



Innovative Congressional Minimum Standards Preemption Statutes

Joseph F. Zimmerman

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Examines a new type of federal preemption statute popular since 1965 that allows states to retain a certain amount of regulatory discretion, with a focus on environmental statutes.

Congress possesses broad regulatory powers, including the power of complete or partial preemption of state and local regulatory powers. Congress rarely enacted preemption statutes before the twentieth century, but since the 1960s such interventions have grown significantly in number, now totaling over seven hundred, and have transformed the nature of the American federal system. In *Innovative Congressional Minimum Standards Preemption Statutes*, Joseph F. Zimmerman provides the background and history of this critical transformation, classifying the forms these federal interventions have taken, with a focus on statutes dealing with such environmental issues as water and air quality, restoration of surface-mined areas, and still other areas that, collectively, have produced a revolution in relations between Congress and the states. Contrary to public perceptions of preemption being one-sided and heavy-handed, Zimmerman details the many variations present in these statutes that accommodate state and local interests, allowing for administrative and policy flexibility, and a generally cooperative relationship between states and localities and federal administrative agencies.

Joseph F. Zimmerman is Professor Emeritus of Political Science at the University of Albany, State University of New York. His many books include *Unifying the Nation: Article IV of the United States Constitution*; *The Initiative, Second Edition: Citizen Lawmaking*; and *Interstate Water Compacts: Intergovernmental Efforts to Manage America's Water Resources*, all published by SUNY Press.

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