

■ Letter From The Director

# A Stealth Attack On Strong Public Interest Protections



Powerful special interests are persuading Congress and the White House to impose federal law while wiping out the states' ability to pass stronger standards.

In January 2001, President-elect George W. Bush told a gathering of governors, "While I believe there's a role for the federal government, it's not to impose its will on states and local communities."

But on a growing number of issues, powerful special interests are persuading Congress and the White House to do just that.

When it comes to consumer protection and the environment, they're imposing federal law while wiping out the states' ability to pass stronger standards. For example:

- The Medicare legislation signed into law in December includes a stealth provision that restricts the ability of states to use successful prescription-drug-buying cooperatives to negotiate lower prices for consumers.

- A new law to help fight identity theft permanently limits the rights of states to enact tougher policies (see story on page 6).

- The Bush administration and Congress are backing sweeping proposals to eviscerate long-standing consumer rights under state law. The misleadingly named "Class Action Fairness" bill would take most consumer class-actions out of state courts and place them in federal courts (which are often slower and more friendly to indus-

tries), even when the claims are under state law. The White House is also backing medical malpractice proposals that would cap damages for pain and suffering.

- The recently approved omnibus spending bill for fiscal year 2004 includes a provision that limits all states but California from reducing air pollution from spark-ignition engines like those used in lawn equipment, forklifts, all-terrain vehicles and more. These small engines are among the dirtiest in the nation and contribute disproportionately to smog and soot pollution.

These developments are particularly troubling given the important role the states have long played as

what Justice Louis Brandeis likened to "laboratories of democracy."

As shown in our story on energy policy on pages 4-5 of this newsletter, the states often take the lead in developing and promoting innovative solutions to social problems. In fact, the state PIRGs were founded on that very premise.

I have no doubt that we'll see many more efforts to undermine states' rights. But with your continued support, we'll be fighting to halt this disquieting trend.

*Gene Karpinski*  
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Executive Director

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