



Oil and Gas Methane Rule

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

November 2021

Presentation Overview

- Regulatory Process Background
- Preparing Effective Written Comments
- Submitting Written Comments
- Public Hearings
- Oil and Gas Rule Specifics for Commenting



Basics of the Regulatory Process

- Congress passes 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

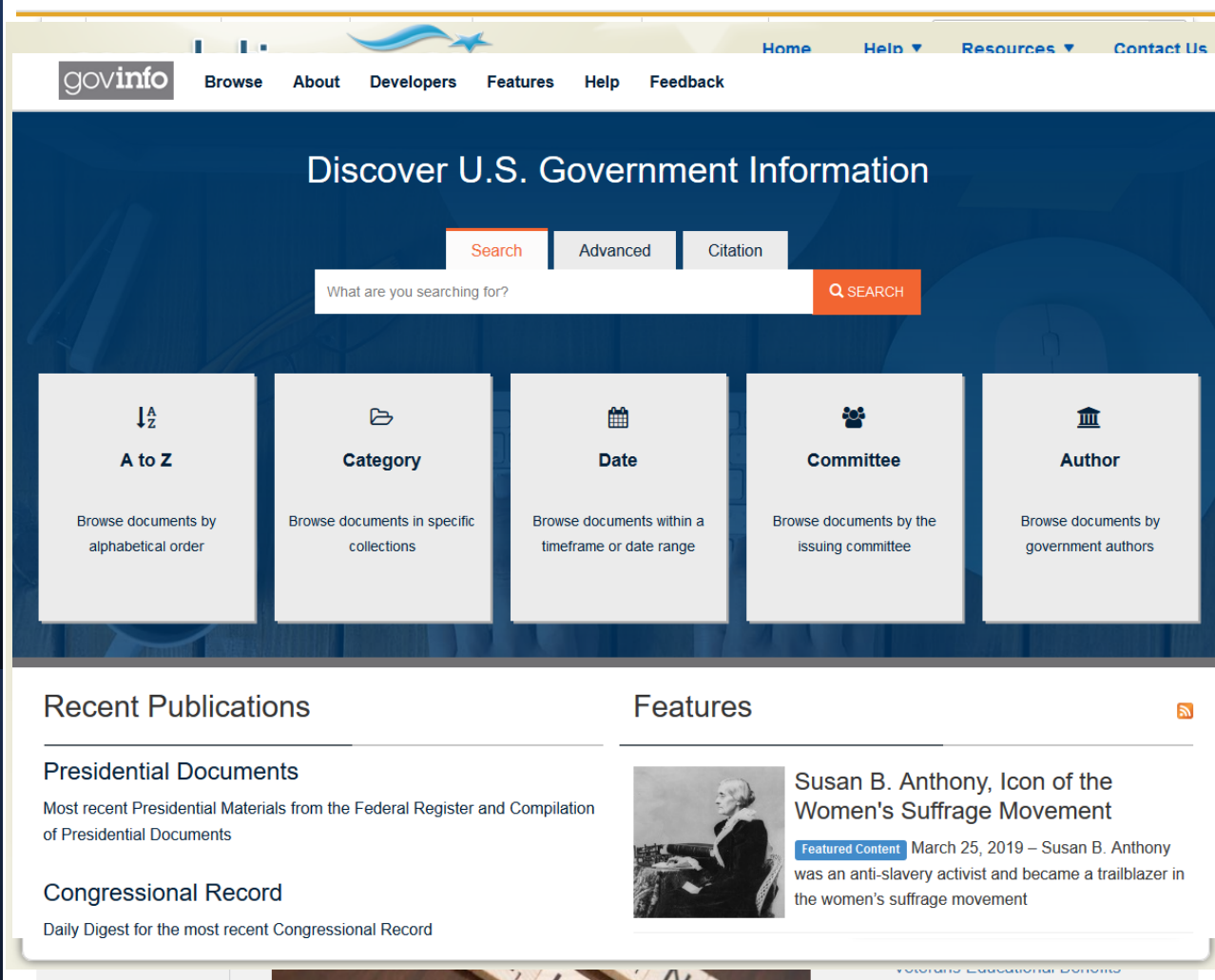
EPA Regulations: Process

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
- **Step 3:** EPA issues a final regulation that is published in the Federal Register, then codified and added to the Code of Federal Regulations (CFR)

Where to Find Information about Regulations

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



EPA Dockets

- 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
- Learn more about EPA dockets at <https://www.epa.gov/dockets>

Preparing Effective Written Comments



Resources for Writing Comments

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

<https://s3.amazonaws.com/prod-regulations-faq/pdf/Tips-For-Submitting-Effective-Comments.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



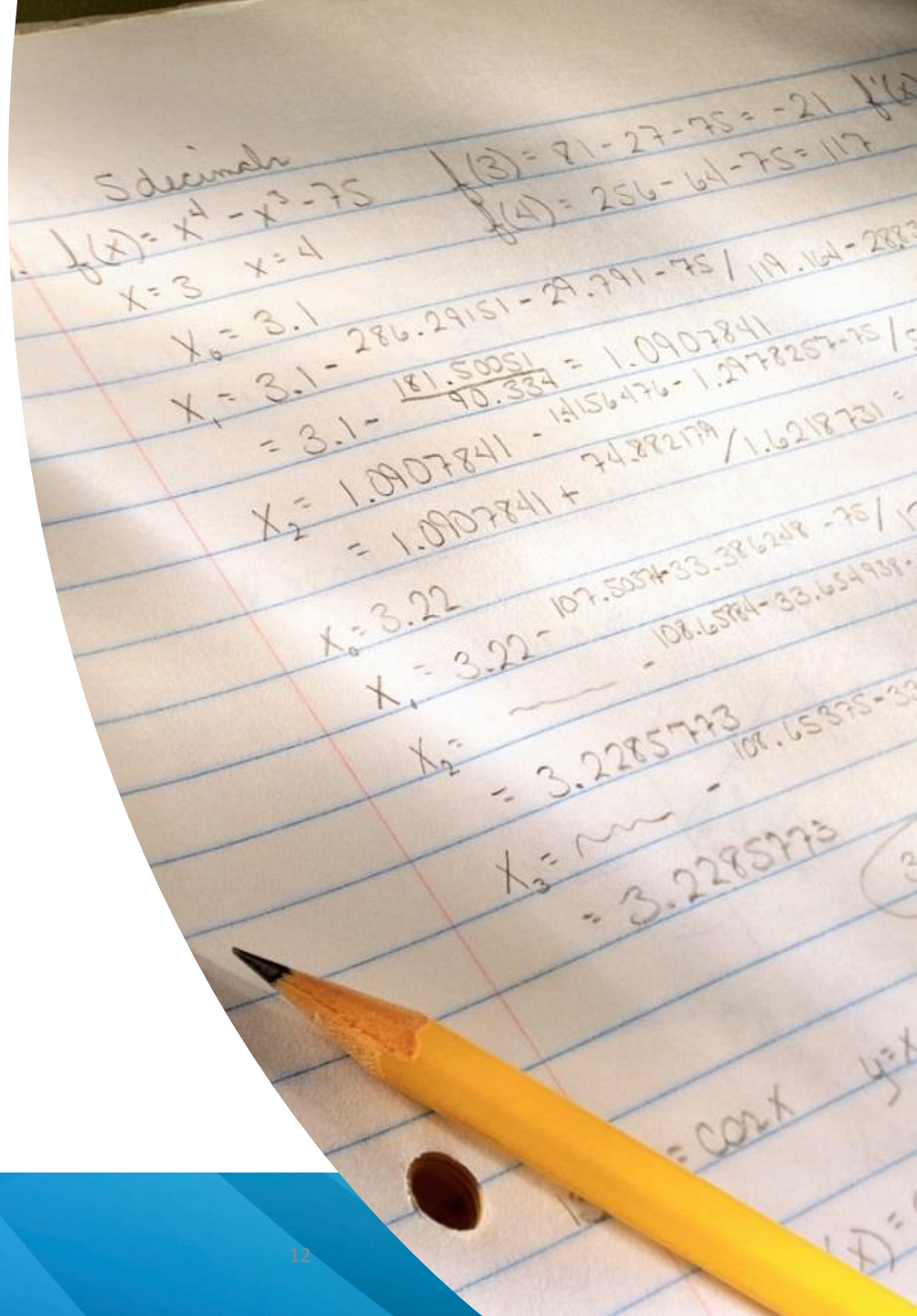
Begin Your Assessment



- 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



Organization and Format

Table of Contents

1. Executive Summary.....	1
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a. A support for my argument.....	3
b. Another support.....	5
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a. A support for my argument.....	3
b. Another support.....	5
c. Here is another support.....	7
6. Conclusion	8

- Make it easy to follow
- Clearly identify each section addressed
- Use headings, indentation and bullets
- Avoid dense blocks of text (long paragraphs)
- If comments are lengthy consider a table of contents

Content: Identify Shortcomings

- Pinpoint factual mistakes
 - Information is wrong or misleading
 - Information is outdated or incomplete
 - Relevant information is missing
- Highlight items you support and do not support
- Illustrate/explain legal weaknesses
 - Are there any opportunities that EPA missed that are supported by current laws or regulations?
- Provide examples

Content: Make Recommendations

- Offer alternative solutions
- Suggest specific language
- Respond to questions that EPA is asking
- Make sure your comments relate to the proposed action

Additional Tips for Comment Submittal

- Make your comments easy to follow
 - Be organized
 - Be clear, concise and convincing
 - Support your key comments with evidence
 - Provide solutions/alternatives that you think should be considered
- Submit comments by deadline

How to Submit Written Comments





Comment Period


- The **comment period** for the proposed rule will open when the proposed rule is published in the Federal Register
- Comment periods typically range from 30-60 days but may be longer or shorter
- The **preamble** of the proposed rule and the **fact sheet** posted to EPA's website will provide specific directions on submitting comments
- EPA's preference is to receive comments through the Federal eRulemaking portal at **regulations.gov**
 - We also accept written comments via email, fax, and mail

Public Docket

- A docket is a collection of documents including information used by the Agency to explain or support its decisions and includes public comments
- EPA has opened a docket for members of the public to submit input to the Agency in writing
 - Visit <https://www.regulations.gov/>
 - Search for Docket ID No. EPA-HQ-OAR-2021-0317
 - We'll go through how to navigate regulations.gov in a few slides
- For more information on submitting information to EPA dockets, visit <https://www.epa.gov/dockets/commenting-epa-dockets>
- Note: This is a separate docket from the pre-proposal docket EPA opened in June 2021

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REFINE DOCKETS RESULTS ?

Docket Type

Rulemaking (1)

Agency

☐ Environmental Protection Agency (1)

SEARCH RESULTS

SORT BY Best Match ▾

R

RULEMAKING

Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review

Agency Environmental Protection Agency

Docket ID EPA-HQ-OAR-2021-0317

Displaying 1 - 1 of 1 results

Docket Documents

R

RULEMAKING DOCKET

Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review

Created by the Environmental Protection Agency

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REFINE RESULTS ?

☐ Only show documents open for comment (1)

Document Type

- Supporting & Related Material (140)
- Proposed Rule (1)

Posted

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PR

PROPOSED RULE

Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review

Agency Environmental Protection Agency | Posted Nov 15, 2021 | ID EPA-HQ-OAR-2021-0317-0001

Comment

Comments Due Jan 14, 2022

Submitting Comments

Write a Comment

[Read Agency Guidelines](#) | [Commenter's Checklist](#)

Comment*

Start typing comment here...

//
5000

Attach Files

You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgml, tif, tiff, txt, wpd, xlsx, xml.

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Public Hearings



What is a Public Hearing?

- A public hearing is a formal meeting where EPA officials hear the public's view and concerns about an EPA action or proposal
- EPA is required to consider comments, whether submitted to the docket or provided during a public hearing, when evaluating Agency action
- Public hearings must be held upon request during the public comment period, but EPA can also choose to hold a public hearing without a request



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

- Determine what your key messages will be
 - What areas of the proposal do you agree/ disagree with
 - Respond to any questions that EPA outlined in the proposal
- Be **factual**
- Make **specific** recommendations
- Be **clear, concise and constructive**
- Practice, practice, practice

Speaking at a Public Hearing

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



Participating in the Oil and Gas Proposed Rulemaking

Oil and Gas Public Comment Information

- Proposal Signature Date: November 2, 2021
- Publication Date: November 15, 2011
- The notice in the *Federal Register* sets the clock for:
 - Public hearing: November 30th and December 1st
 - Comment period: The comment period will remain open for 60 days after publication. Comments must be received on or before January 14, 2022.

Oil and Gas Public Hearing Registration

- The EPA has opened registration for the public hearing
 - Registration closes November 24th
- Speaker and listener instructions will be available on EPA's Oil and Gas website at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>
 - Detailed registration instructions are available
 - Hearing contact information is provided

For more information regarding the Oil and Gas Rule, please visit this link:

<https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>

QUESTIONS

