

Access Denied

How the Trump Administration Is Eliminating Public Input

HIGHLIGHTS

The Trump administration is systematically attacking a wide range of public health, environmental, and safety rules. By law, federal agencies must notify the public about potential rule changes and give them the opportunity to make comments on those changes. But in many cases, the Trump administration is evading that legal requirement.

In the first six months in office, roughly 600 final rules were issued across six key science agencies. In 182 of these rules, the administration bypassed the public notice and comment period, cutting the public out of the process of shaping rules that affect their health and safety and our planet. This undermines the principles of accountability and transparency that should be part of our democracy.

Six months into his second term, President Trump has undertaken a slew of destructive, divisive, and chaotic actions to dismantle our nation's scientific and democratic processes and protections (Minovi, Ellickson, Barbat-Dajches, and Cleetus 2025). One of the ways the administration is doing this is by violating legal requirements for public notice and comment on federal regulations—rules that are meant to protect the public, provide clarity to regulated entities, and hold government agencies accountable (Berger 2025).

Public participation in government decisionmaking is a fundamental right of the US people, and it is required by law (MacKinney, Reed, Carter, and Goldman 2020). Under the Administrative Procedure Act (APA) of 1946—one of the key statutes that dictates how our government operates—**federal agencies are required to notify the public about proposed regulations, allow people and organizations to submit comments on those proposals, and respond to the substance of those comments when issuing a final rule** (Garvey 2017). This includes new rules and actions that amend or repeal existing regulations.

When the people most affected by government policies and programs have the ability to access and weigh in on those processes, our nation's policies are more effective and conditions improve for the public (Berger 2025; Minovi 2025). When people are left out, the loudest voices that remain are often profit-driven entities—in other words, corporations—that stand to gain from weaker regulations.

Elections and public policy are increasingly being shaped by and for ultra-rich people (Massoglia 2025; Wagner, Barnes, and Peters 2011). This trend is a direct threat to our democracy and is being amplified under the Trump administration, which boasts an inner circle with an unprecedented amount of wealth: at least \$450 billion collectively (Mannweiler 2025).

Through a flurry of executive orders (Federal Register 2025), President Trump directed government agencies to eliminate regulations deemed “unlawful” or “unnecessary” (The White House 2025b; The White House 2025c; The White House 2025d; The White House 2025f; The White House 2025g). One of these executive orders directs all federal agencies and executive departments to identify the regulations they plan to repeal (The White House 2025b). In response, the Environmental Protection Agency (EPA) alone published a list of 31 deregulatory actions it planned to take, including the elimination of rules that limit toxic and heat-trapping emissions from power plants, vehicles, and industrial chemical facilities (EPA 2025c).

A follow-up memo directed agencies to repeal regulations “without notice and comment” (The White House 2025a). This means that a federal agency could change or eliminate a regulation without first allowing input and evidence from members of the public, issue-area experts, and others who may be affected by that rule. According to the memo, federal agencies can do this by using a loophole in the APA called the “good cause” exemption (The White House 2025a). Under the APA, agencies can use this exemption when notice and comment is deemed “impracticable, unnecessary, or contrary to the public interest” (Garvey 2017). But in practice, courts have narrowly interpreted this exemption, allowing it to apply in very few situations, such as emergencies (Cole 2016).

Reports by the Congressional Research Service as well as legal experts have indicated that the Trump administration’s actions violate federal law, though efforts to call out these actions have been met with retaliation from the administration (Bowers and Sheffner 2021; Berger 2025; Jones, Mykrantz, and Sarinsky 2025). As we show in this analysis, federal agencies are frequently using this exemption to roll back and eliminate regulations that were established to protect public health and safety and clearly do not meet the criteria of the exemption.

Science and Democracy Under Siege

This rapid dismantling of regulations is part of a broader pattern of attacks on scientific integrity, research, and capacity in the federal government that threaten our nation’s critical environmental and public health protections. In the recent UCS report *Science and Democracy Under Siege*, we documented 402 attacks on science in the first six months of President Trump’s second term (Minovi, Ellickson, Barbati-Dajches, and Cleetus 2025).

In addition to eliminating public comment on regulatory actions, the administration has undertaken other efforts to silence the public, including dismantling and disrupting federal advisory committees, removing scientific data from federal webpages (Pacenza and Gehrke et al. 2025), and announcing broad, vague actions that delay compliance with regulations. For example, in March, the EPA announced a “presidential exemption” for compliance with the Clean Air Act (EPA 2025b) that invited up to 532 industrial facilities to evade compliance with emissions controls for up to two years, potentially harming children, low-income communities, and communities of color (Minovi, Ellickson, Barbati-Dajches, and Cleetus 2025).

Around the same time, the Department of Health and Human Services rescinded a 1971 policy that required public notice and comment for regulations related to public benefit programs such as Medicaid and Medicare (HHS 2025). Recent reports indicate that the administration is also using unregulated artificial intelligence tools developed by the so-called Department of Government Efficiency (DOGE) to identify rules that can be eliminated (Natanson, Stein, Diamond, and Siegel 2025).

These attacks not only disrupt government efficiency but also undermine public trust in federal agencies that are supposed to work for the people, not corporations that benefit from weaker regulations.

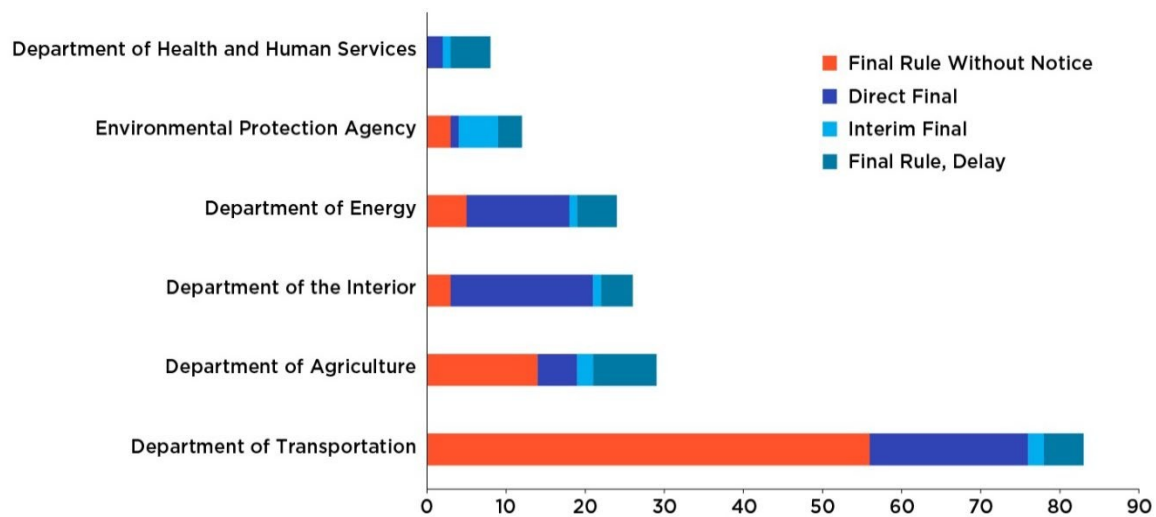
Uninvited and Ignored

Our analysis covers regulations (also referred to as “rules”) issued in the first six months of President Trump’s second term, between January 20 and July 31, 2025, by six key science agencies: the Departments of Agriculture (USDA), Energy (DOE), Health and Human Services (HHS), the Interior (DOI), and Transportation (DOT), as well as the Environmental Protection Agency (EPA). We analyzed four types of actions by these agencies:

- **Final rule without notice.** The agency bypasses proposed rulemaking and issues a final rule, or in some cases withdraws a final rule, usually without an opportunity for the public to provide comments.
- **Direct final rule.** The agency issues a final rule without notice but accepts comments for a specified period. If the agency receives at least one adverse comment, the agency is supposed to withdraw the rule. If no comments are received, the rule takes effect at a specified date (Carey 2019).
- **Interim final rule.** The agency issues a final rule that immediately takes effect but accepts comments for a specified period and may choose to amend the rule based on those comments (Carey 2019).
- **Delay of effective date.** The agency delays the effective date for a final rule that has not yet gone into effect. This tactic is often used for rules that agencies plan to eventually repeal or roll back (Noll and Jacewicz 2020), and evidence shows that the first Trump administration used this tactic more frequently than Presidents Biden, Obama, or George W. Bush (Febrizio and Liu 2021).

We found that the six federal agencies bypassed standard notice and comment in 182 out of 591 final rules (~31 percent) issued between January 20 and July 31 of this year. As shown in Figure 1, we found that the DOT bypassed notice and comment most often (83 actions), followed by the USDA (29), DOI (26), DOE (24), EPA (12), and HHS (8). Eighty-one of these actions (~45 percent) were final rules without notice. This includes withdrawing final rules issued under President Biden and eliminating or weakening existing regulations.

Figure 1. Final Rules Issued by Federal Science Agencies Without Notice and Comment



Of these six science agencies, the DOT issued the most final rules without notice and comment.
Source: FederalRegister.gov; see the appendix for our methodology.

For example, on April 18, the DOT issued a final rule eliminating a regulation that required states to monitor and report heat-trapping gases being emitted by vehicles on interstate highways and major roads (DOT 2025a)—despite clear evidence showing that the transportation sector is the largest source of these emissions nationwide (EPA n.d.). This action not only violated the APA, but also flies in the face of a years-long process that generated nearly 40,000 comments from members of the public, state regulators, and transportation and climate experts (including UCS), which were meticulously reviewed by DOT staff and used to inform changes in the final rule that was issued in 2023 (DOT 2023; TEC 2022).

Furthermore, nearly one-third (~32 percent) of these actions were direct final rules, which allow comments to be accepted retroactively. According to the Congressional Research Service, “The [direct final] rule may take effect unless at least one adverse comment is received by the agency, in which case the agency will withdraw the rule and proceed with the normal notice and comment procedures.” We documented 12 instances in which adverse comments on direct final rules issued under the Trump administration prompted the agency to delay the effective date of the rule—but the agencies have yet to repeal or change any of those rules because of adverse comments (some are still under consideration).

We also observed instances in which interim final rules—rules implemented with a retroactive comment period, which may or may not lead to future changes to the rule—led to related actions by agencies before comments were considered. For example, on February 25, the White House Council on Environmental Quality (CEQ) rescinded regulations governing how the National Environmental Policy Act (NEPA) should be implemented, triggering a domino effect as federal agencies began dismantling their NEPA processes (CEQ 2025). NEPA is a foundational environmental protection law that requires proponents of projects requiring a federal permit or funding, like new infrastructure, to consider the environmental impacts of their work and potential alternatives that would minimize environmental damage and adverse effects on

surrounding communities (Ellickson 2025). NEPA also allows for public comment so affected community members can share their expertise and concerns. The CEQ’s deregulatory action yielded more than 108,000 comments that have not been addressed, yet the DOE, DOI, DOT, and USDA have already issued interim final rules to remove or alter their NEPA regulations (DOE 2025; DOI 2025; DOT 2025b; USDA 2025). These agencies have received roughly 164,000 comments on their interim final rules, yet the regulatory rollbacks remain in effect.

More than half of the rules (~54 percent) assessed in our analysis did not accept comments. This means that in most of these actions, federal agencies issued and, in many cases, rolled back regulations—rules that affect the US public—without notice, without accepting input, and without accountability. For example, on June 9, the EPA issued a final rule delaying the deadline by which chemical manufacturers are required to submit data on 16 toxic chemicals under the Toxic Substances Control Act (EPA 2025a). This reporting requirement was finalized in December 2024, following input from at least 35 individuals and organizations (EPA 2024). The more than year-long delay of the deadline—which was issued without public input—means that the EPA will not have timely access to data that could lead to stronger protections for children, families, and workers from toxic chemical exposures (Ajasa 2025). Of the six agencies, comments were most often not allowed on actions issued by the DOT (71 percent), USDA (~66 percent), and EPA (50 percent).

Finally, in nearly two-thirds of these actions, agencies cited the good cause exemption for bypassing notice and comment. And in a quarter of actions, agencies gave no reason at all (Pals and Sarinsky 2025). Of the agencies assessed, the DOE, HHS, and USDA most often failed to provide a reason for bypassing notice and comment.

Notice and Comment Should Be the Bare Minimum

Altogether, our findings paint a grim picture for public participation in government decisionmaking. Our research shows that these six agencies, which are required by law to base their regulatory decisions on the best available science, are abusing the “good cause” exemption (or in some cases, providing no explanation at all) to change or eliminate regulations that affect people’s air, water, climate, food, health care, transit, and communities without letting the public know, or providing an opportunity to weigh in. And even in those instances in which agencies did allow for public comment, these regulations were largely implemented without any acknowledgment of the comments or any adjustments in response.

In some cases, agencies state that they are eliminating outdated or obsolete regulations, but this should not matter. ***We, the US public, have a legally enshrined right to be given notice about a federal agency’s actions, to be given an opportunity to weigh in, and to receive a response from the agency on substantive comments.*** Assuming a regulation was established through the lawful process, that same process governs its repeal. When agencies bypass notice and comment, the public, including scientists and other technical experts, lose a fundamental opportunity to have their voices heard. It also makes it more likely that billionaires and corporations with significant financial and political resources could influence government decisionmaking behind closed doors (Schoell 2019). Public notice and comment in rulemaking is one of the best shields regulatory agencies have against becoming captives of the industries they are supposed to oversee, and it also creates a public record for holding agencies accountable if they choose to ignore the input they receive.

Our findings exemplify what happens when you sideline science and fair access in government decisionmaking. Faced with mass firings led by DOGE, corporate lobbyists being appointed to

agency leadership, and efforts to dismantle protections for government scientists, federal agencies are less equipped to undertake decisionmaking, and agency scientists may not have the resources or support to consider the best available science in rulemaking decisions (Minovi, Ellickson, Barbati-Dajches, and Cleetus 2025; Phillips 2025; Reed 2020).

Furthermore, the Trump administration’s deceptively named executive order Restoring Gold Standard Science distorts scientific safeguards in our federal government, placing undue influence in the hands of political appointees (Barbati-Dajches 2025; The White House 2025e). Evidence also shows that President Trump repeatedly violated the APA in his first term and lost nearly every time when those actions were challenged in court (Democracy Forward 2020; Institute for Policy Integrity 2022). This is not efficient governance, nor is it the “radical transparency” that the administration boasts.

Notice and comment should be the bare minimum. There are many proven, community-centered strategies that agencies can implement to undertake collaborative, inclusive decisionmaking. To learn more about how government agencies can ensure fair access to their decisionmaking, see our guide *Fair Access: Guidance for Meaningful Public Participation in Government Decisionmaking* (Minovi 2025). This resource provides evidence-based practices that federal and state agencies should adopt to ensure that the public can access and influence government decisions that affect everyone’s health and safety.

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Appendix: Methodology

Between August 4 and 8, 2025, the authors analyzed rules published in the *Federal Register* between January 20 and July 31, 2025. The authors did so by selecting “Rule” in the Document Category field, entering the names of the six agencies assessed in this analysis (Department of Agriculture, Department of Energy, Department of Health and Human Services, Department of the Interior, Department of Transportation, and the Environmental Protection Agency) in the Agency field, and entering 01/20/2025 to 07/31/2025 in the Publication Date range field. These six agencies were selected because they were identified as being affected by attacks on science by the administration in our recent report, *Science and Democracy Under Siege: Documenting Six Months of the Trump Administration’s Destructive Actions*.

The search yielded 776 results, which were further narrowed down by removing information collection requests, corrections, notices of enforcement discretion, temporary rules, interpretive rules, and other actions that were not a final rulemaking. This yielded a total of 591 final actions (including final rules, direct final rules, interim final rules, and final rules with delayed effective dates) issued by the six agencies.

For the purposes of this analysis, we did not consider final rules related to specific states or regions, publication of lists, airworthiness directives, actions related to medical devices, inflation adjustments, plan approvals, pesticide tolerances, final rules that followed a proposed rule, or any actions that appeared to be administrative clarifications internal to agency operations. This yielded a final list of 182 actions that were analyzed for this report. Each of these rules was reviewed in the Federal Register to identify information about the type of action, whether and how many comments were accepted, the justification the agency provided for bypassing notice and comment, and previous rulemaking history related to the regulation. You can view the final actions included in our analysis [here](#).

Since we excluded state- and region-specific rules, as well as highly narrow rules (such as airworthiness directives), our analysis may be an undercount of the actual number of actions where notice and comment were bypassed.