Administrative Law
Submitting a Public Comment
March 20, 2020
Discussion outline

1. What is a public comment?
2. Rulemaking process
3. Importance of public comments as an administrative law function
4. Tips for submitting a public comment
5. Proposed Rule: Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs
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What is a public comment?

Federal agencies are **legally required** to consult the public when making new rules under Section 553 of the Administrative Procedure Act.

When an agency proposes a new rule, anyone can submit a **public comment** to share their opinion on the proposal, along with any relevant facts.

The agency must take **all** substantive comments into account, and **respond** to them in the final rule.
Rulemaking Process

Proposed Rule
Published in Federal Register

Public Comment Period
Typically 30-60 days

Final Rule
Must address all comments
Effective 30 days after publication
Why do public comments make a difference?

**Democratic Principles**
- Legitimacy
- Responsiveness
- Acceptance

**Legal Principles**
- Requirement
- Reduce conflict
- Reduce or prepare for litigation

**Management Principles**
- Impacts policy
- Distributed expertise
- Learning
- Reduces cost

Northeastern Law
Center for Health Policy and Law
Tips for submitting a public comment

✓ Establish your credibility: who are you, and what about your experience gives you insight into this issue?

✓ Begin with a short summary of your argument: you can (and should) get more in-depth later.

✓ Refer to evidence: are there any studies that support your position? Cite to sources, if possible.

✓ Write what you know: make it personal.

The most valuable public comments are unique, fact-based, and succinct

–publiccommentproject.org
Submitting a public comment

1. Submit your comment through the Federal Register public comment portal linked on the particular proposed rule to which you are commenting.
   a. You can upload your comment via an open text box and/or as a file upload.

2. You must include your name (first and last; first and last initial), mailing addressing, email, phone number, org. name

3. You will receive email confirmation of your submission, which you should be able to view on the Fed. Reg. Website (usually within 48 hours)

Example Public Comment