



This has been a very good week for proponents of environmental federalism.

On Tuesday, President Obama convened a Rose Garden ceremony to announce first-ever federal regulatory mandates specifically designed to address global warming. The federal government's new CAFE standards for new cars and light trucks, beginning with the 2012 model year, will simultaneously reduce greenhouse gases and substantially improve energy efficiency in America's transportation sector.

In his [remarks](#) announcing the new policy, President Obama expressly recognized the pioneering efforts of California and 14 other states that had previously adopted California's "Pavley" GHG emission standards-which in turn formed the basis for the nationwide standards announced on Tuesday. Both the President and California Governor Schwarzenegger, who attended the White House ceremony at the President's invitation, stressed the states' leadership role in addressing GHG emissions from vehicular sources as a key catalyst for federal action.

Less publicized, but perhaps equally important, was President Obama's [new policy statement](#) on federal preemption principles, issued Wednesday. A directive to all Executive Branch officials in the Obama Administration, the statement invokes strong principles of federalism in setting a federal policy disfavoring federal preemption of state laws. The President stressed "the general policy of my Administration that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption."

This welcome policy directive was a direct response to and repudiation of the Bush Administration's routine practice of using federal rulemaking proceedings to try to preempt state law, even in the absence of apparent Congressional intent to do so. Especially pernicious was the past Administration's practice of asserting a federal intent to preempt state and local laws in "regulatory preamble statements" it published in the Federal Register, without opportunity for public comment, rather than in federal regulations themselves. And the Bush Administration's eagerness to preempt state laws with which it disagreed as a matter of policy played out especially often in the field of environmental regulation. Included in President Obama's Wednesday policy statement was a directive to his federal managers to review and, where appropriate, reverse those egregious efforts at "regulatory preemption" by the Bush Administration.

To invoke a sports metaphor, we're still early in the first quarter of the Obama Administration. But this week's White House pronouncements reveal an abiding

commitment to federalism principles. That's a welcome break with the past. And it's good news for the states, and for the environment.