

How to Participate in Federal Rulemaking

Your voice counts. If federal agencies and other decisionmakers, including members of Congress, don't hear what the public thinks about a proposed rule or regulation, they may hear only, or mainly, from powerful interest groups. We all have a stake in how agencies implement laws passed by Congress to protect and benefit ordinary people. Here we offer suggestions on how to make your participation in the rulemaking process as effective as possible.

How to Find Out about Proposed Rules

There are two main ways to find out what federal agency proposals are open for public comment, when comments can be submitted, and when and where public hearings are scheduled.

1. MONITOR AGENCY PROPOSALS ON YOUR OWN

Federal agencies publish their proposed rules and other public notices in the *Federal Register* (www.federalregister.gov). There are several ways to use the site:

- You can click “browse” and select an agency of interest. The agency page includes, among other things, a list of recent significant actions, starting with the most recent.
- You can subscribe via email or RSS feed to receive notification of new notices from an agency of interest. To reduce the number of notifications, pick the “significant actions” option.
- You can click the “sections” icon to see a list and brief description of recently published notices within certain areas of interest (e.g., environment, health and public welfare, world, money, science and technology). Within each category, you can click on specific subtopics (e.g., endangered species), starting with the most recent.
- You can use the advanced search engine to narrow your search by selecting the type of document (e.g., proposed rule), agency, time period, etc.
- You can go to the [Public Inspection page](#) to access important or complex documents before they have even been published in the *Federal Register*.

A second method is to monitor Regulations.gov, the federal government's centralized site for soliciting public comments online. Using the search function, type in the name of the agency of interest and check the box marked “Only show documents

open for comment.” You can limit the search to certain types of actions (e.g., proposed rules, notices), and order the documents according to the date when public comments are due, from newest to oldest.

A third method is to monitor a specific agency's website for information on what rules are being developed or reviewed and when you can comment on them. Agencies often issue press releases about significant proposals, and most agency websites make it easy to find press releases. In addition, agencies typically have a page that lists proposed rules that are open for comment, and some offer notifications that can help you track rules under development or existing rules being reviewed.

2. RELY ON PUBLIC INTEREST GROUPS TO DO THE MONITORING FOR YOU

Another option is to check the website of—or join—public interest groups like the Union of Concerned Scientists that follow agency actions in areas relevant to you. You can select a few areas of focus, and these groups will send you action alerts that give you an opportunity to comment on major regulatory proposals. Action alerts often provide online forms with sample language, making it easier for you to submit comments.

Public Comment Periods and Hearings

Agencies are seeking information about the problems their proposal is supposed to address, how well the proposal addresses the problems, and how the proposal could be improved. They also pay close attention to arguments about whether the proposal complies with the law. Your comments can contribute to an agency's understanding of the problems being addressed and the solutions being proposed. While agencies don't make decisions based on how many people comment one way or another, the number of commenters supporting (or opposing) a rule does send an important signal about the level of public concern or support for the proposed approach.

You generally have more than 30 days to prepare and submit comments. Most agencies post a proposed rule on their website the day it is signed by the agency head or other high-level official. The public comment period begins several days or weeks later, when the proposal is published in the *Federal Register*. By taking advantage of the earlier web posting of the proposed rule, you can buy yourself additional time to prepare your comments.

You can also consider making a statement at a public hearing if one is held. Taking part in a hearing sends another important signal to the agency about the level of public concern or support. It is an opportunity to speak directly to agency representatives, including managers and staff who developed the proposal. Agency representatives are there to listen, not to engage in debates with the speakers, but they sometimes ask questions. A hearing can also be a rallying point for grassroots efforts and an opportunity to get attention from the press or public. The “Dates” section of the notice indicates where and when any hearing(s) will be held, or how a hearing can be requested.

EFFECTIVELY COMMUNICATING YOUR VIEWS

Every comment submitted during a public comment period or made during a public hearing becomes part of the rule-making record. By law, the agency must consider every comment, respond to all “significant” comments (i.e., those that provide new information or analysis or make reasoned arguments for how and why the proposal should be changed), and base its final decisions on the full rulemaking record.

If the agency fails to respond to a valid point you’ve made (such as a well-supported argument for changing the proposed approach), the final rule or action may be vulnerable to a lawsuit. A court could require the agency to consider your point and determine whether to change the rule, and if the point is central enough to the rule, the court might even strike down (“vacate”) the rule.

Here are good rules of thumb for communicating your views so their value is clear:

Explain why you’re commenting. Say why you care about the proposal. If you or someone you know is affected by the activity being regulated, explain that (for example, your asthma is made worse by pollution from a nearby facility). Include any relevant personal or professional anecdotes you’re willing to share. Telling the agency that you have a personal or professional stake in the proposed action helps bring home the proposal’s potential real-world impact and raises the political stakes of ignoring your comments. It may also help provide a legal basis for a lawsuit challenging an agency’s final decision. If you are speaking for a low-income or BIPOC (Black, Indigenous, and people of color) community, point that out so the agency officials have the benefit of your experience.

If you have expertise, say so. You don’t have to be an expert on the topic to make a valid and valuable comment, but if you are, let the agency know. Agencies rely on their own experts and outside experts with whom they have developed a relationship, but an independent expert can bring new or different perspectives that the agency will be obligated to

consider. Comments that draw on expertise have that much more weight.

Provide any relevant information you have. Agency staff are always on the lookout for new information. The EPA, for example, is required to base many of its rules on scientific, technical, and economic information, so if you can provide such information, your comments are sure to get on its radar screen. Examples include:

- Scientific, technical, or other relevant reports or studies that the agency hasn’t considered in developing its proposal, or interpretations of reports or studies the agency is overlooking.
- Economic and/or engineering information that affects the feasibility, costs, or benefits of the proposal or alternatives.
- News reports about events in your community that relate to the proposal.
- Other anecdotal information that illustrates the need for the rule or its stringency or approach, especially if it can be tied to data about the broader public impact. Although an agency can downplay anecdotal evidence, it is much harder to ignore evidence of broader impacts.

Be constructive. If you support the general direction of an agency proposal, say so. If you think the proposal has problems, point those out. In both cases, explain your reasons. When you believe a proposed approach is problematic, suggest alternatives that would address your concerns to the extent you can. For example, if you believe a proposal goes too far, offer a different approach that would more efficiently accomplish the law’s objective. If you believe a proposal doesn’t go far enough, and the agency has claimed that more stringent approaches would cost jobs or have other negative impacts, explain the costs of not taking a more stringent approach and explore whether a different approach could provide the desired benefits at a lower cost.

You might also explore whether the agency’s economic analysis is sound and, if so, suggest that the federal government offer job training or economic assistance for communities with affected workers. Even if the agency is not able to take your suggested steps, it may be able to enlist other agencies or ask Congress for help.

Be civil. How you present yourself and phrase your comments matters. Impolite or condescending behavior can distract attention from the merits of the comments made.

Don’t write a lot if less will do. Longer comments are not necessarily better or more effective than shorter ones. What’s important is to communicate clearly and explain or support any claims you make.

{ *“I strongly believe that comments from the public should always be a valuable part of the policymaking process. . . . If our history of scientific accomplishments has taught us anything, it is that the role of evidence-based decisionmaking is imperative to ensure progress and effect positive change.”* }

— Ariana Tsiattalos, Science Network member

Stick to what you know. You don’t need to comment on everything in the proposal. While all aspects of a proposal are open for public comment, agencies sometimes request comments on specific issues or alternative approaches; those requests can signal that the agency needs more information or is still mulling how to craft certain aspects of the rule. You are not obligated to respond to specific requests for comment, but any information or insights you provide may be influential. In general, it’s best to focus your comments on what you know and what matters to you.

Meet deadlines. For written comments, make sure you submit them before the deadline listed in the rulemaking notice. If your comments are late, the agency may consider them, but it is not obliged to do so. For a public hearing, know your time limit and make sure your remarks will fit into the allotted time (which is often announced in the *Federal Register* notice of proposed rulemaking). While the time for your oral statement is limited, you can prepare a longer written statement and have that included in the rulemaking record.

HOW TO SUBMIT A COMMENT ON A PROPOSED RULE

Every notice of proposed rulemaking contains instructions on when, how, and where to submit public comments. These instructions, including the docket number for the rulemaking, are near the beginning of the notice in sections commonly titled “Dates,” “Addresses,” and “General Information.” The notice may also announce plans for a public hearing, along with details on how to participate.

Most agencies let you submit comments on paper or electronically via the government portal [Regulations.gov](https://www.regulations.gov). Searching by docket number at this site will give you access to the proposed rule, the agency’s supporting materials, and public comments already submitted. For any proposal open for comment, the docket page will display the deadline and a “comment” button. You can paste your comments into the online comment form if they meet the word limit, or you can attach files to the form. That option is useful if your comments are long, are accompanied by supporting documents, or contain formatting you want to maintain.

Meetings and Calls with Agency Officials

A less typical—but potentially potent—avenue for making your voice heard is calling or meeting with officials in the relevant federal agency and/or the White House Office of Management and Budget (OMB). Although individual members of the public are unlikely to get a meeting with top officials, that shouldn’t stop you from asking. Meetings and phone calls are not a substitute for public comments, but they can signal public interest in the rule, draw attention to your views, and provide you with information to use in your comments.

For a meeting with the agency writing the rule, call the contact person listed in the “For Further Information” section of the rulemaking notice. Because this person is generally familiar with the rulemaking, you can ask them questions that may give you additional insight into the agency’s thinking, and communicate what you think.

REQUESTING A MEETING WITH OIRA

The OMB’s Office of Information and Regulatory Affairs (OIRA) plays an influential role in rulemaking given its oversight of the government’s interagency review process, and it does meet with the public. You can request a meeting using the online form at <https://mobile.reginfo.gov/public/do/eo/neweomeeting>.

To find the Regulatory Information Number (RIN) of the action you want to discuss, click the button titled “How the E.O. 12866 Meeting Scheduling Works,” then the link to the [EO Regulatory Review Search](#) page under Step 1. Although the search options are complex, you can just choose the name of the relevant agency and click “search,” which will return a list of all agency rules undergoing review, along with their RIN numbers. The rest is easy; just follow the meeting request directions and answer the confirmation emails sent by OIRA. Before the meeting you will be able to upload any documents you want to share.

Under OIRA policy, the subject, date, and participants of its meetings are publicly disclosed on [Reginfo.gov](https://www.reginfo.gov) along with any written materials received.

Amplifying Your Comments

There is political power in numbers. Although agencies do not make decisions based on the number of comments for or against a proposal, the more people you can enlist to comment on a proposal, the stronger the signal that the political stakes are high. Enlisting members of Congress or state and local officials amplifies that signal.

Consider these strategies:

- Ask other people you know who share your opinion to sign your comment or send their own comments. Let people know about this guide so they can learn about rulemaking and how to comment effectively.
 - If you're a member of a group that shares your view (for example, a professional association, community organization, or religious group), ask if the group would like to comment. Interest groups often encourage their members to submit a letter or postcard that the interest group has drafted to support or oppose a proposal. These mass letter-writing campaigns can indicate strong public interest, but agencies generally count form letters as a single submission regardless of how many copies they receive. It is always more effective to submit individual comments, even if they make many of the same points as a form letter—especially if you include your own examples, information, or insights.
 - If you have professional expertise or a compelling personal story to share, see if local media outlets would be interested in running an article or segment on the topic, or publishing an op-ed or letter to the editor you have written. You may have the angle the media is looking for to explain how an agency's proposal could affect the local community or even the nation as a whole.
- Use social media to spread the word about an agency proposal, explain what's at stake, and share how to submit comments.
 - Send your comments to your members of Congress and ask them to submit their own comments, weigh in with the agency, and/or issue a public statement. Agencies pay close attention to what members of Congress say, particularly if the member holds a position on a committee or in leadership that oversees or controls the agency's budget. You can use the [Congress.gov](https://www.congress.gov) website to identify and contact your senators and representatives, and learn how to engage with policymakers using resources from the Union of Concerned Scientists at <https://www.ucsusa.org/resources/engaging-policymakers>.
 - Similarly, you may be able to elicit comments or statements from other elected officials who have a stake in the agency's proposed action (for example, governors and mayors), former agency officials, or even celebrities. High-profile allies can encourage the agency to pay more attention to your cause.

This toolkit was drawn from A Citizen's Guide to the Federal Regulatory Process, written by a group of former employees of the Environmental Protection Agency. You can read the guide, and our companion toolkit on how the federal rulemaking process works, at www.ucsusa.org/resources/participating-federal-rulemaking.



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NATIONAL HEADQUARTERS

Two Brattle Square
Cambridge, MA 02138-3780
Phone: (617) 547-5552

WASHINGTON, DC, OFFICE

1825 K St. NW, Suite 800
Washington, DC 20006-1232
Phone: (202) 223-6133

WEST COAST OFFICE

500 12th St., Suite 340
Oakland, CA 94607-4087
Phone: (510) 843-1872

MIDWEST OFFICE

One N. LaSalle St., Suite 1904
Chicago, IL 60602-4064
Phone: (312) 578-1750