

Preemptive Regulations Issued During the Bush Administration

- **Proposed rules or interim final rules with preemption language in the preamble have been issued in the following proceedings:**

Food and Drug Administration

<u>Subject Matter</u>	<u>Citation</u>
Skin bleaching products	71 Fed. Reg. 51146 (2006).
OTC drugs in trial size packages	71 Fed. Reg. 74474 (2006).
OTC analgesics	71 Fed. Reg. 77314 (2006).
Sunscreen products	72 Fed. Reg. 49070 (2007).
Fatty acids	72 Fed. Reg. 66103 (2007).
Pregnancy and lactation labeling	73 Fed. Reg. 30831 (2008).
Proposed classification for tissue expanders	73 Fed. Reg. 78239 (2008).

National Highway Traffic Safety Administration

<u>Subject Matter</u>	<u>Citation</u>
Rearview mirrors	70 Fed. Reg. 53753 (2005).
Occupant protection	72 Fed. Reg. 54402 (2007).
Electric-powered vehicles	72 Fed. Reg. 57260 (2007).
Brake hoses	72 Fed. Reg. 57459 (2007).
Platform lifts	72 Fed. Reg. 72326 (2007).
Child restraint systems	73 Fed. Reg. 3901 (2008).
Windshield zone intrusion	73 Fed. Reg. 38372 (2008).
Occupant crash (remove sunset provision)	73 Fed. Reg. 52939 (2008).
Motorcycle brake systems	73 Fed. Reg. 54020 (2008).
Motorcycle helmets	73 Fed. Reg. 57297 (2008).

Federal Railroad Administration

<u>Subject Matter</u>	<u>Citation</u>
Passenger safety equipment standards	72 Fed. Reg. 42016 (2007).
Incident reporting requirements	73 Fed. Reg. 52496 (2008).
Continuous welded rail (inspections)	73 Fed. Reg. 73078 (2008).

Pipeline Hazardous Materials Safety Administration

<u>Subject Matter</u>	<u>Citation</u>
Crashworthiness protection of rail cars (joint rule with FRA)	73 Fed. Reg. 17818 (2008); 74 Fed. Reg. 1790 (2004).
Enhancing rail transportation security (joint rule with FRA)	73 Fed. Reg. 20752 (2008).

Department of Homeland Security

<u>Subject Matter</u>	<u>Citation</u>
Chemical facility anti-terrorism	71 Fed. Reg. 78276 (2006); 72 Fed. Reg. 17688 (2007).

- **Final rules with preemption language in the preamble have been issued in the following proceedings:**

Food and Drug Administration

<u>Subject Matter</u>	<u>Citation</u>
Physician labeling rule	71 Fed. Reg. 3922 (2006).
Noncariogenic sweeteners	71 Fed. Reg. 15559 (2006).
Raw fruits, vegetables, fish	71 Fed. Reg. 42031 (2006).
OTC nasal medication	71 Fed. Reg. 43358 (2006).
Calcium	72 Fed. Reg. 497 (2007); 73 Fed. Reg. 56477 (2008).
Nutrient content claims	72 Fed. Reg. 1455 (2007).
OTC dandruff products	72 Fed. Reg. 9849 (2007).
OTC laxatives	72 Fed. Reg. 14669 (2007).
Dietary sweeteners	72 Fed. Reg. 52783 (2007).
OTC contraceptives	72 Fed. Reg. 71769 (2007).
Skin protectant drug products	73 Fed. Reg. 6014 (2008).
Soluble fiber (coronary heart disease)	73 Fed. Reg. 9938; 73 Fed. Reg. 23947 (2008).
Toll-free number for reporting adverse events on labeling for human drug products	73 Fed. Reg. 63886 (2008).

National Highway Traffic Safety Administration

<u>Subject Matter</u>	<u>Citation</u>
Door locks and door retention components	72 Fed. Reg. 5385 (2007).
Electronic stability control	72 Fed. Reg. 17236 (2007); 73 Fed. Reg. 54526 (2008).
Head restraints	72 Fed. Reg. 25483 (2007).
Tire pressure monitoring	72 Fed. Reg. 38017 (2007).
Occupant crash protection	72 Fed. Reg. 40252 (2007).
Side impact protection	72 Fed. Reg. 50900 (2007).
Side impact (electric cars)	72 Fed. Reg. 51908 (2007).
Power-operated windows	73 Fed. Reg. 38338 (2008).
Lamps and reflective devices	72 Fed. Reg. 68234 (2007); 73 Fed. Reg. 50730 (2008).
Occupant crash protection (update to Appendix A)	73 Fed. Reg. 66786 (2008).
School bus passenger seating	72 Fed. Reg. 65509 (2007); 73 Fed. Reg. 62744 (2008).

Federal Railroad Administration

<u>Subject Matter</u>	<u>Citation</u>
Railroad operating standards	71 Fed. Reg. 60372 (2006); 73 Fed. Reg. 8441 (2008).

Continuous welded rail	71 Fed. Reg. 59677 (2006).
Electronically controlled pneumatic brakes	72 Fed. Reg. 50820 (2007); 73 Fed. Reg. 61512 (2008).

Consumer Product Safety Commission

<u>Subject Matter</u>	<u>Citation</u>
Mattress flammability	70 Fed. Reg. 2470 (2005); 71 Fed. Reg. 13472 (2006).

- Regulations issued with preemptive language in the rule text:

Food and Drug Administration

<u>Subject Matter</u>	<u>Citation</u>
Supplemental application labeling rule	73 Fed. Reg. 2848; 73 Fed. Reg. 49603 (2008).

National Highway Traffic Safety Administration

<u>Subject Matter</u>	<u>Citation</u>
Designated seating positions	70 Fed. Reg. 36094 (2005); 73 Fed. Reg. 58887 (2008).

Transportation Security Agency

<u>Subject Matter</u>	<u>Citation</u>
Rail transportation security	71 Fed. Reg. 76852 (2006); 73 Fed. Reg. 72130 (2008).