

**Memorandum of Agreement**

Between

U.S. Environmental Protection Agency (EPA)

Managing Partner

eRulemaking Program

And

U.S. Consumer Product Safety Commission (CPSC)

**I. Purpose and Statement of Work**

This modification constitutes renewal of this Agreement in support of the maintenance and operation of the Federal Docket Management System (FDMS).

This Memorandum of Agreement (MOA) between the Consumer Product Safety Commission (the "Partner Agency") and the U.S. Environmental Protection Agency (the "Managing Partner") is to support the maintenance and operation of the government-wide electronic docket management system known as the Federal Docket Management System (FDMS), (publicly accessible at [www.regulations.gov](http://www.regulations.gov)). The eRulemaking Program is one of the Presidential E-Government programs and lines of business. It fulfills the requirements under the E-Government Act of 2002 (Section 206), the Clinger-Cohen Act, and the Government Paperwork Elimination Act, as well as furthering the effectiveness and efficiency of government. This MOA establishes Managing Partner and Partner Agency responsibilities and funding requirements in support of the Program Management Office (PMO) operations related to the eRulemaking Program and will be incorporated by reference into EPA's funding document, the interagency agreement (IA).

CPSC will transfer funds to EPA that reflect CPSC's service fee for the implementation, use, and the operation and management of FDMS. Access to and use of FDMS will be granted to CPSC, along with all other Federal agencies and the general public.

**II. Authorities**

This agreement is authorized in accordance with the authority provided under:

The Economy Act (31 U.S.C. §1535, 1536)

The Clinger-Cohen Act (40 U.S.C. §11318)

The E-Government Act of 2002

**III. Background**

The eRulemaking Program is a collaborative, inter-agency effort, whose purpose is to establish a common, automated, and integrated repository for managing Federal rulemakings and non-rulemaking actions that follow a structured notice and comment process. The project consolidates the dockets of various departments and agencies and centrally manages them through a web-based environment offering services such as one-stop access, search capabilities, public comment submission, email notification, bookmarking, and electronic records management meeting the DOD 5015.2 standard recognized by the National Archives and Records Administration.

The E-Gov Programs strive to provide an order of magnitude of improvement in services to the constituents they serve. A Managing Partner was assigned to each program or lines of business. The EPA is the designated Program Management Office for the eRulemaking Program. The eRulemaking Program Office was established by EPA to implement this effort. The CPSC is a partner agency under this agreement.

#### **IV. Vision and Goals for the eRulemaking Program**

The overall vision and goals for the eRulemaking Program are:

##### **Vision**

Citizens can easily access and participate in a high quality, efficient and open rulemaking process across all Federal agencies.

##### **Goals**

Through the use of information technology, the eRulemaking Program seeks to:

- Expand public understanding of the rulemaking process;
- Improve the quality of Federal rulemaking decisions and streamline and improve the efficiency of the rulemaking process; and
- Increase the amount, breadth, and ease of citizen access and participation in rulemaking.

The eRulemaking Program will achieve these goals by implementing a range of performance measures related to technology, processes and activities, customer results, and mission and business results:

Technology – The PMO will ensure FDMS/Regulations.gov is available 99.9% of the time to the public and the Federal agencies. Availability = (Hours FDMS accessible to public and Federal entities)/(total hours in measurement period less scheduled maintenance + plus Network downtime)

Processes and Activities - The PMO will deploy two FDMS version releases per year and implement technical improvements to Regulations.gov.

Customer Results – The PMO will complete the implementation of Federal entities that request and pay for migration to FDMS.

Customer Results – The PMO will maintain the existing FDMS security plan and certification.

Mission and Business Results - 90% of total Federal rules promulgated by Federal entities are implemented in FDMS and have associated dockets available and posted for public access via [www.regulations.gov](http://www.regulations.gov)

#### **V. Roles and Responsibilities**

This MOA addresses participation in and the funding of the eRulemaking Program as mandated by the 2002 eGovernment Act, Section 206 according to OMB directive M-03-18 "Implementation Guidance for the E-Government Act of 2002. The FDMS will be the central electronic docket management system for all Federal agencies.

The Managing Partner will:

1. Staff an eRulemaking Program Management Office in order to manage the Program, convene and participate on an inter-agency advisory board comprised of Federal representatives of partner agencies, and establish work groups to address projects and tasks essential to the successful execution of the Program.
2. Conduct meetings for the purpose of collaborating with other Federal agencies to enhance the Program.
3. Facilitate an effort under the Advisory Board to convene a budget workgroup to develop an annual budget for the eRulemaking Program, metrics for a fee for service model, and a fee for service model.
4. Manage development, migration, and operation of the FDMS/Regulations.gov. Costs borne by EPA and reimbursed by CPSC will reflect CPSC's fee for service in 2013 to support, operate, and maintain the eRulemaking Program, FDMS, and www.regulations.gov.
5. Coordinate and ensure participating and partner members have an opportunity to review project management documentation, including the draft annual OMB Exhibit 300 (also known as the Business Case or CPIC).
6. Execute any interagency agreements (IA) to affect CPSC's transfer of funds and coordinate the IA prior to start of work, monitor progress, establish performance measures, and ensure reporting requirements are met.
7. Evaluate project progress, interoperability policies, practices and procedure documents and testing reports, as well as provide programmatic and technical assistance as required, and attend all meetings, reviews and conferences.
8. Convene meetings of an interagency Executive Committee on an as-needed basis and annually, at a minimum.

Each Participating or Partner Agency signing this MOA will:

1. Transfer the funding amount identified in Section IX of this MOA. If the partner agency is under a permanent continuing resolution (PCR), it will be expected to pay in full within 45 days of the signed PCR. If the partner agency is under a temporary CR, it shall contribute the full amount of its 2013 fee, or, an amount proportionate to the

period covered by the CR in order provide necessary funding to keep the Initiative operational until the appropriations bill is signed.

2. Identify a manager or senior executive to coordinate activities and serve as the main point of contact to address any issues that may arise. The manager or senior executive and/or his/her designee will also participate in the governance structure of the eRulemaking program.
3. Identify a qualified staff person(s) to work with PMO staff on the agency's use of FDMS/Regulations.gov.
4. In using the FDMS, the agency will be required to do the following:
  - a. Make its public regulatory dockets electronically accessible and searchable using <http://www.regulations.gov>. This includes posting Federal Register proposed rules and rule documents; supporting scientific, legal economic and technical analyses; public comments; as well as other Federal Register documents the agency chooses to post;
  - b. Accept electronic submissions/comments to the online dockets;
  - c. Include in the preamble to any regulatory action requesting public comment specific reference directing the public to [www.regulations.gov](http://www.regulations.gov);
  - d. Include in an appropriate place on its agency website homepage a link to [www.regulations.gov](http://www.regulations.gov); and
  - e. Use [www.regulations.gov](http://www.regulations.gov) to process public comments for economically significant guidance documents according to OMB Directive M-07-07 "Issuance of OMB's Final Bulletin for Agency Good Guidance Practices".
5. Include an acknowledgement of its participation in the eRulemaking Program in relevant budget program documents generated by the agency.
6. Actively assist in developing and using the common government eRulemaking components as they become available and meet established government-wide criteria, as may be appropriate.

## **VI. Duration of Agreement**

This MOA is valid through fiscal year 2013.

Period of Performance: 1/1/2013 through 12/31/2013

## VII. Dispute Resolution Mechanism

In the event the participating or partner agency determines that its ability to fulfill its financial obligations under this MOA/IA as identified in Section IX of this MOA is at risk, it shall promptly inform the eRulemaking Program Manager in writing. If the Program Manager becomes aware of like circumstances, the Program Manager shall apprise participating and partner agencies in writing.

In the event of any disagreement arising under this agreement, the parties shall, in good faith, attempt to negotiate a resolution to the disagreement. If the parties cannot negotiate a resolution, the OMB E-Government portfolio manager is authorized to resolve the dispute.

## VIII. Points of Contact

CPSC and EPA will assign the following senior manager as the key point of contact (POC) with the eRulemaking Program. The senior manager is an official representative and is authorized to act on the Agency's behalf.

### CPSC Representative

Name: Mr. Todd A. Stevenson  
Title: The Secretariat – Office of the Secretary  
Telephone: 301-504-6836  
Fax: 301-504-0127  
Email: [tstevenson@cpsc.gov](mailto:tstevenson@cpsc.gov)

### CPSC Alternate

Name: Ms. Alberta E. Mills  
Title: FOIA Officer  
Telephone: 301-504-7479  
Fax: 301-504-0127  
Email: [amills@cpsc.gov](mailto:amills@cpsc.gov)

### EPA's eRulemaking Acting Program Manager

Name: Adam McWilliams  
Telephone: 202/566-0833  
Fax: 202/566-1611  
Email: [McWilliams.Adam@epa.gov](mailto:McWilliams.Adam@epa.gov)

### EPA's Project Officer

Name: Holly Douglas  
Telephone: 202/564-8434  
Fax: 202/566-1611  
Email: [Douglas.Holly@epa.gov](mailto:Douglas.Holly@epa.gov)

The budget/financial contacts for this agreement are:

CPSC

Name: Ms. Priscilla Susi  
 Telephone: 301-504-7566  
 Fax: 301-713-1535  
 Email: psusi@cpsc.gov

EPA

Name: Holly Douglas  
 Telephone: 202/564-8434  
 Fax: 202/566-1611  
 Email: Douglas.Holly@epa.gov

**IX. Transfer of Funds**

Each partner agency is responsible for providing funding and/or in-kind contributions. The government-wide total estimated cost for development and support in 2013 is \$7.6 million. Funding and resources from participating agencies shall be made available within 45 days of the enactment of an Agency's fiscal year 2013 appropriations bill.

Nothing in this agreement is intended to be a direct transfer of funds from CPSC to EPA. All transfers are to be effected through the Interagency Payment and Collection System (IPAC).

CPSC will transfer funds to EPA in accordance with the following table:

<b>Contributing/Sending Agency:</b>	U.S. CPSC
<b>Address:</b>	4330 East West Hwy., Bethesda, MD 20814
<b>Treasury Account Symbol:</b>	61130100
<b>Agency Location Code:</b>	61-00-0001
<b>DUNS Number:</b>	069287522
<b>Type of Fund:</b>	<input checked="" type="checkbox"/> One-Year <input type="checkbox"/> Two-Year <input type="checkbox"/> No Year
<b>Total Dollar Amount:</b>	\$47,099
<b>Obligating Document Number: (Please attach a copy of the obligating document and/or fully executed funding document. The fully executed funding document should include bill-to address, funding period, statutory authority, accounting line, and other information for intragovernmental transactions as required by Treasury Bulletin 2007-03. If the fully executed funding document is not available, then provide appropriation information, including the length of the obligation authority).</b>	Accounting Data: 0100A13DSE 2013 9994800000 EXIT002400 25710

<b>Receiving Agency:</b>	U.S. Environmental Protection Agency
<b>Address:</b>	1200 Pennsylvania Avenue NW Washington DC 20460
<b>Treasury Account Symbol:</b>	682/30108
<b>Agency Location Code:</b>	68010727
<b>Taxpayer Identification Number:</b>	52-08-52695
<b>DUNS Number:</b>	029128894

**X. Commencement/Amendment/Termination**

This MOA will be expressly incorporated by reference into an IA (EPA's funding document). This MOA shall remain in effect for one fiscal year from the date of signing with a new IA to be signed annually. Amendments to the MOA will be effected by the mutual consent of the parties in writing and will be incorporated by reference into the IA.

**XI. Approvals**

The following officials are authorized to bind their respective Department/Agency to this agreement:

\_\_\_\_\_  
Adam McWilliams, Acting Director  
eRulemaking Program  
U.S. EPA

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Donna Hutton  
Contracting Officer  
U.S. CPSC

Date: 1/11/2013

\_\_\_\_\_  
Frank Roth, Grants Management Officer  
Grants and Interagency Agreements Unit  
U.S. EPA

Date: \_\_\_\_\_