



## EPA's Rulemaking Process

### *Get an Overview of the Tools AGC Uses, Along with Some Helpful Hints*

Federal regulations often take years to complete and keeping track of the progress can be difficult. Luckily, there are a variety of online tools available to help the public stay informed and get involved in the U.S. Environmental Protection Agency's (EPA) rulemaking process. Read on to learn how to track the development of environmental rules that are important to you – and your business – and to take advantage of public participation opportunities. Save this handout to easily reference —

- The five major steps in EPA's rulemaking process,
- How to keep tabs on EPA's rulemakings, and
- Where to find compliance information.

## THE FIVE MAJOR STEPS IN EPA'S RULEMAKING PROCESS

### 1. EPA's Agenda: What's in the Works?

Rules often appear publicly for the first time in the Unified Agenda. The Unified Agenda, which can be found online at [www.RegInfo.gov](http://www.RegInfo.gov), is a comprehensive list of all federal agencies' planned and recently completed regulatory actions. (Scroll down the Web page to the "Select Agency" box and choose "Environmental Protection Agency.") It is published semiannually, usually in the spring and fall. EPA released its fall 2015 Regulatory Agenda on Nov. 20.

The fall publication of the Unified Agenda also includes the Regulatory Plan. The Regulatory Plan focuses on only the agencies' most important regulatory actions. If the rule you are tracking appears in the Regulatory Plan, the listing will include a timetable with important past dates and estimates of future developments.

When the Unified Agenda lists a rule in the "pre-rule stage," it is assigned a regulation identifier number (RIN), which may be useful later on if you search for more information.

#### HELPFUL HINT

EPA includes a RIN in the heading of "proposed rule" and "final rule" documents, which are published in the *Federal Register*, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

### 2. Regulatory Review

Before EPA can officially publish a proposed rule, the agency must submit "significant" rules to the White House Office of Information and Regulatory Affairs (OIRA) for review, per various Executive Orders. This may provide an opportunity for the public to gather more information on a proposed regulatory action. The website referenced above, [www.RegInfo.gov](http://www.RegInfo.gov), also includes a "Regulatory Review Dashboard" that graphically presents information about rules under the administration's review, through an easy-to-use interactive display. The Dashboard allows the public to sort rules by agency, length of review, stage of rulemaking, economic significance, and international impacts. After the White House completes the process, it notes the outcome of its review.

#### HELPFUL HINT

To receive the *Federal Register* Table of Contents in your e-mail daily, join the FEDREGTOC-L mailing list [here](#) and click on the "Subscribe or Unsubscribe" button then follow the instructions

FEDREGTOC-L is a service of the U.S Government Printing Office, in cooperation with the Office of the Federal Register.

If you would like to see federal regulatory information in a web newspaper format, visit EPA's page on the [FederalRegister.gov](http://www.FederalRegister.gov) website, which is an unofficial version of the *FR*.

### 3. EPA Proposes a Regulation

After the White House completes its review process, and if it allows the agency to continue with the rulemaking, EPA will publish a proposed rule (formally called a Notice of Proposed Rulemaking or NPRM) in the *Federal Register* (FR) so that the public can consider it and provide input. [Federal Register on FDSys](#) (Federal Digital System) is a website maintained by the U.S. Government Printing Office (GPO) that provides access to every regulation published in the *Federal Register* since 1994. To navigate to the proposed regulation you are interested in, it works best to know the date the proposed regulation was published or the citation. (The proposed rule and supporting documents are also filed in EPA's official docket on [Regulations.gov](http://www.Regulations.gov) – see below for more information, including how to comment on proposed rules.)

### 4. How To Comment on EPA Rules

EPA strongly encourages the public to use the website [www.Regulations.gov](http://www.Regulations.gov) as the primary comment platform. When the comment period for a proposed rule begins, the rule is posted on [Regulations.gov](http://www.Regulations.gov). This multi-agency website is EPA's official on-line comment system and serves as a clearinghouse for materials related to EPA rulemakings. It also shows your comment and the comments of others for each rule.

#### HELPFUL HINT

If you know only the title or subject of the regulation, enter the full title or keywords in the "Keyword or ID" field on the [Regulations.gov](http://www.Regulations.gov) home page. If you know the Docket or Document ID number, enter it in the "Keyword or ID" field. Once you locate the regulation you want to comment on, you can open the document to find other ways to comment (i.e., via mail or e-mail) in addition to the [Regulations.gov](http://www.Regulations.gov) on-line comment form.

Generally, once EPA has reviewed the comments on a rulemaking proposal, it revises the regulation accordingly and issues a final rule. EPA publishes the final text of a rule and its anticipated effective date in the [Federal Register on FDSys](#) and in EPA's official docket on [Regulations.gov](http://www.Regulations.gov).

### 5. The Regulation Is Codified in the *Code of Federal Regulations*

Once a regulation is completed and has been printed in the *Federal Register* as a final rule, it is codified when it is added to the *Code of Federal Regulations* (CFR). The CFR is the official record of all regulations created by the federal government. It is divided into 50 volumes, called titles, each of which focuses on a particular area. Almost all environmental regulations appear in Title 40.

The CFR is revised yearly, with one fourth of the volumes updated every three months. Title 40 is revised every July 1 and is accessible online—

- [Code of Federal Regulations database](#) – a searchable database of the entire CFR on GPO’s FDSys.
- [e-CFR](#) – an up-to-date, unofficial version of the CFR.

#### HELPFUL HINT

There's a difference between the CFR and the FR. The FR announces ongoing activities of the agencies and notifies you when you can comment on a proposed regulation. Once a final decision is issued in the form of a final regulation, the regulation is then codified when it is incorporated into the CFR.

## KEEP TABS ON EPA RULEMAKINGS

- Regulatory Development and Retrospective Review Tracker (Reg DaRRT) - View updates to EPA’s [priority rulemakings](#) that are under development as well as EPA’s [retrospective reviews of existing regulations](#). Reg DaRRT posts a profile on a priority rulemaking right when EPA starts work, which is sometimes months or even years before the agency publishes a proposed rule. Also, Reg DaRRT offers a number of [RSS feeds](#) and lists upcoming [public meetings](#) related to priority rulemakings.
- [Actions Initiated by Month](#) - Every month, EPA posts an Action Initiation List (AIL) that includes *every* new rulemaking initiated by EPA. If there's a priority rulemaking on the AIL, EPA links to Reg DaRRT so you can continually keep tabs on it. If a rule isn't on Reg DaRRT, you can still get twice yearly updates in EPA’s Regulatory Agenda (discussed above).
- [Regulations.gov](#) - If you are interested in tracking a specific rulemaking – and you know the Docket number, or the regulation identifier number (RIN) – then the Regulations.gov website will allow you to receive alerts when changes or additions occur in a specific docket folder. To subscribe, go to [www.Regulations.gov](#) page, and then...
  - Navigate to a docket folder – use the search box
  - Click the "Sign up for E-mail Alerts" link
  - Enter your e-mail address and select how frequent you would like to receive e-mails (daily, weekly or monthly)

## FIND COMPLIANCE INFORMATION

For information on federal rules that impact the construction industry, go to AGC’s environmental services Web page at <http://www.agc.org/environment>. In addition, AGC supports, and worked extensively with EPA to develop, an online compliance tool tailored to the construction industry—the **Construction Industry Compliance Assistance Center** (<http://www.cicacenter.org>). Here are some of the issues covered:

- Air, Open Burning, Dust
- Construction and Demolition Debris
- Endangered Species
- Lead Based Paint
- Reciprocating Internal Combustion Engines
- Spill Prevention Control and Countermeasures
- Stormwater
- Waste (Non-hazardous, Hazardous, and Toxic)
- Wetlands/Water Bodies

The CICA Center also has information on green building, recycling, building energy codes, and environmental management systems.