

How to Public Comment on Federal Regulations and Thereby Save the Planet

How to Online Public Comment on Federal Environmental Regulations And Thereby Save the Planet

Here's the gist:

1.

All federal agencies must follow the laws and facts relevant to the regulation, and it must consider and respond to all the Public Comments it receives on a proposal to create, change or repeal a regulation before it makes its final decision.

2.

The “administrative record” that is created in the comment period may be used by a court to overturn an agency’s decision to roll back a rule.

3.

Submitting comments is easy to do. Once you find your way to the web address for an agency rulemaking submitting comments can be just a few clicks away.

Or many agencies accept by mail.

SO, you know how the Indivisible Guide, written by former Congressional staffers, explained in Detail how to best contact and influence Congress - and thereby started a nationwide Indivisible movement?

Well, some former EPA staffers did the same thing to explain to us how to fight regulatory changes and make Agencies listen!

So excited to have found this – no more feeling powerless against the rollbacks!! The best part is that the Agencies are Required By Law to consider each proper comment. If they don’t, the Regulation can be overturned in Court.

A link to the latest draft is below in case anyone would like to read the whole thing but I will give you the highlights:

1. All federal agencies must follow the laws and facts relevant to the regulation, and ***it must consider and respond to all the Public Comments it receives*** on a proposal to create, change or repeal a regulation before it makes its final decision.
2. The “administrative record” that is created in the comment period ***may be used by a court to overturn an agency’s decision to roll back a rule.***
3. ***Submitting comments is easy to do.*** Once you find your way to the web address for an agency rulemaking submitting comments can be *just a few clicks away*. Or many agencies accept by mail. **#Postcards4USA**

These Groups below are **TRACKING** the regulatory rollbacks and give **LINKS** to the page to comment on (so you don’t have to search for it) as well as background for talking points for your comments:

-Harvard Environmental Law Program

<http://environment.law.harvard.edu/policy-initiative/regulatory-rollback-tracker/>

-Columbia Law School, Sabin Center for Climate Change

<http://columbiaclimatelaw.com/climate-deregulation-tracker/explanation/regulation/>

-SaveEPA (who wrote the Guide) provides a tracker of EPA rollback actions and information and links for submitting comments

<http://saveepaalums.info/rollback+tracker>

Note: There’s also the National Resource Defense Council tracking (with Action buttons for #electronicpostcards to your Representatives) <https://www.nrdc.org/trump-watch>

They make *EASY-TO-DO*:

FOR EXAMPLE, here’s their 3 different versions for opposing the repeal of the Clean Power Plan, you can decide which one works best for you:

1. Headings: What's at Risk, How to Comment, and Talking Points The Clean Power Plan, Trump Administration Rollback Proposal, What to Say, Suggested Talking Points, How to Submit Your Comments
Link: <http://saveepaalums.info/Clean+Power+Plan>
2. Headings: Why it Matters, Current Status, History, Trump Era, For More Information
Link: <http://environment.law.harvard.edu/2017/09/clean-power-plan-carbon-pollution-emission-guidelines/>
3. Headings: Notice of proposed rulemaking Link:
<http://columbiaclimatelaw.com/climate-deregulation-tracker/epa-proposes-to-rescind-clean-power-plan/>

The How-to WHEN COMMENTING:

1. **Explain why you're commenting – Say why you care about the regulation 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.
2. 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 credibility. [*And also tell every science teacher you know about these ways to comment.]
3. **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.
4. **Meet deadlines** for written comments, make sure you submit them before the deadline listed in the rulemaking notice. Comment periods close at 11:59 EST 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.

Note: One tactic to watch out for is the Trump Administration changing cost-benefit analyses. For example, in proposing to rescind EPA's Waters of the US rule, the Administration changed the cost-benefit analysis that had shown the rule's benefits significantly exceeding its costs. By removing some benefits (e.g., wetlands protection) from the equation, they are hiding 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.**

ALSO, you will be able to add political heft to your comments by asking your **Members of Congress** to comment and/or make a public statement along the same lines as your comments. Agencies pay close attention to what members of Congress say, particularly when the member holds positions on committees or in leadership that give them more clout with the agency.

SO, each time you do a public comment, drop your MoC a POSTCARD asking them to do so, too.

Here are their addresses:

Reps: <https://pc2a.info/AddressesMembersHouseOfReps>

Senators: <https://pc2a.info/AllContactsforAllSenatorsIncludingSocialMedia>

ARTICLES & FURTHER INFO

The Save EPA Alums Guide:

<http://www.saveepaalums.info/wp-content/uploads/2017/07/RM-Guide.7-23-17.2.pdf>

NDRC: The Real Lowdown: The Trump and Congressional Republican Assault on Our Environment, Vol. 28 (A series)

https://www.nrdc.org/experts/nrdc/real-lowdown-trump-and-congressional-republican-assault-our-environment-vol-28?utm_source=tw&utm_medium=tweet&utm_content=socialmedia

WaPo is also keeping track of all rollbacks (not just environmental) here. All require Public Comments

https://www.washingtonpost.com/graphics/politics/trump-rolling-back-obama-rules/?utm_term=.9a0ea82eae40

<https://www.standupsf.net/2017/08/10/how-to-submit-comments-to-trumps-agencies/>

Tips for submitting effective comments

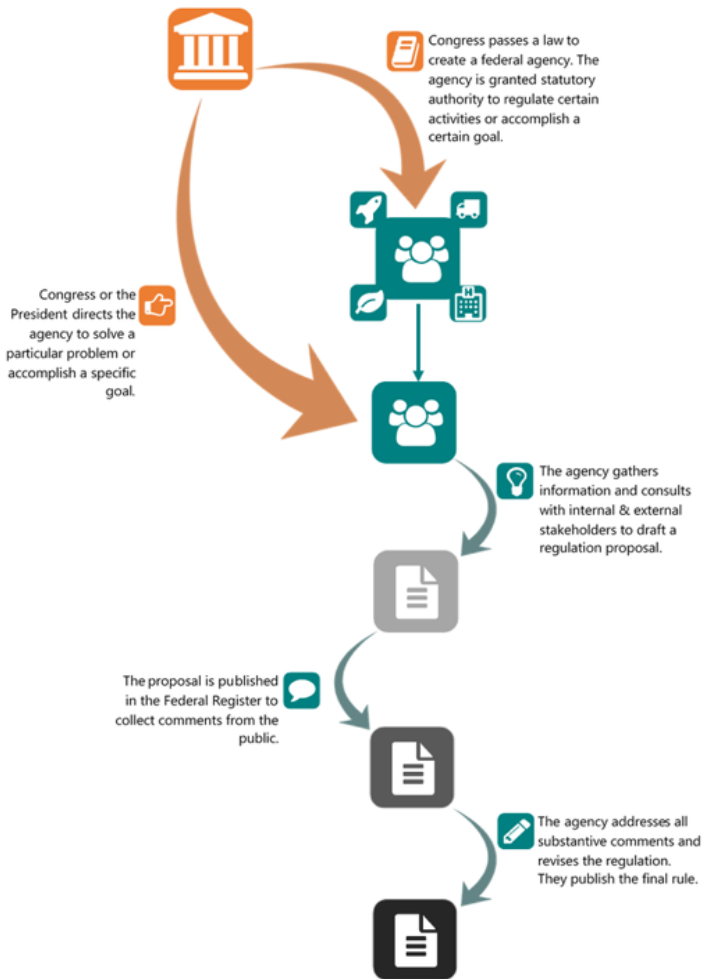
http://www.cogr.edu/sites/default/files/Tips_For_Submitting_Effective_Comments.pdf

An introduction to writing comments to public agencies; Step-by-Step tips for writing effective public comments

<http://eli-ocean.org/wp-content/blogs.dir/2/files/Written-Commenting.pdf>

Public Comment – How it Works:

<https://publiccommentproject.org/how-it-works/>



Other rules at risk (in addition to Environmental) are listed here: <http://rulesatrisk.org/resolutions/>

To Comment: Go to **regulations.gov** and click on "Advanced Search" (right below the "Search" button). Type keyword(s) or Docket ID in the "Search" box. Select "Open for **Comment**" (directly under Search box). Select by Document Type "Notice," "Proposed Rule," and "Rule."

Regulatory Transparency and Participation

Administrative Procedure Act of 1946 (APA)

- The APA requires that agencies go through a notice and comment process open to all members of the affected public, both U.S. and foreign.
- Before agencies can issue a final regulation, they must respond to the public comments, make sure that the final regulation is a logical out-growth of the proposal and the administrative record, and is not arbitrary or capricious.

Federal Register

- The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations
- Executive orders and other presidential documents are also published in the *Federal Register*.



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