

# A PRACTICAL GUIDE FOR RESISTING THE TRUMP DE-REGULATORY AGENDA

*3<sup>RD</sup> EDITION*

*Former agency staffers reveal best practices  
for “making agencies listen”  
and  
provide resources and links  
for making YOUR voice heard!*



Greenpeace Photo – Used by Permission

Save EPA – <http://www.saveepaalums.info/>

3rd ed., April 2018

## ABOUT THIS GUIDE

This guide is a project of Save EPA, an all-volunteer organization based in Colorado and made up of former employees of the U.S. Environmental Protection Agency. We have expertise in environmental science, law and policy. We are using our collective expertise to educate and advocate about environmental science, environmental protections and the Trump Administration's assault on EPA and our public health.

As former staffers who helped develop and enforce standards to promote clean air, water and land and a safe climate, we are gravely concerned that the Administration's broad efforts to roll back regulations could deprive our country and planet of critically important protections for years to come. It takes many steps, and often several years, to put national protections in place. If protections are rolled back, it will take years to replace them. For the serious health and environmental problems those protections help solve, there is no time to waste.

We have written this guide to help Americans counter attempts to roll back public protections issued by any federal agency. EPA is responsible for protecting the public and environment from pollution, and other federal agencies are responsible for protecting workers, consumers, patients, students, and other important segments and aspects of our society. Together, federal agencies have been charged by Congress to work on behalf of the American people by implementing laws passed by Congress through regulations. These rules help to make our nation a safe, secure, fair and productive place to live, work, learn and play.

We were inspired to write this guide by the Indivisible Guide written by former congressional staffers to provide insight and advice about how to "make Congress listen" to concerns about the Trump Administration agenda (<https://www.indivisibleguide.com>). We reference the Indivisible Guide and follow some of its organization and phrasing, but we and our guide are independent of the Indivisible organization. We are wholly and solely responsible for the content of this guide.

This is the third edition of our guide. It includes links to new resources, **including a fast and easy way to let your members of Congress know what you think of Trump Administration rollbacks**. Our members of Congress need to join the fight for our protections, and we can help motivate them to do that.

We are eager to hear your comments, questions and suggestions, and to learn about your experiences in using the guide and getting agencies to listen. Please email us at [saveepa.guide@gmail.com](mailto:saveepa.guide@gmail.com) – and please spread the word and distribute this guide!

## TABLE OF CONTENTS

- OVERVIEW paints the big picture of why and how we need to fight for rules that protect us.
- SECTION 1 explains the role of rules.
- SECTION 2 provides basic information about how rules are made.
- SECTION 3 offers advice about how to participate effectively in the rulemaking process.
- SECTION 4 suggests complementary tactics to be used outside the rulemaking process.
- SECTION 5 provides links for finding out about rule rollbacks and making your voice heard by agencies and members of Congress.
- SECTION 6 debunks the usual talking points against regulation.
- The APPENDIX provides links to other helpful guides and materials.

*Note: You can navigate to the different sections of this guide by clicking on the underlined section number (for example, SECTION 1) above.*

## OVERVIEW

The Trump Administration is taking dead aim at regulations that protect people's lives, livelihoods and communities. The list of rules under attack is long and getting longer. It includes rules that keep power plants and other large polluting industries from spewing dangerous pollution that leads to illness, death and climate change. Also on the chopping block are rules that protect consumers and workers and promote fairness in housing, employment and education. For an updated list of the public protections under attack, see the Washington Post's tracker at [trump-rolling-back-obama-rules](https://www.washingtonpost.com/news/energy-environment/wp/2017/04/12/trump-rolling-back-obama-rules/).

Fortunately, no president can roll back rules by fiat. The Trump Administration must go through the same process that is used for making rules, and that process gives everyone the opportunity to participate. Regulated businesses can be counted on to participate since they are directly affected and may save money if rules are delayed, watered down or repealed. Public interest groups often participate, too, but they can't be expected to save our protections all on their own. As members of the public that rules are designed to protect, we need to be loud and clear that the protections they provide are important to us. We can't afford to be silent while President Trump tries to take away our protections.

It's important to understand that the process of making or unmaking a rule is not like an election. An agency must follow the laws and facts relevant to the rule. It must also seek and consider public comments in making decisions about the rule.

## COMMENTING ON RULE ROLLBACKS

By submitting public comments, we can influence agency decision-making. Public comments inform and even force the agency's thinking in several ways:

- Comments can help illustrate the need for a rule or the problems that would result if the rule is weakened or repealed. Members of the public often have specific knowledge relevant to a rule (for example, about how the rule affects their family or community) that the agency lacks. More generally, comments can provide information and make points that could or should lead the agency to change course.
- Even if the Trump Administration is not persuaded by public comments that rely on facts, reason and concern for the greater good, public comments can still have a potent effect by exposing problems that could result in a court striking down an Administration decision to roll back a rule. Every public comment becomes part of the "record" for the rule, and courts consider that record in deciding whether to overturn an agency's

decision. Courts look carefully at whether an agency's decision follows the law, takes account of the relevant facts, responds rationally to public comments, and is well-reasoned.

- Public comments also play a vital role in laying the groundwork for challenging a rule in court. Court challenges are generally limited to issues raised in public comments. While many of us are not in a position to take an agency to court, a good comment made by one person can be the basis for a court challenge brought by others, including a public interest group.

## **INVOLVING OUR MEMBERS OF CONGRESS**

Beyond the rulemaking process, public comments can play an important role in the political realm. President Trump's de-regulatory agenda needs to be fought both as bad policy and as bad politics. Trump Administration appointees may or may not care much about public opinion, but members of Congress surely do – or they can be made to care the next time they're up for election.

By sending the comments you submit to an agency to your members of Congress (your representative in the House of Representatives and your two senators), you can --

- make sure they know that a public protection is being rolled back,
- let them know you think that's a problem,
- ask them to do something about it, and
- remind them of their responsibility for overseeing agencies' implementation of the laws that Congress passes.

When people send their comments to their members of Congress, it sends a loud and clear message that the rule rollback could become an issue in the member's next campaign.

## **USING THIS GUIDE**

This guide provides information and tips for fighting rule rollbacks and turning up the heat on agencies and members of Congress. Drawing on our experience as former agency staffers, we offer information and advice for making agencies listen and for involving your members of Congress so they listen, too.

In a nutshell, this guide helps you --

- Participate in rulemakings to oppose rolling back protections:
  - Comment on the proposed rollback
  - Testify at public hearings
  - Request meetings or phone calls with agency staff, managers and/or White House officials
- Use tactics outside the rulemaking process to increase the political stakes of deregulation:
  - Enlist your members of Congress by sending them your rule comments and by using advocacy tactics such as those suggested in the [Indivisible Guide](#)
  - Use social and mainstream media campaigns
  - Participate in mass letter-writing campaign
  - Stage or participate in demonstrations or other group actions
- Join in the public conversation about regulations so when you hear the usual talking points bashing the rules that protect us, you can respond to “alternative facts” and diatribes with facts and figures.

### **How can I find out about rules being rolled back?**

Section 5 and the Appendix to this guide describe ways to find out about federal agency rulemakings, including when proposals to roll back rules are open for public comment.

For EPA and related rollback actions, **Save EPA’s web site** --<http://www.saveepaalums.info/> -- tells you about rollback proposals open for public comment and provides information to help you comment, such as:

- A brief description of the EPA rule being rolled back and the Trump Administration’s proposal to delay, weaken or rescind the rule
- Suggestions for points you might want to make in comments on the rollback
- A link to the rule’s docket on [regulations.gov](http://www.regulations.gov) where you can submit your comments
- Links to EPA and other websites where you can find more information about the rule and additional suggestions for points to make

Section 5 also includes links that make it easy to share your comments with your members of Congress

## SECTION 1: WHY WE HAVE RULES

First let's remember why rules matter. Congress makes the laws but it often tells federal agencies to figure out the nuts and bolts of how to achieve the law's objectives. For example, federal environmental laws call for clean air and clean drinking water but leave it to EPA to determine, after looking at the science and hearing from the public, how much pollution is too much. Across the spectrum of problems that Congress passes laws to address, agencies are charged with issuing rules that define exactly what is prohibited or required, who must follow the rules, and how compliance is determined. Without these rules, many laws have little or no practical effect. To realize the promise of many laws that Congress passes, rules must be issued.

### Key Terms

**Law (or statute or legislation):** A bill passed by a legislature (e.g., Congress) and signed by the executive (e.g., the President)

**Agency (or department):** Part of the executive branch of the government, responsible for implementing laws in a specific area (e.g., the Department of Health and Human Services, the Department of Labor, the Environmental Protection Agency)

**Rule (or regulation):** Legal requirements issued by an agency under authority given to that agency by a law. To issue a rule, an agency must go through an extensive and public rulemaking process. Final rules have the force of law.

**Executive Order:** An order issued by the President, giving direction to one or more executive branch agencies. Executive Orders do not have the force of law and cannot change the law. When a president issues an order telling an agency to change a rule, the agency must go through a rulemaking process and can change the rule only to the extent the law governing the rule allows.

As we describe in the next section, rules are made using a rigorous process which ensures that agencies consider all relevant information and public comments in making decisions about a rule. Relevant information generally includes a careful analysis of the beneficial results AND costs of regulatory options, to help agencies design rules that achieve their purposes in an efficient way.

Studies show that most rules are successful in reducing, if not eliminating, the problems they are meant to solve, and achieve benefits larger than their costs. The White House office that

oversees federal regulation issues a report each year on the costs and benefits of federal rules. The office's [most recent draft report](#), issued in February 2018 under the Trump Administration, once again shows that federal rules are producing benefits far greater than their costs. Altogether, the annual benefits of major federal regulations reviewed by the Office of Management and Budget (OMB) from October 1, 2006, to September 30, 2016, are estimated to be between \$287 and \$911 billion, compared with costs between \$78 and \$115 billion (in 2015 dollars).<sup>i</sup> You can find this report and past OMB benefit-cost reports at <https://www.whitehouse.gov/omb/information-regulatory-affairs/reports/>.

Over the past several decades, national rules have provided better public health, public safety and a cleaner environment – even as the nation's economy has grown dramatically. For example, from 1970 – when Congress greatly strengthened the federal Clean Air Act -- through 2016, the combined emissions of six key air pollutants dropped by 73 percent while the U.S. gross domestic product grew by 253%. This progress occurred while Americans drove more vehicles and more miles, and population and energy use increased.<sup>ii</sup> (See [graphic and details](#) on EPA's web site at <https://gispub.epa.gov/air/trendsreport/2017/-growth-w-cleaner-air.>) History shows that rules for a cleaner, healthier environment and a growing economy can go hand in hand.

Despite the essential and successful role of rules in protecting the public, President Trump wants to make regulation a dirty word. He and others have made broad claims against regulation that have little or no basis in fact and ignore the public protections (and usually the net benefits) that regulations provide. We take on these stock claims in Section 6. You may find it useful to debunk a few of them yourself in making comments to agencies or discussing rule rollbacks with others.

## **SECTION 2: HOW IS A RULE MADE – OR UNMADE?**

Agencies don't have a free hand in making or rolling back rules.

Agencies must comply with the laws authorizing the rules and governing the rulemaking process. Presidential orders require additional steps, including analyzing and disclosing the costs and benefits of proposed and final rules that are "significant regulatory actions."<sup>iii</sup>

Agencies can go beyond what is required, often providing longer periods for public comment, additional opportunities for public input, and public access to top officials' calendars, to promote transparency, inclusiveness and responsiveness.



For agencies, rulemaking is typically a long and arduous process. For the rest of us, the rulemaking process provides much of the information we need to understand what's at stake and offers opportunities to tell agencies where they've gone right or wrong – in other words, what matters to us.

This section of the guide briefly explains how a rule is made, changed or repealed. At the end of this section is a **CHEAT SHEET** on how rulemaking works for an agency and for members of the public like us. Links at the end of this guide provide more information on the rulemaking process.

## **LEGAL REQUIREMENTS FOR THE *CONTENT* OF RULES**

Agencies must follow Congress' directions in making, or unmaking, a rule. Congress typically tells an agency when or under what circumstances a rule should be written, what it should accomplish, and what the agency should consider in crafting it. If the agency doesn't follow Congress' directions, its decisions can be overturned by a court. What does this mean for a rulemaking to repeal or water down a rule? The agency can't repeal a rule that Congress has required, and it can't weaken a rule in a way that violates the underlying law.

Agencies must also do a lot of homework to make, or unmake, a rule. Federal law requires an agency to collect and analyze scientific, technical, economic and other information relevant to the rule, and make decisions that make sense in light of that information. If an agency fails to do either, its decisions can be overturned by a court. What does this mean for a rulemaking to repeal or water down a rule? An agency can't just say that it changed its mind – it must show that its new position is consistent with the available information as well as with the law authorizing or requiring the rule.

Agencies must also comply with several broadly applicable federal laws that tell agencies to craft regulations in ways that minimize paperwork<sup>iv</sup> and reduce burden on small businesses,<sup>v</sup> states and local governments.<sup>vi</sup> Agencies must also obey presidentially issued executive orders to analyze a draft regulation's costs and various other impacts.<sup>vii</sup> These analyses, which are publicly available, can provide useful information for testing an agency's reasons for weakening or repealing a rule.<sup>viii</sup>

## **LEGAL REQUIREMENTS FOR THE *PROCESS* OF MAKING RULES**

Agencies generally must follow a few basic steps to make, or unmake, a rule. These steps give every one of us a chance to learn about a rule, tell agencies what we think about it, and make agencies consider and respond to our views.

**PROPOSING A RULE:** With few exceptions, an agency must give the public an opportunity to comment on a proposed rule, or a proposal to change or repeal an existing rule, *before* the agency makes a final decision. To accomplish this, the agency issues a “notice of proposed rulemaking” in the Federal Register, the official journal of the federal government and accessible online at <https://www.federalregister.gov>. The agency may also post the notice or a link to the notice on its own website.

A notice of proposed rulemaking is – or should be – a gold mine of information. The agency is required to describe what action is being proposed, and explain how, in its opinion, the proposed action is consistent with the relevant facts and law. The agency must also describe the factual basis for its proposed action. With a few exceptions to protect confidential information, all the information used by the agency should be available for public review in an electronic docket accessible through the Internet.

See Section 5 (“Nuts and Bolts”) for how to find a notice of proposed rulemaking in the Federal Register. The notice provides the electronic docket number for the rule. The docket can be accessed online by going to <http://www.regulations.gov/>, typing the docket number into the “search” field, and clicking on “search.”

**ASKING FOR PUBLIC COMMENT:** As part of the notice of proposed rulemaking, the agency lets the public know when, how and where to submit comments. Agencies generally must give the public at least 30 days from the date the proposal is published in the Federal Register to comment. Under very limited circumstances, agencies can shorten the time for comment.

In some cases, an agency also holds a public hearing where anyone can make remarks. The notice of proposed rulemaking usually provides the date and location of any public hearing. Sometimes an agency holds a public hearing only if one is requested, and it describes in the notice when and how to submit a request. Anyone is entitled to request a hearing.

All written comments and public hearing statements are included in the docket for the rulemaking, which is usually available on line. Anyone can access the docket and read what has been submitted, and if the comment period is still open, submit comments that respond to other comments, if desired (for example, to correct mistakes or rebut arguments). The docket for the rulemaking becomes the “administrative record” on which the agency must base its decision and defend it in court should the final regulation be challenged.

Although not required, agencies may provide other opportunities for members of the public to tell them what they think about a proposed rule. Representatives of businesses, environmental advocacy or other interest groups often ask to meet with agency officials, and their requests for

a meeting are often granted. When agency officials meet with representatives or other members of the public, they must document the meeting, including who attended and what views were aired, in a memorandum or other submission to the docket for the rule. This ensures that all comments made to an agency are in the public rulemaking record.

**ISSUING A FINAL RULE:** The agency must consider all the public comments it receives in making final decisions about a rule, and respond to all significant comments in issuing its final rule. Significant comments are those that make substantive points, such as providing new information or making arguments for how and why the proposal should be changed.

Once the agency has decided on a final rule, it issues a notice of a final rule in the Federal Register. The notice or supporting materials must include an explanation of any changes made from the proposed rule in the final rule and the agency's responses to all significant comments. In addition to the Federal Register notice, the agency may prepare various technical and other documents to explain and support its decision and include those in the docket for the rule.

## **OTHER AGENCIES CAN COMMENT AND THE WHITE HOUSE HAS A LOT OF SWAY**

For agencies, the rulemaking steps described above are only part of the process. Presidential executive orders add two rounds of "interagency review" so that White House and other federal agency officials have a chance to look at major draft proposed and final rules *before* they go public.<sup>ix</sup> Important goals of "interagency review" are coordination of federal agency actions and consistency of those actions with the President's policies, to the extent permitted by law.

The public does not have a defined role in the interagency review process, but experienced stakeholders know they can ask to meet with White House officials about a rule in interagency review. The Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget is the gatekeeper of the interagency review process. OIRA usually meets with outside groups upon request and keeps a public log of those meetings. That log is accessible online at <https://www.reginfo.gov/public/do/eom12866Search>. OIRA officials generally don't engage in discussions about the rule, but they do listen.

Getting OIRA's ear can be useful. As a strictly legal matter, White House officials, including the President, are not authorized by most laws to make decisions about rules. But the agency heads who are authorized to make these decisions work for the President. OIRA and other White House officials are often important advisors to the President, so they can have considerable clout. Moreover, OIRA controls when the interagency review process begins and ends. That adds to the sway that the White House has over the rule's outcome.

# RULEMAKING CHEAT SHEET

## Rulemaking in a nutshell:

### PROPOSED RULE → PUBLIC COMMENT PERIOD → FINAL RULE

*Based on:*

Law

Facts

Analyses

Opportunity for anyone

to submit a comment or speak

at a public hearing, if any

*Based on:*

Law

Facts

Analyses

Consideration of  
public comments

## For the agency, there's a lot to do:

### Develop and Publish a Proposed Rule

- Follow the law authorizing the rule – what is the rule supposed to accomplish and how?
- Research the relevant facts, including scientific, economic and technical information
- Develop a draft proposed rule that complies with the law and makes sense of the facts
- Conduct economic (usually cost-benefit) and other required analyses of the draft proposal
- Assemble a docket that includes all the relevant information and analyses
- Draft a Federal Register (FR) notice describing and explaining the draft proposal in light of the law, facts and analyses
- Send the draft FR notice to the White House's Office of Management and Budget (OMB) for review by OMB and other federal agencies
- Revise the draft notice (and underlying analyses, etc.) in light of inter-agency review
- Publish the notice of the proposed rule in the FR; make the notice and docket electronically available

### Solicit Public Comment

- Usually give the public 30 days or longer to submit written comments on the proposed rule
- Sometimes hold a public hearing where anyone can speak
- When asked, sometimes agree to meet with or talk to members of the public

### Develop and Publish the Final Rule

- Consider all public comments, written and oral, made about the proposed rule
- Develop a draft final rule in light of the public comments and other relevant information
  - If the draft final rule is significantly different from the proposed rule, provide another round of public notice and opportunity to comment
- Revise the economic and other analyses to reflect the draft final rule
- Draft responses to all significant comments made about the proposed rule

- Update the docket to include the public comments and the agency’s responses, revised analyses, and any new information
- Draft a FR notice describing and explaining the draft final rule in light of the law, facts, analyses, and public comments
- Send the draft FR notice to OMB for review by OMB and other federal agencies
- Revise the draft notice (and underlying analyses, etc.) in light of inter-agency review
- Publish the notice of the final rule in the FR; make the rule and docket electronically available

## ***For the public, it’s easy to weigh in:***

### **Learn from the Proposed Rule**

- Follow agency websites, public trackers or, for EPA and some related rules, the Save EPA website, <http://saveepaalums.info/>, to learn about proposed rules being issued
  - *Section 5 of this guide helps you find out about proposed rules*
- Access a proposed rule and supporting information on the federal government’s regulations website, <http://www.regulations.gov/>
- Review the proposed rule and supporting information, or make use of other organizations’ websites that provide summaries (e.g., Save EPA’s website provides summaries and talking points about proposed rollbacks of EPA and some related rules)

### **Comment on the Proposed Rule**

- Submit written comments during the public comment period for the proposed rule
  - *Section 3 of this guide has tips on how to comment effectively and links for submitting comments*
- Speak at a public hearing about the proposed rule if a hearing is held near you
- Ask for a meeting or phone call with staff or managers of the agency or with OMB
  - *Section 3 tells you how to reach OMB*
- Amplify your comments by asking others to join them or to submit their own
  - *Section 3 has more ideas for amplifying your comments*

### **Turn up the Heat**

- Send your written comments to your members of Congress (your representative in the House of Representatives and your two senators) and ask them to weigh in
  - *Section 5 of this guide helps you identify and email your members of Congress*
- Use social and conventional media to raise awareness and raise the political stakes of rule rollbacks
  - *Section 4 has more ideas for turning up the heat*

## SECTION 3: HOW CAN YOU MAKE YOUR VOICE HEARD?

As we've described, the federal rulemaking process provides opportunities for the public to weigh in while a rule is being made, changed, or unmade. In this section, we offer suggestions on how to make your participation in that process more effective. In the next section, we suggest tactics outside the rulemaking process for opposing the Trump Administration's de-regulatory agenda.

It's worth saying again – your voice counts. It's important to tell the agency and other decision-makers, including members of Congress, what you believe about a rule rollback. We can't be silent and let narrow interest groups carry the day uncontested. We all have a stake in the protections under attack. And the more of us that comment, the more we make clear that there are political consequences for taking away our protections.

It's also worth saying that no rule is perfect. In urging resistance to the Trump Administration's de-regulatory agenda, we are not saying that rules should remain exactly as they are forever. But the Trump Administration has shown no interest in making rules more effective or efficient. Almost without exception, Administration officials have called for repealing or significantly watering down rules, not for strengthening them. This guide recommends that we participate in rulemakings to roll back rules to show support for the important public protections under attack and to oppose sacrificing these protections instead of building on them.

### PUBLIC COMMENT PERIODS AND HEARINGS

Except in rare circumstances, an agency provides a public comment period on a proposed rule during which anyone can submit comments. The agency may also hold one or more public hearings at which anyone can make a statement.

These are important opportunities for being heard. Agencies are looking for information about the problem their proposed rule is supposed to solve, how well the proposed rule solves the problem, and whether the proposed rule can be improved. They also pay close attention to arguments about whether the proposed rule complies with the law. As we explain below, your comments can contribute to an agency's understanding of the problem being addressed and the solutions being proposed. While agencies don't make decisions about a final rule based on how many people comment one way or another, the number of commenters supporting a rule (or opposing a rollback of a rule) does send an important signal about the level of public concern and support for a specific direction.

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. The official comment period begins on the date the proposal is published in the Federal Register, which often occurs several days or even weeks after the proposal is signed. By taking advantage of the web posting of the proposed rule, you can buy yourself additional time for commenting.

Submitting comments is easy to do. Near the front of every notice of proposed rulemaking is a section commonly titled “Dates” with information about when, how and where to submit your comments. Most agencies let you submit comments electronically. Once you find your way to the web address for an agency rulemaking, submitting comments can be just a few clicks away. **See Section 5 for help finding that address.**

Making a statement at a public hearing is also valuable. It sends another important signal to the agency about the level of public concern. It is also an opportunity to speak directly to agency representatives, including managers and staff who are developing the rule. A hearing can be a rallying point for grassroots efforts and an opportunity to get press or other public attention. The same “Dates” section of the notice indicates where and when any hearing(s) will be held or how a hearing can be requested. If a hearing to roll back a rule is being held near you, making a statement in support of the rule and the protections it provides is time well spent.

## **TIPS FOR EFFECTIVELY COMMUNICATING YOUR VIEWS**

You have the *power* to make an agency consider your views by submitting a comment or making a hearing statement or both. Every comment submitted during a public comment period or made as part of a public hearing statement becomes part of the record for the rule being made or unmade. By law, the agency must consider every comment, respond to all significant comments, and base its final decisions on the full rulemaking record.

If the agency fails to respond to a good point you’ve made — for example, a well-supported argument against rolling back a rule — the final rule may be vulnerable to a lawsuit by you or someone else, such as a public interest group. 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 that their value is clear. Agency staff read all the public comments and are responsible for communicating them up the chain and responding to them. You want the agency to pay attention to what you have to say.

**Explain why you're commenting** – Say why you care about the rule under attack. If you or someone you know is affected by the activity being regulated (for example, you or your child has asthma and are harmed by the pollution being released), explain that. Include any personal anecdotes that you're willing to share. Telling the agency that you have a personal stake in the rule helps bring home the need for the rule and raises the political stakes of rolling it back. Your account of how the regulated activity affects you may also help provide a legal basis for a lawsuit challenging an agency decision to delay, repeal or weaken the rule.

**If you have expertise, say so** – You don't have to be an expert to make a valid and valuable comment, but if you have expertise relevant to the regulation (for example, in health or child care, social work, safety, sanitation, teaching, banking, construction, law, or economics) or professional experience (for example, you are a farmer and the regulation will affect your farm), let the agency know that. A comment that draws on your expertise will have that much more weight.

**Provide any information you have** – If you have information relevant to the rulemaking, include it and highlight it. Most EPA rules, for example, must be based on scientific and technical information. Agency staff are on the lookout for new information. If you provide useful information, your comment will more surely get on their radar screens. Examples of new information include:

- News reports about events in your community that relate to the regulation (for example, depending on the regulation, an unusual number of cancer cases or home foreclosures, accidents at a workplace, a pollution spill or release).
- Other anecdotal information that has bearing on the need for the rule or its stringency or approach, especially if it can be tied to information showing a broader public impact. It is easy for an agency to downplay individual anecdotes but much harder to ignore information indicating broader impacts on the public.
- Science, safety or other relevant reports or studies that the agency hasn't considered in the rulemaking, or interpretations of reports or studies that the agency is ignoring or overlooking.
- Economic and/or engineering information that affects the feasibility, costs, or benefits of the proposal or alternatives.

**Be constructive** – If the notice proposing to repeal or water down a rule says there's something wrong with the rule, consider explaining why it's not a problem or how the problem might be addressed without sacrificing the public protection provided by the rule. For example, if the stated rationale for deregulating is to save jobs in an industry, you might



suggest job training or economic development assistance for the communities that have a lot of workers in that industry. While the agency may not be able to provide that assistance itself, it may be able to enlist other agencies that can or ask Congress for help.

**Be civil** – How you present yourself and phrase your comments matters. Rude, discourteous comments and behavior reflect negatively on the commenter and his or her cause.

**Don't write a lot if less will do** – Longer comments are not necessarily better or more effective than short ones. What's important is to clearly say what you want to say and explain or support any claims you make.

**Stick to what you know** – You do not need to comment on everything in the proposal. Agencies often request comment on various issues, and those requests can signal that the agency needs more information about those issues or is still mulling how to address them. You should focus your comments on what you know and what concerns you.

**Meet deadlines** –

- For written comments, make sure you submit them before the deadline listed in the rulemaking notice. Comment periods close at 11:59 Eastern Time on the date comments are due – don't cut it close. If your comments are late, the agency may choose to consider them but is not obliged to do so.
- For a public hearing, know your time limit and make sure your remarks will fit your allotted time. Hearing staff are likely to stop you at the time limit or shortly thereafter. The time limit (for example, 5 or 10 minutes per person) is often announced in the Federal Register notice for the 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.

The guides listed in the appendix have additional tips on public participation in rulemaking and additional information on the rulemaking process.

## **MEETINGS AND PHONE CALLS WITH AGENCY OFFICIALS**

Less usual but potentially potent avenues for making your voice heard are calling or meeting with officials in the agency and/or the White House Office of Management and Budget (OMB). Experienced stakeholders make liberal use of these avenues. Representatives of potentially affected businesses and other well-established groups often ask for meetings with decision-makers and get them. They also call officials and sometimes their calls are taken.

Individual members of the public are unlikely to get a meeting or phone call with top officials, but that shouldn't stop you from asking. Requesting a meeting or phone call will signal public interest in the rule. Contact information for agency officials is generally available on the agency's website. To ask for a meeting or phone call with officials at OMB's Office of Information and Regulatory Affairs, call (202) 395-6880 and provide the name of the rulemaking you'd like to discuss.

Another option is to call the contact person for the rule. That person's name, number and email address is provided in the "Contact" section of the notice of proposed rulemaking. The contact person is generally a staff person who is very familiar with the rulemaking. You can ask the contact person questions, tell them what you think, and ask for a meeting or phone call with agency managers or staff. A meeting or call can be a good way of collecting information that you can use in your comments.

Meetings and phone calls are not substitutes for public comments but they can be a good way of showing how much you (and others) care. Even if you don't get a meeting or phone call, the agency will register that you asked.

## **AMPLIFYING YOUR COMMENTS**

There is political power in numbers and in enlisting elected officials to your cause. The greater the number of people who push back on efforts to delay, weaken or repeal public protections, the stronger the signal that there is a political price to be paid by those taking or supporting such actions. Enlisting your MoCs, state and local officials, and others with political clout can also add to the clout of your views. Telling your elected officials that, the next time they are up for election, you'll consider how helpful they are (or aren't) in fighting rule rollbacks can motivate them to be helpful!

Consider these strategies for amplifying your comments:

- Ask other people you know and whose opinions you share to sign your comment or to send their own comments. Let people know about this guide so they can more easily learn about rulemakings and how to comments effectively.
- If you're a member of a group that shares your view (for example, a neighborhood association, professional association, or religious group), see if the group would also like to comment.
- If you have an interesting or compelling story to tell, contact a relevant public interest group – you could be one of the real-world examples they'd like to showcase in their comments.

- Use social media to urge others to submit comments on rule rollbacks, especially with people or groups who are likely to share your concerns, such as residents of heavily polluted communities, school or PTA groups, those with respiratory illnesses, etc. Remember that simply sharing on social media doesn't count in the rulemaking process, so be sure to also share how to send in comments and any key points
- Send your comments to your members of Congress (MoCs) and ask them to submit comments, weigh in with the agency and/or make a public statement along the same lines as your comments. Let them know that the loss of public protections is important to you and that you'll remember how helpful they were (or weren't) in fighting for those protections come election time. Agencies pay close attention to what members of Congress say, particularly when the member holds positions on committees or in leadership that oversee or control budgets for the agency. **In Section 5, we provide links and resources that help you identify your MoCs and send them emails that can include the comments you send to an agency.**
- Similarly, you may be able to enlist other elected officials (for example, mayors), former agency officials or celebrities to submit comments or make statements. Other elected officials are likely to be susceptible to some of the tactics in the Indivisible guide, while you or other people you know may be able to reach out to current or former luminaries who can add their expertise and stature to comments against rule rollbacks.

## SECTION 4: HOW CAN YOU HELP TURN UP THE HEAT OUTSIDE THE RULEMAKING PROCESS?

The Trump Administration has so far shown a resistance to facts and reason, so the chance that public comments alone will change their minds is not great. Political activism can mobilize and energize opposition to rollbacks of public protections. Several tactics that are of limited value in a normal rulemaking may be among the most effective tools for fighting President Trump's de-regulatory actions.

**Use of social media** can help generate the public outcry a rule rollback deserves. Facebook, Twitter and other platforms are good tools for getting out the word and explain what is at stake. Use this tactic liberally.

**Conventional media** can be helpful, too. If you have a personal story that relates to the rule, you might want to contact your local press and let them know your story. Op eds and letters to the editor are other good ways to get the word out. It may not be easy to get a publication to publish an op ed or even a letter to the editor, but if you have a compelling personal story or relevant expertise, or if you represent a group, a

newspaper or newsletter may be more likely to publish what you write. If not, you might consider encouraging someone to write who may be better able to get an op ed or a letter to the editor published.

**Demonstrations** help raise awareness, build community and enthusiasm, and spread your message. Political leaders pay attention, as well – especially if the demonstration gets media coverage.

**Mass letter-writing campaigns** are another method for turning up the heat. Often an interest group tells you to “click here” and they will send “your comment” to the rule-writing agency or the White House. An agency will note how many of these form letters it receives, but it will address the letters as if there was just one, since they all say the same thing. Section 3 explains how to make your individual comments more effective than a form letter in a mass letter-writing campaign. However, mass letter-writing campaigns can be important tools to raise awareness and build public support in resisting rule rollbacks. These kinds of campaigns can help inform like-minded people and draw them into your cause, and generate press coverage that can help put pressure on government officials.

**Enlisting your members of Congress** in resistance efforts outside the rulemaking process has the potential to be potent for the reasons mentioned above. Consider enlisting your state and local officials, too.

### **Getting the Attention of Your Members of Congress (MoCs)**

The [Indivisible Guide](#) has a wealth of information on how to get your MoCs to listen. It helps you understand what motivates members, and suggests joining or creating a local group and using advocacy tactics that work, such as:

- speaking out at members’ town hall meetings;
- raising issues at other local public events where members appear;
- meeting with members (or their staff) at their district offices; and
- arranging coordinated telephone calls to your member on a specific issue.

Even if your MoCs don’t take the action you request, you will have put them on notice that they will have to answer for their inaction when they run for re-election.

## SECTION 5: NUTS AND BOLTS

### FINDING OUT ABOUT AND COMMENTING ON RULES

So how do you find out which rules the Trump Administration is rolling back? How do you find the proposed rollback actions and the dates for submitting comments or speaking at a hearing?

For EPA rules, Save EPA is tracking rollback rulemakings and making information, suggested points to make, and resources available so you can more easily submit comments. At Save EPA's website, <http://www.saveepaalums.info/>, you will find a list of EPA rollback actions and closely related actions by other agencies. Also, for selected rollbacks, individual web pages indicate when the comment period is open and provide information such as:

- a brief description of the EPA rule being rolled back and the Trump Administration's proposal to delay, weaken or rescind the rule,
- suggestions for points you might want to make in comments on the proposed rollback,
- a link to the relevant EPA docket on regulations.gov where you can submit your comments easily,
- links to EPA and other websites where you can find out more about the rule and get additional suggestions for points to make in comments opposing the rollback, and
- updates on where the agency is in the rulemaking process.

**For other agencies, as well as EPA, the organizations listed below are tracking many of the rollback actions being taken.** Some provide links to the Federal Register websites where the rulemaking notices are posted. Those notices provide comment period and hearing dates as well as information about how to submit comments electronically or by mail.

- **The Washington Post** has a tracker for all de-regulatory actions being taken by the Trump Administration. It's available by clicking [trump-rolling-back-obama-rules](#). The tracker is updated periodically and uses Washington Post articles as source material. It does not include links to relevant agency web sites or to Federal Register notices, but it does provide information that could be used to find both of those things using an Internet search engine.
- **Harvard Law School's Environmental and Energy Law Program** is tracking de-regulatory actions affecting environment, energy, public lands and natural resources programs, as well as related guidance from OMB and the Council on Environmental Quality. Its tracker is available at <http://environment.law.harvard.edu/policy-initiative/regulatory->

[rollback- tracker/](#) and provides links to Federal Register notices of actions as they are posted.

- **The Sabin Center for Climate Change Law at Columbia Law School** is tracking all climate change-related de-regulatory actions. Its tracker is available at <http://columbiaclimatelaw.com/resources/climate-deregulation-tracker/>, and provides links to Federal Register notices of actions as they are posted.

More tips for finding out about rules being “reviewed” or rolled back are in the Appendix to this guide, in the section titled “[Tracking Rulemakings On Your Own.](#)”

## INVOLVING YOUR MEMBERS OF CONGRESS

The Trump Administration has been in office long enough to make clear the need for political action to regain a government that works for all Americans. Commenting on rule rollbacks is important because it can slow down or, in some cases, stop a Trump Administration attack on our public protections, and can help lay the groundwork for legal or political action. But as long as the Administration remains in power and Congress largely sits back and lets the Administration do what it wants, we’ll be playing non-stop defense. Only by energizing our members of Congress to fight for us and with us, or by voting out members who won’t, will we be able to take back our government and make it work for us.

Using the public comments that you sent to an agency is an easy way to bring issues you care about to the attention of your members of Congress (your representative in the House of Representatives and your two senators). Here’s a link, <https://www.countable.us/>, that allows you to identify your members of Congress (MoCs) based on your home address and then cut-and-paste your comments into a single email to all three MoCs. The Countable form does the work of navigating your members’ websites so that you can send one email that reaches all three. To use this handy form, you register with Countable; there is no fee. (As with any web site, it’s a good idea to check the terms of use.) For each message to your MoCs, you provide your address, write (or cut-and-paste) your message, and pick among the “topics” each member of Congress lists for sorting the emails they receive. Be aware that different MoCs may have different limits on the length of the emails they can receive through their contact forms, so if your comments are very long, you may want to cut-and-paste just key paragraphs.

Another option is to write your members of Congress individually. You can use sites such as <https://whoismyrepresentative.com/> or <https://www.usa.gov/elected-officials/> to find the email contact forms or snail mail addresses of your members of Congress. The latter site also has state and local officials’ contact information.

When you send your comments to your MoCs, it's a good idea to provide an introduction. Below is some suggested language to put at the beginning of your emails to explain what you are sending and what you want from your MoCs in return. Feel free to cut-and-paste this language, filling in the blanks so that the introduction is right for your comments.

*I am very concerned that [fill in the name of the agency] is proposing to roll back or weaken our protections against [fill in the problem the rule is designed to address, such as pollution, discrimination, unsafe or unfair working conditions, etc.]. In this email, I am sharing with you the comments I have submitted to the agency. I ask that you join me in raising concerns with the agency by sending a letter to the agency head and by issuing a public statement.*

*As a member of Congress and my representative, you have a responsibility and an opportunity to help ensure that agencies faithfully implement the laws that Congress passes. I believe the agency's proposal in this case would undermine the public protections that the law was supposed to provide. If you don't share my concerns with the agency's proposal, please let me know why not. This is an important issue to me, and your position on the issue will influence my decision about whom to support in the next election.*

*My comments to the agency are as follows: [cut and paste your comments here].*

As described in section 4, the [Indivisible Guide](#) provides a wealth of additional information on how to influence your members of Congress.

## **SECTION 6: DEBUNKING THE USUAL TALKING POINTS AGAINST REGULATION**

It's not just the Trump Administration that attacks rules issued to provide the protections that Congress sought to provide. Some regulated entities, the trade associations that represent them, and elected officials that protect them have developed stock talking points to bash regulations, regardless of the public good they offer. Here are the main claims against regulations and our response to them. If an agency relies on any of these claims in proposing to roll back a rule, you may want to include the relevant rebuttals in your comments on the proposal. If you hear your members of Congress or other elected officials spout these talking points, you may want to let them know you know better.

### **CLAIM: "Regulations cost too much"**

Congress often calls for regulations to be put in place to prevent businesses and people from acting in ways that help themselves but harm other people. Changing unsafe or otherwise risky

products and practices may increase costs to those making those products or using those practices, but it saves members of the public money (not to mention pain and suffering) by avoiding harms, including illness, injuries, or even death. Stopping discriminatory and unfair business practices may increase costs to those engaged in those practices, but it protects our civil rights and provides more equal opportunities. Many rules benefit the economy. For example, rules that prevent illness or injury increase worker productivity because workers miss work less often, and some rules bolster market opportunities for cleaner or safer technologies.

Regulations are designed to achieve their objectives at low or reasonable cost. Since the 1980s, presidents have required federal agencies to estimate the costs of a regulation as part of the rulemaking process. For bigger ticket rules (generally those that have annual costs of \$100 million or more), agencies must also conduct a cost-benefit analysis and consider alternative approaches. The economic experts at the White House Office of Management and Budget set a high bar for these analyses. Agencies are required to quantify the costs and benefits to the extent possible, and identify and weigh benefits that cannot be quantified. Agencies must also make their analyses available for public review and comment as part of the rulemaking process so the analyses can be improved before final decisions are made.

Many regulations targeted by the Trump Administration provide benefits that exceed – and for many environmental regulations, far exceed – their costs. Some rules, like the greenhouse gas/fuel economy standards for cars and trucks, even pay for themselves in a short period of time and go on to save consumers large amounts of money over the long term. Claims that regulations cost too much typically focus just on the costs to the regulated business or person, and ignore the benefits and savings to other members of the public. Fair evaluation of a regulation requires looking at both costs and benefits to society as a whole.

**CLAIM: “Regulations cost jobs”**

Regulations generally have only a small impact on jobs compared to other economic factors. Job losses in industries like coal mining and manufacturing are largely the result of automation and price competition with lower-cost fuels and lower-wage countries. Some regulations are estimated to cause economic shifts large enough to result in loss of some jobs and creation of other jobs, such as regulations combatting pollution that have the effect of incentivizing newer, cleaner technologies such as wind and solar power. Regulations can drive creation of jobs needed for compliance, such as in industries that build equipment for reducing pollution or making cars safer. Some regulations safeguard existing jobs by protecting natural resources important to tourism, farming or fishing.<sup>x</sup> Other regulations make jobs safer and workplaces fairer. (For more references on jobs impacts of regulation, see endnote <sup>xi</sup>.)



To the extent a regulation has any negative impact on jobs, it is the result of a transparent effort to protect the public from well-documented, significant risks that Congress directed the regulating agency to address. No one argues with banning dangerous drugs even though jobs producing and distributing those drugs are lost in the process.

**CLAIM: *“Regulations are imposed by unelected bureaucrats”***

Agencies can only issue regulations authorized by the laws Congress writes, and all members of Congress are elected. Laws generally specify what a regulation should accomplish and how. Moreover, Congress has the power to repeal regulations by amending laws or passing new legislation.

The top agency officials empowered by Congress to issue regulations are appointed by the President and can be fired by the President. They are also typically confirmed by the Senate. Since the 1980s, presidents have required that agencies submit their draft rules to the White House Office of Management and Budget for review. If White House officials, including the President, don't like a draft rule, they can and do ask the rule-writing agency to consider changing it. While agency heads are not elected officials, they take an oath to implement their duties in accordance with the law, and they are expected to advance the policy agenda of the President, the nation's top elected official, to the extent consistent with the law.

**CLAIM: *“States can take care of the problem”***

The purpose of federal regulation is to assure minimum protections across the country. Laws passed by Congress call on EPA, for example, to set national standards that will protect every American from various types of pollution. National standards help states protect the health and welfare of their residents when competing with one another for business, and provide businesses with a level playing field from one state to the next. Since many forms of pollution don't respect state boundaries, national standards or programs are also important for protecting the air we breathe, the water we drink, and the water bodies many states share, like the Colorado and Mississippi Rivers, the Chesapeake Bay, and the Great Lakes.

Federal laws most often call on states to take primary responsibility for implementing environmental programs with EPA support and oversight, creating long term federal-state partnerships. In the case of EPA's clean air program, for example, states develop and implement programs to meet national air quality standards that are intended to provide consistent protection nationwide from common pollutants. States develop programs within their borders that are tailored to each state's circumstances, and enforce emission limits against violating polluters. EPA is ultimately responsible for ensuring that national air quality

and emissions standards are met. Congress recognized that federal oversight and enforcement provide strong incentives for states and regulated entities to meet national standards. When these standards are not met, the law empowers EPA to step in to provide the protections that Congress sought for all Americans.

**CLAIM: “Regulation should focus only on the ‘basics’”**

This is generally code for withdrawing public protections that address emerging public health and environmental problems. A prime example is the Trump Administration’s claim that EPA should focus on what Administration officials claim are the agency’s “core” responsibilities for clean air, water and land, but not combat the very serious problem of climate change. Putting aside the fact that climate change adversely affects air, water and land, federal environmental laws don’t spell out or say to stop with the “basics” -- they call on EPA to follow scientific developments, identify emerging threats, and take action to address them, not ignore them. This approach is typical of federal statutes calling for regulations to achieve specified goals like clean air and clean water. As circumstances change, achieving statutory goals can require tackling new problems and taking additional protective measures.

Unfortunately, by the time a problem is fully manifest, it is often too late to prevent substantial harm. For this reason, some public health and safety statutes authorize agencies to address harms which scientific evidence indicates are likely to occur, as well as harms already proven to be occurring. In fact, the same “back to basics” arguments has been used before, to push back against new rules now considered essential health protections, such as those covering neurotoxins and endocrine disruptors.

## **SUMMING UP AND MOVING FORWARD**

Although the Trump Administration has encountered problems advancing its agenda in Congress, it has more control over federal regulations, and it is moving ahead to roll back or delay important public protections. If we don’t resist, we could lose those protections. As individuals and together with friends, family members, colleagues and others, we need to make clear why the protections are important to us and why our members of Congress should care and push back. We can’t just complain about President Trump’s policies, we need to fight them. Please use this guide to do just that – it’s also good therapy!

## APPENDIX: WHAT ARE OTHER HELPFUL MATERIALS?

Listed below are more tips for finding out about rulemaking and other useful guides for participating in rulemaking at the federal level and at the state level. These guides do not focus on de-regulatory actions, but they provide additional detail on some topics discussed in this guide.

### TRACKING RULEMAKINGS ON YOUR OWN

Check an agency's website for information on what rules are being "reviewed" and when you can comment on them. Often there will be a press release when a proposal is issued, and most agency websites make it easy to find press releases. You can also use an Internet search engine to find the agency and regulation of interest. Often Internet search engines work better than the search engines on agencies' web sites, sad to say. If you don't know exactly what rulemaking you are looking for but want to see what an agency is doing to rules by topic, Internet search engines can be helpful.

Agencies typically have a page that lists proposed rules that are open for comment, and some agencies also offer notifications that can help you track rules under development or existing rules being reviewed. See endnote<sup>xiii</sup> for hyperlinks to relevant pages for the Environmental Protection Agency, the Health and Human Services Department, the Occupational Safety and Health Administration, and the Securities and Exchange Commission.

Another option is to check the website of or join public interest groups in your areas of interest (for example, consumer product safety, environmental protection) that follow agency actions in those areas. The groups can do the monitoring for you. You can select a few priority rules on which to focus. Many groups provide their members with action alerts for major regulatory actions. Action alerts provide you with a heads-up when the group mobilizes to influence the rules that are the interest group's priority. Often, they provide online forms with sample language, making it easy for you to submit comments and be heard. Please see Section 3 on how you can make your comments more effective than just a standardized or template comment.

Another valuable resource is the Federal Register web site, <http://www.federalregister.gov/>. There are different ways to use the site –

- A simple option is to 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.

- The agency page also allows you to subscribe via email or RSS feeds to receive notification of new Federal Register notices from that agency. To reduce the number of notifications, pick the “significant actions” option.
- Also on the Federal Register web site, the “sections” icon enables you to see a list and brief description of recently published Federal Register notices within certain areas of interest – environment, health and public welfare, world, money, and science and technology. Within each category, you can click on specific subtopics (e.g., endangered species) to see notices on that subtopic, starting with the most recent.
- The advanced search engine on the FederalRegister.gov lets you narrow your search to relevant documents by selecting the type of document (e.g., proposed rule), the agency, the time period, etc.
- The [Public Inspection web page on FederalRegister.gov](#) gives the public access to certain important or complex documents before they publish in the Federal Register.

## GENERAL GUIDES ON CITIZEN PARTICIPATION AND THE FEDERAL RULEMAKING PROCESS

Regulations.gov, “Tips for Submitting Effective Comments.”

[https://www.regulations.gov/docs/Tips\\_For\\_Submitting\\_Effective\\_Comments.pdf](https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf)

Office of the Federal Register, “A Guide to the Rulemaking Process.”

[https://www.federalregister.gov/uploads/2011/01/the\\_rulemaking\\_process.pdf](https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf)

Department of Health and Human Services, “How to Participate in the Rulemaking Process.” <https://www.hhs.gov/sites/default/files/regulations/rulemaking-tool-kit.pdf>

Environmental Law Institute, “A Citizen’s Guide to Influencing Agency Action.”

<http://www.gotofirm.com/content/uploads/2012/11/CitizensGuide.pdf>

Center for Effective Government, “Notice and Comment Rulemaking.”

<http://www.foreffectivegov.org/node/3463>

Congressional Research Service, “The Federal Rulemaking Process: An Overview,”

Maeva P. Carey, Coordinator, Analyst in Government Organization and Management, June 17, 2013. <https://fas.org/sgp/crs/misc/RL32240.pdf>

## **SPECIALIZED CITIZEN GUIDES – FEDERAL LEVEL**

Environmental Law Institute, “A Citizen’s Guide to Using Federal Environmental Laws to Secure Environmental Justice.” <https://www.epa.gov/sites/production/files/2015-04/documents/citizen-guide-ej.pdf>

Environmental Protection Agency, “How Citizens Can Comment and Participate in the National Environmental Policy Act Process.” <https://www.epa.gov/nepa/how-citizens-can-comment-and-participate-national-environmental-policy-act-process>

## **STATE GUIDES FOR CITIZEN PARTICIPATION** (not a comprehensive list; your state may have one, too)

Alabama Department of Environmental Management, “Guide for Citizen Participation: How to make your voice heard on community environmental issues.” <http://www.adem.alabama.gov/moreInfo/pubs/citizensguide.pdf>

Indiana Department of Environmental Management, “Citizens’ Guide to IDEM: An Introduction to IDEM’s Procedures for Issuing Environmental Permits, Overseeing Cleanups, Preparing Environmental Reports and Plans, and Writing Environmental Rules,” March 2014, Draft update prepared for posting on December 12, 2014. [http://www.in.gov/idem/files/citizens\\_guide.pdf](http://www.in.gov/idem/files/citizens_guide.pdf)

Michigan Department of Environmental Quality, “A Citizen’s Guide to Participation in Michigan’s Air Pollution Control Program,” April 2007. [http://www.michigan.gov/documents/deq/deq-ess-caap-citizensguidetomiairpollutioncontrol\\_195548\\_7.pdf](http://www.michigan.gov/documents/deq/deq-ess-caap-citizensguidetomiairpollutioncontrol_195548_7.pdf)

Ohio Environmental Protection Agency, “Guide to Rule-making,” November 2015. <http://epa.ohio.gov/portals/33/rules/guide.pdf>

## ENDNOTES

---

<sup>i</sup> These figures are for rules for which agencies estimated the dollar value of both benefits and costs. See 2017 Draft Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act, February 23, 2018.

[https://www.whitehouse.gov/wp-content/uploads/2017/12/draft\\_2017\\_cost\\_benefit\\_report.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/12/draft_2017_cost_benefit_report.pdf)

<sup>ii</sup> EPA, “Our Nation’s Air 2017,” Annual Air Trends Report, [https://gispub.epa.gov/air/trendsreport/2017/-growth\\_w\\_cleaner\\_air](https://gispub.epa.gov/air/trendsreport/2017/-growth_w_cleaner_air)

<sup>iii</sup> Executive Order 12866.

<sup>iv</sup> Paperwork Reduction Act.

<sup>v</sup> Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 et seq.

<sup>vi</sup> Unfunded Mandates Reform Act of 1995.

<sup>vii</sup> E.g., E.O. 12866, Regulatory Planning and Review; E.O. 13563, Improving Regulation and Regulatory Review; E.O. 13132, Federalism; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13045, Protection of Children From Environmental Health Risks and Safety Risks; E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

<sup>viii</sup> One tactic to watch out for is the Trump Administration changing cost-benefit analyses. In proposing to rescind EPA’s Waters of the US rule, the Administration changed the cost-benefit analysis that had shown that the rule’s benefits would significantly exceed its costs. By removing some benefits (e.g., wetlands protection) from the equation, they tried to hide the fact that rescinding the rule would result in a net loss for the public. Pointing out this kind of flawed decision-making can be really helpful in comments on a rulemaking.

<sup>ix</sup> Executive Order 12866, which governs interagency review, provides for some transparency. It requires OIRA to place in a public docket any written comments received from other agencies during the interagency review process. It also requires agencies to identify for the public all the changes made to a proposed or final rule that were made at the suggestion or recommendation of OIRA. Some statutes add further transparency requirements. In the case of the Clean Air Act, for example, the draft rules submitted for interagency review and written comments from OIRA and other agencies must be submitted to the docket for the rulemaking.

---

<sup>x</sup> [https://www.washingtonpost.com/graphics/2017/business/environment/florida-reef/?utm\\_term=.6d8f11b268c5](https://www.washingtonpost.com/graphics/2017/business/environment/florida-reef/?utm_term=.6d8f11b268c5)

<sup>xi</sup> Examples of articles and studies on job impacts of regulation:

- Hafstead, Marc and Robertson C. Williams III, “How Do Environmental Policies Affect Employment?”, Resources (Resources for the Future’s online magazine), Issue 190, Fall 2015. See <http://www.rff.org/research/publications/how-do-environmental-policies-affect-employment>
- Semuels, Alana, “Do Regulations Really Kill Jobs?” The Atlantic, January 19, 2017. See <http://www.theatlantic.com/business/archive/2017/01/regulations-jobs/513563/>
- Irons, John, and Shapiro, Isaac, “Regulation, employment and the economy: Fears of job loss are overblown,” Economic Policy Institute, Policy Paper #305, April 12, 2011. See [http://www.epi.org/publication/regulation\\_employment\\_and\\_the\\_economy\\_fears\\_of\\_job\\_loss\\_are\\_overblown/](http://www.epi.org/publication/regulation_employment_and_the_economy_fears_of_job_loss_are_overblown/)
- Morgenstern, R. D., W. A. Pizer, and J. S. Shih. 2002, *Jobs versus the Environment: An Industry-Level Perspective*. Journal of Environmental Economics and Management 43(3):412-436. See <http://www.rff.org/files/sharepoint/WorkImages/Download/RFF-DP-99-01>
- Elmendorf, Douglas W., Director of Congressional Budget Office, “Policies for Increasing Economic Growth and Employment in 2012 and 2013,” Testimony before Budget Committee of U.S. Senate, November 15, 2011, pp. 45-46. See <https://www.cbo.gov/publication/42717?index=12437>

For examples of job impacts of some individual regulations, see for example:

- U.S. Environmental Protection Agency, “Regulatory Impact Analysis for the Final Mercury and Air Toxics Standards,” EPA-452/R-11-011, chapter 6, December 2011. See <https://www.epa.gov/sites/production/files/2015-11/documents/matsriafinal.pdf>.
- Bivens, Josh, “The ‘toxics rule’ and jobs: The job-creation potential of the EPA’s new rule on toxic power-plant emissions,” Environmental Policy Institute, Issue Brief #325, February 7, 2012. See <http://www.epi.org/publication/ib325-epa-toxics-rule-job-creation/>

- 
- U.S. Occupational Safety and Health Administration, “OSHA Fact Sheet – OSHA’s Proposed Crystalline Silica Rule: Overview,” August 2013. See [https://www.osha.gov/silica/factsheets/OSHA\\_FS-3683\\_Silica\\_Overview.html](https://www.osha.gov/silica/factsheets/OSHA_FS-3683_Silica_Overview.html)
  - U.S. Department of Labor, “Fact Sheet: Final Rule to Update the Regulations Defining Delimiting the Exemption for Executive, Administrative, and Professional Employees,” May 2016. See <https://www.dol.gov/whd/overtime/final2016/overtime-factsheet.htm>

<sup>xii</sup> Links to some agency web pages for finding rules open for comment:

- The **Environmental Protection Agency (EPA)** has a page advising the public how to stay abreast of regulatory developments -- <https://www.epa.gov/laws-regulations/get-involved-epa-regulations>. The agency suggests use of its Regulatory Development and Retrospective Review Tracker (Reg DaRRT). The tracker provides monthly (and in some cases daily) updates on EPA’s [priority rulemakings](#) that are under development as well as updates on EPA’s [retrospective reviews of existing regulations](#) under Trump Executive Order 13777 and a 2011 executive order. Reg DaRRT posts a profile on a priority rulemaking when EPA begins work on it, which is sometimes months or even years before publication of a proposed rule. Reg DaRRT offers notifications (in the form of [RSS feeds](#)) to keep you up to date, and also lists upcoming [public meetings](#) related to priority rulemakings. If a rule isn’t on Reg DaRRT, you can still get twice yearly updates in EPA’s [Regulatory Agenda](#).
- The **Department of Health and Human Services (HHS)** has a web page that shows all current rulemakings open for comment: <https://www.hhs.gov/regulations/comment-on-open-rules/index.html>. Another page has information on reviews of existing rules: <https://www.hhs.gov/open/retrospective-review/index.html?language=en>.
- The **Occupational Health and Safety Administration (OSHA)** has a regulations web page with links to rulemakings open for comment and lookbacks at existing regulations: <https://www.osha.gov/law-regs.html>.
- The **Securities and Exchange Commission (SEC)** has a page on how to comment that includes a link to rulemakings open for comment: <https://www.sec.gov/rules/submitcomments.htm>. The SEC also offers notifications (in the form of an RSS feed) of SEC proposed rules: <https://www.sec.gov/rss/rules/proposed.xml>