

STRATEGIES FOR REVIEW OF AGENCY DECISION-MAKING

Rule 1

Do not rely exclusively on the legal or regulatory system to achieve your objectives. Focus a significant portion of your efforts on the political system, frequently local decision-makers and media, which has the power to affect the outcome.

Rule 2

Do not wait for the formal public comment period to express your views. If you have an opportunity to express your views on an issue before the public comment period, do so. Once the public comment period arrives, only the most compelling arguments will cause the agency to modify its proposal.

Rule 3

Do not assume that agency decision-makers do not make errors. Unfortunately, agency decision-makers make too many errors. Look and you will find.

Rule 4

Study the applicable laws and rules. Learn how the laws and rules are supposed to be applied. Knowledge of how the system is supposed to operate will enable you to detect when it is not operating properly.

Rule 5

Review the agency decision-maker's application of the laws and rules. Did the decision-maker consider everything the laws and rules require be considered? Did the decision-maker apply the laws and rules correctly?

Rule 6

Determine the consequences of exposing the agency's errors you find and anticipate the agency's response. Look for and focus on the achilles heel. Challenging small errors which can be easily corrected may be a waste of time and energy. Focus your time and energy on errors that will make a real difference and be difficult to correct.

Rule 7

Do not expend critical resources debating scientific issues about which there can be legitimate differences of opinion among experts. The agency will out-expert you.

Rule 8

Plan for an appeal. Unfortunately, government officials often will reject your arguments knowing that you are not likely to appeal their decisions. Until this attitude changes, you must be prepared to appeal.