

HOW TO COMMENT ON REGULATIONS

Commenting on Proposed Government Regulations

Regulations affect nearly everyone. This guide is designed to outline the process and ensure YOUR voice is heard when new regulations are being written.



What are they?

Regulations are rules adopted by state agencies. Any government rule that affects the public or its rights must be adopted as a regulation. Regulations are different than statutes: statutes are laws passed by the legislature; regulations are laws adopted by a state agency to implement statutes.

How does a regulation become law?

Before a regulations can become law, it must follow a careful process that is outlined in statute. The agency has to have the legal authority to adopt the regulation and it must decide if a regulation is "reasonably necessary" to carry out the purposes of a statute. The process then includes drafting the proposal, sending it out for public comment, redrafting the proposal based on those comments, Department of Law (DOL) review and approval, and finally filing by the Lt. Governor. The process is laid out in the Administrative Procedure Act statutes.



How does the public comment work?



After drafting proposed regulations, the agency issues a public notice. In addition to printing the notice in local papers, the agency seeks out persons it believes will be interested in the proposal and notifies them directly by mail. The public notice begins the public comment period, which usually lasts at least 30 days. The agency may make changes to the proposal based on comments it receives.

How can I tell the difference between current regulations and the proposed changes?

- If the proposal says the regulations are being amended, the new language will be underlined and the language that is proposed for deletion will be in [ALL CAPITAL LETTERS AND BRACKETED].

- If the proposal says the regulations are being "repealed and re-adopted", the entire section is being rewritten and the specific changes are not indicated.

Make sure you're heard...

Why should I comment?

Public comment is always very important but especially when you don't like what's being proposed. Although the agency may not have a choice about adopting regulations (such as when the legislature passes a new law directing the agency to do so), your input can make the regulations better.

How to comment effectively.

There is no required format for you to follow. Your comments, however, do need to be in writing, addressed to the person listed in the Public Notice as the contact. You don't need to type them, as long as they are legible. Comments may be mailed, faxed, e-mailed, or hand delivered -- but they must arrive before the comment period ends. You can find this date in the Public Notice.

1. **Be Brief.** You don't want the reviewer to miss the point of your concern. Brevity assures that it won't be lost.
2. **Be Specific.** Make it clear what you want. It is more effective to say "I am concerned about how this will affect small seafood processors because...", than "Don't do this."
3. **Know your subject.** If you are commenting on a document, make sure you have read it so that your comments make sense and are accurate. Refer to the section numbers in the proposal, preferably in the order they appear.
4. **Be Honest and Realistic.** Distortions of facts or misstatements may cause the reviewer to question the accuracy of your other statements. Requests that are not legal or feasible also reduce the credibility of your comments.
5. **Be Polite.** Reviewers are human, too. Even though you may be upset about a proposal, try to state your opinion objectively. Remember that agencies write regulations to help people comply with statutes. Communication is increased by extending the courtesies to agencies that you expect from them.



Need more time to comment?

Do you feel the comment period is too short? Immediately contact the person named in the public notice in writing and request an extension. In some cases, the agency may be able to extend the public comment period.