

## Writing Rules in Plain Language

Janice (Ginny) Redish, Ph.D.  
Redish & Associates, Inc.  
6820 Winterberry Lane  
Bethesda, Maryland 20817

voice: 301-229-3039

fax: 301-229-2971

e-mail: [ginny@redish.net](mailto:ginny@redish.net)

web: [www.redish.net](http://www.redish.net)

for Administrative Codes  
and Registers Section

National Association  
of Secretaries of State

Santa Fe, NM

July 2006

## Questions that we'll answer in this session

- Why should you do plain language?
- Is plain language possible? legal?
- What is plain language?
- What are some important aspects of plain language?
- How do you get started developing plain language rules?
- Who is doing plain language?
- Where are there examples and other resources?

## What is a regulation?

A regulation is a legal document that sets out the standards and procedures by which an agency of the government expects both itself and those affected by the regulation to carry out the intent of the law.

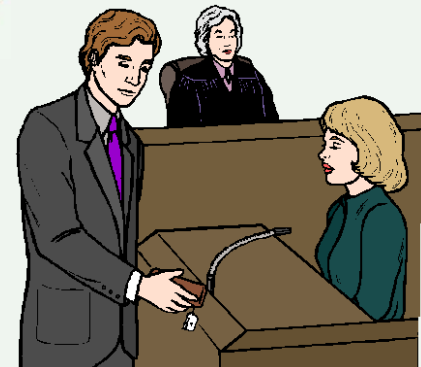
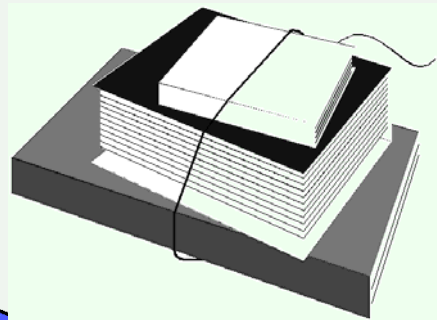
## Three assertions about regulations

- Regulations are meant to communicate information as well as to state legal requirements.
- Many regulations do not now communicate effectively to the people who must understand them.
- Regulations can do both.

You can write clear and usable regulations that are legally accurate and sufficient.

# Why should you care? Why do the people you regulate care?

- What's the business case for clear regulations?
- What are the benefits of clear regulations?
- What are the consequences of *unclear* regulations?



## Are clear and usable regulations possible?

- The Federal Communications Commission had five people answering calls about regulations for citizens band radios.
- The telephone company told them that only 10% of callers were getting through. The other 90% called later or gave up.
- What could they do?

## An example from the original Citizens Band rule

### **95.419 Mailing address furnished by licensee**

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

## An example from the revised Citizens Band rule

### **95.423 What address do I put on my application?**

- (a) You must include your current complete mailing address and station address in the United States on your CB license application.
- (b) A Canadian General Radio Service licensee may supply a Canadian address if he or she is applying for permission to operate under TIAS No. 6931.



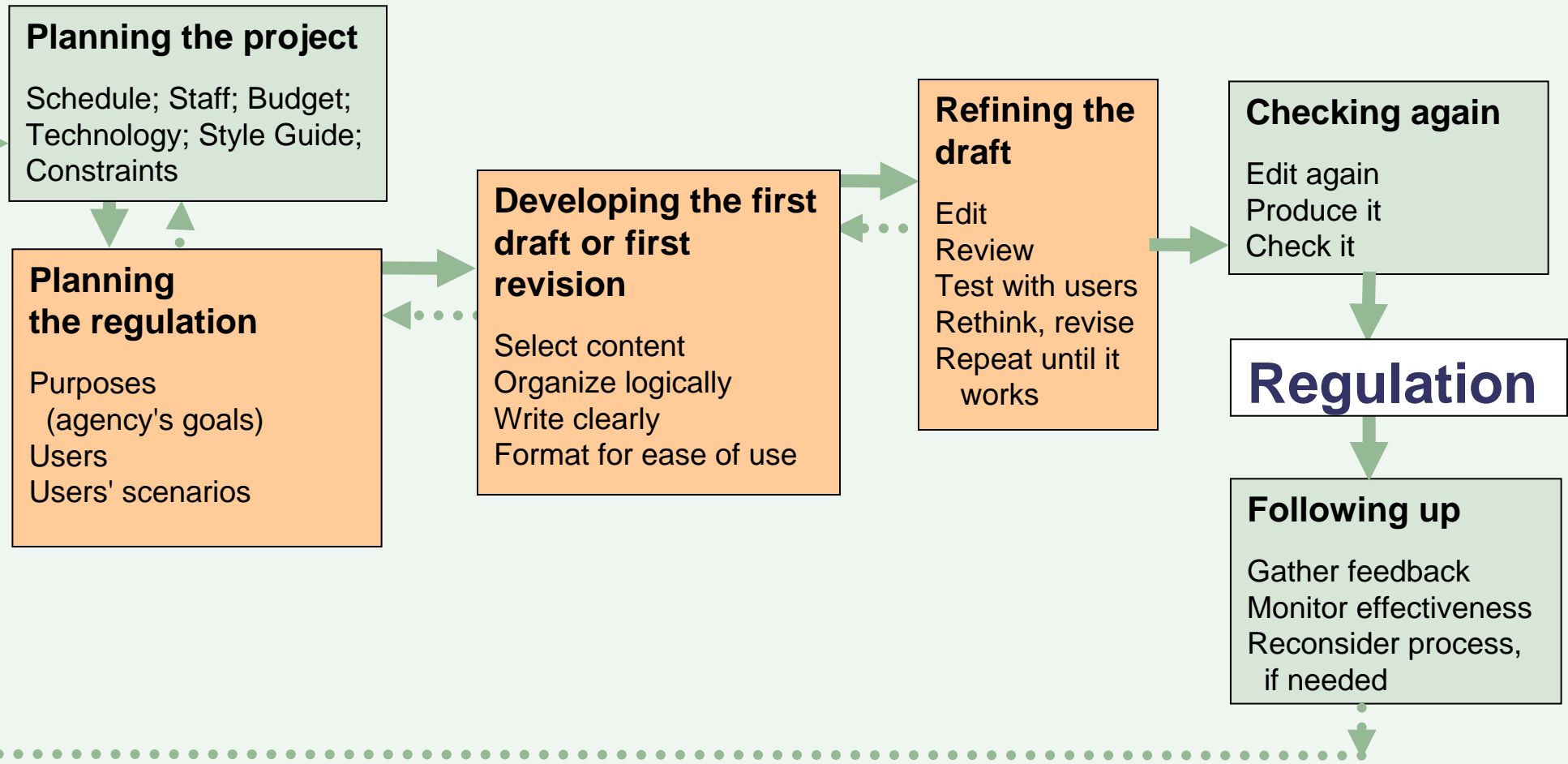
## What is plain language?

- A document is in plain language if and only if the people who must use it can
  - find what they need,
  - understand what they find, and
  - act appropriately on that understanding.
  
- - in the time and effort that they are willing to spend!

## "Plain language" is more than language

- "Plain language" is much more than short sentences and simple words.
- When you "do plain language," you
  - focus on the people who must use the regulation
  - think about how, when, and why they come to the regulation
  - organize the regulation so they can find what they need
  - write it clearly
  - present it on the page or screen so it is easy to use

# Developing a plain language rule is a process



## Planning the regulation

Purposes  
(agency's goals)  
Users  
Users' scenarios

# The process starts with planning

- Expert writers spend more time planning than writing.
- Plan with colleagues, reviewers, stakeholders, and users.
  - **Purposes, agency's goals**  
What does the agency want to achieve?
  - **Users**  
Who will (or should) use your regulation?  
What should you remember about those users?
  - **Users' scenarios**  
When, where, why, and how will people use your regulation?

# Who uses your regulations? When, where, why do they use them?

**Scenario =** a very short story about a specific *who, when, where, and why.*

- Jim Smith, who has just taken over his father's wheat farm in Eastern Washington, wants to burn his fields after taking in the crop. He wonders if he needs a permit and how much one costs.
- Mr. and Mrs. Wang came from Korea three years ago. They own a dry cleaners. They want to be good to the community and follow the rules. They try to look up the rules for disposing of the hazardous chemicals they use to dry clean clothes.
- Maria Gonzalez, an administrative law judge, has to decide if an appeal by a claimant was submitted within the time allowed.

## How do people use workplace documents?

- Think about your own behavior with documents.
  - How much do you typically read at one time?
  - What do you do with most documents?
  - When and why do you go to documents?
  - How do you get information from documents?
- In the workplace, people do not read documents.
- They *use* them.

 readers

 users

**Developing the first  
draft or first  
revision**

Select content  
Organize logically  
Write clearly  
Format for ease of use

## Plain language covers all aspects of developing a regulation

### Ten guidelines to get you started

1. Think of users when you select the content.
2. Break the regulation into small pieces.
3. Give each piece a clear heading.
4. Treat exceptions positively.
5. Put people in your writing.
6. Untangle sentences.
7. Start with what the user knows.
8. Treat parallel situations with parallel lists or tables.
9. Use modern words.
10. Test with users.

# 1. Think of users when you select the content

Two stories:

- FCC marine radios
- WISHA

## 83.115 Retention of radio station logs.

(a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

- (1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;
- (2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;
- (3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

Note: See Part 42 of this chapter concerning preservation of records of common carriers.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. Unless otherwise authorized by the applicable provisions of this part, the radio log currently in use shall be kept by the licensed operator(s) of the station and during use shall be located at the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Puerto Rico, and Virgin Islands), the original radio log (or a duplicate thereof) dating from the last departure of the vessel from a U.S. port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided) may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

Note: Duplicate logs are not required by the provisions of this paragraph, unless the original log is removed prior to opportunity for official inspection.

(d) Logs of ships of the United States containing entries required to be made by reason of the Great Lakes Agreement or 83.368(c) of this part shall be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form required by said agreement or 83.368(c) shall be retained on board the vessel for a period of not less than one month from the date of entry. After retention on board the vessel as herein stipulated, the entries shall be filed at a place where they will be commission upon request, and shall be retained as stipulated by paragraph (a) of this section.



## 83.1015 (VHF Marine Rule 15)

### **Do I have to keep a radio log?**

- (a) You must keep a radio log. A radio log is a book in which you keep information about your radio. The radio log must be neat and orderly. Each page of the log must be numbered, signed by the operator, and show the name and call sign of your boat. You must keep your radio log for at least one year after the day of the last entry in the log.
- (b) You must make the following entries in your radio log:
  - (1) Each distress (MAYDAY) message you send or hear;
  - (2) Each urgency (PAN PAN) or safety (SECURITY) message you send; and
  - (3) The installation and servicing of your radio.
- (c) For more information on distress messages, urgency messages, and safety messages, see VHF Marine Rule 21.

## Safety and Health Core Rules

Contents

Helpful Tools

Index

Download

### Chapter 296-800 WAC Effective: November, 2004














 [Complete Rule for printing](#)

The Safety and Health Core Rules are the basic safety and health rules needed by most employers in Washington State. You can make your workplace safer and healthier for your employees by applying these rules.

#### Agriculture:

Requirements for Agriculture operations can be found in the [Safety Standards for Agriculture, Chapter 296-307 WAC](#).

#### Table of Contents

WAC 296-800-100	 <a href="#">Introduction</a>
WAC 296-800-110	 <a href="#">Employer Responsibilities/ Safe Workplace</a>
WAC 296-800-120	 <a href="#">Employee Responsibilities</a>
WAC 296-800-130	 <a href="#">Safety Committees and Safety Meetings</a>
WAC 296-800-140	 <a href="#">Accident Prevention Program</a>
WAC 296-800-150	 <a href="#">First Aid</a>
WAC 296-800-160	 <a href="#">Personal Protective Equipment (PPE)</a>
WAC 296-800-170	 <a href="#">Employer Chemical Hazard Communication</a>
WAC 296-800-180	 <a href="#">Material Safety Data Sheets (MSDSs) as Exposure Records</a>
WAC 296-800-190	 <a href="#">Safety Bulletin Board</a>
WAC 296-800-200	 <a href="#">WISHA Poster</a>
WAC 296-800-210	 <a href="#">Lighting</a>
WAC 296-800-220	 <a href="#">Housekeeping, Draining and Storage</a>

## Core Rules

Contents

Helpful Tools

Index

Download

### First Aid

WAC 296-800-150

 [For printing](#)

#### Summary

#### Your Responsibility:

**Make sure first-aid trained personnel are available to provide quick and effective first aid**

#### You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid	WAC 296-800-15005
Make sure appropriate first-aid supplies are readily available	WAC 296-800-15020
Make sure emergency washing facilities are functional and readily accessible	WAC 296-800-15030
Inspect and activate your emergency washing facilities	WAC 296-800-15035
Make sure supplemental fire provides sufficient water	WAC 296-800-15030

WAC 296-800-15030

**Make sure emergency washing facilities are functional and readily accessible**

#### You must:

- Provide an emergency shower:
  - When there is potential for major portions of an employee's body to contact corrosives, strong irritants, or toxic chemicals.
  - That delivers water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.
- Provide an emergency eyewash:
  - When there is potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals.
  - That irrigates and flushes both eyes simultaneously while the user holds their eyes open.
  - With an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off.
  - That delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.



#### Note:

Chemicals that require emergency washing facilities:

<http://www.lni.wa.gov/wisha/rules/corerules>

## 2. Break the regulation into small pieces

### WAC 192-110-005 Applying for unemployment benefits--General

#### (1) **How do I apply for benefits?**

(a) File your application for benefits by placing a telephone call to the unemployment claims telecenter listed in your local telephone directory.

(b) In situations involving individuals with physical or sensory disabilities that make filing by telephone difficult, or in other unusual circumstances, the commissioner can authorize other methods for filing an application for benefits.

(2) **When can I apply?** You may apply at any time between the hours of 8:00 a.m. and 5:00 p.m. (Pacific Time) Monday through Friday (excluding state holidays), even if you are working. Your claim is effective on the Sunday of the week you file your claim.

(3) **What information am I required to provide?** The minimum information needed to process your application is:

(a) Your legal name; and

(b) Your social security account number.

You should also be prepared to provide the names, addresses, dates worked, and reasons for job separation for all of your employers during the past two years. Other information may be requested in individual circumstances.

(4) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week. However, you must file a claim for this week before any benefits for future weeks can be paid to you.

[http://fortress.wa.gov/  
esd/portal/resources/  
wac/wac110-005.htm](http://fortress.wa.gov/esd/portal/resources/wac/wac110-005.htm)

### 3. Give each piece a clear heading

#### A

Terms and Conditions of Loan

Deferments

Repayment

Eligibility Notice

Eligible Lenders

Program Operation

Insurance Fee

Default

#### B

What is the guaranteed student loan program?

Who is eligible to apply?

How much may I borrow?

When should I apply for a loan?

How do I apply for a loan?

How and when will I have to repay the loan?

Are there situations which allow me to put off repaying my loan?

What happens if I don't repay on time?

## 4. Treat exceptions positively

### § 93.505 Certificate for swine.

(a) All swine offered for importation from any part of the world except as provided in §93.517 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, stating that such swine have been kept in said region at least 60 days immediately preceding the date of movement therefrom and that said region during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin.

U.S. Dept. of Agriculture,  
Title 9, Part 93, Subpart E

### **93.505 If I am importing swine, do I need a certificate?**

- (a) Swine from Canada. See 93.517.
- (b) Swine from anywhere else in the world. ...

## 5. Put people in your writing

### §411.130 How will SSA distribute tickets under the Ticket to Work program?

(a) We will distribute tickets in graduated phases at phase-in sites selected by the Commissioner, to permit a thorough evaluation of the Ticket to Work program and ensure that the most effective methods are in place for full implementation of the program. (See §411.110.)

(b) We will distribute a ticket to you when we distribute tickets in your State, if you are eligible to receive a ticket under §411.125.

### §411.135 What do I do when I receive a ticket?

Your participation in the Ticket to Work program is voluntary. When you receive your ticket, you are free to choose when and whether to assign it (see §411.140 for information on assigning your ticket). If you want to participate in the program, you can take your ticket to any EN you choose or to your State VR agency.

[http://www.ssa.gov/OP\\_Home/cfr20/411/411-0000.htm](http://www.ssa.gov/OP_Home/cfr20/411/411-0000.htm)

## 6. Untangle sentences

### Original

Interested persons, on or before September 15, 2006, may submit to the Hearing Clerk, 1000 Pennsylvania Avenue, NW, Washington, DC 20000, written comments regarding this proposal.

## **Suggested revision**

We invite you to comment on this proposal.

Deadline: September 15, 2006

Send comments to

Hearing Clerk

1000 Pennsylvania Avenue NW

Washington, DC 20000



## 7. Start with what the user knows

### Original

Approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival at the port of entry, is hereby prescribed as a condition of importation for shipments of yams from foreign countries.

## **Suggested revision**

If you are importing yams into the United States, they must be fumigated when they arrive at the port of entry. The approved fumigation method is to use methyl bromide at normal atmospheric pressure, following this procedure:

## 8. Treat parallel situations with parallel lists or tables

### Original

Thirty calendar days prior to the public hearing, or, if no public hearing is held, 30 calendar days before the deadline for submittal to the agency, the draft plan must be submitted to the clearinghouse for review.

## **Suggested revision**

### **When must I submit the draft plan to the clearinghouse for review?**

- (a) If a public hearing is being held, you must submit the plan 30 days before the public hearing.
- (b) If a public hearing is not being held, you must submit the plan 30 days before the agency's deadline for submissions.

## Suggested revision

**When must I submit the draft plan to the clearinghouse for review?**

<b>In this case</b>	<b>You must submit your plan to the clearinghouse for review</b>
public hearing	30 days before the public hearing
no public hearing	30 days before the agency's deadline for submissions

## 9. Use modern words

Don't use	Use
aforesaid	the
hereby	[nothing]
herein, hereinafter	[nothing or refer to specific place]
provided	if, but [new sentence]
said	the
same	[appropriate pronoun]
to wit	[nothing]

WAC 388-295-0030

### What must I do to be eligible to receive state child care subsidies?

To be eligible to receive state child care subsidies for children in your care you must:

Washington State Department of Social  
& Health Services

### §401.40 How to get your own records.

*(b) Identifying the records.* At the time of your request, you must specify which systems of records you wish to have searched and the records to which you wish to have access. You may also request copies of all or any

United States Social Security  
Administration

## 10. Test with users

- Usability testing – watching and listening as someone tries to use your regulations – 6 to 10 users, one at a time
  - Give the user the web site or the paper regulations.
  - Give the user a realistic scenario.
  - Ask the user to talk out loud while working.
  - Watch the user try to find the right rule.
  - Listen to what the user understands.
  - Ask the users how they would act.

This photo is from a usability test of a different type of document.

Used with permission.



## Getting started in plain language

- Start small – select a rule that is small enough to handle.
- Start with something everyone agrees needs rework.
- Get reviewers and stakeholders on board at the beginning.

Practice the doctrine of no surprise.



## Some resources and examples

- [www.plainlanguage.gov](http://www.plainlanguage.gov)  
(for general guidance, examples, and links to other resources)
- [www.blm.gov/nhp/NPR/tutorial/regwr\\_01.html](http://www.blm.gov/nhp/NPR/tutorial/regwr_01.html)  
(a tutorial on writing clear regulations)
- [www.plainlanguage.gov/howto/guidelines/reader-friendly.cfm](http://www.plainlanguage.gov/howto/guidelines/reader-friendly.cfm)  
(guidelines for writing clear regulations)
- [www.lni.wa.gov/wisha/rules/corerules/html](http://www.lni.wa.gov/wisha/rules/corerules/html)  
(award-winning plain language rules)
- [www.usability.gov](http://www.usability.gov)  
(for information on testing documents with users)

## More questions? Want to talk more?

Janice (Ginny) Redish, Ph.D.  
President  
Redish & Associates, Inc.

6820 Winterberry Lane  
Bethesda, Maryland 20817

voice: 301-229-3039  
fax: 301-229-2971  
e-mail: [ginny@redish.net](mailto:ginny@redish.net)  
web: [www.redish.net](http://www.redish.net)