



**OREGON
DEPARTMENT OF
AGRICULTURE**

Rulemaking at ODA

The process of creating or changing regulations is called rulemaking.

Administrative rules are like instructions from a government agency. They set standards and explain how to follow the law.

These rules are made by different government bodies, and they can be created, changed, or removed either temporarily or permanently.

Typical rulemaking process

Rulemaking initiated - Legislature, ODA staff, or public petition

Rules drafted - draft rules presented to a rules advisory committee one or more times

Rules published for public comment - available in the OR Bulletin, ODA rulemaking website, and ODA rulemaking email list.

Public hearing and written comments - opportunity for public to provide verbal or written comments by the deadline.

Director review - reviews comments and makes determination on any changes to proposed rules.

Final rules published - permanent rules filed with Secretary of State and process is complete.

Public participation in ODA rulemaking

Rules Advisory Committee (RAC)

A group of subject matter experts to advise ODA. A RAC consists of industry members and other interested parties. They look at draft rules and give feedback, especially on possible fiscal impacts related to the changes.

Public Comment

When draft language for a rule is available for public comment, it is published in the Oregon Bulletin (managed by the Oregon Secretary of State) and on the ODA website. It is also emailed to the ODA rulemaking notice list. Important details about the proposed rule(s) will be included, such as:

- Brief description of the rulemaking,
- Copy of the proposed rule text,
- Contact information for the rulemaking,
- Date, time, and location of the public hearing(s), and
- Public comment deadline and the process to submit comments.

Petitioning

The public can suggest new rules or changes by submitting a request. For the request to be considered, it must include specific legally required information. See below for more information.

Petitioning ODA to initiate rulemaking

Full requirements - OAR 137-001-0070

The request must include the petitioner's name, address, and the names of anyone else the petitioner knows is concerned about the rule. The request should be legible, signed by the petitioner or someone representing them, and should provide a detailed statement covering the following points:

- The rule that the person making the request wants the agency to repeal.
- Enough clear facts or arguments to explain why they think the rule should be repealed and what the consequences of repealing it would be.
- If the person making the request asks for the removal of a current rule, their petition should also include comments on the following:
 - Options to reach the existing rule's main goals while reducing the negative economic impact on businesses,
 - The continued need for the existing rule,
 - The complexity of the existing rule,
 - How much does the current rule repeat, or conflict with other state or federal rules, as well as local government regulations, and
 - How much have technology, economic situations, or other factors changed in the subject area influenced by the current rule since the agency first introduced the rule.

For more details or to join the ODA rulemaking email list, visit: <https://oda.direct/Rulemaking>



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