Revamping Regulations.gov

By: Mark Febrizio | March 9, 2021

In brief…

The General Services Administration recently replaced the classic version of Regulations.gov—the primary website used for accepting public comments—with a new, sleek website. This commentary assesses the modernizing efforts and suggests further ways to improve the user experience.

In February, a new version of Regulations.gov replaced the classic site familiar to researchers of the regulatory process. Regulations.gov permits members of the public to comment on regulatory actions, view comments others have submitted, and access key information on regulations like regulatory impact analyses. The U.S. General Services Administration (GSA) manages Regulations.gov, which most agencies use for accepting public comments on their regulatory documents.

The essential structure of the site centers around three concepts. First, agencies post documents that relate to a rulemaking for public viewing and input. Second, agencies organize these documents within dockets, which are folders containing relevant rulemaking materials. Third, members of the public submit comments on agency documents that are accepting feedback. Together, these three concepts make up fundamental aspects of public participation in the rulemaking process.

Around these essential concepts, GSA has renovated Regulations.gov in substantial ways. Some of these changes represent important improvements, with much of the value accruing to the average user. But for researchers and other avid users, the modifications are likely to be more of a mixed bag. This commentary explores notable changes to the platform, highlights key advances, and underscores ongoing limitations— all with an eye toward facilitating timely and meaningful public participation in the notice-and-comment process.

Overview of Significant Changes

The most noticeable significant change may be the site's updated design. The home page now boasts a modern color scheme, a sleeker layout, and a simplified search bar located prominently in the center of the screen. But has anything else changed, beyond a stylistic and architectural renovation?

In fact, GSA has implemented a number of major differences beyond visual aesthetics and design, as detailed in the FAQs:

- Optimizing and changing the organization of search results, with the ability to navigate between tabs on dockets, documents, and comments.
- Using a "standardized comment form" for all agencies and revising how commenters may choose to identify themselves.
- Consolidating "help and resources information" to improve clarity.
- Emphasizing documents and the associated comments submitted to them, instead of the previous focus on dockets.
- Building "a responsive design" to improve compatibility with mobile and tablet devices.

Some overlap exists among these changes, particularly related to the operation of search functions and organization of resulting data. These changes might also be most evident to researchers who regularly used the classic Regulations.gov platform.

Changes to Searching Regulations.gov

First, the search function has been streamlined and the "advanced search" option has been removed. Previously, users could choose a basic search or create an advanced search with docket and document subtypes that sometimes differed across agencies. Now, rather than having the option of crafting an advanced search from the home page, users must enter terms into the search bar before refining the results.
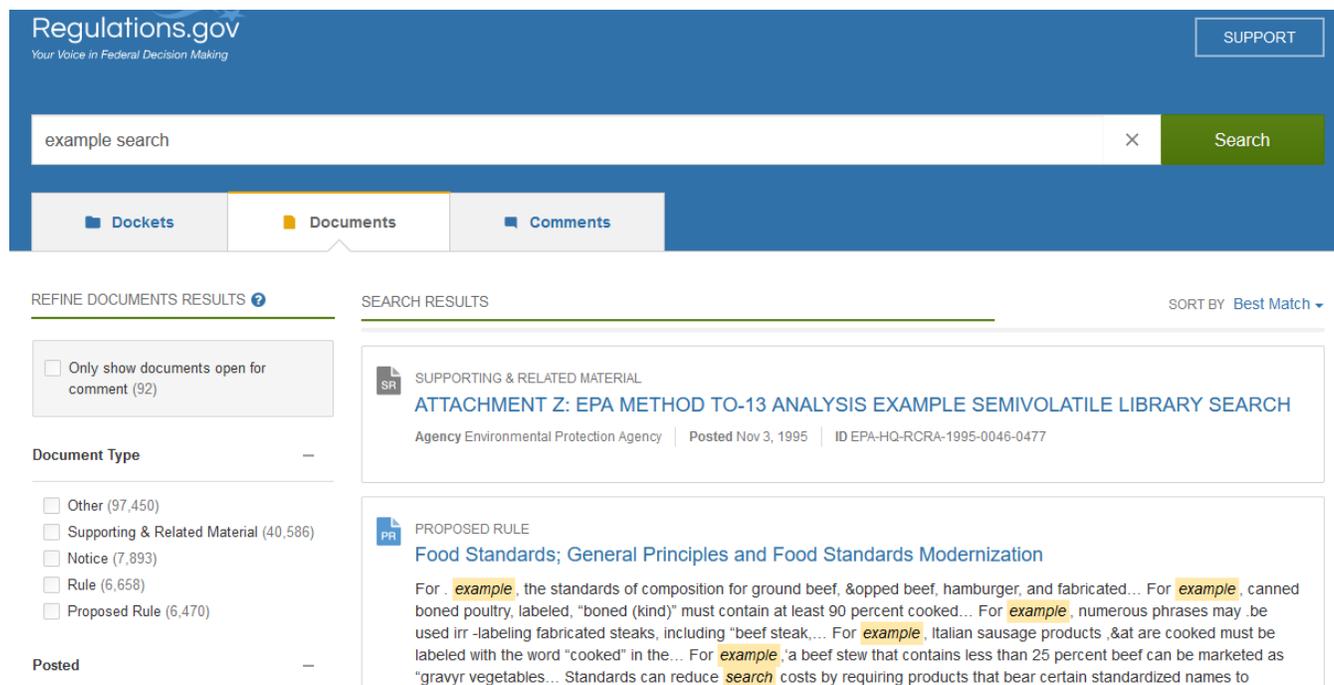

Figure 1: A screenshot of search results on Regulation.gov.

Second, the way users navigate among search results has also changed, as illustrated by the preceding screenshot of search results on Regulations.gov. Initially, searches default to querying the *Documents* tab, showing potentially relevant rules, proposals, notices, and supporting materials. Users can then switch

between the three tabs, depending on whether they are seeking a docket or comment instead. Previously, basic search results all populated to the same place, regardless of whether they were a docket, document, or comment. Further, the options for refining results depend on the search tab—e.g., users can filter by document type (such as notices, rules, or proposed rules) under the *Documents* tab and docket type (rulemaking or nonrulemaking) under the *Dockets* tab. At present, there is no filter for comment types under the *Comments* tab, which represents a loss of functionality from the classic site.

These changes correspond to the shift from emphasizing dockets to documents, since users are directed toward specific documents accepting comments rather than the dockets containing the regulatory documents. Further, it offers a new paradigm for searching for public comments. While public comments were previously classified as a type of document called "Public Submissions," Regulations.gov now distinguishes them as their own category. Comments are now primarily tied to documents instead of dockets. After clicking on a document to get to its *Document Details* page, users can now browse through the comments submitted to that document—e.g., a particular notice of proposed rulemaking. If another document in the docket also receives comments—e.g., a subsequent supplemental notice of proposed rulemaking on the same rulemaking docket—those comments would only show up under the latter document.[1]

Important Advances and Developments

Multiple features represent important improvements to the new Regulations.gov. Overall, the design is more intuitive and is compatible with mobile devices. Further, the new paradigm of emphasizing documents instead of dockets has the potential to create positive effects. For instance, the updated structure could increase clarity on how public comments relate to regulatory actions. By primarily associating comments with particular documents, rather than with a docket, users can better identify which submissions are pertinent to each stage of the rulemaking process. In the past, comments received on multiple documents in a docket were grouped together for browsing. The new paradigm promotes greater clarity on how public comments fit into the notice-and-comment process.

Relatedly, distinguishing searches for documents, dockets, and comments may improve the consistency of search options across agencies. Although each category has different options for refining search results, the category-specific filters remain constant across agencies. This could mitigate the problem of agencies using different document types and subtypes, which generated confusion for users of the classic site's advanced search function.

Another area of improvement relates to submitting public comments. The new site incorporates a standardized comment form, whereas before the site would request different information depending on which agency posted the document open for comment. All commenters must enter content in the comment field and select a way to identify themselves—namely, as an individual, on behalf of an organization, or as anonymous. Each identity category has subsequent fields that populate, which users may be required

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[1] The total number of comments submitted to documents in that docket remains viewable on the Docket Details page, but users can only browse through comments from the Document Details page.

to fill out (e.g., organization name). To the extent that this change makes identity metadata more complete, data quality for researchers and government analyses could improve.

Before finalizing a public submission, users must pass a reCAPTCHA test—another notable feature that permits Regulations.gov to distinguish between human and bot users. Ultimately, this could promote better quality control among public comments and prevent computer-based spam submissions. But automated methods of commenting are not completely eliminated. In addition to commenting through the main website, select users can now submit comments through the Regulations.gov POST API. The prior version of the API only permitted developers to retrieve data (i.e., a GET API).

When the new API was announced last fall, my colleague Zhoudan Xie discussed how "[t]hose who would really benefit from the POST API are perhaps the groups that would submit large batches of comments." In particular, GSA expects advocacy organizations to regularly use the new POST API. Submissions of large numbers of duplicate or similar comments, called mass comment campaigns, are a common phenomenon in agency rulemaking that have received substantial attention, including research on best practices for handling automated comments and mitigating fraudulent comments.

The API documentation points to multiple guardrails that mitigate the misuse of the automated process. First, users must request a key to operate the GET API and retrieve data. Second, to enable commenting through the POST API, users must contact GSA for approval. GSA then has a process for validating organizations requesting access to the POST API. Third, when posting a comment with an attachment, users need submission keys to attach files using the API. Lastly, the POST API is restricted to 500 requests per hour.[2] These updated provisions and specifications may permit organizations to submit mass comment campaigns more easily, while also preventing the API from being overloaded or inviting spam submissions.

Limitations and Suggested Improvements

Despite these positive advances, the revamped Regulations.gov still has limitations. For instance, some features of the classic site are either missing or have new constraints under the current version. One major limitation relates to downloading data on many documents or public comments. Previously, users could download all documents from a docket, including public submissions, through a bulk download feature— a functionality that was valuable for research and analysis. GSA suggests in its FAQs that the ability to download bulk data will be implemented in future updates.

Relatedly, the new API limits the number of pages of results that a user can retrieve from the GET API, although the previous API version did not have this constraint. With a cap of 20 pages and a maximum of 250 results per page, users are effectively limited to retrieving 5000 results per query. In its API documentation, GSA provided a workaround for retrieving all documents on a docket with more than 5000 comments—specifically, demonstrating how to retrieve all 88,061 comments from a Department of Justice docket. Nevertheless, retrieving 88,061 results would require approximately 18 distinct API queries of 5000 documents each. Previously, users only needed to make one query. Further, retrieving all

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[2]   The normal rate limit for the GET API is still 1000 requests per hour: https://api.data.gov/docs/rate-limits/.

comments posted by an agency in a year—a number potentially in the hundreds of thousands—could be even more arduous. These changes make it substantially more difficult for researchers to retrieve data for studying regulatory policy or public participation. GSA should consider extending the page limits on the API and facilitate options for exporting large quantities of data over longer timeframes.

A second important limitation is the lack of options for refining and sorting search results under the *Comments* tab. Currently, users may refine their [comment searches](#) by date posted and agency, and they can only sort the results by date posted or "best match." When public comments were categorized as a type of document on the classic site, the filtering options were more expansive and users could sort the results in additional ways (e.g., commenter name). To enhance the new site's features, GSA should prioritize adding two new filters: 1) one for commenter identity (i.e., Individuals, Anonymous, Organizations), and 2) another for comments with attachments. Such additions are reasonable, as the new site will already be collecting identity information on public submissions, and each comment already has any associated files included on its comment detail page.

Beyond these two limitations, whether the updated Regulations.gov addresses key issues that have been publicly voiced is unclear. According to a 2018 Administrative Conference of the United States [publication](#), the site's most significant problems boil down to difficulty in searching for and accessing dockets, documents, and information on rulemakings. The main examples provided include 1) agencies creating more than one docket for a rulemaking, 2) limitations of the advanced search function, 3) missing supporting documents and information from the Unified Agenda, and lack of operability with other federal databases, such as the [Federal Register](#) and [Reginfo.gov](#).

Some of these issues stem more from problems with agency norms than relate to technical fixes. For instance, the Council on Environmental Quality posted its [proposed rule](#) for updating the National Environmental Policy Act to a separate docket from its previous attempt for [early stakeholder input](#)—the result being that supporting documents and public comments are now located in two different locations. Similarly, inconsistency across agency labeling (e.g., should an ANPRM be [classified](#) as a "Notice" or a "Proposed Rule"?) or agencies failing to post [supporting materials](#) to rulemaking dockets are unlikely to be fixed by updating the Regulations.gov website.

By contrast, problems like lack of functionality with government databases like the Federal Register might partially relate to agency behavior but are also heavily dependent on the restrictions of the underlying network infrastructure. By making document subtypes more consistent the new site partly addresses limitations with refining search results, but some arguably larger problems remain (e.g., search results for a parent agency [do not include](#) their sub-agencies). Time will tell whether the new site is a better baseline for resolving some of these technical limitations.

Looking toward the Future

Modernizing Regulations.gov is an excellent idea. Although GSA's changes thus far are not without problems, the new site demonstrates the government's endeavor to make the public commenting process more transparent and reliable. But so far, the primary benefits from the changes might accrue to infrequent

users searching for a single rulemaking document rather than avid users. Researchers who work with large volumes of public submissions may find it harder to refine their comment searches. API users will encounter new constraints when retrieving data needed to research the notice-and-comment process.

Concerned users who have recommendations for GSA can share feedback through the support page or by emailing the eRulemaking Help Desk. In turn, GSA should actively listen to input, considering the impact on both the average member of the public and researchers who desire more advanced options. Overall, the outcomes of many changes remain to be seen. Time and attention may tell whether they represent advances or regressions. In the meantime, constructive feedback and responses will be essential to achieving a common goal—a more accessible and effective rulemaking process.