
Federal Rulemaking Primer



Key Terms

Agency

Federal department or group that oversees a particular national issue

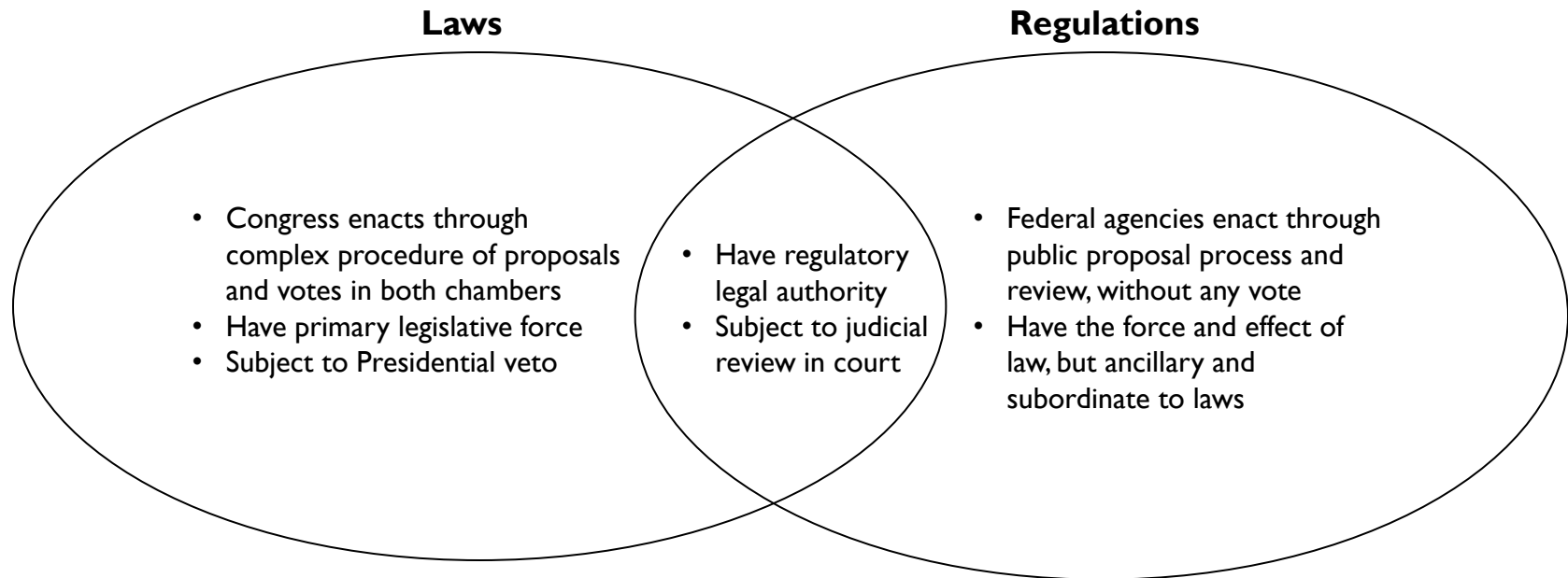
Regulations

General statements issued by an agency, board, or commission that have the force and effect of law; also known 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



Agencies Act Within Wide Scope

Examples of Federal Regulations



Department of Education on Assistance to States for the Education of Children with Disabilities

A rule amending a section of the Individuals with Disabilities Education Act, revising the requirements a public agency must meet to obtain parental consent for the first time before it may access a child's or parent's public benefits/insurance to pay for services required under the act.

Date Effective: March 18, 2013



Federal Transit Administration on Implementing the Emergency Relief Program

A rule establishing procedures to oversee the implementation of the FTA's Emergency Relief Program, authorized by the Moving Ahead for Progress in the 21st Century Act and complying with the Disaster Relief Appropriations Act of 2013.

Date Effective: March 29, 2013

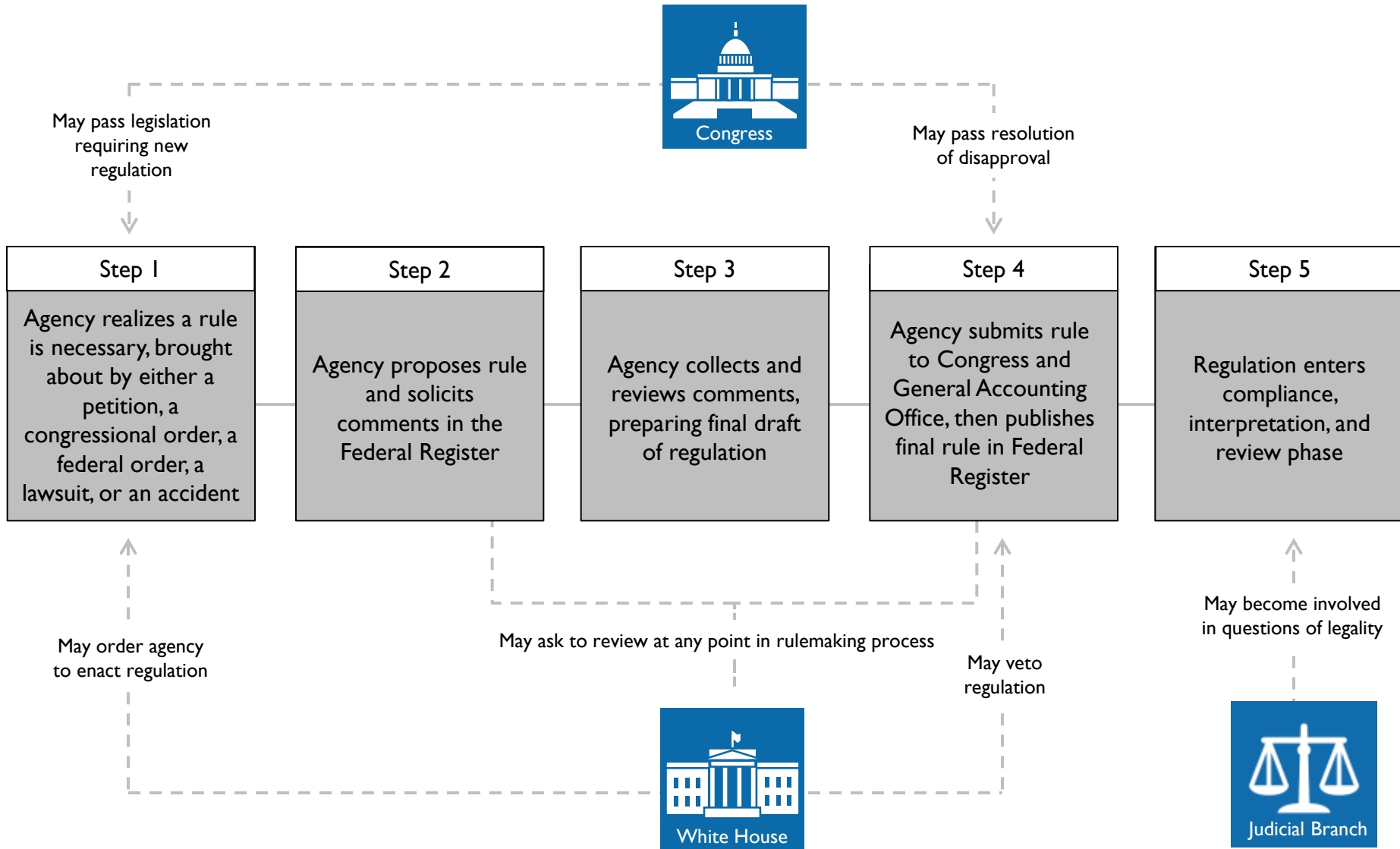


U.S. Coast Guard on Establishing a Safety Zone in Mission Bay, CA

A rule establishing a safety zone on navigable waters of Mission Bay during a fireworks presentation by Sea World San Diego, prohibiting individuals or vessels from entering into, transiting through, or anchoring within the safety zone unless other authorized to do so.

Date Effective: Feb. 16, 2013

Federal Rulemaking Process



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

