



OFFICE OF ADVOCACY FACTSHEET

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Advocacy Urges DOJ to Address Economic Impacts of Revisions to Americans with Disabilities Act Rules

On February 4, 2005, the Office of Advocacy (Advocacy) filed a comment letter with the U.S. Department of Justice (DOJ), in response to its advance notice of proposed rulemaking (ANPRM), *Nondiscrimination on the Basis of Disability in State and Local Government Services; Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*, 69 Fed. Reg. 58,768 (Sep. 30, 2004). A complete copy of Advocacy's letter to DOJ may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- The Americans with Disabilities Act (ADA) requires DOJ to set standards for making buildings accessible for people with disabilities. Businesses must comply with these accessibility standards by removing items or architectural features that conflict with the provisions in the standards, this is known as "barrier removal." DOJ is currently considering adopting new accessibility standards proposed by another Federal agency, the Architectural and Transportation Barriers Compliance Board (the Access Board). DOJ is soliciting written comments from small businesses until May 31, 2005, on how the new ADA standards could affect them.
- Advocacy commended DOJ for providing an extended opportunity for small businesses to provide comments. DOJ has provided the public with an opportunity to comment on the rulemaking before the publication of a proposed rule in an ANPRM. The original deadline for comments on the ANPRM was January 28, 2005, but DOJ extended this comment period to May 31, 2005.
- Advocacy recommended that DOJ complete an initial regulatory flexibility analysis (IRFA) for the rule revising ADA standards. Such revisions are likely to cause significant economic impacts to a substantial number of small entities. An IRFA would include an analysis of the rule's potential economic impacts to small businesses, as well as a discussion of regulatory alternatives that could reduce those impacts.

Advocacy will be submitting further detailed comments to DOJ on the effects the new ADA standards could have on small business and regulatory alternatives the agency should consider, and seeks specific, detailed information from small business owners on how the new rule could affect them individually. You can find the new ADA provisions on the Access Board's website at: <http://www.access-board.gov/ada-aba.htm>. Also, DOJ's ANPRM is available online and small businesses can submit electronic comments at: <http://www.adaanprm.org>. For more information, including additional fact sheets outlining some of the new ADA standards and what the proposal may require, visit Advocacy's Web page at: <http://www.sba.gov/advo>, or contact assistant chief counsel Michael See by email at Michael.See@sba.gov or by phone at (202) 619-0312.