

Comment from Cynthia Farina

September 4, 2018

The body of the report is quite good! It's obvious that a great deal of work went into this and I think it will be an extremely useful document. However, when it comes to the Recommendations, I have a lot of doubts. Almost all of them seem to me to greatly underestimate the technological feasibility and/or cost as well as, in many instances, the degree of agency resistance (especially given the historical record of the FDMS governance structure.)

I would propose a very different strategy to the group, roughly along the following lines:

- 1) Acknowledge that FDMS is a complex system that has evolved over many years to meet a variety of needs of very different agencies, as well as of the public who use [Regulations.gov](https://www.regulations.gov). It now contains a very large number of dense, often lengthy documents; the form and structure of these documents is not reliably consistent even within agency, let alone across agencies. This makes the task of automated content analysis more challenging.
- 2) Point out that data quality is a function of both how the system is designed and how agencies use it to enter and maintain rulemaking (and other) documents. Changes in both domains will be required to correct the problems identified in the report. Change requires resources, which are scarce and so must be allocated in ways that maximize useful improvements.
- 3) Recommend that the appropriate body or group — OMB? EPA? Some part of the governance structure? All of them?— engage a consultant having expertise in information technology, big data structure and analysis, process engineering, organizational behavior etc., to review both system design and agency practices and make recommendations for how to remediate the problems, and how to prioritize resources in undertaking remediation. This review should focus on both day-forward solutions (i.e., getting “new” documents correctly and consistently categorized and docketed) and on the feasibility of legacy remediation (i.e., “fixing” the existing dockets and document tags).

ACUS is not a repository of technology expertise, and it seems to me almost inevitable that even very smart and well-informed amateurs will make recommendations that sound naïve and impractical to the technical people who would be implementing them. If you haven't already done so, you might productively talk with the folks at GAO's Technology Transformation Services. For example, they have a group of very smart young tech-entrepreneur types in the unit called 18F (for their address). I don't know if GAO could supply the right kind of consulting group, or whether it would make sense to go with a private group, like MITRE, that does a lot of collaborative work with federal agencies (including some fairly large tech projects).

You may have to do a bit of work on crafting a recommendation about a consultant to demonstrate that this is not just a facile punt to one of the usual government contractors. (Someone might talk with Dan Chenok at the IBM Center for the Business of Government about how to describe/find the right type of consultant. Dan was with OIRA in the early days of e-Gov initiatives, then worked in private-sector tech, and ultimately went to the Center. He was a member of the Katzen Commission that studied FDMS/[Regs.gov](https://www.regulations.gov); he's interested in this area and well-connected.) Part of what is required to make progress here is buy-in—from EPA and the PMO, from the participating agencies, and probably from

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OMB on the resources. Part of the consultant's job is to establish credibility and build that kind of buy-in.

Finally, I want to reiterate the suggestion to try to engage the Federal Register people actively in this project. Since most of the documents that initiate rulemaking e-dockets are published there, it is an important gateway. At least some of the job of getting the necessary "metadata" (i.e., categories, labels, tags) could happen here and then be automatically transferred to FDMS. Some important metadata is already coming with the documents. The question is whether more could be done, to ensure uniformity and completeness at this entry point. The online FR itself tries to provide an automatically generated rulemaking history not unlike what [Regs.gov](https://www.regulations.gov) tries to do. The success of this effort is similarly stymied when connections aren't made between rulemaking documents and with the UA. So there is common ground for collaboration. If you take a look at the FR documents that specify what info agencies must provide with documents to be published, you'll see the same problems with categories that have become outdated given the proliferation in types of rulemaking documents. It would make all kinds of sense to have the FR and FDMS working from the same playbook for document categorization and information collection (e.g., RIN).