



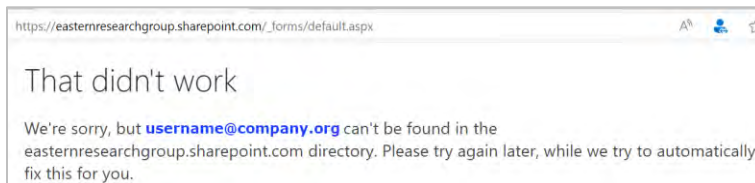
January 16, 2024

Michael Regan
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Comments on [Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy](#) (Docket # EPA-HQ-OEJECR-2023-0326)

The undersigned health and medical organizations welcome the opportunity to provide comment on EPA's "Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy." We encourage EPA to ensure that reforms to this Policy make EPA's regulatory process more accessible, more transparent and more easily tracked by members of the general public. Below we offer some general comments followed by more specific comments.

At the outset, we strongly recommend that the documents EPA presents to the public on regulatory and non-regulatory issues published on its websites or in the Federal Register have a standardized user-friendly format to preview the document contents and their layout. Additionally, if the document is lengthy enough or substantive enough to warrant its display in sections, then it must have a table of contents with all the sections and subsections hyperlinked to their respective locations. This very document on "Meaningful Involvement Policy" for which we are offering comment here is 68 pages long and laid out in four sections. The document's Table of Contents lists these four sections, but three of these, instead of being hyperlinked to their respective sections within the text, are hyperlinked to a webpage that opens up with this error message:



Further breakdown into subsections with functioning links would have been helpful. In this context, we note another example of an EPA document that seriously constrains public participation in a weighty regulatory action that affects their health and environment. In March 2023, EPA released its [second draft Policy Assessment on ozone NAAQS](#) with a 30-day deadline for public comment. This 1155-page document lacked a summary, its table of contents were not hyperlinked to their respective sections and subsections, and it did not have internal bookmarks of the sections and subsections

to navigate the lengthy tome. As a minimum requirement to encouraging robust public engagement and fostering thoughtful and substantive input from the public, EPA should adopt these document requirements: a table of contents which are internally hyperlinked to their respective sections, tables of figures and tables which are also internally hyperlinked to the respective figures and tables, a plain language executive summary, simple numbering of pages, and internal bookmarks in the pdf documents. The agency should also ensure that all internal and external hyperlinks are functional and work as expected in all public-facing documents. Anything less than this would be a deterrence to public participation.

In July 2023, we provided detailed comments to the Office of Management and Budget (OMB) on its memorandum on broadening public participation in federal agency actions.¹ We recommend that EPA review the comments that OMB received on this topic, in addition to the comments that it receives on this Policy, to better inform a robust framework of best practices for public participation.

We offer the following comments on some of the seven-steps in EPA's "Public Participation Model":²

3. Consider Providing Technical or Financial Assistance to the Public

Understanding the complex technical and scientific data used in science-based rulemaking requires specific skills and substantial time, the absence of which imposes severe constraints on public engagement. Providing technical assistance to the public is therefore essential for them to understand the factors being considered in developing an agency action, and this knowledge is in turn essential to be engaged in the process. Some resources that the agency can make available to the public include townhall type meetings with scientists, engineers, and technical experts who are directly involved in the process and/or are known in the field to explain and help understand the issues.

4. Provide Information and Outreach

Since there are generally multiple open dockets/rulemakings from multiple federal agencies at any given time, it would be impossible for the public to learn about or track them, let alone participate in them, without proactive engagement by an agency. The regulatory process is often both intimidating and confusing and the public cannot participate if they do not know of or understand an agency action. As the OMB Guidance Memo on Broadening Public Participation indicated, "(E)ven if individuals are aware of the regulatory process, they might not be aware of specific regulations or issues that agencies are considering if agencies publicize opportunities only in the Federal Register... Furthermore, it may be challenging for members of the public to understand which regulations agencies are currently considering, what stage of regulatory development a proposal is in, and how the proposal may affect them."³ Therefore, pre-rule engagement by the agency in a clear, transparent, and consistent

¹ Revesz, R. L. Administrator, Executive Office of the President Office of Management and Budget. (Jul 19, 2023). [Memorandum for the Heads of Executive Departments and Agencies on Broadening Public Participation and Community Engagement in the Regulatory Process](#)

² EPA. (Nov 16, 2023). [Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy](#). Page 17

³ Revesz (OMB). (Jul 19, 2023) [Memo on Community Engagement in the Regulatory Process](#). Page 7

approach to inform and educate the public on both the content and the process is essential for their participation. "(P)roactive engagement to "inform the development of regulatory agendas and plans," with a focus on encouraging early engagement in agency priority-setting," needs to be implemented.⁴

The process of public engagement in an agency action should enable citizens to participate without confusion and frustration. Making the public feel vested in the regulatory process is necessary for them to engage, and making the process simple and easy to navigate helps avoid engagement fatigue. Every step of the process is important for the public to provide input and shape the regulation. Because a regulation is expected to evolve with each listening session, public comment period, and interagency consultation/review, it is imperative that the public stay engaged throughout the process starting with pre-rule engagement.

We encourage developing a standard framework that serves as a Best Practices document to guide public engagement across the agency. Such a consistent approach is important in both process and engagement to remove confusion, improve predictability and expectation of the general regulatory process, and save resources, especially time. A centralized web portal (with functioning links) that serves as a clearinghouse for EPA's current and on-the-way rulemakings would be very helpful for the public to be kept informed and navigate through rulemakings without frustration or wasting time.

Key considerations for effective public participation include three components: (i) what communication materials are needed to engage the public, i.e. what should be included in notifying the public of agency action, (ii) how to convey that information to the public, and (iii) how to conduct public outreach about opportunities to participate in the action. For any of its regulatory or non-regulatory action seeking public engagement, EPA should ensure that:

- the information about the action is conveyed effectively to the public on a variety of physical and digital platforms
- outreach is conducted to help public understand the action and the process to enable their participation
- all documents related to its action are readily accessible on multiple sites (EPA's websites, FR site, etc.) and easily readable on a variety of devices, including smartphones
- documents include a plain language summary of the action and its potential impacts.

5. Provide Opportunities for Public Consultation and Participation Activities

At a minimum, the public information should clearly display agency name and contact info, substantive content (i.e. proposed agency action including its impacts on public, plus relevant documents) in a plain language summary, the specific questions that it seeks the public response to, times, dates, venues of any public hearings, listening sessions, community meetings, workshops or other stakeholder sessions, comment submission information, and agency website URL where the public can obtain more

⁴ [Revesz \(OMB\)](#). (Jul 19, 2023) [Memo on Community Engagement in the Regulatory Process](#). Page 2

information. When an agency action affects only a specific geographic area or a specific community, that should be made clear in the information display.

We encourage EPA to:

- Have both virtual and in-person listening sessions, community meetings, workshops or other stakeholder sessions
- Schedule public hearing/comment opportunities outside normal working hours of 9:00 am to 5:00 pm to allow participation by individuals who have professional/personal obligations during these hours. While we continue to ask that EPA return to in-person hearings, having a permanent virtual option as well that public participants can use is essential to increasing diversity of engagement including by individuals and groups from underserved communities that have not historically engaged.
- Provide easy-to-use interfaces for individuals to register to participate in such sessions. Participants should be able to select a specific time window.
- Make accommodations for non-English speakers, and those with different abilities such as hearing or visual impairment, to enable their participation.
- Provide a calendar with the timeline of the regulatory process along with deadlines for public engagement (e.g. comment periods). Providing the sequence of the regulatory process highlighting public engagement opportunities would be helpful for the public to participate and also to become knowledgeable about the process and steps to come.
- Prominently list on the same webpage all current rulemakings and other actions where stakeholder input is being solicited.

6. Review and Use Input and Provide Feedback to the Public

The public engagement process involves establishing a two-way relationship with the public built on trust.⁵ To (re)gain trust of the public and ensure their continued and sustained engagement, the agency must go beyond the minimal statutory requirements of public participation. It needs to show the public where and how their input is being used. The public need to be convinced that their words and views are seriously considered. Otherwise, they will disengage. Transparency and responsiveness from the agency are critical if it genuinely solicits public participation in its actions. As the OMB Guidance Memo points out: “Apart from specific regulations, greater participation and engagement in rulemaking can help increase the extent to which people perceive the regulatory process and government as a whole as legitimate and responsive, by assuring members of diverse communities, including underserved communities, that their views matter and are considered by Federal agencies. As agencies move toward deeper forms of engagement, the two-way channels of communication that emerge can also foster more trust in government.”⁶ To this end, for example, in the review of a National Ambient Air Standard, we recommend that EPA provide a summary of all substantial comments that it receives from the public at each stage of the review including on the Integrated Science Assessment and Policy Assessment, and an explanation of how these comments were considered and used in that stage of the

⁵ [Revesz \(OMB\) Memo on Community Engagement in the Regulatory Process](#). (July 19, 2023). Page 4

⁶ [Revesz \(OMB\) Memo on Community Engagement in the Regulatory Process](#). (July 19, 2023). Page 5

process. This would help in establishing trust with the public and provide impetus for the public to continue to engage in the regulatory process.

7. Evaluate and Report Public Participation Activities

The public engagement best practices should be a living document that is continually revised and updated in an ongoing effort to improve public participation with lessons learned from public engagement across different rulemakings by the agency. These periodic updates should also include successful approaches of other federal agencies in engaging the public in their regulatory processes.

Thank you for your consideration.

Signed,

American Lung Association
American Thoracic Society
National Association of Pediatric Nurse Practitioners