



March 6, 2023

The Office of Management and Budget
725 17th Street NW
Washington, D.C. 20503

RE: Comment Letter — Broadening Public Engagement in the Federal Regulatory Process

To the Office of Information and Regulatory Affairs:

We are writing in general support of the recommendations that the Office of Information and Regulatory Affairs received in November 2022 on how to improve public participation in the federal regulatory process. We commend the Biden-Harris Administration on its commitment to the inclusion of historically disadvantaged communities, and increased engagement with stakeholders and frontline organizations. Our work at the Community Water Center hinges on public participation and accessibility, and we would like to provide the following recommendations in order to bolster federal support to rural communities of color in California:

- 1. We Support Expanded Accessibility of the Federal Regulatory Process and Recommend Additional Accommodations for Underserved Communities**
- 2. The Federal Regulatory Process Should Establish and Maintain Relationships with Stakeholders and Frontline Organizations Outside of the Federal Regulatory Process**
- 3. Federal Agencies Should Establish Advisory Groups for Community-Facing Federal Regulatory Processes**
- 4. The Federal Regulatory Process Should Ensure Agencies Proactively Provide Rulemaking Updates**

1. We Support Expanded Accessibility of the Federal Regulatory Process and Recommend Additional Accommodations for Underserved Communities

We generally support the recommendation to make regulatory material more accessible and usable by members of the public. The Office of Information and Regulatory Affairs can ensure that agencies are able to accommodate the obstacles different communities face in providing public feedback. We commend the use of interactive access to agency information via mobile-friendly formats on agency websites. Additionally, we support the inclusion of opportunities for the public to provide input in various media formats. Nonetheless, we recognize unique challenges that face rural and low-income communities that may need additional accommodations so that they are able to be a part of the public participation process.

a. Include Additional Accommodations for Underserved Communities

In addition to the proposed recommendations, we urge the Office of Information and Regulatory Affairs to expand accommodations for underserved communities for every step of the regulatory process. We recommend that regulatory material not only be provided in plain language, but also be translated into any languages spoken by at least ten percent of residents in affected communities, including those that are visually and hearing impaired. Additionally, we recommend that agencies take into account rural communities without access to stable electricity or

internet connections that may not be able to receive information or provide feedback within the same time frame as communities with access to more efficient forms of communication.

2. The Federal Regulatory Process Should Establish and Maintain Relationships with Frontline and Community Organizations Outside of the Federal Regulatory Process

Along with the proposed recommendations, we urge agencies to consider community-driven involvement in the federal regulatory process and feedback. The Office of Information and Regulatory Affairs should ensure that agencies are intentional in cultivating relationships with community-based and frontline organizations as stakeholders that are key intermediaries in sharing communities' feedback. We also recommend the development of an annual review of public participation strategies that features regular public comment periods for feedback on the federal regulatory process. In doing so, communities are able to actively participate, rather than having a one-way line of communication from agencies to the public. We also recommend that agencies host regular meetings with stakeholders so that updates can be shared proactively with affected communities.

An example of a community-driven coalition is the AGUA Coalition (*la Asociación de Gente Unida por el Agua*, or the Association of People United for Water); AGUA is a regional, grassroots coalition of impacted community residents and allied non-profit organizations dedicated to securing safe, clean, and affordable drinking water for San Joaquin Valley communities. AGUA members work to advance local drinking water projects, serve on water decision-making boards, speak to the media and engage in advocacy campaigns to end CA's drinking water crisis. Through AGUA, affected residents are able to actively participate in advocacy and share insight with allied organizations that communicate with agencies where they cannot.

3. Federal Agencies Should Establish Advisory Groups for Community-Facing Federal Regulatory Processes

In support of the Justice40 initiative, we recommend that federal agencies establish advisory groups that can provide feedback during the federal regulatory process, especially for policies that directly affect communities. Advisory groups should be composed of key agency officials, stakeholders and equity groups, and community residents that have experience with the implementation of federal regulations. This would ensure public participation is incorporated throughout the federal regulatory process outside of the public comment period. An example of such an advisory group is the SAFER Advisory Group that provides the California State Water Board with feedback on policies and analysis. The Advisory Group includes representatives of public water systems, technical assistance providers, local agencies, nongovernmental organizations, the public and residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells.

4. The Federal Regulatory Process Should Ensure Agencies Proactively Provide Rulemaking Updates

We greatly support the Biden-Harris Administration and agencies for the development of the Justice40 initiative in order to ensure benefits of federal programs are reaching underserved communities. Through our outreach and communication with key agency partners, we have recognized that agencies are more dedicated to ensuring the underserved communities are prioritized throughout the federal regulatory process. However, we simultaneously observe that agencies rarely provide updates on how feedback is incorporated into the federal regulatory process and how public participation can best inform federal regulations. We recommend that agencies proactively provide rulemaking updates in order to concurrently address public feedback early in the development of new regulations, along with a public comment period at the end of each major federal regulatory process to better ensure that regulations best meet community needs.

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We thank you for the opportunity to comment in response to the proposed recommendations that the Office of Information and Regulatory Affairs has taken into consideration in order to improve the public participation process. We look forward to continuing to work with you as a community-driven organization in order to ensure that the current Administration fulfills its commitment to underserved communities of color.

Sincerely,

A handwritten signature in black ink, appearing to read 'Celina Mahabir', with a stylized, cursive script.

Celina Mahabir
Federal Policy Advocate
Community Water Center