

Appendix C: Modes of Public Engagement

Mode	Function/Goal	Stages of RM	Selection Method	Mode of Communication	Collective Recommend	IAP2 Level	Strengths or Benefits	Weaknesses or Challenges
Rulemaking Petitions	Give interested persons the right to petition for the issuance, amendment, or repeal of a rule.	AS, RR	Open	Express Preferences	No	Consult	Provide ideas for regulatory change, especially when petitioners have diffuse information that is otherwise unavailable or difficult for agencies to collect.	Reviewing petitions may divert agency from its own priorities or provide a relatively low visibility mechanism for regulatory capture.
Advisory Committees	Allow agencies to solicit and obtain advice from formally established groups of stakeholders, unaffiliated experts, and/or ordinary citizens.	All	Professional or Lay Stakeholders	Express and Develop Preferences	Yes	Collaborate	Provide relatively inexpensive advice from formally established and balanced groups of outside experts (or citizens).	Relatively heavily regulated by law, time-consuming and expensive to charter, and composition may not truly be representative.
Focus Groups	Facilitated, small group discussions of prepared questions by individuals or members of targeted demographic groups.	All	Random or Targeted Recruitment	Express and Develop Preferences	No	Consult	Provide relatively inexpensive sounding board to gauge participants' reactions to information, ideas, messages, or proposals, and identify preferred alternatives and potential concerns.	Requires skilled facilitation and careful planning, participants may face steep learning curve, and views expressed may not be representative (even in an informal sense).
Requests for Information	Published requests for written information, data, or comments on a designated problem or issue of potential regulatory interest.	AS, ERD, RR	Open	Express Preferences	No	Consult	Provide information about issues or problems when agency lacks knowledge and is open-minded about how to proceed.	Requires robust outreach efforts to generate participation by missing stakeholders and unaffiliated experts; may be difficult to secure representative or balanced feedback.
Listening Sessions	Public meetings to gather information, data, or comments on a designated problem or issue of potential regulatory interest.	AS, ERD, ARD, RR	Open	Express and Develop Preferences	No	Consult	Provide benefits similar to RFIs, but allow for more informal and interactive exchange than typically possible through written communications.	Requires robust outreach and skilled facilitation to secure attendance from a broad range of interested stakeholders, achieve balanced participation, and obtain sufficiently detailed or focused advice.
Reverse Industry Days	Results in invitations to carefully selected industry representatives to tell agency officials about their needs and challenges in the procurement process.	AS, RR	Professional Stakeholders	Express Preferences	No	Involve	Provide feedback about agencies' practices from the perspective of the regulated community and builds stronger relationships with stakeholders. Brings unappreciated problems to light and suggests avenues for reform.	Ensuring adequate and balanced participation from the entire range of relevant stakeholders, given RIDs' traditional focus on the regulated community.
Hotlines or Suggestion Boxes	Provides mechanism for interested persons to contact agencies informally by telephone or web-based communication with questions, comments, or suggestions.	AS, RR	Open	Express Preferences	No	Consult	Provide ideas for regulatory change, especially when petitioners have diffuse information that is otherwise unavailable or difficult for agencies to collect. More informal, open, and accessible than rulemaking petitions.	Requires broad advertisement, and sufficient staffing and resources to answer calls or respond to messages in a reasonably prompt and substantively adequate fashion.
Public Complaints	Provides mechanism for interested persons to lodge complaints with agency that regulated entity engaged in potentially unlawful behavior.	AS, RR	Open	Express Preferences	No	Involve	Provide mechanism for public to express concerns and for the agency to assess the frequency or magnitude of problems, which could inform its rulemaking agenda or provide an impetus for rule development.	Requires broad advertisement and sufficient resources to respond to complaints in a timely and substantively adequate fashion.
Web-Based Outreach	Online tools that facilitate two-way communication, collaboration, interaction, or sharing between agencies and the public.	All	Open	Express and Develop Preferences	No	Involve	Facilitates outreach and public education, and may be a useful mechanisms for obtaining situated knowledge and other valuable input during rule development from missing stakeholders, unaffiliated experts, and perhaps ordinary citizens.	If you build it, the public will not necessarily come: even e-rulemaking may require robust outreach and skilled facilitation to obtain meaningful input. Conversely, mass participation presents logistical challenges.
ANPRMs	Published requests for public comments or proposed alternatives to a tentative proposal before agency's issuance of an NPRM.	ARD, RR	Open	Express Preferences	No	Consult	Provide public feedback on preliminary or tentative proposals, including the likelihood of compliance, potential costs and benefits, and unintended consequences.	Participation tends to be imbalanced and limited primarily to relatively sophisticated stakeholders.
Public Meetings	Live and/or remote public forum for agency to explain its proposals and solicit the views and concerns of interested stakeholders and other citizens.	All	Open	Listen and Express Preferences	No	Consult	Allow agency to explain proposals, hear views and concerns of stakeholders, describe how agency has responded to public input, and publicize further opportunities for participation.	Participation may not be representative or balanced, the audience may not be well-informed about the process or the agency's proposals, and opportunities for reasoned deliberation are limited.
Shuttle Diplomacy	Private meetings with specific stakeholders to gain a deeper understanding of their views or perspectives.	ARD, N&C	Professional Stakeholders	Express and Develop Preferences	No	Collaborate	Provides agency with candid views of certain stakeholders when developing solutions or addressing challenges identified during rule development.	Typically involve sophisticated stakeholders who routinely participate in rulemaking. Because such meetings generally occur behind closed doors, they can raise transparency and capture concerns.

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Technical Workshops	Workshops with stakeholder representatives with special expertise or unaffiliated experts to obtain feedback on agencies' technical data or analyses.	ARD, N&C	Professional Stakeholders or Targeted Recruitment	Express and Develop Preferences	No	Collaborate	Provide a relatively informal alternative to using advisory committees for obtaining technical advice from experts outside the agency.	Stakeholders may be biased and present agency with unbalanced information. Agency should therefore also consider soliciting information from unaffiliated experts as part of this process.
Negotiated Rulemaking	Advisory committees composed of representatives of key stakeholders that collaborate on proposed rules for public notice and comment.	ARD	Professional and Lay Stakeholders	Express and Develop Preferences	Yes	Collaborate	Provides a deliberative, consensus-driven process that is appropriate when there are a limited number of identifiable interests that will be significantly affected by a rule and there is a reasonable likelihood that a balanced committee can be convened to adequately represent those interests and negotiate in good faith.	Generally inappropriate when agency identifies stakeholders not adequately represented by other parties or where diverse interests are affected in different ways or hold a variety of different preferences or perspectives.
Public Notice and Comment	Publication of a proposed rule or other course of action for written public comments.	AS, N&C, RR	Open	Express Preferences	No	Consult	Provides public input on proposed rules or other courses of action. Sometimes described as "one of the greatest inventions of modern government."	Participation typically limited to sophisticated stakeholders, may be reluctance to make major changes at this stage, and mass comments from the general public raise logistical concerns and tend to be of limited value.
Enhanced Deliberative Exercises	A variety of mechanisms that facilitate reasoned deliberation about what should be done by agency officials in collaboration with well-informed citizens.	All	Random, Targeted Recruitment, or Professional and Lay Stakeholders	Develop Preferences	Yes	Collaborate	Facilitates robust levels of participation, and provides detailed information about what stakeholders or the general public would think about a problem if they were fully informed about the relevant issues and had a chance to engage in reasoned deliberation about what should be done. Provides a valuable supplement to notice and comment in appropriate circumstances.	Resource intensive to design and implement, and will not always produce a substantial amount of useful new information.