

FDSYS Legal Training:

Description: This session will familiarize the user with general information on the various legal government publications and how to find them in FDSYS

Participants will:

- Learn the difference between the Code of Federal Regulations, the Federal Register, the Congressional Record and the United States Code, and when to consult each.
- A few ways to find each of the aforementioned items on FDSYS
- Learn what qualifies as an official copy of a government publication
- How and where to find the most up to date version of a law or rule

Code of Federal Regulations (CFR): The CFR is an annual codification of the general and permanent rules, known as Administrative law, published in the Federal Register by the executive departments and agencies of the Federal Government. The CFR is divided into titles, with each title covering a different topic. The EPA's regulations fall into Title 40: Protection of the Environment.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA) and GPO. The Federal Register publishes notices, proposed rules, withdrawal of rules, final rules, etc. from federal agencies. Before a rule makes it into the CFR, it must first be finalized in the federal register. When a final rule has been issued, the end of the rule lists the changes it will make to the affected CFR sections. When the next year's CFR for that section comes out, it will be amended by this rule.

Relationship between CFR and FR: The CFR is keyed to and kept up-to-date by the daily Federal Register. These two publications must be used together to determine the latest version of any given rule. When a Federal agency publishes a regulation in the Federal Register, that regulation usually is an amendment to the existing CFR in the form of a change, an addition, or a removal.

United States Code (USC): These are laws that congress passes, that are codified and organized by title, with each title (1-54) covering a different subject. Many of the EPA regulations derive their authority within Title 42: The Public Health and Welfare

Congressional Record (CR): The Congressional Record is the daily official record of the proceedings and debates in the United States Congress. It contains "a substantially verbatim account of remarks made during the proceedings of the House and Senate." The digest of the CR is published daily, and it is a concise summary of the day's congressional activity, however it does not contain the full remarks. It takes about two weeks (sometimes more) or so for the full remarks to become available online. This text can be useful for legislative histories. House and Senate committee reports are helpful for legislative histories as well.¹

Law/Statute v. Rule/Regulation: A law is passed by congress and codified into the USC. The laws give regulatory agencies of the federal government the authority to regulate. For instance, the Clean Air Act, which is in the United States Code and is a law, gives the EPA the ability to issue rules regulating the

¹ <https://www.congress.gov/congressional-record/about>

emissions from copper smelting factories. A law is created by congress, and does not receive public comments before becoming effective. Laws do not expire, but must be repealed.

Most rules are developed and finalized through a rule-making process, which includes public comment on the proposed rule. Rules carry out the intent of the law, but often expire after a period of time and must be reevaluated or reenacted on a regular basis. Many of the working provisions of a law will be included in the text of the regulation.

In the case of the EPA, the law (such as the Clean Air Act) doesn't contain specifics on how many tons of Epichlorohydrin an Epoxy Resin manufacturer can emit, but it does list Epichlorohydrin (a by-product of the aforementioned industry) as a Hazardous Air Pollutant. The law then allows the EPA to regulate this Hazardous Air Pollutants.

Government Publishing Office's FDsys:

FDsys stands for Federal Digital system and it provides free online access to official publications from all three branches of the government: legislative, executive and judicial.

Most of its contents are available starting from 1994 to the current year. Earlier than that, you *will* need to use a different database, which will be covered in the next training.

Availability:

- The Code of Federal Regulations is available 1996 – present, with only a few select titles and chapters available from 1996.
- The Federal Register, and Congressional Record are available 1994 – present.
- The United States Code is available 1994 – 2013.

Official Copies: Anything issued by the GPO in print or online is official, except for the United States Code. The GPO's version of the USC is official, but it's not the most official, and it's not the most current. The most current, *and* most official copy of the USC is with the Office of the Law Revision Counsel of the U.S. House of Representatives. It can be found here: <http://uscode.house.gov/browse.xhtml>

The e-CFR (<http://www.ecfr.gov/cgi-bin/ECFR?page=browse>) is the Electronic Code of Federal Regulations. This is the most up-to-date version of the CFR, but **it is not official**.

Format of Citations:

FR - Citation style: Volume number FR Page number of first page of publication

CFR - Citation style: Title number CFR section number, year OR Title Number CFR Part Number, Subpart letter

USC - Citation style: Title number USC section number, year OR Title number USC chapter number.

Browse publications:

What if you only had the date of the federal register publication?

Your patron knows that the EPA published a National Emission Standard for Hazardous Air pollutants on March 8, 1995, but they don't know which chemical/industry it was for, or have any other information.

What if all you have is the volume and issue number? Your patron knows that the EPA published a National Emission Standard for Hazardous Air pollutants in Volume 60 no. 45, but they don't know which chemical/industry it was for, or have any other information.

You patron knows that on September 11, 1996, someone in congress made remarks on the EPA cluster rule for pulp and paper. What do you do?

Test Question # 1:

A patron has sent in a ticket with the following question:

Title 40, Chapter 1, 63.523 "Standards for basic liquid resins manufacturers."

Was this rule in effect in 1997, and does it include research and development facilities?

Test Question # 2: Patron wants to find the most up to date EPA rule on requirements for disclosure of known lead-based paint in housing

Test Question # 3: Energy Independence and Security Act. Where is the updated version of this Act with all the recent changes? Public Law 110-140 (2007)

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