

A state law requires any lawn mower sold in the state to meet a specified minimum level of fuel efficiency.

A new federal statute requires all power equipment, including lawn mowers, to be labeled with energy efficiency stickers to permit purchasers to make informed choices when buying such equipment. The statute does not expressly preempt state law.

Assume that no other federal statute or administrative regulation addresses the energy efficiency of power equipment.

Which of the following is the best argument the state can make for the continued validity of its law?

- A. Congress cannot preempt state laws requiring a specified minimum level of fuel efficiency for lawn mowers, because the use of such equipment is a wholly local event and, therefore, is beyond the regulatory authority vested in Congress by the commerce clause.
- B. The law is unaffected by the federal statute, because Congress did not expressly prohibit state laws requiring power equipment to meet specified levels of fuel efficiency.
- C. The purpose of the law is consistent with the purpose of the federal statute, enforcement of the law would not interfere with the full execution of the statute, and there is no evidence that Congress intended to preclude the states from enacting supplemental laws on this subject.
- D. There is a very strong presumption that a specific state law on a subject normally within the state's police power prevails over a more general federal statute, because the Tenth Amendment reserves to the states primary authority over matters affecting public health, welfare, and safety.

Explanation:

The Article VI **supremacy clause** allows a **federal law** to **preempt** a conflicting **state law**, thereby rendering the state law void and without effect. But there is a **presumption against preemption**—whether express or implied—that can only be **overcome** when **Congress clearly intended** to supersede the state law.

Here, the federal statute requiring power equipment (including lawn mowers) to have energy efficiency stickers does not **expressly preempt** the state law requiring lawn mowers to meet a minimum fuel-efficiency level. But the state must also show that the federal statute does not **impliedly preempt** the state law (**Choice B**). It can do so here because:

- there is no evidence that Congress intended to *fully* occupy the field of power equipment, leaving no room for supplemental state laws (no **field preemption**)
- enforcement of the state law would not *directly* interfere with the full execution of the federal statute since a lawn mower can satisfy both laws' requirements (no **direct conflict preemption**) *and*
- the state and federal laws have *consistent* purposes since both aim to promote energy efficiency (no **indirect conflict preemption**).

Therefore, this is the state's best argument for the continued validity of its law.

(Choice A) The **commerce clause** gives Congress the power to regulate local activities that, singly or in the aggregate, substantially impact interstate commerce. Although the use of lawn mowers is a local activity, their aggregated sales likely have a substantial impact on interstate commerce. As a result, they are within Congress's regulatory authority.

(Choice D) The Tenth Amendment reserves to the states all powers that the Constitution does not expressly grant to the federal government—including the police power to enact and enforce laws that protect the public's health, safety, and welfare. But there is *no* presumption that state laws prevail over federal laws.

Educational objective:

The supremacy clause allows federal laws to expressly or impliedly preempt conflicting state laws. But there is a presumption against preemption that is only overcome when Congress clearly intended to supersede state laws.

References

- Gade v. Nat'l Solid Wastes Mgmt. Ass'n, 505 U.S. 88, 98 (1992) (explaining when federal law expressly or impliedly preempts state law).
- 16A Am. Jur. 2d Constitutional Law § 234 (2019) (stating the tests used to determine preemption).

Doctrine of preemption

