

## Meetings with Government Officials on Agency Rulemaking

**Why request meetings with government officials on impending agency rulemaking?** When agencies inform the public of their intent to issue regulations, interested parties may request meetings with the Office of Management and Budget (OMB) and other relevant federal agencies to provide input the agency must consider *before* the regulations are unveiled as proposed or final rules<sup>1</sup> and to provide specific suggested changes or improvements for the rulemaking, with supporting reasons and evidence.

**Who can request meetings?** Both individuals and groups can request to meet with OMB officials and relevant federal agencies.

**When can you request a meeting?** There are multiple opportunities to meet with government officials throughout the rulemaking process—either by directly requesting a meeting with the relevant agency in the early stages of rulemaking, or when the rule has “left” the agency for interagency review under the auspices of the Office of Information and Regulatory Affairs (OIRA) within OMB. Officials at other relevant agencies are also invited to (and often attend) OIRA meetings. These meetings are called “EO 12866 meetings” since they were authorized by Executive Order 12866.

### What is the agency rulemaking process?<sup>2</sup>

Regulatory Timeline	Participation Opportunity
Agency announces title and subject of upcoming major rules in the Regulatory Agenda.	Direct-ask agency meetings.
Agency drafts and releases rule for review by other relevant agencies, including by OIRA.	EO 12866 meetings with OIRA.
The Notice of Proposed Rulemaking (NPRM) is published in the Federal Register.	Public can submit written public comments on the NPRM before the deadline. <sup>3</sup>
Agency reviews submitted comments, drafts response, and updates the rule.	Advocacy before court of public opinion.
Rule is reviewed by other relevant agencies, including by OIRA.	EO 12866 meetings with OIRA.
Rule is finalized and published in the Federal Register with an effective date.	Lawsuit filed on or before the effective date.

<sup>1</sup> A different process applies to written comments made in support or opposition to a proposed rule (or any of its parts) after it has been formally proposed to the public in what is known as a Notice of Proposed Rulemaking (NPRM).

<sup>2</sup> For a detailed map of the rulemaking process, see: <https://www.reginfo.gov/public/reginfo/Regmap/index.myjsp>.

<sup>3</sup> See EPPC explainer on public comments on agency rulemaking: <https://eppc.org/wp-content/uploads/2022/03/Public-Comments-on-Agency-Rulemaking-Explainer.pdf>.

## Direct-Ask Agency Meetings

**What is the format of a direct-ask agency meeting?** Meetings with an agency will vary by agency and could be a teleconference call, Zoom meeting, or in person.

**What should you discuss during your meeting with an agency?** Interested parties should raise with the agency the same topics as an EO 12866 meetings, listed below, as well as any anecdotal evidence. Parties may have experts and victims of regulatory harm present their testimonies.

**How do you directly request an agency meeting?** Meetings with agencies vary by agency, but usually one subcomponent is the primary driver or drafter of the proposed regulation and should be the target of meeting requests, which can be in the form of a letter or email.

## EO 12866 Meetings

**What is the format of EO 12866 meetings?** EO 12866 meetings are 30-minute teleconference calls where stakeholders present their input on proposed rulemaking with government officials. The government does not typically provide any information or answer questions regarding the rulemaking, but occasionally will ask a clarifying question of presenters at the end.

**What should you discuss during your EO 12866 meeting?** Although you can raise any issue, OIRA is particularly concerned about whether the rule has sufficient analysis on:

- the need for regulatory action (*i.e.*, the problem the rule seeks to address),
- the economic/regulatory impact (*i.e.*, costs, benefits, transfers, and alternatives of rulemaking),
- the impact on other regulations from the agency or other agencies,
- any new recordkeeping requirements/paperwork burdens on the public,
- the proposal's consistency with law, and
- any reliance interests, small business impacts, and federalism/state/local/tribe implications.<sup>4</sup>

Attendees can also submit documents, which the agency must consider in its rulemaking, on the EO 12866 Meeting Request webpage any time before or up to 24 hours after the meeting. See below.

### How do you request an EO 12866 meeting?

- Learn about upcoming rules/notices on issues you care about at: <https://www.reginfo.gov/public/>.
- To request an EO 12866 meeting, search for the appropriate RIN (Regulation Identifier Number) here: <https://www.reginfo.gov/public/do/eo/neweomeeting>.
- Fill out the Verify Email form, including requestor's name, organization or client (if applicable), email, phone number (optional); check "I'm not a robot"; and click "Verify."
- You will receive an email with further instructions. In the email, click the orange button "SCHEDULE YOUR EO MEETING NOW" to go to your EO 12866 Meeting Request webpage.
- On your meeting webpage: (1) Click "Add Attendee," if known. Enter name, participation preference, and affiliation for each attendee. Attendees can be added or amended later. *All meeting attendees are made public.* (2) In the text box, provide your suggested meeting date/time and any other requirements. (3) Click "Submit Meeting Request."
- Usually within a few days (sometimes longer), you will receive two emails. One from the OMB scheduler listing the meeting date, time, and teleconference information. The second from ROCIS Postmaster; click the orange button "GO TO YOUR SCHEDULED EO MEETING" to accept your meeting as scheduled (click "Confirm Meeting Request") or propose a different date/time (click "Reschedule Meeting," type your request in the text box, and click "Submit").
- To submit documents, click "Choose File" and "Upload." The document title displayed to the public may be edited, and any uploads may be deleted until the submission window closes.

<sup>4</sup> For a list of standards for rulemaking, see: <https://www.reginfo.gov/public/jsp/Utilities/additionalResources.myjsp>.