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