

In the draft recommendation, I was struck by the caveat about rules for which broader public participation might not be warranted, as well as the specific phrasing of the recommendation related to that caveat. Specifically ...

- **p. 2, lines 32-34:** “Not all rulemakings, however, warrant additional public engagement efforts. Some rules garner little public interest or address narrow issues, so public outreach beyond the notice-and-comment process is unlikely to provide the agency with additional relevant information.”
- **p. 4, lines 113-114:** “For rules that an agency determines are appropriate for additional forms of public engagement ...”

Needless to say, I agree that for some rules broader public participation is more important than others. But agencies themselves are not necessarily reliable judges of this, especially given the agencies’ own self-interested bias toward streamlining the process.

To that end, it may be useful to urge the agencies to err on the side of broader participation, and to set the presumption in favor of broader participation. If nothing else, perhaps lines 113 and 114 could be rephrased as, “*Except for rules that an agency determines are inappropriate for additional forms of public engagement ...*”

Adam J. White