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The Rejuvenation of Regulations.gov

Regulations.gov is one of the key libraries of the administrative state. It is the only repository of information which contains the viewpoints of the public and its attendant stakeholders on every significant rule promulgated by federal regulatory agencies.

Unfortunately it has been treated as a stepchild of the regulatory process. More specifically it is managed and funded by a multi-headed group of federal managers who must seek handouts from a number of agencies to fund its operations. In that the managing group has no structure or official recognition is it not in the mainstream of regulatory policy. EPA, who manages Regulations.gov, should be complimented for providing an invaluable service under the most challenging conditions.

In a like manner ACUS is to be recognized for emphasizing the need for a government-wide examination of the operation of Regulations.gov.

The striking deficiency in Regulations.gov is that it has no institutional roots. Accordingly ACUS should not only study the effectiveness and operation of Regulations.gov but also its rules of governance or lack thereof.

Standing back and recognizing the immense size of the administrative state in the United States it is shocking that some of its most important activities are chronicled in a database whose software is not only outdated but has little chance of rejuvenation because (1) its funding mechanism is not predictable and (2) because its sponsors have little interest in increasing its performance on a continued basis.

I have shared my views on this topic over a number of years to nearly every person, group or organization which is in a position to provide the needed relief. In the links provided below I reproduced my recommendations made on the subject at hand over a number of years.

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I believe the issues ACUS should address must include: (1) **Governance** and (2) **Institutional Residency**.

With respect to governance, consideration should be given to having Regulations.gov be managed by a Board of Governors consisting of five federal regulators whose members are appointed for a fixed term and whose initial chairman is either the Chairman or Executive Director of ACUS or a representative of EPA. The existing governance structure for Regulations.gov could be retained but the participants should ultimately report to the Board of Governors. EPA could be appointed as the only permanent member of the Board of Governors.

With respect to institutional residency, consideration should be given to housing Regulations.gov in an existing federal agency which has a mandate far broader than the mere issuance of regulations but instead one whose primary mission is the compilation and dissemination of relevant regulatory information to the public and stakeholders. One agency that might be home to Regulations.gov is the Office of the Federal Register. The [Office of the Federal Register](#) has an extensive database on regulatory actions which is constantly increasing and which is under [constant change](#) to make the attendant work product more valuable to its readers. The aforementioned databases should be incorporated into Regulations.gov but presently such a wish is a distant hope at best.

In addition the Office of the Federal Register has a professional staff in sufficient quantity and quality to provide ongoing regulatory and IT support. For example the search capacity of Regulations.gov should be improved so as to be able to separate form letters from those of affected parties. Notices in the Federal Register should be augmented by including information from *Regulations.gov*, *Reginfo.gov* and *Data.gov*.

References

[Effective Regulatory Management in the Regulatory State](#)

[Regulations.gov Needs A Parent](#)

[Early Warning: Regulations.gov is Disaster Waiting to Happen](#)

[Again, Regulations.gov is a Disaster Waiting to Happen](#)