

Defend Against Deregulation: A How-to Guide on Writing and Submitting Federal Comments

by Mimi Whittaker

Introduction

Workers rely on federal regulations to protect their right to receive the pay they have earned, to stay safe in the workplace, and more. The Trump administration is rapidly deregulating, stripping away these vital rights. This resource explains how federal agencies undo rules through the public notice and comment process, and how people and organizations affected by rule changes can help challenge these actions by making their voices heard by filing comments in the Federal Register.

At the end of this document, we include an example of a comment and detailed instructions for uploading your comments in the Federal Register. This document is meant to be general information and is not legal advice.

How Rules are Undone

When Congress passes a law, it can't include every detail about how it should work. Federal agencies—government departments with leaders appointed by the President—create the specific rules to make the law work in practice.

For most rules, agencies must consider public opinion before deciding or changing how to define important parts of a law. The process of considering public opinion is called **notice and comment**, or federal rulemaking. Notice and comment is required to repeal many of the rules that protect working people.

What is Notice and Comment?

1. The agency posts a public announcement online explaining what rule it might change and why. This announcement is called a “**notice of proposed rulemaking**” (or just “**proposed rule**”).

Key Points in this Guide

- How Rules are Undone
- How to Write a Comment
- Sample Comment
- How to Submit a Comment

2. After posting this announcement, the agency must give the public time—usually 60 days—to respond. Anyone can send in their thoughts by writing what's called a **comment**.
3. Once the agency finishes considering public feedback, including comments, the agency will publish a **final rule**. At this stage, the agency's rule becomes final binding law.

If the agency doesn't follow these procedures, people or organizations affected by the change can go to court to stop them. Strong public comments are an important part of these lawsuits. In some cases, the comments set the boundaries for what can or can't be raised in court. In others, the agency's failure to respond to a unique comment can be the basis for bringing the lawsuit.

The public can help stop agencies from taking away people's rights—and writing a comment is an important step to holding these agencies to account in the court of public opinion and of law.

How to Write a Comment

To write a comment, begin by describing who you are and where you are located. Take a clear stance on whether you support or oppose the rule change. Then share why, either by sharing your own experiences or providing research and analysis on the topic.

A strong comment tells a story of who will be harmed by the rule change. Here are some questions that may help you do this:

- **How would you be harmed by the change?**
 - *Examples of personal harm:* Economic livelihood, health and safety, family separation.
 - *Examples of public or community harm:* U.S. economy, environmental pollution, job losses.
- **If possible, use numbers to show the harm.**
 - *Example:* "This regulatory change will hurt 100,000 farmworkers who rely on this protection."
 - *Example:* "This regulatory change will cause me to lose \$10,000 in wages."
- **How certain is it that the harm will take place?** Show the connection between the rule change and the harm.
 - *Example:* "If this rule change happens, I will lose my commercial drivers' license. Without my license, I will lose my job as a truck driver, which I use to support my family and pay my mortgage. Without my support, my family will fall behind on mortgage payments, and I won't be able to send my children to college."

Know beforehand:

- **Length doesn't matter.**
Comments can be a few short sentences or several pages long—but the more detail, the better.
- **Be unique.** The strongest comments offer a unique perspective or argument that the agency must respond to.
- **You can submit anonymously.**
Also, another person or an organization can submit one on your behalf.
- **Comments must be in English.**
If the comment was written in another language, it must be translated before submitting.
- **You can write as an individual or an organization.** A comment from an organization can be about harms to its members, harm to its mission, or any expertise that the organization has on the topic.

- **Did you make important life decisions based on the current rule?**
 - *Example:* “I have been using my commercial drivers’ license for 15 years. I planned that I would spend my whole life driving, and so I took out a \$200,000 loan to start my own trucking company. If this rule change happens and I lose my license because of it, I will lose that investment and the company I built.”

Beyond your Personal Story: Other Ways to Strengthen Your Comment

Strong comments also add arguments about why the agency is making the wrong choice or why the agency’s reasons for its choice are bad. This could include:

- **The agency used bad reasoning to justify their decision.**
 - *Example:* The costs of the agency proposal are much bigger than the potential benefits.
 - *Example:* The agency proposal is based on an assumption that is false.
- **The agency ignored something important.**
 - *Example:* Agency proposes changing health and safety laws without explaining how the change will affect worker injury rates.
- **The agency’s facts are wrong, incomplete, or one-sided.** You can also add your own evidence to your comment to help prove this.
 - *Example:* Agency only used a few news stories instead of actual research to reach a conclusion.
- **The agency should consider alternatives.**
 - *Example:* The agency tries to get rid of a rule entirely, when it could have just created a small exception to solve the problem.

For more guidance on writing strong comments that can support future lawsuits, see [Governing For Impact’s resource, “Writing Adverse Comments.”](#)

Sample Comments

For this example, the agency proposed change would take away commercial driver’s licenses from certain immigrant groups, such as people seeking asylum protections in the U.S. The details of these sample comments are fictional and citations are omitted.

For an Individual

My name is _____, and I am an asylum-seeker from Chile working as a truck driver in New York. I oppose the proposed rule.

As a truck driver, I need a commercial drivers license to keep my job. If you take away my license, I will lose my job and be unable to support my family. My spouse is currently studying to become a nurse and cannot support us either, which would mean that we would be without any income. I have already invested a lot in this career: I spent several months studying to get my license and took out a \$150,000 loan to purchase a truck. Without my trucking job, I won’t be able to pay the \$1,500 monthly on my truck loan or my rent.

Immigration status does not determine how safe a driver you are, and my company relies on many other asylum-seekers like me for labor. To make roads safer, you should start by updating the road safety tests that are needed for getting a license. Taking away licenses from experienced drivers like me will not make roads safer.

For an Organization

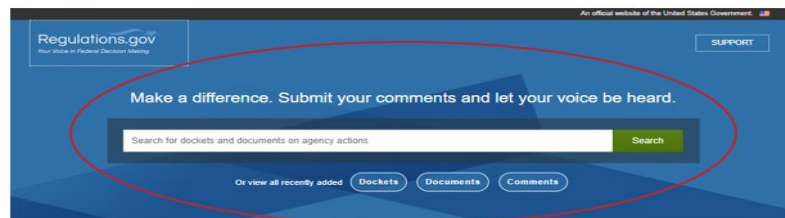
The Arizona Workers Alliance (AWA) submits these comments in opposition to the proposed rule. Founded in 1983, AWA is an unaffiliated union of truck drivers based in the Southwest. We oppose this proposed rule that would threaten the livelihoods of hundreds of approximately 200,000 workers who rely on their licenses to provide for themselves and their families.¹

Many of our members would lose their commercial driver's licenses as a result of this rule. Driving trucks has transformed their lives by allowing them to support their families' educational pursuits, get stable housing, and contribute to our community. Without their licenses, they would lose that essential source of livelihood, and many would be in severe debt based on loans taken to continue in this profession as owner-operators. The agency has pointed to no substantive research showing that noncitizens are any less safe than citizen drivers. Among our nearly 5,000 membership, none of our noncitizen members have ever had any citations or penalties related to road safety.

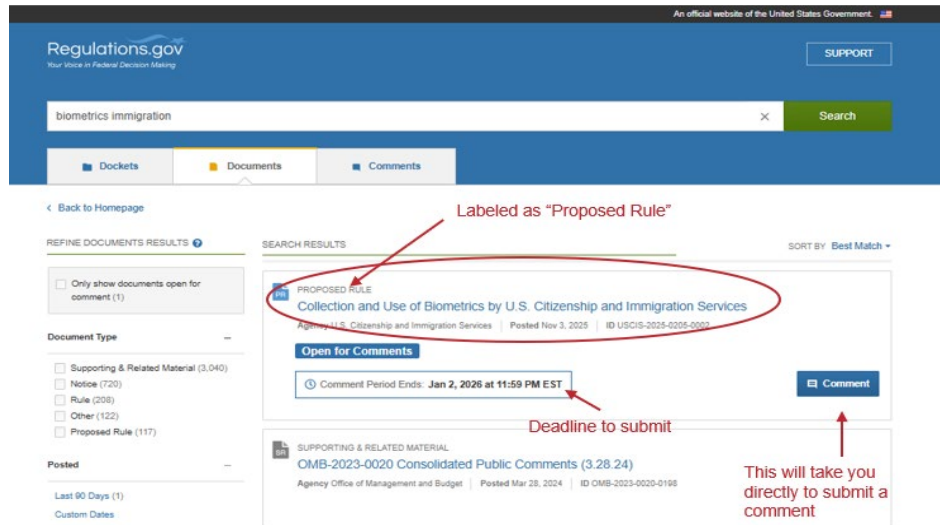
The trucking industry relies on these workers, as there is currently a shortage of drivers.² Currently, foreign-born drivers account for nearly one in six U.S. drivers, many of whom own small trucking businesses themselves.³ Losing this workforce will be very disruptive to the industry and will have a negative effect on our country's supply chain.⁴

How to Submit a Comment

1. Go online to <https://www.regulations.gov/>, which is the website used by the government for notice-and-comment.
2. From the home page, use the search bar to find the rule that you would like to comment on.



3. Find the rule in the search results—it should be labeled “Proposed Rule.” Click the “Comment” button to submit your comment. Or, you can click the title of the rule to view more information, including the “notice” that includes the agency’s reasons for changing the rule.



4. Write your comment in the text box provided or upload your comment as a separate file. If you do not submit anonymously, you must include your first and last name (if writing as an individual) or your organization's name and type (if writing as an organization).

5. Submit your comment! If you choose to provide your email address, you should receive an email that confirms you commented. Consider sharing your comment with allies, media or Congressional representatives, so that your story can have a broader impact.

About the Authors

Founded in 1969, the National Employment Law Project (NELP) is a nonprofit advocacy organization dedicated to building a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Together with local, state, and national partners, NELP advances its mission through transformative legal and policy solutions, research, capacity-building, and communications. NELP is the leading national nonprofit working at the federal, state, and local levels to create a good-jobs economy. Learn more at www.nelp.org.

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