

President Obama issued a “memorandum” for heads of departments and agencies. (I guess this must be technically different from an “executive order” but I’m not sure it matters: an order from the Boss is an order from the Boss is an order from the Boss.) The memo contains a reminder about the importance of federalism and some more specific instructions negating Bush Administration practices:

1. No preemptive statements in regulation preambles unless the body contains a preemption rule.
2. Preemption must be legally justified.
3. Agencies should reexamine all preemption regs issued in the past 10 years.

These are a welcome change from the policies of the last Administration.