

Comment from Senior Fellow Richard J. Pierce, Jr. on *Mass, Computer-Generated, and Fraudulent Comments*  
April 28, 2021

I propose that we add the following two recommendations under the heading transparency:

“Agencies should include in their Notices of Proposed Rulemaking the statement that they consider seriously any public comment from any source that is substantive and that is supported by data and analysis.”

“Agencies should include in their Notices of Proposed Rulemaking the Statement that they do not consider seriously any public comment from any source that merely expresses support for or opposition to the proposed rule.”

I would also point out that these additions are entirely consistent with ACUS's “public comment policy” and with ACUS recommendation 2011-2.

I have one basic point. “Step one in solving any problem is to identify the source of the problem. That is easy in the case of the problems caused by mass comments, robot-generated comments and fraudulent comments. The only reason we have any of these problems is because of the widespread but erroneous belief that the number of comments in support of, or in opposition to, a proposed rule should play some role in the agency decision making process.” The preamble should make that clear by including the prior three sentences.

Richard J. Pierce, Jr.