

HHS Cuts Notice-and-Comment Rulemaking for Some Agency Actions

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- Health and Human Services (HHS) will no longer use notice-and-comment rulemaking procedures for “matters relating to agency management or personnel or to public property, loans, grants, benefits, or contracts,” according to [HHS Secretary Robert F. Kennedy, Jr.](#) The policy statement was published in the [Federal Register](#) on March 3, 2025.
- Usually, agencies must publish proposed rules or notices in the Federal Register, open a time-limited comment period, review and assess those comments, and then publish a final version. This policy statement rescinds the Department’s 1971 “Policy on Public Participation in Rule Making,” known as the “Richardson Waiver.” According to the statement, “Effective immediately, the Richardson Waiver is rescinded and is no longer the policy of the Department. In accordance with the Administrative Procedure Act (APA), ‘matters relating to agency management or personnel or to public property, loans, grants, benefits, or contracts,’ are exempt from the notice and comment procedures,” except “as otherwise required by law. Agencies and offices of the Department have discretion to apply notice and comment procedures to these matters but are not required to do so, except as otherwise required by law.”
- Rescinding the Richardson Waiver means that HHS will no longer follow the notice and comment requirements for certain types of rulemakings unless required by the APA or otherwise required by law. HHS will now be able to make changes related to its programs that provide loans, grants, benefits, or contracts with less public awareness and feedback.

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