

Comment from Government Member Helen Serassio with Noelle Green on *Mass, Computer-Generated, and Fraudulent Comments*
May 27, 2021

I'd like the Assembly to consider one amendment to Recommendation #7:

“If an agency considers or relies on a comment the agency knows to be computer-generated, it should include that comment in its online rulemaking docket. When publishing a final rule, agencies should note any comments on which they consider or rely that are computer-generated and state whether they removed from the docket any comments they identified as computer generated.”

I would suggest these minor edits because dockets should be populated with an eye towards the administrative record, which is comprised of all non-deliberative information that the agency considered, not just relied on. In addition, when addressing public comments in a final rule, the agency must respond to all substantive comments, which could include comments considered even if the agency did not ultimately rely on them. I think these edits will help cover the bases on either front.

Please let me know if you have any questions and thank you for all your hard work with this recommendation.

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