

PRESIDENTIAL EXECUTIVE ORDER 12866

REGULATORY PLANNING AND REVIEW (September 30, 1993)

INTRODUCTION:

“The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves health, safety, environment, and wellbeing and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory policies that respect the role of state, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a system today.”

section I (b)(9)

“Wherever feasible, agencies shall seek views of appropriate state, local and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of federal regulations on state, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize federal regulatory actions with related state, local and tribal regulatory governmental functions.”

Section 5(b)

“State, local and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.”

Section 6 (a)(1)

“In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those who are expected to be burdened by any regulation (including, specifically, state, local and tribal officials). . . . Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rule making.”

Federal agencies, if not through a sense of moral obligation or a gesture of common courtesy, are required by law to cooperate with local county governments in the development of Federal policies, programs, plans, and projects that may affect local governments, their communities, or their citizens. Local governments that seek opportunities for cooperative engagement with Federal agencies may not have the information easily accessible and likely do not have the time for research. Developed over the past 30 years, this document is intended to help bridge the gap between Federal agencies and local governments for successful, meaningful, and positive partnerships. Your success is dependent on your willingness to engage and stay engaged and to acquire the knowledge for informed decision making. This document provides a roadmap for that success.