

Comment from Representative Sherri Gallick in response to Request for Information for  
*Consultation with State, Local, and Tribal Governments in Regulatory Policymaking*

January 17, 2025

Dear Mr. Fois:

We, the undersigned statewide officials and legislators from multiple states, do hereby submit the enclosed report to the Administrative Conference of the US (ACUS), following a request for public comment. The report demonstrates systematic non-compliance with federal statutes, executive orders, and principles of federalism by five federal agencies during eight major rulemaking actions between 2013 and 2025.

The non-compliance of the Department of Interior (BLM, FWS, and NPS), Department of Labor (OSHA), and Department of Agriculture (USFS) can be shown to have materially impacted state and county prerogatives across the nation.

The enclosed audit summarizes case studies from the administrative record to demonstrate systematic neglect of the principles of Federalism as codified in the Administrative Procedures Act (APA), the Unfunded Mandates Act, and multiple Executive Orders.

As the representatives of sovereign states, we support the consideration of practical policy solutions for joint congressional and executive action that statutorily codifies the principles of federalism from Executive Order 13132 in the APA. This could include appropriate and substantive revision of rules governing the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) to implement federalism that is protective of state and local governments.