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Small Business Guide

to Comment Letter Writing



Small businesses can express their concerns on a federal rulemaking via a comment letter. While Advocacy, trade associations, and other representatives can help speak for you, a strong comment letter written by you can help an agency make better decisions. This guide will give you an idea of what a good comment letter looks like.

WHERE CAN I FIND RULES THAT IMPACT MY BUSINESS?

You can find the rule's name, the rule number, and the date comments are due on [regulations.gov](https://www.regulations.gov). In addition, Advocacy tracks rules that may impact small entities. When Advocacy flags a rule that may be of concern, we post about it on our website (www.advocacy.sba.gov) and on our social media accounts.

What should my comment letter contain?

A good letter clearly agrees or disagrees with the regulation and any assumptions that the agency makes in writing it. It provides an explanation of how you must change your business practices and potential costs if the rule is finalized. Letters also suggest alternatives to the regulation that still allow the agency to achieve its policy goals.

When writing rules, agencies make assumptions about the costs to implement that rule, measured against a small business's revenue. When providing comments, it's best to provide specific information showing that their assumptions are wrong. Use specific data from your business without disclosing proprietary information. In the past, letters have challenged agency assumptions associated with the following:

- Cost of reading the proposed rule.
- Cost estimations of training employees on new provisions.
- Costs of equipment needed to implement the rule.
- Costs of compliance with the rule.

Additionally, under the Regulatory Flexibility Act, agencies must consider alternative ways of achieving the goals of a regulation that does not disproportionately harm small businesses. If you can, present alternatives that allow the agency to achieve its goals without hurting your business.

HOW SHOULD MY COMMENT LETTER BE STRUCTURED?

First, start with an opening paragraph that provides the name of the rule, the rule number, and a brief overview of the points your comment letter makes.

Second, provide a detailed explanation of what is at stake for you and your business because of the proposed rule. Be specific, but do not overestimate costs.

Construct each argument like this:

- 1) Provide your main argument, the **position**. For instance, "This environmental regulation will cost me \$250,000 to comply with, which represents half my revenue over the course of one year."
- 2) Provide **evidence** for that position. Supply supporting materials that demonstrate, clearly and specifically, the evidence that supports your argument. Federal agencies prefer hard numbers, but examples help too.
- 3) Provide the **impact**. Explain to the regulators you are writing to why your data matters. Don't worry about over-explaining. Regulators prefer clarity.

Third, make clear requests or recommendations to improve the rule. For instance:

- A delay to provide more time to comply.
- A revision to a specific part of the rule.
- Exclusion for a particular part of your industry that may not be contributing to the problem the rule seeks to address.

Finally, provide a summary paragraph of your comments. Close with a word of thanks to the agency for considering your comments.

WHERE DO I SEND MY COMMENT LETTER?

Most comment letters are filed online at [https://regulations.gov](https://www.regulations.gov). You can mail, fax, or email comment letters as well. Information on specific regulations is found on the proposed rules in the Federal Register at www.federalregister.gov.

Remember: each regulation has a different comment deadline. Be sure to note the deadline before you submit.

