

**Comments on Draft Recommendation  
Public Engagement in Rulemaking**

Submitted by Carol Ann Siciliano (EPA), Government Member  
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**Line 10:** Delete “provide agencies with” and replace with “describe” so that the sentence reads: “Other statutes, including [FACA and NRA], ~~describe~~ **describe** ~~provide agencies with~~ other means....”

Rationale: FACA doesn’t convey authority; it establishes requirements.

**Line 19:** Delete “The present” and replace with “This” so that the sentence begins “**This** ~~The present~~ Recommendation builds on ....”

Rationale: Clarity

**Line 94:** Insert “and managed” after “structured” so that the sentence fragment reads: “they can be structured **and managed** so that the requirements of FACA ....”

Rationale: Completeness, because agencies need to be attentive to these statutes’ requirements during the meetings themselves.

**Footnote 15, page 5:** Edit: “These methods would not implicate FACA as long as they are structured so **that each participant provides individual advice, as opposed to the group providing collective advice. See 40 C.F.R. § 102-3.40(e). ~~group is not collaborating to offer a set of proposals to the agency. See, e.g.,~~ Judicial Watch, Inc. v. Clinton, 76 F.3d 1232, 1233 (D.C. Cir. 1996).**”

Rationale: Accuracy. (1) the restrictions apply to more than sets of proposals; and (2) GSA’s regulations are a clearer source than the Judicial Watch case.

**Line 137:** Delete “constraints” and replace with “requirements” so that (i) reads “whether additional legal **requirements**, ~~constraints~~, such as [FACA or the PRA], might apply.”

Rationale: More objective.

**Line 153:** Delete “develop and refine a proposed rule” and replace with “draft regulatory text” so that (iv) reads “~~develop and refine a proposed rule~~ **draft regulatory text.**”

Rationale: “refine a proposed rule” indicates that a proposal has already been published, when in fact this is a pre-proposal paragraph.

**Line 201:** Insert after “meeting” the phrase “and place it in the rulemaking docket.” so that (ix) reads: “prepare a summary of the meeting **and place it in the rulemaking docket.**”

Rationale: Good practice to promote transparency.