Regulations are extensive, but they still leave many questions on how best to comply.

Agency rules or regulations are legally binding because they go through the notice and comment process.

Notice and comment takes time, making it hard to quickly adapt rules to changing circumstances.

SOLUTION!

Agencies use informal guidance documents to provide detail on how best to comply with regulations. Without having to go through notice and comment, these documents can be created and changed as needed.

Legally binding? No.

Since guidance documents do not go through notice and comment they cannot be legally binding.

Where do I find them? Agency websites.

Westlaw has some agency guidance, but agencies are required by law to make their major guidance easily available on their websites, so that’s the best place to start.

Agencies also provide guidelines for complying with regulations in manuals, policy statements, individual compliance letters and other documents.