Summary of Learnings and Recommendations

These are the potential recommendations that we’ve heard and that we’re continuing to explore with agencies, subject to applicable legal requirements.  We welcome your views on these possibilities.

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| Help the public and agencies better understand the regulatory process and the role of OIRA, including identifying opportunities for engagement | Develop accessible material explaining key steps in the regulatory process, describing why regulations matter, and helping members of the public understand how to write comments (for examples, consider the Department of Labor’s explainer [tool](https://www.dol.gov/sites/dolgov/files/OASP/Making-Your-Voice-Heard-in-the-Federal-Rulemaking-Process-v2.pdf) for public participation in the regulatory process or the [guide](https://downloads.regulations.gov/FS-2018-0053-0007/content.pdf) to writing effective comments available on Regulations.gov) | Suggest taskings to review regs point to such tools in the tasking. |
| Proactively disseminate relevant materials, especially through partnerships with community-based organizations, industry intermediaries (such as trade associations), and other institutions | Suggest this include universities and law school clinics. |
| Demonstrate how public comments make a difference in rulemaking by providing prominent examples |  |
| Make regulatory material more accessible and useable by members of the public | Use plain language | Add “with clear explanations”. Ensure new and evolving terminology is adequately identified and explained. In essence, some “government speak” may not be clear to reviewers from the general public. |
| Adapt material to mobile-friendly formats (for example, by offering alternatives to PDFs) |  |
| Produce material in easily accessible formats, like infographics, videos, and short summaries (for example, consider the Food and Drug Administration’s [summary](https://www.fda.gov/media/158015/download) of potential regulatory actions related to flavored tobacco products in a plain-language fact sheet or the Department of Labor’s [video explanation](https://www.youtube.com/watch?app=desktop&v=D84T6z9Njpg) on a 2016 rule concerning overtime) |  |
| Use standardized language to describe key processes across agencies |  |
| Highlight key questions and issues on which agencies seek the public’s views—for example, by using simplified and standardized questions and text boxes or forms and embedding them into agency websites so that they are easy to find (consider the Centers for Medicare and Medicaid Services’ [summary](https://www.medicaid.gov/medicaid/access-care/downloads/access-rfi-2022-questions.pdf) of key questions and electronic text boxes for a recent Request for Information on access to coverage and care for Medicaid and the Children’s Health Insurance Program) |  |
| Consider opportunities for members of the public to provide input in multiple formats, for instance through recorded video or audio submissions in addition to written submissions |  |
| Proactively engage communities early and throughout the regulatory process to efficiently use government and community time and resources | Encourage agencies to engage with relevant stakeholders to develop ways to facilitate public participation in the regulatory process |  |
| Use the [Regulatory Agenda](https://www.reginfo.gov/public/do/eAgendaMain), a biannual publication of forthcoming agency regulatory activities, as a tool for encouraging public participation, including by asking agencies to conduct engagement when developing their submissions as feasible and to identify affected communities so that the agencies can then reach out to those communities for input (for an example, consider OIRA’s [instructions](https://www.whitehouse.gov/wp-content/uploads/2022/09/2022-Fall-Agenda-Data-Call.pdf) to agencies in the Fall 2022 data call for the development of the Regulatory Agenda) |  |
| Conduct outreach to key communities and stakeholders when agencies are still formulating regulatory priorities, and communicate clearly and plainly to the public as appropriate about how agencies are thinking about policy problems, needs, and alternatives |  |
| Consider using a variety of meeting and engagement formats, including online and in-person sessions, while ensuring that agencies take into account the barriers that members of some communities may face to participation (these might be related to work hours, disability, access to transportation and Internet access, language access, or knowledge of or trust in government agencies; for an example, consider the Department of Transportation’s [virtual public meeting](https://www.transportation.gov/briefing-room/us-department-transportation-announces-proposed-rule-improve-accessibility-lavatories) to learn more about the air travel experiences of individuals who use wheelchairs) |  |
| Encourage agency review of public engagement in the rulemaking process (for example, determining whether members of potentially affected communities are indeed participating in agency opportunities) and conduct outreach where it might be needed based on the review |  |
| Encourage agencies to study the effectiveness of their community engagement strategies and change what might not be working | Perhaps talk about “nonresponsiveness” of some agencies with a mechanism to identify and address this issue. |