

**The George Washington University  
Trachtenberg School of Public Policy and Public Administration**

**PPPA 6056: Regulatory Comment Clinic**

Spring 2025, Tuesdays 6:10 – 8:00 PM  
Media & Public Affairs 309

**Professors:** Susan E. Dudley: 202-994-0150, [sdudley@gwu.edu](mailto:sdudley@gwu.edu)  
Christine Kymn, PhD, JD  
805 21<sup>st</sup> Street NW, Room 626  
Washington, D.C. 20052

Student hours Tuesdays 4-6 PM, and by appointment

**Summary:** Regulation is one of the most important mechanisms by which the federal government sets policy. In this course, students engage in the federal regulatory process, analyzing an active regulation and filing public comments (from a public interest perspective) with a federal agency.

**Readings:** Susan E. Dudley & Jerry Brito, [\*Regulation: A Primer\*](#). The George Washington University and Mercatus Center 2012.

Other assigned readings will be made available on Blackboard or the Internet. Students will also read – in their selected area of interest – agency regulatory proposals and supporting material, and public comments filed with agencies.

**Learning objectives:**

- **Understand** how regulations are developed.
- **Explore** how regulation can serve the public interest, and how to determine when a regulatory proposal might not.
- **Gather information** from government and other sources to evaluate a specific regulatory proposal in your area of interest.
- **Analyze**, quantitatively and qualitatively, the likely impacts of selected regulation.
- **File comments** from the perspective of the public interest on an active regulatory proposal.
- **Effectively present** your findings succinctly in a mock administrative hearing.
- **Draft a short newspaper commentary (op-ed)** that communicates your analysis to a general audience.

**Course format:**

- **Practical lectures** on regulatory theories, the regulatory development process, and regulatory analysis.
- **Guest lectures** from faculty and practitioners involved in setting regulatory policy.
- **Workshops** on effectively communicating legal, economic, and policy ideas through different media.
- **Mock hearings** where students present their arguments regarding their selected regulation.
- Preparation of **public comments** on current regulatory proposals filed on the public record.
- **Op-eds** based on student’s analysis.

**Grading:**

Weekly Questions	5%
Memo	10%
Comment outline	10%
Mock hearing	15%
Op-ed	15%
Public interest comment	45%

**Attendance policy:** It is important that you attend all classes, arrive on time, watch recorded lectures (when appropriate), and read the assigned material before class so that you may contribute your insights to the class discussion and learn from the insights of other students. In the event that we conduct class virtually, we encourage you to keep your camera on during our live sessions whenever possible. If you must miss a class, please send us an email in advance of the class to let us know that you will be absent. Attendance as such will not be graded but it is unlikely that you will do well in the graded assignments without regular attendance in class.

**Course Effort:** Across the 15-week semester, students should expect to devote 7.5 hours per week to this class. This total includes a two-hour class session each week, as well as an *average* of 5.5 hours of out-of-class time spent on assigned reading, class preparation, and assignments. Some weeks will entail less reading than others, and the major written assignments are due at the end of the semester, so getting ahead on assignments earlier in the semester will help you manage your time towards the end.

## Class Schedule & Assignments

<ul style="list-style-type: none"> <li>● <b>Introduction: What is regulation, and why do we do it?</b></li> <li>● <a href="#">Regulation: A Primer</a>, Ch. 1-2</li> <li>● OMB, <a href="#">2020, 2021 and 2022 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act</a>. October 2023. pp 1-22.</li> <li>● <a href="#">Executive Order 12866</a>, Regulatory Planning and Review. September 1993.</li> <li>● Susan Dudley, <a href="#">Exploring Regulatory Capture’s Unanswered Questions</a>, Penn Regulatory Review. July 4, 2016.</li> <li>● Bruce Yandle, “<a href="#">Bootleggers and Baptists in Retrospect</a>,” Regulation, Vol. 22, No. 3 (1999).</li> <li>● George J. Stigler, <a href="#">The Theory of Economic Regulation</a>, The Bell Journal of Economics and Management Science, Vol. 2, No. 1 (Spring, 1971), pp. 3-21</li> <li>● Rachel Handler, “<a href="#">What the Hole is Going On?</a> The very real, totally bizarre bucatini shortage of 2020.” New York magazine. December 28, 2020.</li> </ul>	1/14
<p><b>1. Administrative Law Overview</b></p> <ul style="list-style-type: none"> <li>● <a href="#">Regulation: A Primer</a>, Ch. 3</li> <li>● Congressional Research Service, <i>A Brief Overview of Rulemaking and Judicial Review</i>. <a href="https://fas.org/sgp/crs/misc/R41546.pdf">https://fas.org/sgp/crs/misc/R41546.pdf</a></li> <li>● The Chevron Two-Step (video &amp; lyrics on YouTube) <a href="https://www.youtube.com/watch?v=uHKujqyktJc">https://www.youtube.com/watch?v=uHKujqyktJc</a></li> <li>● CRS Report on Chevron: <a href="https://fas.org/sgp/crs/misc/R44954.pdf">https://fas.org/sgp/crs/misc/R44954.pdf</a> (selected pages: Summary (no page #), What is Chevron Deference? (pp 1-4), Issues to Consider (pp 22-26).</li> <li>● CRS Report: <a href="#">Supreme Court Addresses Major Questions Doctrine and EPA’s Regulation of Greenhouse Gas Emissions</a> July 12, 2023</li> <li>● CRS Report: <a href="#">Supreme Court Overrules Chevron Framework</a> 6/28/2024</li> <li>● Susan Dudley, <a href="#">Chevron is Overruled</a> 7/1/2024</li> <li>● Cass R. Sunstein, Cost-Benefit Analysis and Arbitrariness Review, <a href="https://harvardelr.com/wp-content/uploads/sites/12/2015/10/Sunstein.pdf">https://harvardelr.com/wp-content/uploads/sites/12/2015/10/Sunstein.pdf</a> (pp 1-19)</li> </ul>	1/21
<p><b>2. The Regulatory Process: How is the sausage made?</b></p> <ul style="list-style-type: none"> <li>● <a href="#">Regulation: A Primer</a>, Ch. 4-5</li> <li>● Maeve Carey, <a href="#">The Federal Rulemaking Process: An Overview</a>, CRS No. RL32240, June 17, 2013.</li> <li>● Maeve Carey, <a href="#">An Overview of Federal Regulations and the Rulemaking Process</a>, CRS IF10003, January 2019.</li> <li>● Office of Federal Register, “<a href="#">Guide to the Rulemaking Process</a>.”</li> <li>● Susan Dudley, “OIRA &amp; the Durability of Regulatory Oversight,” <i>Regulation and Governance</i>, 2020 (Blackboard).</li> <li>● Sally Katzen, “OIRA at Thirty: Reflections and Recommendations,” <i>Administrative Law Review</i>, 2011 (Blackboard).</li> </ul>	1/28

<ul style="list-style-type: none"> <li>● <a href="#">OIRA meetings guidance</a>, December 2023.</li> <li>● E.O. 14094, <a href="#">Modernizing Regulatory Review</a>, April 2023.</li> </ul>	
<p><b>3. Market Processes &amp; Regulation</b></p> <ul style="list-style-type: none"> <li>● <i>Regulation: A Primer</i>, Ch. 6-7</li> <li>● Ellig &amp; Lin, Taxonomy of Dynamic Competition Theories pp 11-23 (Blackboard)</li> <li>● Michael Munger, <i>Analyzing Policy</i>, pp. 54-72 (Blackboard)</li> <li>● Richard Stroup, <i>Eco-nomics: What Everyone Should Know about Economics and the Environment (Second Edition)</i>. Chapter 3, “Rights: How Property Rights and Markets Replace Conflict with Cooperation” pp 25–44 (Blackboard)</li> <li>● OIRA <a href="#">Regulatory Impact Analysis Checklist</a> (2010) (Blackboard)</li> <li>● <b>Begin to look for your regulation</b> (We’ll spend part of this class and next navigating resources to identify the rules you’ll select for comment. See “4. Finding Regulatory Information” on Blackboard.)</li> </ul>	2/04
<p><b>4. Regulatory Analysis I: Need for Regulation &amp; Alternatives</b></p> <ul style="list-style-type: none"> <li>● <i>Regulation: A Primer</i>, Ch. 8-9</li> <li>● Keech, Munger &amp; Simon. “Markets and Government: Realizing the Promise of Gains from Exchange and Cooperation” (2012) (Blackboard)</li> <li>● OIRA Regulatory Impact Analysis: <a href="#">A Primer</a> (2011)</li> <li>● OIRA Regulatory Impact Analysis FAQs (2011)</li> <li>● <a href="#">OMB Circular A-4</a>, “Regulatory Analysis,” November 2023 (pp 1-27); and <a href="#">OMB Circular A-4 (2003)</a>, Section A. Introduction and Section B. The Need for Regulatory Action.</li> <li>● Dudley et al, “<a href="#">Consumer’s Guide to Regulatory Impact Analysis: Ten Tips for Being an Informed Policymaker</a>,” <i>J. Benefit-Cost Analysis</i> (2017)</li> </ul>	2/11
<p><b>5. Regulatory Analysis II: Benefit-Cost Analysis</b></p> <ul style="list-style-type: none"> <li>● Brian Mannix, <a href="#">Benefit-Cost Analysis as a Check on Administrative Discretion</a>, Supreme Court Economic Review. Vol 24, No. 1 (2016) (Blackboard)</li> <li>● <a href="#">OMB Circular A-4</a> (Read: 27-40, 57-65, 67-77, 82-93; Skim detailed sections in between, as you may come back to them in your analysis)</li> <li>● <i>Additional readings may be assigned.</i></li> </ul>	2/18
<p><b>POLICY MEMO DUE</b></p>	<b>2/20</b>
<p><b>6. Workshop – Effective Engagement in the Regulatory Process</b></p> <ul style="list-style-type: none"> <li>● Regulations.gov, “Tips for Submitting Effective Comments.” (Blackboard)</li> <li>● Jerry Ellig, “A Guide to Writing Public Interest Comments Using Economic Analysis” (Blackboard)</li> <li>● Come with questions about your comment and be prepared to discuss your RIA.</li> <li>● Brookings: “<a href="#">How to effectively comment on regulations</a>”</li> <li>● Gary S. Becker, <a href="#">A Theory of Competition Among Pressure Groups for Political Influence</a>, The Quarterly Journal of Economics , Aug., 1983, Vol. 98, No. 3 (Aug., 1983), pp. 371-400</li> </ul>	2/25

<ul style="list-style-type: none"> <li>We'll also talk about expectations for mock testimony &amp; op-ed. (We encourage you to read ahead to class 10 Tips—both are short.)</li> </ul>	
<p><i>The focus of classes 8 &amp; 9 will depend on class interests and regulations chosen, and may have guest lecturers with additional readings assigned. For class 10, start reading the editorial pages of your favorite newspapers and bring in op-eds on regulation to share in class.</i></p>	
<p><b>7. Guest – TBD</b></p>	3/04
<p>SPRING BREAK</p>	
<p><b>8. Guests – TBD</b></p> <ul style="list-style-type: none"> <li>Lea Mosena, Deputy Assistant Director, Regulatory Administration &amp; Program Development, Office of Regulations, Consumer Financial Protection Bureau,</li> <li>Amber Jessup, Chief Healthcare Economist in the Department of Health and Human Services (HHS) - Office of the Inspector General (OIG).</li> </ul>	3/18
<p><b>COMMENT OUTLINE DUE</b></p>	<b>3/21</b>
<p><b>9. Workshop – Working with the media</b> (Guest: Amber Palmer-Halma) <b>VIRTUAL</b></p> <ul style="list-style-type: none"> <li>Reading packet on writing op-eds (Blackboard)</li> <li>Read the newspapers for op-eds and articles on regulation.</li> </ul>	3/25
<p><b>10. Legislators' Perspective</b> (Guests: Maeve Carey, PhD, CRS; Anthony Papian, Senate; &amp; Daniel Flores, House)</p> <ul style="list-style-type: none"> <li><a href="#">Tips for Nailing your Congressional Testimony</a></li> <li><a href="#">Twelve Tips for Testifying before Congress</a></li> </ul> <p>This will be interactive. Come with questions for our guests!</p>	4/01
<p><b>TESTIMONY DUE</b></p>	<b>4/04</b>
<p><b>11. Mock hearing</b></p> <ul style="list-style-type: none"> <li>Each “witness” will offer 5-minutes of testimony and answer questions from two “members.”</li> </ul>	4/08
<p><b>12. Mock hearing</b></p>	4/15
<p><b>13. Course wrap up</b></p>	4/22
<p><b>OP-ED AND COMMENT DUE</b></p>	<b>5/02</b>

## **University policies**

### **Academic Integrity Code**

Academic integrity is an essential part of the educational process, and all members of the GW community take these matters very seriously. As the instructor of record for this course, my role is to provide clear expectations and uphold them in all assessments. Violations of academic integrity occur when students fail to cite research sources properly, engage in unauthorized collaboration, falsify data, and otherwise violate the [Code of Academic Integrity](#). If you have any questions about whether particular academic practices or resources are permitted, you should ask me for clarification. If you are reported for an academic integrity violation, you should contact Conflict Education and Student Accountability (CESA), formerly known as Student Rights and Responsibilities (SRR), to learn more about your rights and options in the process. Consequences can range from failure of assignment to expulsion from the University and may include a transcript notation. For more information, refer to the CESA website at [students.gwu.edu/code-academic-integrity](https://students.gwu.edu/code-academic-integrity) or contact CESA by email [cesa@gwu.edu](mailto:cesa@gwu.edu) or phone 202-994-6757.

### **University policy on observance of religious holidays**

Students must notify faculty during the first week of the semester in which they are enrolled in the course, or as early as possible, but no later than three weeks prior to the absence, of their intention to be absent from class on their day(s) of religious observance. If the holiday falls within the first three weeks of class, the student must inform faculty in the first week of the semester. For details and policy, see [provost.gwu.edu/policies-procedures-and-guidelines](https://provost.gwu.edu/policies-procedures-and-guidelines).

### **Use of Electronic Course Materials and Class Recordings**

Students are encouraged to use electronic course materials, including recorded class sessions, for private personal use in connection with their academic program of study. Electronic course materials and recorded class sessions should not be shared or used for non-course related purposes unless express permission has been granted by the instructor. Students who impermissibly share any electronic course materials are subject to discipline under the Student Code of Conduct. Contact the instructor if you have questions regarding what constitutes permissible or impermissible use of electronic course materials and/or recorded class sessions. Contact Disability Support Services at [disabilitysupport.gwu.edu](https://disabilitysupport.gwu.edu) if you have questions or need assistance in accessing electronic course materials.

## **Academic support**

### **Academic Commons**

[Academic Commons](#) is the central location for academic support resources for GW students. To schedule a peer tutoring session for a variety of courses visit [go.gwu.edu/tutoring](https://go.gwu.edu/tutoring). Visit [academiccommons.gwu.edu](https://academiccommons.gwu.edu) for study skills tips, finding help with research, and connecting with other campus resources. For questions email [academiccommons@gwu.edu](mailto:academiccommons@gwu.edu).

### **GW Writing Center**

GW Writing Center cultivates confident writers in the University community by facilitating collaborative, critical, and inclusive conversations at all stages of the writing process. Working alongside peer mentors, writers develop strategies to write independently in academic and public settings. Appointments can be booked online at [gwu.mywconline](https://gwu.mywconline).

## **Support for students in and outside the classroom**

### **Disability Support Services (DSS) 202-994-8250**

Any student who may need an accommodation based on the potential impact of a disability should contact Disability Support Services at [disabilitysupport.gwu.edu](https://disabilitysupport.gwu.edu) to establish eligibility and to coordinate reasonable accommodations.

### **Student Health Center 202-994-5300, 24/7**

The Student Health Center (SHC) offers [medical](#), [counseling/psychological](#), and [psychiatric](#) services to GW students. More information about the SHC is available at [healthcenter.gwu.edu](https://healthcenter.gwu.edu). Students experiencing a medical or mental health emergency on campus should contact GW Emergency Services at 202-994-6111, or off campus at 911.

## **GW Campus Emergency Information**

GW Emergency Services: 202-994-6111

For situation-specific instructions, refer to [GW's Emergency Procedures guide](#).

### **GW Alert**

GW Alert is an emergency notification system that sends alerts to the GW community. GW requests students, faculty, and staff maintain current contact information by logging on to [alert.gwu.edu](https://alert.gwu.edu). Alerts are sent via email, text, social media, and other means, including the

Guardian app. The Guardian app is a safety app that allows you to communicate quickly with GW Emergency Services, 911, and other resources. Learn more at [safety.gwu.edu](https://safety.gwu.edu).

## **Protective Actions**

GW prescribes four protective actions that can be issued by university officials depending on the type of emergency. All GW community members are expected to follow directions according to the specified protective action. The protective actions are Shelter, Evacuate, Secure, and Lockdown (details below). Learn more at [safety.gwu.edu/gw-standard-emergency-statuses](https://safety.gwu.edu/gw-standard-emergency-statuses).

### **Shelter**

- Protection from a specific hazard
- The hazard could be a tornado, earthquake, hazardous material spill, or other environmental emergency.
- Specific safety guidance will be shared on a case-by-case basis.

#### **Action:**

- Follow safety guidance for the hazard.

### **Evacuate**

- Need to move people from one location to another.
- Students and staff should be prepared to follow specific instructions given by first responders and University officials.

#### **Action:**

- Evacuate to a designated location.
- Leave belongings behind.
- Follow additional instructions from first responders.

### **Secure**

- Threat or hazard outside of buildings or around campus.
- Increased security, secured building perimeter, increased situational awareness, and restricted access to entry doors.

#### **Action:**

- Go inside and stay inside.
- Activities inside may continue.

**Lockdown**

- Threat or hazard with the potential to impact individuals inside buildings.
- Room-based protocol that requires locking interior doors, turning off lights, and staying out of sight of corridor window.

**Action:**

- Locks, lights, out of sight
  - Consider Run, Hide, Fight
- 
- **Classroom emergency lockdown buttons**  
Some classrooms have been equipped with classroom emergency lockdown buttons. If the button is pushed, GWorld Card access to the room will be disabled, and GW Dispatch will be alerted. The door must be manually closed if it is not closed when the button is pushed. Anyone in the classroom will be able to exit, but no one will be able to get in.