



March 10, 2023

Office of Information and Regulatory Affairs  
Office of Management and Budget  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Attention Office of Information and Regulatory Affairs  
RE: [Broadening Public Engagement in the Federal Regulatory Process](#)

Don't Cage our Oceans (DCO2) is a coalition of nearly 35 diverse organizations and businesses working together to stop the development of offshore finfish farming in the United States through federal law, policies, and coalition building. DCO2 uplifts values-based seafood systems led by local communities. We appreciate the OIRA's interest in broadening public engagement in the federal regulatory process, and share our concerns and recommendations below.

In particular, our coalition will address the role that federally-created subcommittees play in potentially hampering the goal of question 2 in the request for comments, which reads: *"Are there obstacles or barriers to greater public participation, especially for underserved communities, that are not addressed by these recommendations? If so, are there other recommendations that we should consider?"*

Specifically, we believe that the [Subcommittee on Aquaculture](#), which operates under the Committee on Environment of the NSTC, under the Office of Science and Technology Policy in the Executive Office of the President, poses an obstacle in that it operates in a way that blocks the public from the decision-making processes and discussions that happen within the subcommittee.

The National Aquaculture Act (NAA) of 1980, despite attempts to create additional law on the topic, remains the only federal statute entirely about aquaculture in the United States. The Subcommittee on Aquaculture (SCA) was created by this statute, and serves to coordinate aquaculture programs among the agencies. However, nobody, not even industrial offshore aquaculture's most ardent supporters, argues that the 1980 law creates substantive authority to any federal agency to regulate commercial aquaculture and permit aquaculture facilities, in the Exclusive Economic Zone or elsewhere.

Instead, the NAA speaks only to creating a national aquaculture policy and development plan by several agencies, with several reports and working groups, addressing their testing and feasibility.

Certain forms of aquaculture can be a part of the picture when it comes to responsibly raising seafood in the U.S. Appropriately scaled and sited shellfish and seaweed farming hold promise, as well as land-based recirculating fish farms that focus on omnivorous and herbivorous fish, such as tilapia and catfish. However, factory-style fish farming that relies on high feed inputs and the ocean as a dumping ground, are part of a broken, antiquated method of raising food.

Unfortunately, the SCA is a closed-door federal-policy deliberative process where agency officials can meet to discuss big industry's wish list of what kind of aquaculture it would like for the U.S. taxpayer to support. While the SCA does not have the ability to actually regulate aquaculture, its "thumb on the scale" approach does the public a disservice when key stakeholders' perspectives are entirely discounted in policy recommendations. In other words, struggling residents in underserved coastal communities, many of who come from disadvantaged backgrounds, are entirely sidestepped when promoting a policy that rewards out-of-state and foreign corporations to the detriment of coastal residents, whose livelihoods are at stake, discussed in private behind closed doors.

We appreciate OIRA's interest in bringing greater transparency and opportunities for community members, particularly those from underserved communities, to have a chance to more effectively weigh in during the federal regulatory process. We recommend that as OIRA examines "obstacles or barriers to greater public participation," that it starts by reviewing some of the inter-agency subcommittees created decades ago. Public participation in lawmaking is a requirement and should be a national priority. Entities like the SCA should be reformed to include regular public input while ideas are still being deliberated, instead of only allowing for public review after the policies and decisions have already been decided upon and in many cases, implemented.

We appreciate your consideration, and look forward to continued dialogue on this matter.

Sincerely,

James Mitchell  
Legislative Director  
Don't Cage our Oceans