

Exercise 8.2

Researching Federal Administrative Regulations Using Government Websites

Learning Outcomes

After completing this exercise, you should be able to locate federal administrative materials in the *Code of Federal Regulations* (C.F.R.) and *Federal Register* using the Federal Government's govinfo.gov and agency websites.

Instructions

1. An answer sheet is provided at the end of the questions for your convenience while you are working on the exercise. After you finish your research, submit your answers in typewritten form on a separate answer sheet. Do not retype the questions. Your answer sheet should contain only the answers to the questions.
2. If you spend more than 15 minutes trying to find the answer to any individual question, use the troubleshooting hints in the General Instructions for this Workbook. If you are still unable to find the answer, stop and seek assistance.

There are no separate problem sets for this exercise.

THE ASSIGNMENT

This exercise requires you to use government websites to locate federal administrative materials. For this exercise, you will use online sources to research legal issues raised by your client, Newton Financial Services.

I. Researching Federal Regulations Using an Agency Website

The federal government makes much administrative material available free of charge via the Internet. Like federal legislative history, federal administrative law research is easily accomplished using government websites. Some government websites, such as the Federal Government's govinfo.gov site, contain the full text of the C.F.R. Others, such as agency websites, limit their coverage to laws, regulations, and other materials in the subject area the agency regulates. If you practice regularly in an area of law regulated by a federal agency, you will become familiar with the agency sites and the unique types of information they contain. A list of agency websites is at www.usa.gov.

Use the federal government websites listed below to research the following question raised by your client:

Your client, Newton Financial Services, is a brokerage corporation subject to a number of federal laws, including the Occupational Safety and Health (OSH) Act and the Consumer Financial Protection Act of 2010. Consequently, it must comply with Occupational Safety and Health Administration (OSHA) standards and regulations. Newton Financial Services received a citation from an OSHA inspector for several violations of the OSH Act. Newton Financial Services has asked you whether it must notify employees of the citation. You need to research OSHA citations to find out what your client's obligations are with respect to notifying employees.

- A. First you need to find the provisions of the OSH Act of 1970. You know that OSHA provides access to occupational safety laws and regulations, so you decide to begin with the agency's website. Go to www.osha.gov to locate the information you need.

There are several ways to locate the act. You can locate the act by using the search box to search for the OSH Act of 1970 or by searching through the A-Z Index. Drop-down menu options may also direct you to OSHA Law and Regulations.

1. Click on the link for the OSH Act. (Hint: If you navigate from the drop-down menu, you may need to scroll down the page to find a link to the OSH Act.) Review the table of contents for the OSH Act and locate the section regarding citations. Provide the section number.
2. Click on the link to the section. The section describes the process for issuing citations. Where must an employer post a citation?
3. In the version of the Act on the OSHA website, the sections are numbered as they appear in the Public Law enacted by Congress. The OSH Act is also codified within U.S.C. The codified citation appears in the right margin. Provide the citation to the section on citations as it appears in U.S.C.

- B. Because the statute gives the Secretary of Commerce authority to issue regulations regarding posting citations, you must research regulations to see if Newton Laboratories must fulfill any additional requirements in posting the citation. You can locate regulations on the OSHA website in several ways. You may use the drop-down menu under "Standards" to locate "Law & Regulations." You can also look up "Regulations & Laws" or "Standards" in the A-Z Index. (Hint: Be sure to choose the option to view "All.")

Locate the link to Title 29 of the C.F.R., Part 1903, addressing Inspections, Citations, and Proposed Penalties. Click on the link to bring up an outline of C.F.R. sections within Part 1903. Locate the regulation that addresses posting citations.

1. Provide the number of the section (also called a "Standard") you located.
2. Review the section. For how long must Newton Financial Services post the citation?

II. Researching Federal Regulations Using General Government Research Websites

- A. Although an agency website is a convenient source for administrative information, it is not an official source for the regulations. The Government Printing Office (GPO) is the official online source for federal regulations. To continue your research in an official database, access official regulations at:

govinfo.gov

One reason Newton Financial Services received a citation was because it failed to post required information about the OSH Act where employees could see it. Newton Financial Services wants to correct this violation by posting a copy of a poster approved by the state's Department of Labor and has asked you how large the poster must be to comply with OSH regulations. Using the search functions on govinfo.gov, look up 29 C.F.R. § 1903.2, concerning requirements for informing employees about OSH Act protections. (Hint: You should be able to retrieve the regulation from its citation using the "Most Recent" version of the C.F.R.)

1. What is the title of this section?
 2. Review the regulation. What are the size and type requirements for the poster?
- B. The official source for all federal regulations is the C.F.R. GPO provides online access to official regulations. Unlike commercial sources such as Lexis and Westlaw, the official print and online versions of the C.F.R. are not continuously updated to include changes published in the *Federal Register*. However, GPO does provide online access to C.F.R. Parts Affected as recently as the past 24 hours.

The government also has a version of the C.F.R. that is continuously updated: the Electronic CFR (e-CFR). The e-CFR is a version of the C.F.R. that is updated daily to incorporate changes to regulations published in the *Federal Register*. You can use the e-CFR to update research from an official version of the C.F.R. To answer the questions below, access the e-CFR at:

www.ecfr.gov

1. Read the "User Notice" at the beginning of the e-CFR. Although the e-CFR is updated daily, it is not a source you should cite for a regulation. Why?
2. Newton Financial Services has been informed that a former employee has filed a complaint with OSHA alleging that the company retaliated against her for reporting violations of the Consumer Financial Protection Act of 2010. Browse the e-CFR to locate 29 C.F.R. Part 1985, which contains regulations governing retaliation complaints. Identify the "Source" of the regulations at the beginning of the part. Provide the *Federal Register* citation and date.
3. Now go back to govinfo.gov. Use the citation you found for Question 2, above, to retrieve the *Federal Register* entry for the final rule. Were any changes made to the final rule based on comments submitted regarding the interim rules? Why or why not? (Hint: Search for the phrase *public comment* within the document to locate discussion of comments submitted.)

