Paul Noe is the Vice President for Public Policy at the American Forest & Paper Association. At AF&PA, he works on a wide variety of issues, including renewable energy and the carbon neutrality of biomass, clean air and other environmental regulations, sustainability, chemicals and product stewardship, and regulatory reform. Before joining AF&PA, he had extensive experience in public policy issues, including as Vice President of Regulatory Affairs at the Grocery Manufacturers Association, in private practice in environmental and administrative law, and in public service at the White House Office of Management and Budget and in the U.S. Senate.

What attracted you to administrative law?

I came to administrative law by way of environmental law. As I began to develop my knowledge of environmental law, I soon realized the profound importance of the process and norms by which government rules are developed, implemented and enforced – and that this cuts across a multitude of substantive areas of the law. Along the way, I had the good fortune of being taught by a brilliant administrative law professor, Judge Laurence Silberman of the D.C. Circuit, and working with Tommy Susman, a preeminent Washington lobbyist and administrative law practitioner who encouraged me to join the ABA Section of Administrative Law and Regulatory Practice.

If you understand administrative law, you know how the government affects the lives of all of us. As the Administrative Law Section puts it: “Administrative law: everybody does it.”

You used to work for the Office of Information and Regulatory Affairs (OIRA). Would you please briefly describe what the Office does?

Within the White House Office of Management and Budget, OIRA is the repository of expertise on regulatory issues, including methodologies and procedures that affect multiple agencies and the President’s regulatory policies. OIRA provides assistance and guidance to the White House, the President’s regulatory advisors, and the agencies in regulatory planning and review. In carrying out its responsibilities, OIRA reviews the significant rules and information collection requests issued by the agencies under the President’s purview. A highly capable OIRA professional staff with expertise in fields such as economics, policy analysis, engineering and science coordinates interagency reviews of draft significant regulations and provides input and comments on those drafts before they are issued for public comment. To guide these reviews, OIRA follows the principles for regulatory review established by presidential Executive orders – currently E.O. 12866 and E.O. 13563.

What was the most important regulation on which you worked?

That’s a tough question, because I have had the opportunity to work on so many important regulations, such as EPA rules to cut power plant emissions by two-thirds, USDA and FDA rules to protect against mad cow disease, and Army Corps of Engineers rules to restore the Florida everglades. I also drafted agency good guidance practices and helped to draft some Executive orders, as well as OMB guidelines on information quality and peer review.
OIRA is frequently referred to as "the most powerful government office that you have never heard of."

Why do you think that OIRA has such a low profile?

OIRA does not issue regulations, it only coordinates the review of the drafts with other interested agencies in the federal government. It is tiny by agency standards (only about 50 staff compared with tens of thousands at major agencies and departments), but within the thinly-staffed Executive Office of the President, it is substantial and quite capable of raising important questions, providing significant input to the agency, and ensuring that proposals are in accord with the President’s regulatory philosophy. This is an important and influential role, but the agency owns its regulations and speaks to the public about them.

What are the major differences between working for Congress, OIRA, and the private sector?

In Congress, if you can be a part of a successful legislative initiative, you may have a great impact on public policy, but it rarely happens in a meaningful way – especially these days. And it’s not enough to have a good idea and a good boss: you need to achieve consensus among 535 disparate legislators and ultimately the White House. It can be a Sisyphean task.

At OIRA, there never is a wasted day or a wasted hour. You have one boss, your mandate is clear, and the sense of urgency is palpable. The staff is highly capable and highly professional – among the best public servants you will find anywhere. There are 500 regulations coming through the office each year, and the President may want to effect some significant regulatory policies and reforms. A key issue is how you set priorities and execute with so much to do with seriously limited resources.

In the private sector and the trade association world, you are not directly involved in regulatory decision making, but you can provide an invaluable service by helping policymakers use the power of facts and analysis to get the policy right.

How can current students learn more about administrative law?

Join the ABA Section of Administrative Law and become active. There are all kinds of learning opportunities, such as informal discussions with other members, brown bag lunches, panel discussions, publications, the Rulemaking Institute, and the annual meeting. And you can build on what you learn: for example, talking with colleagues in the Section can lead to an idea, then to a panel discussion, and then to an article.

In addition, find a great administrative law professor and a mentor and learn from them.

What skill sets are necessary for an attorney to succeed in administrative law and how should students try to develop these skill sets?

Intellectual curiosity, solid analytic and communications skills, and an appreciation for how procedure can affect outcomes. Seek out opportunities to learn and to develop your skills through doing.

If a current student wishes to pursue a career in administrative law, what advice would you give them in trying to find a job?

Like Jim Cramer says in “Mad Money,” there’s always a bull market out there somewhere. Follow your interests and also find an area of the law that needs good lawyers to develop and mature.