



Local Control is Now “Loco” Control

Environmental Law & Policy
Annual Review
March 29, 2019

NEW PREEMPTION

- Sweeping state laws that **clearly, intentionally, extensively**, and at times **punitively** bar local efforts to address a host of local problems.
- Often propelled by trade association and business lobbying
- Designed in many cases to preventing any regulation at all
- **Part of the same corruption and denial of democracy** as gerrymandering, campaign finance abuse, voter suppression

The **quantity** of preemption laws has **skyrocketed**

25 states
preempt
local minimum
wage laws

22 states
ban local paid
sick days

13 states
ban local food
and nutrition
policies

43 states
limit local
authority to
regulate guns
or ammunition

13 states
ban local
control over
CAFOs

10 states
prohibit local
plastic bag
bans

5 states
ban local
fracking bans

10 states
ban local
e-cigarette
regulations

The state is **interfering** on more **policy areas**

LABOR
STANDARDS

PUBLIC
HEALTH &
SAFETY

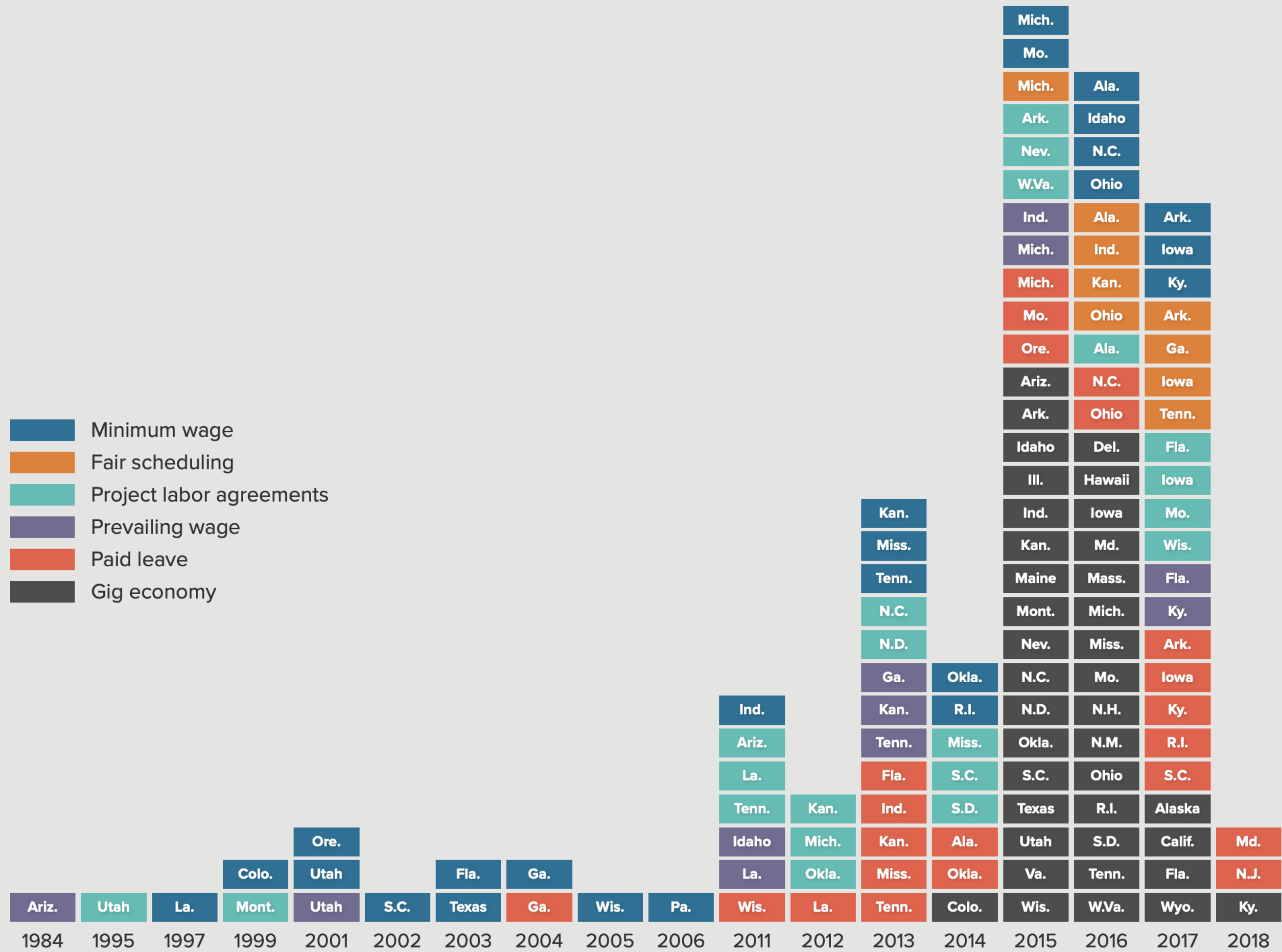
CIVIL
RIGHTS

TAXING &
REVENUE

5G &
BROADBAND

ENVIRON-
MENTAL
PROTECTION

LOCAL
ELECTIONS &
ZONING



Source: EPI analysis of preemption laws in all 50 states

Preemption is being used in **new and disturbing** ways to:

Punish
elected
officials and
cities

Overtake
ballot
elections

Perpetuate
economic &
racial
inequity

End local
regulation

Preemption is being used beyond issues to implement an anti-regulatory agenda

National
strategy to
consolidate
power @ state
level

Often outlaw
local action
even when
the state
has no
policy

End local
regulation of
entire
sectors of
government

Demonization of **local democracy**

Local restrictions are “an affront to personal liberty.”

Rob Bradley, Florida Senator

“The oppression of local control...”

*Christine Sandefur,
The Goldwater Institute*

“When we talk about local control, we mean state control.”

*Keith Fabor,
Ohio State Senator*

“Local governments do some weird s**t.”

Tennessee state lawmaker

“When local control becomes loco control, is the time for #TxLege to rein in cities.”

*Donna Campbell,
Texas State Senator*

California's Soda Tax Ban: A Chilling New Tactic

The American Beverage Association dropped its November ballot initiative that would have seriously weakened the ability of local communities to raise revenues - once the state legislature passed a law banning local soda taxes until 2030.

This form of extortion may be replicated.

“ “ If Americans don’t start paying closer attention to what’s happening in statehouses across the country, the republic may never recover. ” ”

“The Death of Compassionate Democracy” by Margaret Renkl
New York Times Op-Ed, 3.18.2019

Local Solutions Support Center

A national hub that coordinates and creates efforts to counter the abuse of preemption and strengthen local democracy.

Goals are to raise awareness of state preemption and its consequences, reduce the use of this threat to democracy, and strengthen the power of cities to advance policies that promote equity, inclusion, public health, and civic participation

