

Advocacy Assists DOJ in Considering Impacts to Small Business in Revisions to Americans with Disabilities Act Regulations

On May 23, the Office of Advocacy (Advocacy) filed a second 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 recommended that DOJ complete an initial regulatory flexibility analysis (IRFA) when it publishes the proposed rule revising ADA standards in the future. This IRFA would explain to the public the costs the rule could impose on small businesses, as well as potential alternatives to the rules that would reduce or eliminate those costs.
- DOJ will be incorporating comments it has received into a notice of proposed rule making to be published in the future. This ANPRM will help ensure that the final rules reflect valuable input from all stakeholders who benefit from effective implementation of the Act. In the meantime, the new ADA provisions can be found 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.