



Techniques and Skills for Providing Effective Input in the EPA Rulemaking Process

April 2019

Basics of the Regulatory Process

- Congress passes the laws that govern the United States
- Congress has also authorized EPA and other federal agencies to help put those laws into effect by creating and enforcing regulations
- Regulations are mandatory requirements that can apply to individuals, businesses, state or local governments, non-profit institutions or others



EPA Regulations: Process

For developing most regulations, EPA follows the same general process:

- **Step 1:** EPA proposes a regulation, including specific periods for public input through both written comments and public hearings
 - Proposed regulation is published in the Federal Register
- **Step 2:** EPA collects and considers comments from the public and issues a final rule
- **Step 3:** Final regulation is published in the Federal Register, then is codified and added to the Code of Federal Regulations

Where to Find Information about Regulations

- Reginfo.gov
- FederalRegister.gov
- Regulations.gov
- GovInfo.gov

The screenshot shows the govinfo.gov website. At the top, there is a navigation bar with links for "Browse", "About", "Developers", "Features", "Help", and "Feedback". Below this is a header section titled "Discover U.S. Government Information". A search bar is prominently displayed with the text "What are you searching for?" and a "SEARCH" button. Below the search bar are five filter buttons: "A to Z" (Browse documents by alphabetical order), "Category" (Browse documents in specific collections), "Date" (Browse documents within a timeframe or date range), "Committee" (Browse documents by the issuing committee), and "Author" (Browse documents by government authors). Below these filters are two sections: "Recent Publications" and "Features". The "Features" section includes a featured article titled "Susan B. Anthony, Icon of the Women's Suffrage Movement" with a small image of her.

The screenshot shows the regulations.gov website. At the top, there is a navigation bar with links for "Home", "Help", "Resources", and "Contact Us". Below this is a header section with the text "regulations.gov" and "Your Voice in Federal Decision-Making". A search bar is prominently displayed with the text "SEARCH for: Rules, Comments, Adjudications or Supporting Documents:" and a "Search" button. Below the search bar are three sections: "What's Trending" (listing various regulations with closing dates), "Comments Due Soon" (listing regulations with closing dates), and "Newly Posted" (listing regulations with posting dates). There is also a section for "Unable to submit a comment?" and a "DOS Regulations Twitter Page" link.

EPA Dockets

<https://www.epa.gov/dockets>

- Contain information that EPA uses in a rulemaking or other agency action and that explain or support its decisions
- Contain public input provided through the formal comment process and in public hearings
- Are available to the public for review

Making A Difference

- **Become familiar** with the rulemaking **process**
- Be involved **early and often**
- Be **prepared** and organized
- Be **respectful**
- Be **specific**
- Be **constructive**
- Be **realistic**

PREPARING EFFECTIVE WRITTEN COMMENTS

Resources for Writing Comments

<https://www.epa.gov/laws-regulations/get-involved-epa-regulations>

<https://www.regulations.gov/docs/Tips For Submitting Effective Comments.pdf>

<https://www.oregon.gov/deq/FilterDocs/makeyourvoiceheard.pdf>



TIPS FOR SUBMITTING EFFECTIVE COMMENTS*

Overview

A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.

These tips are meant to help the public submit comments that have an impact and help agency policy makers improve federal regulations.

Summary

- ✓ Read and understand the regulatory document you are commenting on
- ✓ Feel free to reach out to the agency with questions
- ✓ Be concise but support your claims
- ✓ Base your justification on sound reasoning, scientific evidence, and/or how you will be impacted
- ✓ Address trade-offs and opposing views in your comment
- ✓ There is no minimum or maximum length for an effective comment
- ✓ The comment process is not a vote – one well supported comment is often more influential than a thousand form letters

Detailed Recommendations

1. Comment periods close at 11:59 eastern time on the date comments are due - begin work well before the deadline.
2. Attempt to fully understand each issue; if you have questions or do not understand a part of the regulatory document, you may ask for help from the agency contact listed in the document.

Note: Although the agency contact can answer your questions about the document's meaning, official comments must be submitted through the comment form.

3. Clearly identify the issues within the regulatory action on which you are commenting. If you are commenting on a particular word, phrase or sentence, provide the page number, column, and paragraph citation from the federal register document.
 - a. If you choose to comment on the comments of others, identify such comments using their comment ID's before you respond to them.

Getting Ready to Comment

- Collect and review relevant materials
- Get help understanding the issues
- Identify your key issues and concerns

Review the Proposed Document

- Read the preamble's summary and table of contents
 - Determine which sections are **most critical** to you
 - Mark up document as you read it
 - Agreements
 - Disagreements
 - Questions
 - Concerns



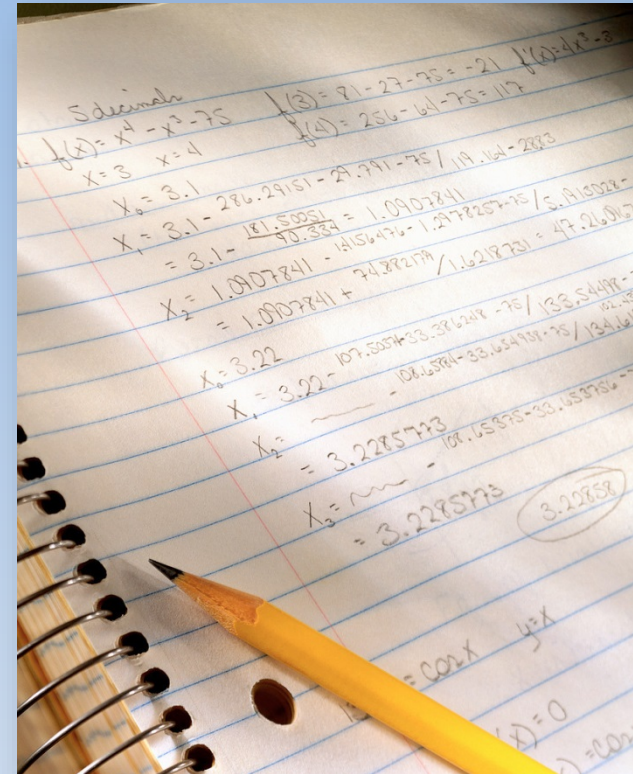
Begin Your Assessment

- Do you disagree with the underlying assumptions?
- Is important information missing?
- Do you agree with methodologies used in assessments, such as monitoring methodologies or risk assessments?
- Do conclusions and recommendations appear to be logical and supported?
- Be sure to document the reasons for your comments



Continuing Your Assessment

- Check for **consistency** with other information
 - Check facts with other sources
 - Check cited references
 - Get feedback from allies/other experts



Tips

- Make your comments easy to follow
 - Be organized
 - Be clear, concise and convincing
 - Support your key comments with evidence
 - Provide solutions
 - Submit comments by deadline

Organization and Format

- Make it look professional
- Clearly identify each section addressed
- Use headings, indentation and bullets
- Avoid dense blocks of text
- If comments are lengthy consider a table of contents

Table of Contents	
1. Executive Summary.....	1
2. First very important point.....	2
3. Second very important point.....	3
a. A support for my argument.....	3
b. Another support.....	5
c. Here is another support.....	7
4. Third very important point.....	8
5. Fourth very important point.....	9
a. A support for my argument.....	3
b. Another support.....	5
c. Here is another support.....	7
6. Conclusion	8

Style

- Use topic sentences
- Use short sentences
- Avoid passive voice
- Write in the first person
- Communicate honestly and with respect

Content

- Identify legal shortcomings
- Pinpoint factual mistakes
- Suggest specific language
- Highlight items you support and do not support
- Provide examples
- Offer alternative solutions

Before submitting

- Check for accuracy and clarity
- Proofread closely



PUBLIC HEARINGS

Preparing to Speak at a Public Hearing or Meeting

- Read the preamble of the proposed rule and review other relevant documents
- EPA's proposed rules are accompanied by a fact sheet that summarizes key aspects of the proposal. These may help answer some of your questions.



Developing Your Comments

- Make your comments in 3 to 5 minutes
 - Focus on questions that EPA outlines in the preamble
 - Determine what your key messages will be
 - Be **factual**
 - Make **specific** recommendations
 - Be **clear, concise and constructive**
 - Practice, practice, practice



Speaking at a Public Hearing or Meeting

- Respect the time limits
- Speak clearly and confidently
- Follow up with written comments



Image Sources

(Slide number references shown in parentheses)

- Public meeting (17): U.S. EPA
- Public meeting (20): U.S. EPA