



FOR IMMEDIATE RELEASE

August 7, 2023

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Energy and Regulatory Experts Call Out 'Participation Gap' in Federal Agency Decision-making

In new analysis, the Center for Progressive Reform urges environmental and energy agencies to reach out and meet the public where they are

WASHINGTON, D.C. — Energy and regulatory policy experts at the Center for Progressive Reform are calling on the federal government to boost meaningful public participation in the rulemaking process. This call comes following [a new analysis](#) of public comments on five climate and energy rules.

"Our country's regulatory system is experiencing a welcome and substantial renaissance," said Federico Holm, a clean energy policy analyst at the Center. "Part of that includes meaningful changes in the way federal agencies see their role in society. But following our analysis, we're concerned that the current public comment process is not engaging enough people — especially those from historically marginalized and overburdened communities — in meaningful and inclusive ways."

In [Bridging the Participation Gap: Assessing the "Two-tiered" Nature of Stakeholder Engagement in the Federal Regulatory System](#), Holm and Senior Policy Analyst James Goodwin ask, "How well does the notice-and-comment process serve everyday Americans?"

To answer that question, they analyzed more than 52,000 public comments submitted on five climate and energy rules at the Department of Energy, the Department of Transportation, and the Federal Energy Regulatory Commission, or FERC.

Here's what they found, much of which is visualized in a set of charts and an interactive infographic:

- The process fails to adequately engage many members of the public, particularly individuals and structurally marginalized groups.
- There is a significant gap between sophisticated "repeat players" — which rely on overburdening the agency with information ("packing the record") — and individuals participating directly or through smaller organizations.

- Comments from individuals contain little contextualized or novel information, most are anonymous, and the vast majority are identical copies stemming from mass campaigns.

While this may seem like technical inside baseball to some, Goodwin notes that it has real impacts on people's everyday lives, as well as the health and well-being of our democracy.

"Regulations are a crucial pillar of our constitutional system of government," said Goodwin. "Given the number of comments people submitted on just these five rules, it's clear the American people care — about the policies in question, about energy, and about climate change."

"Now agencies need to figure out how to make people's voices heard in more substantive ways to ensure that everyday Americans benefit most from the climate and energy policies we develop as a nation," Goodwin added.

To that end, Holm echoed the analysis' call for reform.

"To ensure that people and structurally marginalized groups can engage with the process, we must push for reforms that make agencies responsible for reaching out and meeting the public where they are," said Holm. "Agencies can do this by building capacity for individuals and communities to participate, promoting participation outside of the traditional notice-and-comment process, and creating new institutions to support public participation in the development of our country's climate and energy policies."

Bridging the Participation Gap is available on the Center's website at <https://progressivereform.org/responsive-government/responsive-government-increase-public-protection/bridging-the-participation-gap>.

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