

Submitted via publicparticipation@omb.eop.gov

March 7, 2023

Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Broadening Public Engagement in the Federal Regulatory Process

Dear Office of Information and Regulatory Affairs,

Thank you for the opportunity to provide feedback on recommendations to broaden public engagement in the Federal regulatory process. API-GBV is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander and immigrant communities. API-GBV works in partnership with various national networks of advocates, community-based service programs, national and state organizations, legal, health, and mental health professionals, researchers, policy advocates, and activists from social justice organizations to better address the needs of Asian, Asian American, and Pacific Islander (AAPI) and immigrant victims.

From this lens we offer the following input:

1. We applaud the recommendation to help the public and agencies better understand the regulatory process and the role of OIRA, including identifying opportunities for engagement. In particular, the recommendations to develop accessible materials explaining key steps in the regulatory process and helping members understand how to write comments would be helpful to increase engagement from AAPI community members and organizations. In developing these materials, we highly recommend that OIRA and agencies consult with and message-test the materials with individual from impacted communities. Any materials developed should also be clear about regulatory timelines, i.e., explaining when or how changed regulations or policies take effect (and specifically, when they are not yet, in effect), the duration of public engagement periods, and clear deadlines for submission of public input.

We also strongly support the recommendation to proactively disseminate materials with community-based organizations, industry intermediaries, and other institutions. In doing so, we recommend that Federal agencies expand outreach and solicit feedback

from more community-based organizations, particularly organizations serving culturally specific communities beyond those that regularly work in the Beltway, in order to improve the diversity of viewpoints.

2. Regarding the recommendations to make regulatory materials more accessible, a significant component of providing increased access to public facing materials, about the Federal Regulatory process, including agency websites, is meaningful language access for individuals whose primary language is not English. We strongly urge agencies to translate and provide interpretation for the public of materials that have been developed into languages beyond only English and Spanish. Federal agencies must adhere to Executive Order 13166,¹ which directs federal agencies prepare plans to improve access to its federally conducted programs and activities by eligible LEP persons.

In addition, as mentioned above, a key component of making the materials clear is to provide key deadlines, as well as meaningful time periods for the public to make comments. A recent practice that has often taken place, particularly during the last presidential administration, but continues to linger in the current administration, is 30-day regulatory comment periods, which is extremely burdensome for underserved communities. Underserved communities often face increased barriers to obtaining timely analysis of complex regulatory matters, and must often engage in costly and/or time-consuming language translation and interpretation, or direct communication with individuals that don't use the internet, in order to obtain input from directly impacted community members. The 30-day timeframes fail to provide sufficient time/notice for such outreach and information gathering to take place and should be discouraged.

3. Relatedly, we applaud the recommendations regarding increased outreach to communities so that they may participate earlier in the regulatory process, both in informal, and in formal ways. Again, we want to reiterate the need for agencies and OIRA to make sure these processes are accessible, such that notice is provided in languages beyond English and Spanish, as well as having language services available for those who may need language interpretation or translation. In addition, sufficient time/notice for underserved communities for opportunities to provide input is also crucial, as many directly impacted community members may need more time to arrange their lives so that they can participate.

Another key component to increased engagement is clear and obvious notice to community members about ***any limits on privacy or confidentiality*** that they may face if they participate in the regulatory process. For survivors of domestic violence, stalking, human trafficking, sexual assault or harassment, disclosure of personally identifying information about them that may occur resulting from their participation in a public process may put them at risk. In addition, non-citizen members of the public, or members of other targeted groups may face increased risk of harm, whether by members of the public, or by state actors in the context of immigration enforcement or law enforcement, if their participation in these processes is publicly disclosed. The

¹ <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>

public should be informed about what personally identifying information is being collected about them, by whom, and where the information is going, or being shared, so that they can decide how and when to participate and how much personal information they should disclose.

Thank you for the opportunity to comment on ways to improve the accessibility of the Federal regulatory process. Please feel free to contact me at ghuang@api-gbv.org if you have questions or concerns about this input.

ASIAN PACIFIC INSTITUTE ON GENDER-BASED VIOLENCE

GRACE HUANG, Director of Policy