Thank you for the opportunity to comment. I am a lecturer and PhD Candidate at the University of Wisconsin-Madison. I study public participation in agency rulemaking and am a regular user of the regulations.gov API and other portals for accessing rulemaking documents. I read the transcript from the January 30th meeting and participated in the virtual meeting on April 30th.

In response to GSA's request for research related to regulation management, I want to offer the following three academic working papers:

"Why Do Agencies (sometimes) Get So Much Mail? Lobbying coalitions, mass comments, and political information in bureaucratic policymaking" (<https://judgelord.github.io/research/whymail/>)

"Social Movements, Science, Bureaucracy, and Democracy: How mobilizing for environmental justice influences technocratic policymaking" (<https://judgelord.github.io/research/ej/>)

"Data and Methods for Analyzing Interest Group Influence in Rulemaking" with Daniel Carpenter, Brian Libgober, Steven Rashin. (Accepted for publication at Interest Groups & Advocacy)

In the first of the above papers, I use text analysis methods underlying plagiarism detection to match individual public comments to pressure-group campaigns. I find that most public comments are mobilized by a few public interest organizations. Over 80% of the 48 million comments on proposed rules posted to regulations.gov were mobilized by just 100 organizations, 87 of which lobby in coalitions with each other). This evidence suggests that mass comment campaigns are more often a grassroots organizing tactic, rather than a tactic used by well-resourced groups (e.g. businesses) to create an impression of public support through advertising campaigns. Contrary to other forms of political participation, I find no evidence of negativity bias in public comments. Indeed, between 2005 and 2018, most comments supported proposed rules, reflecting the policy preferences in mobilizing groups. Read this working paper here: judgelord.github.io/research/whyMail

The second working paper focuses on the impact of the environmental justice movement in agency rulemaking. I examine the discursive effects of environmental justice claims both qualitatively and quantitatively. Looking across over 20,000 draft regulations that failed to address environmental justice issues as required by E.O. 12898, I find that agencies are more likely to add language addressing environmental justice in preambles to final rules when public comments raise environmental justice concerns. However, I have yet to find evidence that mass comment campaigns make this more likely. Read this working paper here: judgelord.github.io/research/ej/

In the third paper, we describe the major kinds of data that have proven useful to scholars studying interest group behavior and influence in bureaucratic politics, how we obtain them, and challenges that we as users have encountered in working with these data. We discuss established databases such as regulations.gov, which contains comments on draft agency rules, and newer sources of data, such as ex-parte meeting logs, which describe the interest groups and individual lobbyists that bureaucrats are meeting face-to-face about proposed policies. One challenge is that much of these data are not machine-readable. We argue that scholars should invest in several projects to make these datasets machine-readable and to link them to each other as well as to other databases.

Regarding practical challenges and strategies, I have two brief comments on accessibility and transparency.

The public comment process is already difficult to access for most Americans. Any reforms aimed at fraudulent comments should not make participation more difficult. Instead, when agencies receive a large number of comments, information about these comments should be reported. For example, by attempting to validate commenter identities for a random sample of comments, agencies and the public could infer the relative authenticity of comments expressing certain positions.

The structure of the public comment process could make commenting more accessible. Agencies often specific ask questions and solicit comments on specific topics in an NPRM. These topics offer an initial structure to allow commenters to self identify the topics of their comments. The American Bar Association's Section of Administrative Law and Regulatory Practice recommends "technology that would allow agencies to identify categories that commenters could select when submitting comments." To keep rulemaking open to new ideas, lobbying groups could be allowed to petition the agency to add topics to the menu or ask additional questions. Agencies could then encourage groups to mobilize in support of their preferred answers to the questions that agencies ask. Given past trends, this will likely take the form of petition campaigns, and agencies need mechanisms to receive those comments as such.

More transparency is needed in the processes by which public comments inform rulemaking, especially where there are too many comments to respond directly.

* Any software or code written by an agency or third party to analyze comments on a docket must be part of the record.
* Whenever possible, any analysis should be done with open-source software to allow scholars and the public to replicate the agency's analysis.
* Any summary analysis of comments, especially those performed by third parties, must be part of the record. If government officials are basing decisions on summaries of comments, those summaries must be part of the public record. This means that summary documents should be part of the record whenever more comments are received than agency staff can read. For example, if an agency identifies comments as non-substantive or duplicate, those determinations should be part of the public record.

As my research progresses, I will post additional findings and recommendations on my website: <https://judgelord.github.io/research/>

Thank you again,

Devin Judge-Lord

Lecturer and PhD Candidate

University of Wisconsin-Madison

110 North Hall, 1059 Bascom Mall, Madison, WI 53706