

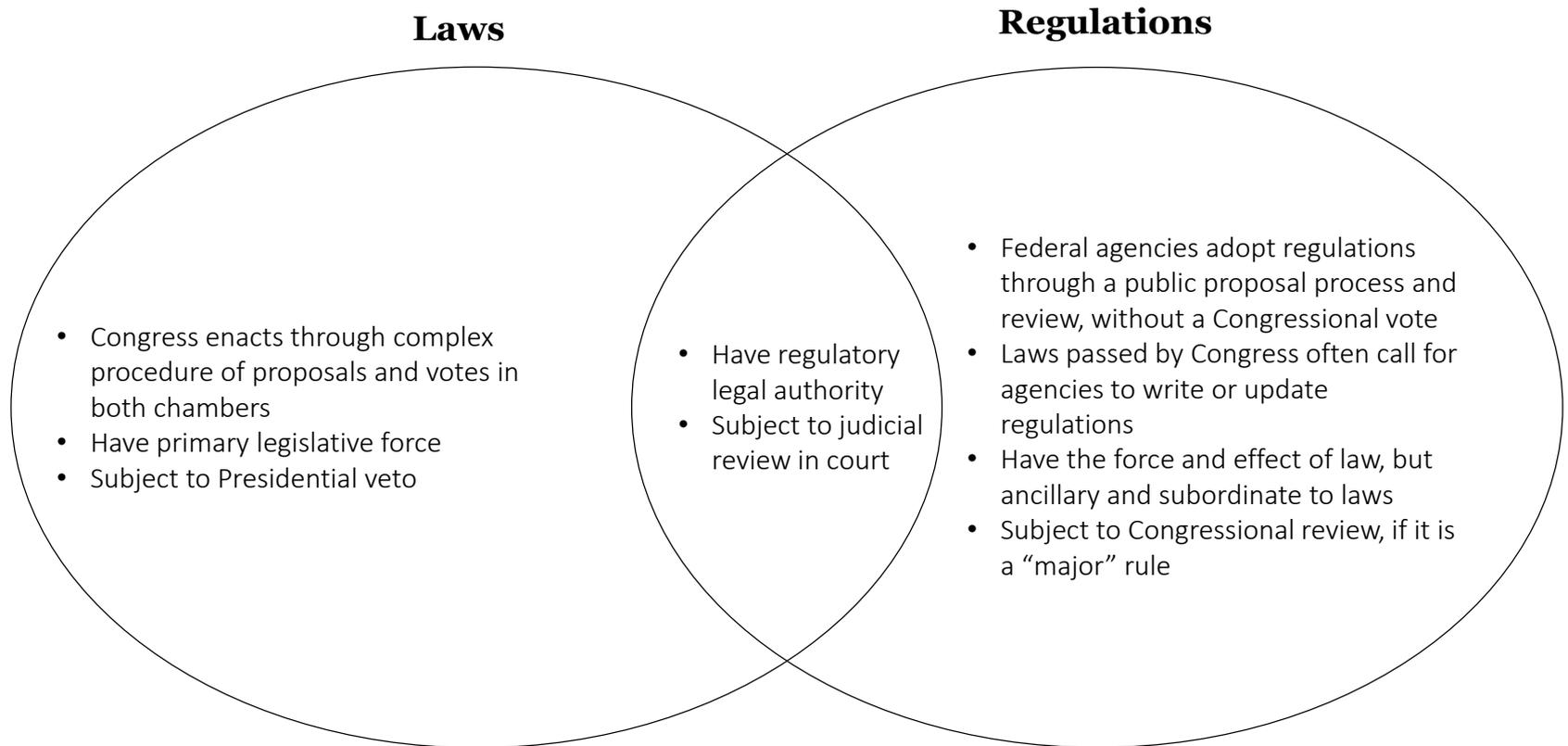
Federal Rulemaking Primer

The Administrative Procedure Act Governs the Way Federal Agencies Can Propose and Establish Regulations

Key Terms Related to the Federal Rulemaking Process

Term	Definition
Agency	Federal department or group that oversees a particular national issue
Regulations	General statements issued by an agency, board, or commission that have the force and effect of law; also know as administrative laws or rules
Administrative Procedure Act (APA)	Details the process by which agencies create regulations, ensuring proper review and public consideration

Both Laws and Regulations Have Legal Authority, But Are Enacted Through Different Processes



Agencies Act Within Wide Scope

Examples of Federal Regulations

*Agencies are required to publish a **Regulatory Plan** once a year in the fall and a **Regulatory and Deregulatory Agenda** in the spring and fall – together, they are often referred to as the **Unified Agenda**



Department of Education on Improving the Academic Achievement of the Disadvantaged

A rule amending a section of the Elementary and Secondary Education Act of 1965, no longer authorizing a State to define modified academic achievement standards and develop alternate assessments based on those modified academic achievement standards for eligible students with disabilities

Date Effective: Sep 21, 2015



Federal Transit Administration on Implementing the Emergency Relief Program

A rule establishing procedures governing the implementation of the Federal Transit Administration's (FTA) Public Transportation Emergency Relief Program, authorized by the Moving Ahead for Progress in the 21st Century Act.

Date Effective: Nov 6, 2014

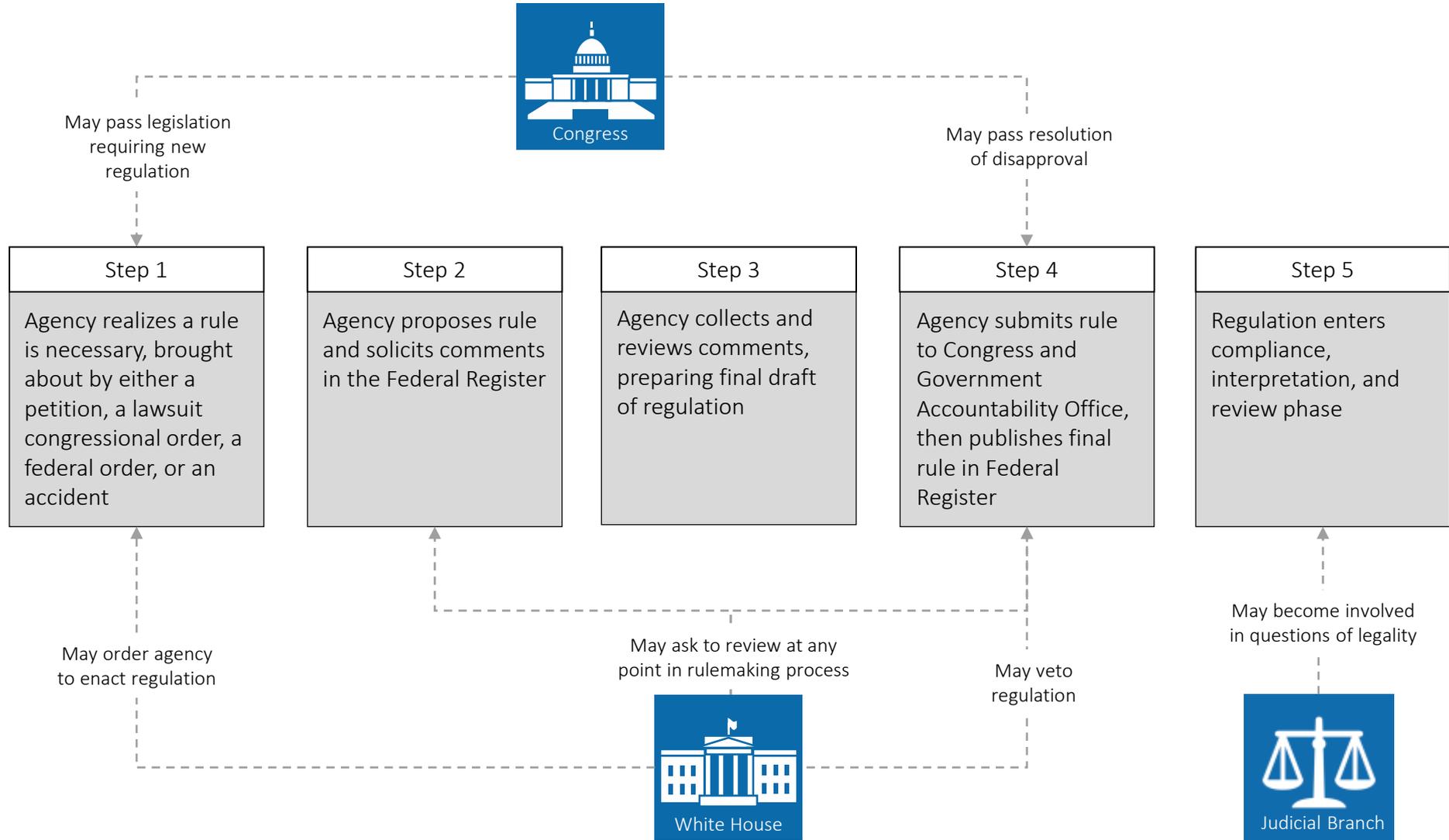


U.S. Coast Guard on Establishing a Safety Zone on the Detroit River

A rule enforcing a security zone associated with the North American International Auto Show (NAIAS). The zone is intended to restrict vessels from a portion of the Detroit River in order to ensure safety and security around the NAIAS. No person or vessel may enter the security zone without permission from the Captain of the Port of Detroit

Date Effective: Jan. 21, 2016
(until Jan 24, 2016)

Federal Rulemaking Process



Source: Federal Register, 2013; ICF Consulting; Office of Information and Regulatory Affairs, OMB, 2013; Noun Project, Edward Boatman.

Federal Rulemaking Example



Step 1: Agency Realizes a Rule is Necessary

International Dairy Foods Association and the National Milk Producers Federation petitioned the FDA, requesting an amendment to the standards of identity for milk and 17 other dairy products to provide for the use of any safe and suitable sweetener as an optional ingredient

Step 2: Agency Proposes Rule in Federal Register to Solicit Comments

“The Food and Drug Administration (FDA) is announcing that the International Dairy Foods Association (IDFA) and the National Milk Producers Federation (NMPF) have filed a petition requesting that the Agency amend the standard of identity for milk and 17 other dairy products to provide for the use of any safe and suitable sweetener as an optional ingredient. FDA is issuing this notice to request comments, data, and information about the issues presented in the petition.”

Step 3: Public Submits Comments on Regulations.gov

“Milk with sweeteners added should not be called milk. We already eat too much sugar and obesity is a rising problem. Artificial sweeteners have no place in a natural product. Kids don't need them and we don't know what health problems they might cause down the line. In fact I don't know how anyone could be considering this.”

Agencies May Skip Steps If “Good Cause” Exists

