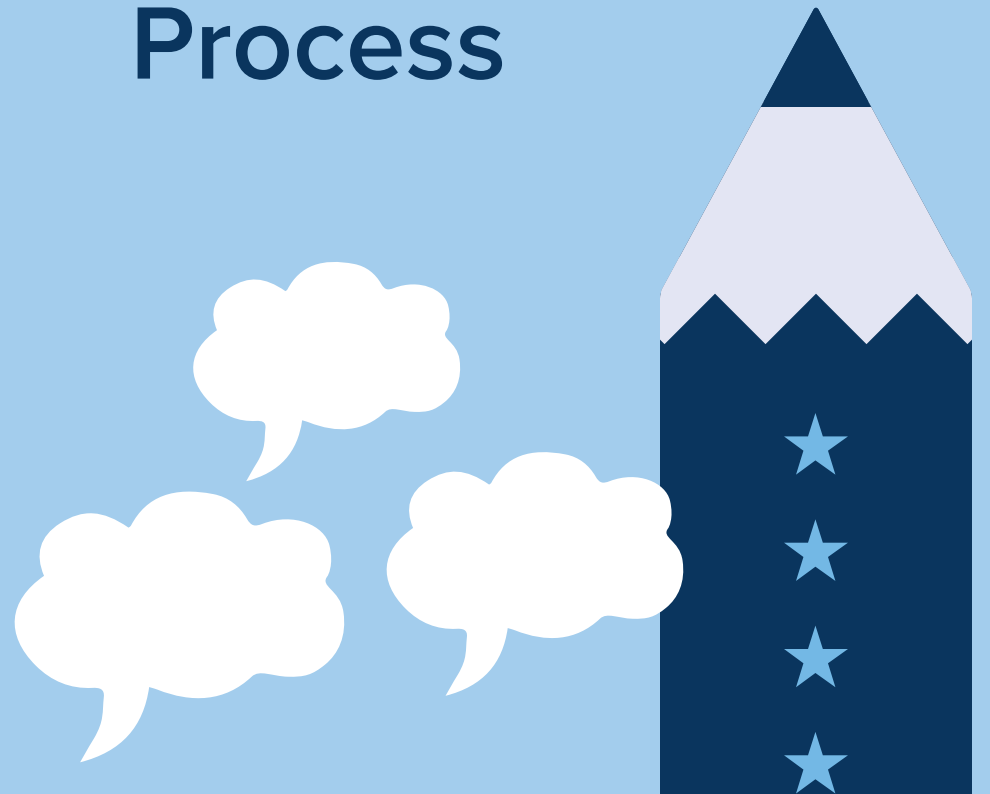


Public Participation in the FTC's Section 18 Rulemaking Process



**FEDERAL TRADE
COMMISSION**

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► What is agency rulemaking?

Often, when Congress passes a law and the President signs it, some of the details may need to be filled in. The law may tell an agency to fill in those details with a rule. This process is called agency rulemaking, and it results in final rules that become federal law.

► What is the Federal Trade Commission’s role in rulemaking?

The FTC protects consumers and competition by combating monopolies, false advertising, privacy invasions, scams, and other unfair or deceptive conduct. The FTC can make rules about these subjects. For access to the FTC’s rulemaking notices, visit [go.usa.gov/xume7](https://www.go.usa.gov/xume7).

► Why should I care about FTC rulemaking?

Rules created by the FTC affect you and your community in many ways. For example, existing FTC rules cover topics like safeguarding children’s privacy, making sure you get your eyeglass prescription, and ensuring you’re treated fairly when choosing funeral services. Find existing FTC rules at [go.usa.gov/xumtQ](https://www.go.usa.gov/xumtQ).

► How does FTC rulemaking work?

Typically, FTC rulemaking involves publishing a *notice* with the proposed text of the rule. The notice explains the agency’s reasoning for the proposal and asks the public to submit *comments*. (This process is called “notice and comment” rulemaking.)

Public comments are an important way for the FTC to hear directly from you, your community, and those who would be affected by the proposed rule. Your comment can agree, disagree, or suggest a better approach. The FTC reads and considers all comments when deciding what to do next—and could decide that you suggested a better approach.

► What if I have an idea for a rule, but the FTC hasn’t asked about it in a notice?

The FTC accepts and reviews petitions for rulemaking from the public. If you file a qualifying petition with the FTC, it will be posted for members of the public to provide comments about it. To read about how to file a petition with the FTC, visit [go.usa.gov/xumtG](https://www.go.usa.gov/xumtG).

► How does the FTC’s Section 18 rulemaking process work?

So-called “Section 18 rulemakings” address unfair or deceptive practices. In this process, you have three opportunities to weigh in by:

1. responding to an Advance Notice of Proposed Rulemaking;
2. responding to a Notice of Proposed Rulemaking; and
3. presenting your views at an “informal hearing,” if a hearing is held and you request to speak.

During the rulemaking process, commenters with specific factual disputes about the rule may submit rebuttal comments or conduct cross-examination at informal hearings. After public participation, the FTC may publish a final rule. To find existing FTC rules, visit [go.usa.gov/xumtQ](https://www.go.usa.gov/xumtQ).

► What should I include in my comment to the FTC?

An effective comment gives additional information, data, experiences, perspectives, or arguments, but it doesn’t need to be long or formal. Often, the FTC’s notice will ask specific questions about the proposed rule and its effect. A comment addressing one or more of those questions is particularly helpful. You can submit a comment on behalf of yourself, a group, or a business.