



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • [www.citizen.org](http://www.citizen.org)

*Submitted electronically via [www.regulations.gov](http://www.regulations.gov).*

May 17, 2024

Loren Schulman,  
Associate Director  
Office of Performance and Personnel Management, Office of Management and Budget

Samuel Berger,  
Associate Administrator  
Office of Information and Regulatory Affairs, Office of Management and Budget

Re: Methods and Leading Practices for Advancing Public Participation and Community Engagement with the Federal Government (Docket ID No. OMB-2024-0005-0001)

Dear Associate Director Schulman and Associate Administrator Berger:

Thank you for providing this important opportunity to comment on the Request for Information (RFI) “Methods and Leading Practices for Advancing Public Participation and Community Engagement with the Federal Government.”

Public Citizen is a national public interest organization with more than 500,000 members and supporters. For over 50 years, we have successfully and zealously advocated for stronger health, safety, worker, consumer protection, and environmental safeguards, as well as for a robust and effective regulatory system that works in the public interest, not for corporate special interests.

Public Citizen chairs the Coalition for Sensible Safeguards (CSS). CSS is an alliance of more than 180 consumer, labor, scientific, research, faith, community, environmental, good government, public health, and public interest groups representing millions of Americans. We are joined in the belief that our country’s system of regulatory safeguards should secure our quality of life, pave the way for a sound economy, and benefit us all. This comment is submitted only on behalf of Public Citizen.

Public Citizen was happy to see the questions posed in this RFI, as we believe that communications with the Government should be simple. When a member of the public asks a question, they should get an answer that satisfies, or at the very least responds to, their needs in a relevant manner. Of course, many communications the public has with the Government are complex, but a level of care and attention should be given to every person who contacts the Federal Government, no matter how large or small the matter at

hand may seem. All people really want is to feel seen and heard—like there are people in their corner. At Public Citizen, we believe that the Federal Government must be in the people's corner.

## Responses to Topics and Key Questions:

Page | 2

### 1. Experience participating in Federal Government PPCE activities:

- What is the Federal Government doing well when you (or your organization) participate in or try to participate in government PPCE activities? Please include any specific examples.

Public Citizen applauds the Biden Administration for its historic work to modernize the Federal regulatory process and improve public participation in rulemaking through its implementation of a series of necessary reforms.

On April 6, 2023, the Biden Administration issued the groundbreaking Executive Order 14094 on Modernizing Regulatory Review (EO 14094).<sup>1</sup> The EO ushered in the most important and impactful set of reforms to the regulatory process in decades. Notably, the EO made significant changes to the regulatory review process at the U.S. Office of Information and Regulatory Affairs (OIRA), which Public Citizen has often criticized as a process that is heavily influenced by corporate special interests and results in regulations that are weakened or delayed. In response, the EO streamlines the OIRA review process and, in Section 2(e)<sup>2</sup>, ensures that those who meet with OIRA about regulations include members of the public who benefit from new regulatory protections, such as members of underserved communities, and not just the corporate lobbyists that oppose new and robust regulations and seek to unduly influence regulators by using anti-regulatory, pro-corporate propaganda and fearmongering. We applaud Biden's OIRA for helping members of the public have a seat at the rulemaking table.

In addition, on July 19, 2023, the Biden Administration published guidance<sup>3</sup> for Federal agencies titled "Broadening Public Participation and Community Engagement in the Regulatory Process." The guidance directs agencies to use numerous tactics to promote public participation and community engagement in the regulatory process. It is evident that the Administration took the feedback provided by Public Citizen and other organizations and individuals at various Open Government listening sessions seriously when crafting this guidance. As those who attended the listening sessions suggested, the guidance calls on agencies to

---

<sup>1</sup> E.O. 14094 of Apr. 6, 2023, *Modernizing Regulatory Review*, 88 Fed. Reg. 21,879 (Apr. 11, 2023), available at <https://www.federalregister.gov/documents/2023/04/11/2023-07760/modernizing-regulatory-review>.

<sup>2</sup> See *id.* at 21,880.

<sup>3</sup> OIRA Memorandum, *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 19, 2023), available at <https://www.whitehouse.gov/wp-content/uploads/2023/07/Broadening-Public-Participation-and-Community-Engagement-in-the-Regulatory-Process.pdf>.

make the rulemaking process more accessible to the public, especially members of underserved communities, people with disabilities, and people with limited English proficiency. The impact of effective PPCE on the promulgation of this guidance for Federal agencies is deeply felt and appreciated by Public Citizen.

- What challenges, including any physical or digital accessibility barriers, have you encountered when you (or your organization) participate in or try to participate in Federal Government PPCE activities? How could those challenges have been avoided or mitigated? Please include any specific examples.

Page | 3

Ironically, there was no comment submission button included with the notice for this RFI on PPCE on regulations.gov. Its absence served as a digital accessibility barrier to public participation for everyone. This notice existed without a comment submission button from the date of its publication on March 20, 2024 until May 9, 2024 when the button was added after Public Citizen notified OMB of the issue. This was nearly the full length of the comment period and 8 days before the submission deadline.

This issue could have been avoided by having a designated OMB staff member or other authorized personnel double-check to ensure that there was, in fact, a comment submission button on the regulations.gov webpage for this RFI before it was published. Having multiple sets of eyes on Federal Government work product and communications, as appropriate and not otherwise prohibited by Federal law, especially when it comes to technological matters and systems (i.e., websites such as regulations.gov and reginfo.gov, along with all websites maintained by the Federal Government), is key as a general practice and principle for effective government-wide PPCE. If people cannot access something, they cannot participate.

Furthermore, Government websites such as reginfo.gov and regulations.gov have poor user experience (UX) and user interface (UI) design, making them difficult and unpleasant to navigate. The search functions are confusing, and the web design for these sites is unintuitive, outdated, and not user-friendly. Public Citizen recommends working with experienced web designers and web developers who specialize in UX and UI to develop enhanced, modernized, simplistic, and intuitive UX and UI design for reginfo.gov and regulations.gov. The redesigned sites should be equally functional across internet-enabled devices such as computers, tablets, and smartphones. NASA.gov<sup>4</sup> and USPS.com<sup>5</sup> provide good examples of user-friendly web design for a Government website across internet-enabled devices. Public Citizen further recommends that all design and development updates to Government websites are accessible to people with disabilities and people who speak languages other than English, including American Sign Language (ASL) through the use of closed captioning (CC) and ASL interpreters for audio-visual media, content, and presentations.

---

<sup>4</sup> National Aeronautics and Space Administration, <https://www.nasa.gov/> (last visited May 16, 2024).

<sup>5</sup> U.S. Postal Service, <https://www.usps.com/> (last visited May 15, 2024).

Finally, as previously mentioned, while Open Government listening sessions have been helpful, there is also room for improvement. For example, there could be more outreach about listening sessions. OMB should, in a timely manner, alert contacts at organizations, like Public Citizen, directly who have submitted comments regarding PPCE-related matters and/or have attended prior Open Government listening sessions. This will ensure people are able to attend and prepare with plenty of notice.

In addition, regarding listening sessions, they should be held at times outside the traditional 9:00 am to 5:00 pm working hours so a more diverse group of individuals is able to participate. Listening sessions should also have an ASL interpreter on each call and provide Spanish and other language interpreters through a dial-in phone option provided to individuals so they can receive translation services.

- What might the Federal Government do to make it easier or more likely for you (or your organization) to participate and engage with the Federal Government to inform government decision-making (e.g., to share concerns, recommendations, experience, knowledge, or expertise on government policies, regulations, programs, plans, priorities, and services)?

In the spirit of enhanced public participation, there should be a Federal Government website where the public can air grievances and share questions, comments, concerns, experience, knowledge, expertise, and ideas. This website would be cross-government and field questions received to the appropriate agency or government office based on what the member of the public inputs into the website's virtual question box. As members of the public may not know which agency or office is most appropriate to contact with a specific grievance or comment, this website would address that.

By having different categories for concerns and grievances (i.e., worker, environmental, product safety, food safety, etc.) for members of the public to select by checking virtual boxes in the question box instead of naming specific agencies or offices, it takes the guesswork out of the equation for the consumer and makes it easier for people to communicate with the Government without having to worry about where their comments should be directed to. Multiple categories would be able to be selected.

Furthermore, this one-stop-shop website would have an internal agency/government office-side framework or interface, and, using coding, would direct, for example, something an individual checked off as an environmental concern to the Department of Energy (DOE), the Environmental Protection Agency (EPA), the Department of the Interior (DOI), and other agencies that do environmental work, though are not the ones that first come to mind when you think of environmental regulations (e.g., NOAA at the Department of Commerce). On the agency-side backend interface of the website, agency and other

government office employees would be able to select a comment to answer and address. This website would be managed by the General Services Administration's (GSA) Program Management Office (PMO), following the same management and organization structure as the eRulemaking Portal, at the direction of OMB.

It is important to emphasize that this website would not be a substitute for regulations.gov or reginfo.gov. Rather, it is a tool to increase PPCE with the Federal Government and public trust in government, which Public Citizen comments on further below. All agencies and government offices should follow their standard practices when it comes to responding to questions from the public that originated via this new "grievance"/public inquiry website.

Public Citizen acknowledges that additional and enhanced resources will very likely be necessary to carry out all tasks associated with the implementation and use of this website.

- What is your understanding of how individuals and organizations can engage with the Federal Government to inform government decision-making, and of various opportunities (both past and present) to do this? What can the Federal Government do to reach and include a broader and more diverse range of people and groups, especially those who might typically be missed?

The public cannot engage if it is not aware of what the Federal Government is doing and that it is seeking the public's help and input in achieving its goals and objectives. To that end, there should be an employee from OMB, relevant agency officials, and even highest-level cabinet officials and the President communicating with the public about Federal Government goals and the role it plays, such as during White House press conferences. If done effectively, this will encourage public participation and two-way communication. People watch the news, and even if folks are not tuned-in, the press is always present at White House press conferences. The press has always served as a bridge between the White House and the American public. White House correspondents and other members of the press will help get the word out to the people. Since the public feels a disconnect from the Federal Government as evidenced by the data on public trust cited in this RFI<sup>6</sup>, people will want to hear about these sorts of things, learn how to participate, and feel reassured that participating is worth their time and energy.

Furthermore, it is important for the government to meet people where they are at. One of these places is online and on social media. The Federal Government should have a strong social media presence when it comes to PPCE. Perhaps there could even be dedicated PPCE social media accounts that OMB runs on Instagram, X (formerly known as Twitter), Facebook, and YouTube whose sole

---

<sup>6</sup> See *Methods and Leading Practices for Advancing Public Participation and Community Engagement With the Federal Government*, 89 Fed. Reg. 19,885, 19,885 (proposed Mar. 20, 2024), available at <https://www.federalregister.gov/documents/2024/03/20/2024-05882/methods-and-leading-practices-for-advancing-public-participation-and-community-engagement-with-the>.

purpose is to report out and inform the public about PPCE and PPCE-related activities and opportunities. The social media accounts managed by NASA<sup>7</sup>, the National Park Service<sup>8</sup>, and Amtrak<sup>9</sup> provide stellar examples of an informative, educational, humorous, and engaging social media presence with a strong voice that resonates with the public; just look at their follower counts and high levels of engagement (e.g., likes, comments, and reposts or shares)!

As a proponent of civic education and engagement surrounding not only the Federal regulatory process but also broader Government processes, Public Citizen believes in the frequent use of these social media accounts by OMB to provide educational content about PPCE, including how to participate in the notice and comment rulemaking process, to the public at-large.

## 2. Content in a Federal framework for PPCE:

- What are effective ways for the Federal Government to provide updates to the public about the feedback it receives during, and decisions made after, PPCE activities? Please include any specific promising practices.

Please see Public Citizen's comments above in response to Question 1. The Government should work to provide updates to the public via press engagement, social media, and surrogates who are able to reach members of the public in their communities.

## 3. Collaborative process to co-develop a Federal framework for PPCE:

- In co-developing a Federal framework for PPCE, what specific steps should OMB take that involve the Federal Government and the public, especially engaging members of underserved communities, to ensure collaborative development of the framework? Please share any promising practices and successful examples.

As the RFI states in its "Summary" section, "According to the 2023 Partnership for Public Service (PPS) survey on trust in government, only about 1 in 5 Americans

---

<sup>7</sup> Note: As of May 17, 2024, NASA has: 98.1M followers on Instagram (@nasa), <https://www.instagram.com/nasa>; 80.4M followers on X (formerly known as Twitter) (@NASA), <https://twitter.com/nasa>; 27M followers on Facebook (National Park Service), <https://www.facebook.com/NASA/>; and 12M subscribers on YouTube (@NASA), <https://www.youtube.com/nasa>.

<sup>8</sup> Note: As of May 17, 2024, the National Park Service has: 5.8M followers on Instagram (@nationalparkservice), <https://www.instagram.com/nationalparkservice>; 1.3M followers on X (formerly known as Twitter) (@NatlParkService), <https://twitter.com/NatlParkService>; 1.9M followers on Facebook (NASA - National Aeronautics and Space Administration), <https://www.facebook.com/nationalparkservice/>; and 24.8K subscribers on YouTube (@NationalParkService), <https://www.youtube.com/nationalparkservice>.

<sup>9</sup> Note: As of May 17, 2024, Amtrak has: 295K followers on Instagram (@amtrak), <https://www.instagram.com/amtrak>; 239K followers on X (formerly known as Twitter) (@Amtrak), <https://twitter.com/amtrak>; 746K followers on Facebook (Amtrak), <https://www.facebook.com/Amtrak/>; and 137K subscribers on YouTube (@amtrak), <https://www.youtube.com/AMTRAK>.

believe that the Federal Government “listens to the public” or “is transparent.”<sup>10</sup> These are bleak statistics, to put it bluntly. Building and maintaining a sufficient level of trust with the public is necessary for any co-developed government-wide framework to work in practice, not just in theory. The American people deserve to know that their ideas, thoughts, and concerns will be taken seriously and be reasonably addressed, not fall through the cracks of bureaucracy and disappear, never to be actualized or remedied.

According to a 2024 survey<sup>11</sup> on government trust worldwide by country published by the Statista Research Department, the global average of the percentage of the population that trusts its government is 51%. This shows that public trust in government is a global issue, not one that is unique to the United States. Interestingly, the countries that have the highest level of government trust are Saudi Arabia (86%), China (85%), and the United Arab Emirates (84%).<sup>12</sup> As the report acknowledges, these are authoritarian countries.<sup>13</sup>

Take China, for example: a country that the U.S. Department of State has classified as one with a “disregard for human rights” and states is “stifling freedom of expression.”<sup>14</sup> The People’s Republic of China “strictly controls what information is available on the internet within China.... [and] controls all domestic news reporting through direct ownership of news outlets. Daily [Chinese Communist Party] directives compel Chinese media to report on specific issues and perspectives, ensuring that only information matching the government’s desired narrative is shared.”<sup>15</sup>

The question then becomes how does the Federal Government begin to build that trust? The solution is obviously not to play by the authoritarian rulebook and silence dissent, but rather listen to and embrace what the public is trying to communicate to the Federal Government about the status quo concerning communication with the public. Four out of five members of the public do not feel listened to?<sup>16</sup> Then the Government should be questioning its current communication styles and practices and figuring out how it can better listen to the public and make the public feel heard.

This can and must be accomplished through clear, accessible, and engaging modes of communication that meet people where they are and encourage an active and responsive dialogue between the Federal Government and the public. The Biden Administration’s OMB has already taken crucial steps in this direction.

<sup>10</sup> *Supra* note 6.

<sup>11</sup> Statista Research Dep’t, *Trust in government worldwide 2023, by country* (Feb. 5, 2024), available at <https://www.statista.com/statistics/1362804/trust-government-world/>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> U.S. Dep’t of State, *China’s Disregard for Human Rights* (2017-2021 archived content) (last visited May 17, 2024), available at <https://2017-2021.state.gov/chinas-disregard-for-human-rights/>.

<sup>15</sup> *Id.*

<sup>16</sup> See *supra* note 6.

Public Citizen hopes this will be but the first iteration of a plan for PPCE. We understand it will not be perfect, but that it can certainly be useable and serve as a baseline for future versions. That is why there must be room to grow and procedures in place to monitor its implementation, public reception, and success. If the plan is critiqued in the future, it should be a sign that it is doing its job of fostering a dialogue between the public and the Federal Government. If it can do that, it will already be serving its purpose. There is something optimistic about that.

Public Citizen thanks OMB for its sincere consideration and implementation of our feedback along with the feedback provided by other public commenters. We look forward to seeing the final collective product and continuing the conversation around the proverbial fireside.

Sincerely,

Public Citizen

Organization contact:  
Elizabeth Skerry, Regulatory Policy Associate  
215 Pennsylvania Avenue SE, #3  
Washington, DC 20003  
ESkerry@citizen.org  
202-454-5116  
[www.citizen.org](http://www.citizen.org)