



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 19 1988

MEMORANDUM

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

SUBJECT: Review Procedures for OSWER Guidance Documents

FROM: *Jack W. McGraw*  
Jack W. McGraw  
Deputy Assistant Administrator

TO: OSWER Office Directors  
James Makris, Director  
Preparedness Staff

Attached for your use are guidelines for the classification, definition, and review procedures for OSWER guidance documents. These guidelines have been established out of a need for more uniformity throughout OSWER in the identification and review of guidance documents.

The purpose of these guidelines is to classify all OSWER guidance documents with respect to policy or regulatory content and effect. All guidance documents will fall into one of three categories, each of which requires a different level of review and approval. At the time the Office Director gives approval to begin work on a guidance document, it should be classified into one of the three categories, and the workplan should reflect the appropriate procedure for review and approval of the document.

In addition, twice a year the Office Directors will be requested to identify the guidance documents that they plan to work on during the next six months. This request will coincide with preparation of the Semi-Annual Regulatory Agenda, but will not become part of the Regulatory Agenda. Rather, the compilation of this information will serve as a planning and monitoring tool for the Office Directors, as well as for the AA, DAA, and the Policy Analysis & External Affairs Staff.

For assistance in guidance or regulation development process, please contact Cynthia Schweitzer of the Policy Analysis and External Affairs Staff at 382-4617.

Attachment

cc: Thomas E. Kelly, Director  
Office of Standards and Regulations, OPPE

Nancy Helm, Desk Officer  
Regulation Management Branch, OPPE

**GUIDELINES FOR  
CLASSIFICATION, DEFINITION, AND REVIEW PROCEDURES  
FOR OSWER GUIDANCE DOCUMENTS**

as of August 19, 1988

**OSWER GUIDANCE DOCUMENTS  
CLASSIFICATION AND DEFINITION**

**I. STATUTORY/REGULATORY GUIDANCE DOCUMENTS**

A document is classified as a "Statutory/Regulatory Guidance Document" if it meets one or more of the following criteria:

- will have significant impact on non-OSWER regulatory programs (e.g., guidance on meeting air emission standards under RCRA);
- is mandated by the statute or a court order;
- contains policy interpretation about specific statutory language and/or regulations that has not previously been addressed in regulations;
- has the potential to impose a significant economic impact on the regulated community.

**II. PROCEDURAL AND TECHNICAL GUIDANCE DOCUMENTS**

A document is classified as a "Procedural or Technical Guidance Document" if it meets one or more of the following criteria:

- describes administrative procedures to implement and comply with a regulatory program;
- describes EPA (OSWER) approved technologies, test methods, laboratory procedures;
- addresses quality assurance issues.

**III. TECHNICAL RESOURCE DOCUMENTS**

- provides or describes data, information, and results of technical and scientific experiments and/or studies, including case studies.

**NOTE:** Brochures, fact sheets, and periodic status reports are not considered guidance documents. These documents simply provide information to the public on existing regulations and policies.

**OSWER GUIDANCE DOCUMENTS  
REVIEW/APPROVAL PROCEDURES**

**I. STATUTORY/REGULATORY GUIDANCE DOCUMENTS**

A "Statutory/Regulatory Guidance Document" will follow the same review and approval procedures that a rule follows (see June 22, 1988, memo from E. LaPointe to OSWER Office Directors). Like a rule, this guidance document must be designated as a "major," "minor," or "significant" action. A Start Action Request (SAR) must be submitted to the Steering Committee, and development of the document will continue to follow the procedures associated with a rule of the same designation, including Red Border and OMB review. Usually, the AA's signature is sufficient for final publication of this document; however, in some cases the Administrator's signature may be required.

**II. PROCEDURAL AND TECHNICAL GUIDANCE DOCUMENTS**

A "Procedural or Technical Guidance Document" does not require Red Border or OMB review; nor does it require a Start Action Request. The development of this document is controlled by the lead office, but should involve a workgroup including OGC and any other interested office or Region. It is the Office Director's decision whether the AA should be briefed on this document and whether the AA's signature is required prior to publication.

**III. TECHNICAL RESOURCE DOCUMENTS**

A "Technical Resource Document" will follow those procedures designated by the lead office as necessary.