

Learn About the Regulatory Process



Rulemaking is the policy-making process for Executive and Independent agencies of the Federal government. Agencies use this process to develop and issue Rules (also referred to as “regulations”).

The process is governed by laws including but not limited to the [Administrative Procedure Act \(APA\)](#) (5 U.S.C. Chapter 5), Congressional Review Act, Paperwork Reduction Act, Regulatory Flexibility Act and can lead to a new Rule, an amendment to an existing Rule, or the repeal of an existing Rule. Executive Orders such as 12866, 13563, and 13579 also establish principles and guidance for the rulemaking process.

To learn more about the rulemaking process and view related frequently asked questions, visit [Reginfo.gov](#).

1 Pre Rule Stage

Origins of a rule

An agency cannot issue a Rule unless granted authority to do so by law.

Alternative actions

Before the rulemaking process, an agency evaluates possible alternative solutions to a rulemaking and determines whether the benefits of the regulation justify the costs. Agencies will typically submit an “Advanced Notice of Proposed Rulemaking” to the Federal Register for the public to view at <http://www.federalregister.gov>. This notice allows the public the opportunity to comment on whether or not a rulemaking should be initiated.

If an agency believes a rulemaking is warranted, the agency then proposes their findings to Congress or to the President in order to receive authority to issue a regulation. A “Unified Agenda” is published semiannually in order to declare significant regulatory activities that agencies expect to take in the coming year and to inform the public about both pending and completed regulatory actions.

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2 Proposed Rule Stage

Notice of Proposed Rulemaking

After an agency researches the issues and determines whether a new Rule is necessary, it often proposes a regulation, also known as a Notice of Proposed Rulemaking (NPRM). Typically these proposals are published in the Federal Register (FR) and made publicly available in print and on-line at <http://www.federalregister.gov> so that they are readily accessible to the public.

Public comment period

During this phase of the rulemaking process, agencies accept public comments via Regulations.gov. Some agencies also accept comments by mail, fax, or email. In a typical case, an agency will allow 60 days for public comment. However, in some cases they provide either shorter or longer comment periods. An agency may receive no comments or as many as thousands of comments or more.

Some public comments contain one-sentence or one-paragraph comments, while others contain thousands of pages with detailed analysis, with supporting documents submitted as attachments.

Docket

The rulemaking docket (known on Regulations.gov as a Docket Folder) contains all of an agency’s relevant rulemaking materials (e.g., NPRM, hearing Notices, extensions of comment period, and Final Rule), supporting documents (e.g., economic and environmental analyses), studies and other references, all public comments, and other relevant documents.

The public dockets for agency rulemakings can be found at Regulations.gov. You can access any electronic docket on this site by searching with a unique identifier such as the docket number or ID, Regulation Identifier Number (RIN), or even a keyword. Agencies include the docket number or ID on most Federal Register documents, and when applicable a RIN is included. RINs are also used in the Unified Agenda to identify agencies’ rulemakings.

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3 Final Rule Stage

Post-comment period

After the comment period closes, the agency reviews all comments received and conducts a comment analysis. Then agencies decide whether to proceed with the rulemaking process or issue a new or modified proposal. In some cases they withdraw the proposal.

Preparing a Final Rule

Any Final Rule must include preamble and Rule text. The preamble includes a response to the significant, relevant issues raised in public comments and a statement providing the basis and the purpose of the Rule. Typically, agencies respond to all public comments in the preamble of the Final Rule or a withdrawn proposal.

Published Final Rule

The Final Rule is published in the Federal Register (FR) and made publicly available in print and on-line at <http://www.federalregister.gov>. No Final Rule becomes effective in less than 30 days of its publication in the FR, unless it grants an exemption, relieves a restriction, or for “good cause,” which includes such things as emergencies. A copy of any published Final Rule can be found on this site in the rulemaking docket, along with the relevant regulatory materials (e.g., Supporting and Related Materials, Public Submissions).

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Long Term Action

Pending Development

Some of the rulemakings listed in the Unified Agenda are designated as Long-Term actions indicating regulatory development is pending. Such rulemakings are not expected to result in either additional regulatory actions over the subsequent 12 months or after a specified month and year.



Completed

Withdrawn by an Agency

A rulemaking designated as a Completed action is the result of a regulatory action, which has been withdrawn by an agency since the publication of the preceding edition of the Regulatory Agenda. Additionally, a Completed action indicates that it is no longer being considered by the agency.



To learn more about the rulemaking process and view related frequently asked questions, visit [Reginfo.gov](#). The regulatory process described here includes content from the following: [The Informal Rulemaking Process](#) and the [Map of the Regulatory Process](#).

FAQ

Find answers to some frequently asked questions about Regulations.gov.

About Regulations.gov

Understand the vision and history of the eRulemaking initiative and the agencies that participate in the program

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