

Institute for Policy Integrity

new york university school of law

ACUS Project on Petitions for Rulemaking—Draft Outline¹

1. Importance and History of Petitions for Rulemaking

- a. Constitutional underpinnings in the First Amendment
- b. History of the Administrative Procedure Act (APA) provision on petitions
- c. Academic, judicial, and other views on the importance of petitions (see below for more on research methodologies)
- d. Review of findings from Luneburg's 1986 study on petitions for ACUS
- e. Ongoing/renewed interest in petitions. For example:
 - i. President Obama's "We the People" initiative
 - ii. Connection to sue-and-settle controversy

2. Current Petition Processes, on Paper

- a. Petition-specific statutory requirements. *Methodology:*
 - i. Search U.S.C. for references to petitions.
 - ii. Survey agency officials about non-APA statutes relevant to their petition processes (see below for more on survey).
 - iii. Contrast APA with individual statutory schemes on petitions.
- b. Related legal and formal processes. Will investigate:
 - i. Retrospective review requirements in executive orders and statutes. Will coordinate with Joseph Aldy on ACUS's new Retrospective Review project to consider interconnections without overlapping research efforts.
 - ii. Advisory committees and other formal channels of submission.
 - iii. Petitions for declaratory ruling, e.g., *City of Arlington v. FCC*.
- c. Agency official interpretations and practices. *Methodology:*
 - i. Search C.F.R. for any published regulations on petitions. Search websites of 50+ agencies for references to petition processes or online dockets of petitions. Search Regulatory Agendas for pending regulations on petitions.
 - ii. Survey agency officials on current practices. Start by sending **attached questionnaire** to all government members/liaisons to ACUS, as well as counsel offices for any other agencies without ACUS members that have petitions processes. Request any internal memoranda, guidelines, or directives on petition responses. See also **attached e-mail**, which details our strategies for facilitating agency participation. Note that, as of May 5, 2014, we already have 9 complete responses with several more pending or promised, and we are placing follow-up phone calls to encourage more responses.

¹ This outline does not purport to present New York University School of Law's views, if any.

- iii. Compare: existence of official procedures; last update to procedures; submission instructions; requirements for petition content; specification of review process, criteria, or response time; personnel assigned to petition reviews; other factors.
- d. Contrast current requirements with 1986 findings.

3. Current Petition Process, in Practice

- a. Case law
 - i. *Methodology*: Summarize case law on standards of review; qualitative assessment of outcomes and remedies.
 - ii. Review of failure to respond to petitions: e.g., *TRAC v. FCC*
 - iii. Review of denials of petitions: e.g., *Massachusetts v. EPA*
- b. Submissions, Reviews, and Outcomes. *Methodology*:
 - i. Survey agency officials (see above), including a request for all available copies of petitions received and responses sent since 2005, as well as any other digital records maintained by the agency on petitions.
 - ii. Conduct follow-up interviews with select agency officials for case studies.
 - iii. Survey private stakeholders: start with an open call for comments, sent out to advocacy groups, industry groups, unions, and other stakeholders in the regulatory process, especially those identified as having submitted petitions previously, as well as others culled from Policy Integrity's extensive database of stakeholders in the regulatory process. We hope this call for comments will lead to open-ended follow-up discussions with interested stakeholders. We will also select a few stakeholders who regularly utilize the petition process for more detailed interviews (still within the Paperwork Reduction Act limitations). See ***attached open call and follow-up questionnaire***. As of May 5, 2014, we have already had productive calls with the Center for Science in the Public Interest, a frequent petitioner of the Food and Drug Administration and other agencies.
 - iv. Other channels of submission:
 - 1. Retrospective review: We will again coordinate with Joseph Aldy on the related ACUS project. We will also draw on Policy Integrity's previous work on retrospective review in 2011, during which we catalogued agency efforts at retrospective review and interacted significantly with other stakeholders.
 - 2. Office of Information and Regulatory Affairs (OIRA): we will interview OIRA about its role in the petition process (see below), as well as investigating whether any OIRA prompt letters had origins in public suggestions. As of May 5, 2014, we have scheduled an upcoming interview with OIRA.
 - 3. Informal channels of submission: Besides formal, APA-based petitions and retrospective review, other channels of submission may be more difficult to collect information on, as agencies may not always record informal public suggestions as "petitions." We have begun to address this issue in our initial questionnaire, asking agencies when something counts as a "petition." This issue will be more fully explored in follow-up interviews with select agencies.
 - v. Compare between agencies, and qualitatively assess: frequency of submissions, types and subject matters of submissions, types of petitioners, petition content, stakeholder resources spent on submissions and follow-up, frequency of

responses, response time, agency resources spent on review, frequency of litigation, outcomes of responses and litigations, other key factors.

4. Perspectives on Potential Reforms

- a. Government Views. *Methodology*:
 - i. Solicit opinions in agency questionnaires and follow-up interviews (see above) on: burdensome aspects of the process, agency resource demands and docket prioritization, the role of public comments on petitions, the potential of online tools, improving petition quality and content, the potential for external review of denials, and other possible reforms.
 - ii. Conduct interviews with government entities involved in the regulatory process and regulatory review:
 1. OIRA, on public petitions, the possible role of OIRA in monitoring or reviewing petitions, and the related practice of prompt letters
 2. Small Business Administration Office of Advocacy, especially on connection between petitions and retrospective review
 3. Congressional judiciary committees, especially on the connections between petitions and the alleged “sue-and-settle” controversy
 4. Federal Register and Federal Docket Management System, especially on the potential for online tools to facilitate the petition process.
- b. Stakeholder Views.
 - i. *Methodology*: Open call for comments from public/stakeholders, and conduct select open-ended follow-up interviews with private stakeholders for views on: barriers to petitioning, need for more guidance on requirements or standards of review, potential of online tools, potential for external reviews of denials.
- c. Academic Perspectives. *Methodology*:
 - i. Identify range of views (and consensus, if any) on potential benefits or limitations of the petition process, appropriate role of petitions, and reforms.
 - ii. Draw from literature, e.g.:
 1. Livermore & Revesz’s *Regulatory Review, Capture, and Agency Inaction*—role of cost-benefit analysis and external review of petitions
 2. Sant’Ambrogio’s *Agency Delays*—encouraging timely petition response
 3. Croston’s *Petition is Mightier than the Sword*—connection with guidance documents and explaining low number of petitions
 4. Biber & Brosi’s *Officious Intermeddlers or Citizen Experts?: Petitions and Public Production of Information in Environmental Law*
 5. Rosen’s *Chance for a Second Look: Judicial Review of Petition Denials*
 6. Sunstein on retrospective review and review of agency inaction
 7. Herz on role of technology to improve rulemakings generally
 - iii. Circulate an early draft of the report to key academics, including those listed above, for comments.
- d. Comparative practices, especially those using online tools
 - i. “We the People”: history, processes, outcomes
 1. *Methodology*: Review online information on submissions to date; interview agency, White House, and legislative contacts on views
 - ii. European Citizens’ Initiative: history, processes, outcomes

1. *Methodology*: Review online information on submissions to date; interview Alberto Alemanno (founder of eLabEurope) and Vincent Chauvet (founder of first citizens' initiative)
 - iii. Relevant U.S. state practices
 1. *Methodology*: Draw from Schwartz's *52 Experiments with Regulatory Review*; potentially conduct selected follow-up interviews
5. **Recommendations on Potential Reforms**
 - a. Distill best practices from above.

Administrative Conference of the United States (ACUS) Study:

Introduction

The Administrative Conference of the United States (ACUS) has retained the Institute for Policy Integrity (Policy Integrity) to study the use of petitions for rulemaking and develop best practices for facilitating petition submission and for guiding agency responses. In developing best practices, Policy Integrity will examine how the petition process can be improved to encourage substantive submissions that generate useful information and are easier to review. Policy Integrity will also focus on providing guidance to agencies concerning their responsibilities under the Administrative Procedure Act.

We are studying potential reforms, such as the establishment of minimum requirements for the content of submitted petitions and clear standards for when a petition triggers a formal response. We are also considering the development of a centralized process for the coordination and review of agency responses.

We hope this study will help agencies review and respond to petitions more efficiently, diminish the risk of legal challenges related to petitions, and develop strategies for increasing the usefulness of the petition process.

As part of this study, Policy Integrity is surveying federal agencies for information about current petition practice and views on potential reforms. This information will be helpful as we conduct our study. We hope you will assist us by completing the following survey, or if you are not involved with your agency's petition process, by referring us to the agency contact most involved in the petition process.

In addition, we kindly request copies of all petitions submitted to your agency since 2005 and agency responses thereto, as well as any digital records that your agency maintains on petitions and that you are able to send us. This will enable us to fully understand current practice. Referrals and records should be sent to jason.schwartz@nyu.edu or Policy Integrity, 139 MacDougal Street, Room 317, NY NY 10012.

Please give complete answers to as many of the following questions as possible, ideally by April 30, 2014. Personal opinions will be kept anonymous, but we may use non-specific job titles to describe responses in our final report (i.e., the general counsel or a lawyer at one agency said "XYZ").

Thank you for your time and assistance with this important study. Please feel free to contact us with any questions.

Sincerely,

Jason Schwartz
Legal Director
Policy Integrity

Administrative Conference of the United States (ACUS) Study:

Contact Information

Personal opinions will be kept anonymous.

1. Please provide the following information:

Name	<input type="text"/>
Agency	<input type="text"/>
Title	<input type="text"/>
Phone Number	<input type="text"/>
Email Address	<input type="text"/>

Administrative Conference of the United States (ACUS) Study:

Current Petition Practice

Please quantify to the extent possible (or, if no quantitative data exists, please approximate to the best of your ability and mark the answer as an estimate):

2. How many petitions your agency received in each of the following years:

2005	<input type="text"/>
2006	<input type="text"/>
2007	<input type="text"/>
2008	<input type="text"/>
2009	<input type="text"/>
2010	<input type="text"/>
2011	<input type="text"/>
2012	<input type="text"/>
2013	<input type="text"/>

3. How many petitions your agency granted in each of the following years:

2005	<input type="text"/>
2006	<input type="text"/>
2007	<input type="text"/>
2008	<input type="text"/>
2009	<input type="text"/>
2010	<input type="text"/>
2011	<input type="text"/>
2012	<input type="text"/>
2013	<input type="text"/>

Administrative Conference of the United States (ACUS) Study:

4. How many petitions granted in each of the following years have since resulted in a final rule:

2005	<input type="text"/>
2006	<input type="text"/>
2007	<input type="text"/>
2008	<input type="text"/>
2009	<input type="text"/>
2010	<input type="text"/>
2011	<input type="text"/>
2012	<input type="text"/>
2013	<input type="text"/>

5. How many petitions your agency denied in each of the following years:

2005	<input type="text"/>
2006	<input type="text"/>
2007	<input type="text"/>
2008	<input type="text"/>
2009	<input type="text"/>
2010	<input type="text"/>
2011	<input type="text"/>
2012	<input type="text"/>
2013	<input type="text"/>

6. How many petitions were submitted in the following years but have not been acted upon by your agency:

2005	<input type="text"/>
2006	<input type="text"/>
2007	<input type="text"/>
2008	<input type="text"/>
2009	<input type="text"/>
2010	<input type="text"/>
2011	<input type="text"/>
2012	<input type="text"/>
2013	<input type="text"/>

7. How many petitioners have filed suit for failure to respond since 2005:

Administrative Conference of the United States (ACUS) Study:

8. On average, how long after a petition is submitted do petitioners:

State informally their intent to sue for failure to respond

Give formal notice of intent to sue for failure to respond

9. What percentage of your agency's rulemaking docket consists of

Scheduled or otherwise mandatory rulemaking

Discretionary rulemaking

Administrative Conference of the United States (ACUS) Study:

Statutory Requirements

10. What is your agency's interpretation of its obligations to accept and act on rulemaking petitions under § 553(e) of the Administrative Procedure Act (APA)?

11. Other than the APA, are there any statutory requirements that impact your petition process?

Administrative Conference of the United States (ACUS) Study:

Agency Review Process

12. Please explain in detail your procedure for processing and reviewing petitions. If possible, please send copies of any manuals, internal memoranda, guidelines, orders or directives to staff describing these procedures to jason.schwartz@nyu.edu or Policy Integrity, 139 MacDougal Street, Room 317, NY NY 10012.

13. Please explain any published or official procedures regarding petitions and how these procedures were developed.

14. Please describe any aspects of the petition process that your agency considers burdensome.

15. Please describe how your agency decides whether to grant a petition.

Administrative Conference of the United States (ACUS) Study:

16. Please rank the importance of the following factors in deciding what action to take on a petition (with 1 being the most important and 4 being the least important):

	1	2	3	4
Merits of the petition (e.g., efficiency, effectiveness, fairness and feasibility)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Agency resources and priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Whether the action sought by petition is legally mandated	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Political factors or stakeholder/public acceptance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer and identify any other considerations and their respective ranks.

17. What information is useful in evaluating the merits of a petition?

Agency Review Process

18. Are stakeholders or anyone outside the agency consulted during your agency's decision-making on petitions?

- Yes
- No

Administrative Conference of the United States (ACUS) Study:

Agency Review Process

If you answered "no" to #18, skip #19 and 20

19. Whom does your agency consult?

20. How does your agency determine whom to consult?

Agency Review Process

21. If your agency had more resources, would devoting those resources to petition review be a

Low Priority	Medium Priority	High Priority
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain why

22. Please list the titles or job series of all agency staff members involved in the petition process, describe each staff member's role in process, and estimate what percentage of each staff member's time is spent on petitions as opposed to other agency business.

Online Submissions

23. Does your agency allow online submissions of petitions?

- Yes
- No

Administrative Conference of the United States (ACUS) Study:

Online Submissions If you answered "yes" to #23, skip #24

24. Do you think online submissions would improve your agency's petition process?

Yes

No

Please explain your answer

Administrative Conference of the United States (ACUS) Study:

Online Submissions If you answered "no" to #23, skip #25 and 26

25. Where online are petitions submitted?

26. How have online submissions affected the quality of petitions?

Tracking Petitions

27. Can petitioners and/or the public track the progress of a petition?

- Yes
- No

If yes: How?

28. Are petitions posted online?

- Yes
- No

If yes: Where?

Public Comment

29. Does your agency seek public comments on petitions?

- Yes
- No

Administrative Conference of the United States (ACUS) Study:

Public Comment If you answered "no" to #29, skip #30 and 31

30. How does your agency seek public comments on petitions?

- Federal Register Notice
- Online Posting
- Solicitation of Specific Stakeholders
- Informal Conversations

Other (please specify)

31. Are comments on pending petitions valuable to your agency's decision whether to grant a petition?

Administrative Conference of the United States (ACUS) Study:

Petition Content

32. Please describe the minimum content one must include in a petition to receive an agency response (i.e., for the “petition” to be considered a petition under the APA).

33. Please describe the quality of the petitions you currently receive.

34. Approximately how often do petitions:

	Never	Rarely (less than 25%)	Sometimes (25% - 50%)	Often (51% - 75%)	Always or almost always (76% - 100%)
Rely on reports, scientific studies, or other empirical data?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If precise % is available, please note that here:	<input type="text"/>				
Include at least a rudimentary cost-benefit analysis (including more sophisticated analyses)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If precise % is available, please note that here:	<input type="text"/>				
Include detailed cost-benefit analysis?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If precise % is available, please note that here:	<input type="text"/>				

Petition Denials

35. What occurs after a petition is denied?

36. How are petitioners given notice of denial?

37. Are petitioners given reasons for the denial?

- Yes
- No

38. Is there opportunity for reconsideration?

- Yes
- No

39. Since 2005, how many petition denials have led to litigation?

Petition Grants

40. At what point does your agency consider a petition for rulemaking granted?

- When the agency notifies petitioner of the agency's intent to take action
- When a proposed rule has been published
- When a final rule has been published
- When a final rule takes effect

Other (please specify)

41. What occurs after a petition is granted? Please describe the steps your agency takes to turn a granted petition into a proposed rule.

Administrative Conference of the United States (ACUS) Study:

Ideas for Improvement

42. How useful is the current petition process to your agency? What, if anything, limits the value of petitions?

43. Please describe how you would improve the petition process.

44. Should the petition process be more accessible to the public?

Yes

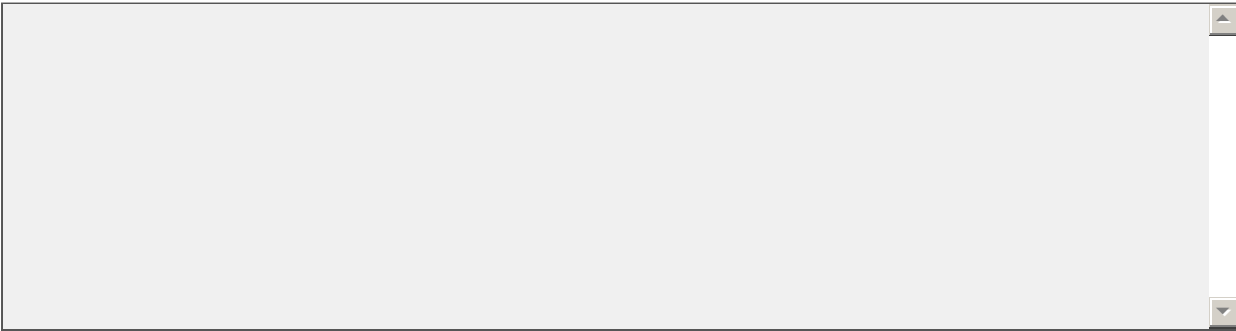
No

Why or why not? If you answered "yes": How can the process be made more accessible?

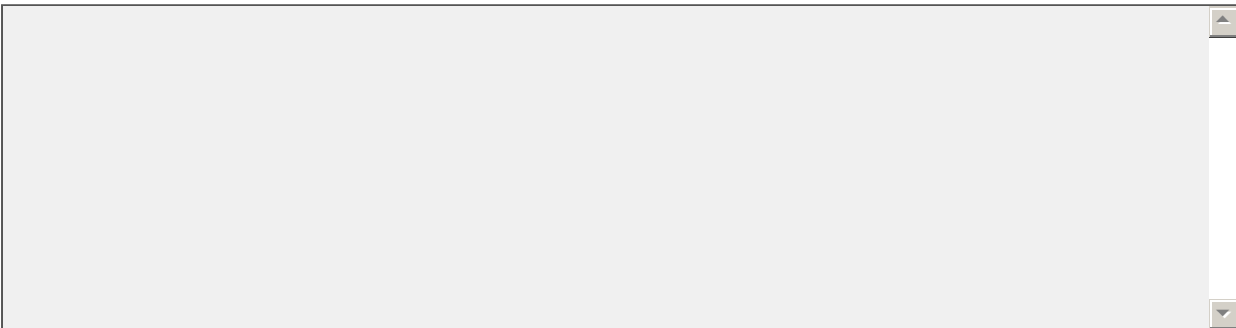
Administrative Conference of the United States (ACUS) Study:

45. In a process that is separate from APA or statute-based petitions for rulemaking, President Obama’s We the People initiative (www.petitions.whitehouse.gov) seeks to encourage the petitioning of government. It permits anyone to submit a “petition” on a range of policy issues. If a “petition” receives 100,000 signatures in 30 days, the White House releases a formal response.

Please describe your views on the potential benefits and drawbacks of this type of petition process. Are there any principles or ideas (e.g., a supporter threshold for prioritizing the review of petitions) from We the People that should be incorporated into agency petition processes?



46. What are your views on the potential for external review of petition denials? For example, allowing for review by the Office of Information and Regulatory Affairs (OIRA) of petitions that contain a detailed cost-benefit analysis.



Additional Comments

47. Do you have any other comments, questions, or concerns?

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Emily Bremer

Subject: FW: ACUS/Policy Integrity Questionnaire on Petitions for Rulemaking

----- Forwarded message -----

From: **Jason Schwartz** <jason.schwartz@nyu.edu>

Date: Thu, May 1, 2014 at 10:00 AM

Subject: ACUS/Policy Integrity Questionnaire on Petitions for Rulemaking

To:

Cc: Adam B Shamah <abs572@nyu.edu>, Gabriel G Gomez <ggg227@nyu.edu>

A few weeks ago, we sent an e-mail regarding a study commissioned by the Administrative Conference of the United States, aimed at analyzing [the use of petitions for rulemaking](#) and developing best practices to facilitate petition submission and guide agency responses. By surveying federal agencies for information on current petition practices and views on potential reforms, we hope to help agencies review petitions more efficiently, diminish the risk of legal challenges, and develop strategies for increasing the usefulness of the petition process.

We understand that federal agencies have tremendous demands on their time and limited resources. We are writing now to try to facilitate the completion of our survey, to allow as many agencies as possible the chance to participate in our study with minimal time commitments.

To that end, a few clarifications:

- **Partial responses are appreciated:** Please feel free to send answers to whatever questions are most relevant to your agency's experience with petitions and are easiest to respond to. If the more factual questions are easiest to address, feel free to send along that data first, and follow up with the opinion questions if and when you have time later. For other agencies, opinion questions may be easiest to address first.
- **Official, "on the record" agency responses are not necessary:** Especially for the opinion questions, we are not necessarily looking for a formal or official agency response; indeed, there might not be one. Personal opinions from agency officials involved in the petition process are perhaps even more useful. Personal opinions will be kept anonymous.
- **Informal phone interviews are available as an alternative:** If it would help your agency to conduct the interview more informally and by phone rather than in writing, please let us know, we are happy to set up a time to talk at your convenience.
- **Negative responses are appreciated:** If your agency has had no significant experience with the public petition for rulemaking process, it is still incredibly helpful for us to know that. Please feel free to send a simple e-mail explaining your agency's limited or lack of experience with petitions, and any brief views on whether you think receiving more petitions from the public would be beneficial or unnecessary.
- **If you need more time, please let us know:** Our original proposed deadline was admittedly ambitious. If your agency just needs a little more time to complete the survey, please let us know.

The full survey is available at the link below. The welcome screen contains additional details about the project and requested materials. To access the survey, input "policyintegrity13" in the password field. Respondents will be able to revisit the survey to edit their responses before submission, so long as the survey is accessed from the same computer and cookies are enabled. Alternatively, we have attached a PDF of the survey questions for your convenience and will also accept responses in a PDF or Word format. Multiple submissions of personal opinions from different agency officials with different perspectives on the petition process are also

encouraged. Personal opinions will be kept anonymous.

Survey Link: <https://www.surveymonkey.com/s/V65VD3N>

Password: policyintegrity13

Please let us know if you are able to help or if you have any questions. Thank you for your time and assistance with this important study.

Sincerely,

Jason Schwartz, Legal Director

Gabriel Gomez and Adam Shamah, Research Associates

Institute for Policy Integrity at NYU School of Law

Jason A Schwartz

Legal Director, Institute for Policy Integrity

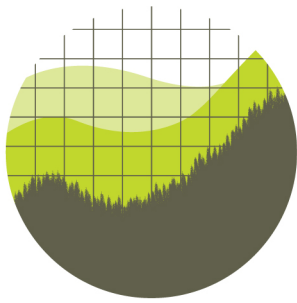
Adjunct Professor, New York University School of Law

139 MacDougal Street, Wilf Hall Rm. 317, New York, NY 10012

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www.policyintegrity.org

[!\[\]\(799877f5c2f906134441300079881630_img.jpg\) Follow Policy Integrity on Twitter](#)



Institute for Policy Integrity

new york university school of law

Public/Stakeholder Call for Comments

The Administrative Conference of the United States (ACUS) has retained the Institute for Policy Integrity¹ to study the use and potential of petitions for rulemaking. Petitions for rulemaking, if used effectively, can improve government's implementation of public policy and responsiveness to its citizens.

Policy Integrity is studying current petition practice, with the goal of discerning best practices to encourage substantive petitions and improve agency response. Potential reforms include increasing transparency of agency petition procedures, setting minimum standards for when a petition triggers a formal response, and implementing Office of Information and Regulatory Affairs (OIRA) review of agency responses. We are particularly interested in understanding the value of the petition process, current barriers to effective petitioning, and ways to reform the petition process.

Policy Integrity is accepting public comment on the current petition process and on potential reforms. Please send any comments to: [EMAIL ADDRESS]. Please feel free to forward this request for comments onto other stakeholders in the regulatory process that may be interested. We will consider these comments as we compile our report and make recommendations.

Private Stakeholder Questionnaire [for 9 or fewer stakeholders active in the petition process]

The Administrative Conference of the United States (ACUS) has retained the Institute for Policy Integrity² to study the use and potential of petitions for rulemaking. Petitions for rulemaking, if used effectively, can improve government's implementation of public policy and responsiveness to its citizens.

Policy Integrity is studying current petition practice, with the goal of discerning best practices to encourage substantive petitions and improve agency response. Potential reforms include increasing transparency of agency petition procedures, setting minimum standards for when a petition triggers a formal response, and implementing Office of Information and Regulatory Affairs (OIRA) review of agency responses. We are particularly interested in understanding the value of the petition process, current barriers to effective petitioning, and ways to reform the petition process.

¹ The Institute for Policy Integrity is a non-partisan think tank housed at NYU School of Law and dedicated to improving the quality of government decisionmaking through advocacy and scholarship in the fields of administrative law, economics, and public policy.

² The Institute for Policy Integrity is a non-partisan think tank housed at NYU School of Law and dedicated to improving the quality of government decisionmaking through advocacy and scholarship in the fields of administrative law, economics, and public policy.

Policy Integrity is surveying stakeholders who have actively participated in petition process for their views on current petition practice and potential reforms. This information will be helpful as we conduct our study. We hope you will assist us by completing the survey below.

In addition, we kindly request copies of all petitions [ORGANIZATION] has submitted to an agency since 2005 and agency responses thereto. This will enable us to fully understand current practice.

1. Please quantify to the extent possible (or, if no quantitative data exists, please approximate to the best of your ability and mark your answer as an estimate):
 - a. How many petitions you have submitted in each of the following years:
 - i. 2005
 - ii. 2006
 - iii. 2007
 - iv. 2008
 - v. 2009
 - vi. 2010
 - vii. 2011
 - viii. 2012
 - ix. 2013
 - b. If specific numbers are not available, which of the following best describes the frequency of submitted petitions:
 1. Frequent – More than one per year
 2. Often – About one per year
 3. Sometimes – Have petitioned at some point in your organization’s history
 4. Never – Your organization has not submitted a petition
2. If possible, please provide copies of petitions you have submitted and agency responses thereto. If copies are not available, please estimate
 - i. How many of your petitions have been
 1. Granted.
 2. Denied.
 3. Not acted upon.
 - ii. The agency’s average response time (if you have submitted petitions to more than one agency, separately indicate each agency’s average response time).
 - iii. What percentage of your petitions since 2005 have asked an agency to
 1. Promulgate a new rule?
 2. Amend an existing rule?
 3. Rescind an existing rule?
3. To which agencies have you submitted petitions since 2005?
4. Please describe the subject matter of your petitions since 2005.
5. Which, if any, of the following methods have you used to follow up with an agency after submitting a petition? *Please elaborate on specific examples.*
 - a. Contacting agency formally
 - b. Contacting agency informally
 - c. Contacting other Executive Branch officials/bodies
 - d. Contacting members of Congress or Congressional staff
 - e. Threatening litigation
 - f. Initiating litigation

- g. Making statements to the media
- 6. How do you value the ability to litigate?
- 7. What type of analysis have you included in petitions? *Please describe specific examples.*
 - a. Is it clear what content agencies require in petitions?
 - b. How do you decide what arguments and data to include in a petition?
 - c. Please describe any examples of agencies requesting additional information.
- 8. Please identify any barriers to petitioning and suggest improvements to the petition process. Describe how your participation in the petition would change if your suggested improvements were implemented.
- 9. Should the petition process be moved online?
- 10. Would you invest more resources in petitioning if agencies were required to conduct cost-benefit analysis of petitions that satisfy certain criteria (e.g., contains credible cost-benefit analysis) or if petition denials were subject to additional Executive Branch review??
- 11. Please describe your views on the potential for external review of petition denials? For example, allowing for review by the Office of Information and Regulatory Affairs (OIRA) of petitions that contain a detailed cost-benefit analysis.