



Regulatory Procedure Notice No. 2025-01

Procedures for Rulemaking Petitions

U.S. Department of Labor
Employee Benefits Security Administration
January 16, 2025

I. Background

Federal agencies are required to give people the right to petition for the issuance, amendment, or repeal of a rule.¹ This notice explains how members of the public can submit rulemaking petitions to the Employee Benefits Security Administration (EBSA) and how the agency processes them.

II. Submission Procedure

Anyone may ask EBSA to issue, amend, or repeal a rule of general application that is within EBSA's authority.

A complete rulemaking petition submission includes both a contact information statement and a rulemaking petition. EBSA may notify the petitioner if a submission lacks the required information. Incomplete or duplicative submissions will not be processed.

How to submit a petition

Send by email EBSArulemaking@dol.gov

Send by mail 200 Constitution Avenue NW
Suite N-5655
Washington DC, 20210
Attn: EBSA Rulemaking Petitions

** Please use only one method of delivery*

III. Contact Information Statement

Rulemaking petitions must be accompanied by a separate contact information statement providing the following information:

¹ See Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, and Executive Order 14094, Modernizing Regulatory Review, 88 FR 21879 (April 6, 2023).

- the petitioner’s contact information, including telephone number and either an email address or mailing address; and
- a statement identifying whether the petitioner, an affiliate, or related entity is the subject of an enforcement action by EBSA.

IV. Rulemaking Petition Content

Rulemaking petitions must include statements that:

- present the text or substance of any proposed rule or amendment or specify the rule or portion of a rule a petition is requesting to repeal;
- explain the petitioner’s interest in the rule and reasons for seeking the rule’s issuance, amendment, or repeal;
- identify the problem that the requested action would address and why it is necessary; and
- identify the legal authority for the requested action.

Petitioners are encouraged to identify existing statutory provisions and EBSA rules that the requested action would affect. Petitions may also include additional information and data as well as an explanation of any injury or harm that may occur if the petition is denied.

V. Disposition of Rulemaking Petitions

The general timeline for processing rulemaking petitions is as follows:

- Within 7 business days, EBSA sends a written acknowledgement that it has received a complete rulemaking petition submission.
- Complete submissions are forwarded to the appropriate EBSA office for consideration.
- Within 90 calendar days, EBSA notifies the petitioner of its decision. However, EBSA may extend the deadline once for an additional 60 days. If it does so, it will provide written notice to the petitioner.

If a petition is accepted, EBSA’s notice will set forth any next steps. If a petition is denied, EBSA’s notice will explain the grounds for denial unless the denial affirms a prior denial or is self-explanatory.

VI. Public Comment

EBSA may decide to publish a *Federal Register* notice seeking comments from the public on a petition. The notice will provide information about how to submit comments and the deadline for submissions.

If EBSA seeks public comment on a rulemaking petition, the timeline set forth in section V above is waived. EBSA will notify the petitioner of the disposition via written notice within a reasonable period of time.

VII. Publication on EBSA's Website

Rulemaking petitions and EBSA's decision on them will be posted on EBSA's website. Petitions should not include information that the petitioner does not want to make publicly available.

Note: Petitioners' contact information statements will not be posted.

VIII. Other Opportunities for Sharing Feedback

Although rulemaking petitions are an important mechanism for members of the public to engage with EBSA, there are other ways for people to communicate their views on EBSA regulations.

Suggestions for new regulations and for needed changes to existing regulations can also be made through informal channels, such as inquiries directed to EBSA, virtual listening sessions, and stakeholder meetings with agency personnel. People can also communicate their views through public comments on EBSA proposed regulations or in information provided to the ERISA Advisory Council.

IX. No Additional Rights Created

This regulatory procedure notice is not intended to, and does not, create any additional right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.