as states and as attorneys general. The head of the organized retail Crime Task Force for the Attorney General Association with General Kwame Raoul from Illinois, and this is just an important issue that I think is certainly in the short term because it impacts so many different industries.

But I'll tell you the two issues that kind of keep me awake at night are AI and cybercrime, cybersecurity. We're dealing a little bit with cybercrimes, obviously, with scams and that type of thing. And we know a lot of folks or individuals that are overseas or their state actors or they're organized crime syndicates, but that's an issue. We've partnered with our federal. You got to have the federal government. You got to have federal law enforcement anytime you're talking about cybersecurity and we've created a task force in the Northern District of Georgia. We've tried do some training programs in our office with guides for older adults and that type of thing.

Then AI is just new to all of us. I mean, this is an area you worked on in the governor's office and Secretary of State as it relates to elections, as it relates to scams. I mean, one of the biggest scams that we see is a grandchild scam, where somebody will call in and a grandparent will say, "Chris, is that you?" They'll say, "Yes, this is me. I need you to send me money." Well, with AI, all they need now is my picture on social media, my voice, and it actually really does sound like me. You can see where that goes in a number of different areas that really worry me. So, we got to educate ourselves, we got to find those partnerships, we got to prepare to the best of our ability, but I really do think those are areas where we, the states, can work together, and we need our federal partners to be focusing on these issues, too. Those AI and cyber continue to keep me awake at night.

**David Dove:**

I can imagine. I mean, that scam, hypothetically, that you outlined there. I mean, that is something that is real and something that is a scary thing to think about, particularly, as we have to protect our elderly populations. Well, Attorney General, thank you. I'm afraid we're out of time for today. But I really appreciate you coming on and talking to our listeners about the issues that you're dealing with in your office and really appreciate you taking the time.

**Chris Carr:**

Well, David, I want to thank you and Steven and Ashley and Troutman Pepper. Thank you for having me on and thanks for what you all do. It's been a lot of fun. Thanks.



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**David Dove:**

Thank you.

**Stephen Piepgrass:**

David and General Carr, thank you for your enlightening discussion and insights into the workings of the Georgia Attorney General's Office. We really appreciate you joining us today, and I'm sure our listeners enjoyed your engaging dialogue and perspectives as much as I did.

And thank you to our listeners for joining us. Don't forget to subscribe to this podcast on your preferred platform, be it Apple Podcasts, Google Play, Stitcher, or any other. We look forward to having you join us next time.

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