

Response to Comments: **EPA’s Meaningful Engagement Policy**

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Preface

The U.S. Environmental Protection Agency (EPA) published the draft “Achieving Health and Environmental Protection Through EPA’s Meaningful Engagement Policy” for a 60-day public comment period starting on November 16, 2023. EPA received a total of 231 comments via email and the federal docket management system. EPA also received input through a series of webinars and Tribal Consultations.

This document provides EPA’s responses to the comments described above, except for Tribal Consultation, which is a distinct government-to-government process. While the law does not require a formal response to comments for a nonregulatory document such as the Meaningful Engagement Policy, EPA is committed to letting the public know how input it received on the draft policy was used. To do so, the EPA team categorized similar comments by topic or theme, provided a response, and indicated if the comments contributed to a change in the policy itself.

1. Policy Support for Government Agencies

1A. Support for State, Local, and Tribal Governments

Comment summary: EPA could provide incentives, training, and tools to state, local, and Tribal governments, as well as coordination and potential outreach. When the public raises concerns that fall outside EPA action, EPA can share those concerns with the correct partner to identify priorities and solutions to pursue on the public’s behalf. Federalism consultation alone is not sufficient collaboration with states. EPA should inform states about this policy.

EPA’s response: Coordinating with state, local, and Tribal governments in providing opportunities for public participation is key. Substantial efforts go into this coordination. EPA’s Meaningful Engagement Policy supports EPA teams in carrying it out, as described in the policy.

Impact on final policy document: This input was incorporated by adding the following language under the “Understand Public Demographics and Interests” section:

“EPA teams are expected to understand government structures and nation-to-nation treaties and identify key community-based organizations and nongovernmental organizations. The EPA team could consider developing a jurisdictional network map of the Tribal, local, state, and federal agencies or organizations/entities that may have interest in or jurisdiction in the affected area, including areas of overlap, and share it as appropriate. This assessment should identify how the community receives and shares information from or with this network.”

“Given that EPA actions can involve many regulatory actors, including state and local regulatory agencies, coordinating public participation efforts provides transparency and potentially a more effective outcome. “

The following language is in the “Provide Information and Outreach” section:

“Engage state and local government agencies and community-based organizations serving individuals with LEP, such as statewide or local Offices of New Americans and/or state refugee resettlement agencies.”

1B. Preserve Negotiated Rulemaking

Comment summary: This policy should not prevent EPA from continuing to engage in negotiated rulemaking with co-regulators.

EPA's response: Negotiated rulemaking provides a way for interested and affected parties to provide more direct input into the drafting of a regulation. It is an important tool for EPA teams in reaching a common understanding that can be implemented. This policy does not prevent or interfere with negotiated rulemakings.

Impact on final policy document: The policy includes negotiated rulemaking as an example in the Public Participation Spectrum with a link to further information.

2. EPA's Responsibility to Implement the Policy Internally

2A. Encouraging Mandatory Use

Comment summary: EPA should modify the language and tone of the policy to make it more encouraging and mandatory for EPA staff to follow the guidance.

EPA's response: The EPA team updating the policy worked closely with EPA's National Programs and Regions to use language that encourages EPA teams to follow the policy and to use this guidance when providing opportunities for public participation and meaningful engagement. The policy is not legally binding, so the current language reflects its non-legally binding nature.

Impact on final policy document: New language in the policy under the "Evaluating the Policy" section encourages adoption and internal use by EPA teams. Additional learning material is planned to support understanding and use of the policy.

2B. Evaluation and Accountability

Comment summary: There should be safeguards to prevent EPA or those working on its behalf from ignoring this policy. Will employees be required to document their engagement activities?

EPA's response: While the policy does not create any new legal requirements, EPA teams should reflect the policy's guidance to provide opportunities for public participation and meaningful engagement, and training is planned to further support EPA teams implement this policy. The policy also outlines guidance for evaluating its circulation within EPA and whether staff understand the policy across National and Regional Program Offices.

Impact on final policy document: EPA outlined evaluation activities in the "Evaluating the Policy" section to promote internal implementation of the policy and provide additional guidance.

3. Meaningful Engagement

3A. Praise

Comment summary: EPA’s definition and approach to meaningful engagement is appreciated.

EPA’s response: The positive remarks regarding the comprehensiveness of the policy and the overall approach to meaningful engagement provide an important benchmark for EPA to further strengthen and refine the policy while preserving aspects that meet public needs.

Impact on final policy document: Positive feedback provided valuable information for shaping the final policy document and the definition and approach to meaningful engagement. This approach is discussed throughout the document and in the “Goals” and “Key Terms and Concepts” sections.

3B. Opportunity to Do Better

Comment summary: Historical disappointments heighten the need for better involvement now, as well as the need to create ongoing relationships and anticipate future needs.

EPA’s response: Executive Order 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” directs federal agencies to provide opportunities for the meaningful engagement of people and communities with environmental justice concerns who are potentially affected by federal activities. This policy is an example of how EPA carries out this work.

Impact on final policy document: The definition for meaningful engagement used in the policy aligns with Executive Order 14096. Information on how EPA carries out this work can be found under the following sections: “Provide Information and Outreach,” “Local Government Liaison,” “Executive Order 14096,” and “Executive Order 13985.”

4. Defining “Public”

4A. Inclusive Definition

Comment summary: EPA should keep an inclusive definition of the public and recognize that associations represent a diversity of organizations and individuals, including trade organizations. EPA should also incorporate Tribal governments as appropriate.

EPA’s response: The policy uses a broad definition of “public,” recognizing that this group is not homogenous and includes many different segments with different resources and dynamics.

Impact on final policy document: The policy includes a list of groups and individuals that are included in the definition of “public” for purposes of public participation and meaningful engagement. This list is in the “Key Terms and Concepts” section.

4B. Clarity

Comment summary: Clarify if lobbying groups are considered part of the public.

EPA's response: As part of the broad definition of the public cited above, for purposes of public participation and meaningful engagement, the policy considers lobbying groups to be members of the public.

Impact on final policy document: Registered lobbyists were added to the policy as part of the public in the "Key Terms and Concepts" section.

5. The Public Participation Spectrum

5A. Additions and Edits

Comment summary: EPA should change the Public Participation Spectrum by adding more information and guidance on the message and resources for each level, adding examples to make expectations clearer, and adding greater specificity.

EPA's response: EPA has included additional information in the Public Participation Spectrum so EPA teams can better draw upon this tool to provide opportunities for public participation.

Impact on final policy document: EPA added more detail and specificity to the Public Participation Spectrum, including examples.

5B. Acknowledging Challenges

Comment summary: There are challenges and limitations in public participation, such as resource constraints, barriers, and the technical and scientific basis of some decisions. EPA should recognize the inequities among different segments of the public and work to provide equitable outreach.

EPA's response: Transparency about potential constraints and limitations to public participation can help the public understand what is feasible and can encourage conversations on how to overcome these barriers. EPA acknowledges that some decision-making processes rely on specialized technical knowledge. For the public to be meaningfully engaged in such decisions, plain language or background educational materials should be developed to explain technical details as needed. EPA and other interested parties can help adapt technical information into plain language and create appropriate translations to reach those with limited English proficiency so that all interested and affected segments of the public can be engaged in decisions that are important to them.

Impact on final policy document: The policy includes guidance on transparency about limitations. It encourages EPA teams to develop educational materials that help the public understand regulatory constraints and technical intricacies of decisions, share the process timeline, and support the public in preparing comments to effectively address concerns. This information is in the "Provide Information and Outreach" section.

6. Public Participation Model

6A. Research Communities and Understand Potential Barriers

Comment summary: EPA should research a community first before designing an engagement process, keeping in mind the importance of historically significant discriminatory land use practices. EPA should also be aware of limited internet access, which can occur anywhere in the nation.

EPA's response: EPA recognizes the importance of researching a community before designing an engagement process.

Impact on final policy document: EPA revised the policy to emphasize addressing barriers to participation and understanding past discriminatory land use practices as well as human health and demographic factors that could affect the ability of communities to participate in meaningful engagement. This information can be found under "Applying the Policy."

6B. Engage the Public Before Assuming the Severity of the Impact

Comment summary: EPA should not assume the severity of the potential impact of its actions without first engaging the public. The public engagement process should be used to fully assess and determine the impact. EPA should remove the sentence that states "the severity of the potential impact...may inform the level and type of participation" from the policy.

EPA's response: EPA appreciates the need to first engage the public to determine severity of impact.

Impact on final policy document: EPA removed the statement on assuming severity of impact from the policy.

6C. Engage with Existing Community Groups and Efforts

Comment summary: EPA should reach community-based organizations, engage intergenerationally, and build trust by engaging with efforts already in place.

EPA's response: Identifying and reaching out to key community-based organizations is a crucial part of EPA's public participation process. By engaging directly with community-based organizations, EPA teams can better understand the community's interests and needs, as well as any potential barriers or limitations that should be addressed.

Impact on final policy document: The policy describes ways to engage with community-based organizations. EPA has included information on building public trust and joining existing activities under the "Financial Assistance" and "Public Participation Activities" sections.

6D. Be Transparent About How the Level of Participation Is Selected

Comment summary: EPA should be transparent about how it determines the level of participation for different decisions.

EPA's response: Transparency in how EPA teams determine the level of public participation appropriate for a decision or action is key. When using the Public Participation Model, EPA teams should clearly communicate to all involved how the selected level of participation was determined.

Impact on final policy document: EPA revised the policy to include a statement on transparency and communication in determining public participation levels in the "Select Anticipated Level of Public Participation" section:

"EPA teams should also clearly communicate to all involved how the selected level of participation was determined."

More information can be found in EPA's Public Participation Model and the "Content of Public Participation Activities" section.

6E. Broadening Identification of Affected Groups and Prioritizing Groups

Comment summary: EPA should consider the broader and indirect impacts of its actions on different communities and prioritize the most affected and underrepresented groups. EPA could expand the definition of "organizations" to include coalitions. Trade associations ask that they continue to be engaged as partners.

EPA's response: EPA recognizes that actions can affect multiple and diverse segments of the public either directly or indirectly, and that the public participation process should include many different segments and demographics of the public.

Impact on final policy document: The policy acknowledges that EPA teams may consider power dynamics and interests across broad segments of the public and encourages EPA to exercise judgment in managing input. EPA teams are encouraged to prioritize those who are most likely to bear more direct or indirect burdens of exposure from EPA actions. This information can be found in the "Understand Public Demographics and Interests" section.

6F. Identifying Demographic Variables

Comment summary: EPA should include internet access, transportation infrastructure, and media availability as key demographic characteristics in its policy, as they affect the ability and opportunity of the public to participate in EPA decisions.

EPA's response: Because EPA uses in-person, virtual, and hybrid events, internet access and transportation infrastructure are important considerations when assessing accessibility and opportunities to participate in decision-making.

Impact on final policy document: Additions to the policy include internet access and transportation infrastructure as key demographic factors for assessing geography-based EPA decisions. These can be found under “Understand Public Demographics and Interests.”

6G. Maintaining a Map

Comment summary: EPA should create a map of agencies and organizations that are relevant for EPA actions, make it public, and keep it updated.

EPA’s response: For a particular EPA action, a jurisdictional map of relevant Tribal, local, state, and federal agencies or other organizations that could have interest or authority within the area affected by the EPA action would be a useful tool for guiding public participation processes.

Impact on final policy document: Under “Understand Public Demographics and Interests,” the policy says:
“The EPA team could consider developing a jurisdictional network map of the Tribal, local, state, and federal agencies or organizations/entities that may have interest in or jurisdiction in the affected area, including areas of overlap, and share it as appropriate.”

6H. Obtaining Information: Legal Considerations

Comment summary: EPA should consult attorneys before collecting information about Tribal Nations, be careful and transparent regarding how confidential business information is handled, and protect personally identifiable information, while recognizing that business contact information is releasable.

EPA’s response: EPA protects confidential information and complies with legal requirements under the Privacy Act, Paperwork Reduction Act, and Freedom of Information Act (FOIA). EPA staff should hold early, transparent discussions about FOIA with public participants before seeking public input. For Tribal Consultation, EPA teams should be transparent with Tribes about the possibility of potential FOIA disclosure of any sensitive or confidential information, such as Indigenous Knowledge, and make this potential clear before soliciting or collecting information.

Impact on final policy document: Under “Legal Considerations When Obtaining Information,” the policy includes transparency for protecting confidential personal and business information and legal requirements for information collection, as well as FOIA requirements related to Tribal Consultation:

“EPA teams should be transparent with Tribes about the possibility of potential FOIA disclosure of any sensitive or confidential information, such as Indigenous Knowledge, and make such potential clear before soliciting or collecting information.”

6I. Publicizing Technical Assistance Resources

Comment summary: Announcements should include technical assistance opportunities.

EPA’s response: It is important to share technical assistance opportunities and available resources with the public. Outreach may include a list of technical assistance sources, notices, or other publications that could be helpful to the public, as available. This information can include the name of a contact person and should be translated as appropriate so individuals with limited English proficiency can understand the resources available to them.

Impact on final policy document: The policy encourages EPA teams to include a list of technical assistance sources to increase awareness of technical assistance opportunities, and to provide technical assistance tools to facilitate public participation whenever practicable and appropriate. This information can be found under “Content for Outreach Materials.”

6J. Prioritizing Technical Assistance Support

Comment summary: Technical assistance should be prioritized as described in Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad.” EPA should not just prioritize “small” local governments. Capacity building could include environmental and regulatory literacy.

EPA’s response: A major goal of EPA’s technical assistance to the public is to build the public’s capacity to understand complex technical issues and participate in EPA decision-making. This includes providing plain language resources that explain regulatory and technical issues in a way that the public can understand and use to provide input. There is no one-size-fits-all approach to technical assistance, and governments of all sizes may benefit from this assistance, not just “small” local governments.

Impact on final policy document: The policy includes information on prioritizing technical assistance and using a Technical Assistance Needs Assessment to tailor assistance to the affected community. More information is available under “Consider Providing Technical or Financial Assistance to the Public” and under “Technical Assistance Needs Assessments (TANAs)” in the “Resources and Best Practices” section.

6K. Providing Accessibility

Comment summary: Accessibility should consider the accommodation of potential participants, including physical accommodation, language, and technical and financial assistance.

EPA’s response: For public participation activities, EPA ensures that individuals with disabilities have and can request reasonable modifications, including auxiliary aids and services, in compliance with the Rehabilitation Act. Likewise, EPA ensures that persons with limited English proficiency (LEP) can get language assistance to meaningfully access EPA’s public participation activities. Additionally, EPA Order 1000.32 provides Agency-wide guidance to ensure that persons with LEP have meaningful access to EPA programs, activities, and services in a timely and effective manner. EPA teams should prepare well in advance for public participation events to meet accessibility needs and accommodate participants.

Impact on final policy document: Guidance on accommodating participants and providing technical and financial assistance is included in the policy document. Information is available in the “Conduct Public Participation Activities” section and the “Consider Providing Technical or Financial Assistance to the Public” section.

6L. Providing Expanded Financial Assistance

Comment summary: EPA should broaden assistance to more engagements. Community members should be compensated, and/or events should offer food, childcare, and other means for the community to effectively participate. Funds should be designated specifically for communities with environmental justice concerns.

EPA's response: While EPA has guidance in place to provide compensation to the public for participation in certain circumstances, EPA also recognizes that there may be financial burdens that influence the public's decision to participate in opportunities for meaningful engagement.

Impact on final policy document: The policy includes "Table 2. EPA compensation types for public participation" under "Financial Assistance." It describes types of financial compensation for public participation.

6N. Required Approvals for Financial Assistance

Comment summary: The document should clarify whether EPA needs approvals to provide financial assistance.

EPA's response: Approvals are required for some types of financial assistance, such as participant support costs. More information on legal authority governing financial assistance and EPA guidance on assistance can be found in Table 2 in the policy document.

Impact on final policy document: The policy includes additional linked guidance on legal and regulatory requirements for financial assistance in "Table 2. EPA compensation types for public participation" under "Financial Assistance."

6O. Improving Outreach for Public Participation

Comment summary: EPA could improve the information and outreach goal of the policy by providing more time and notice for public engagement opportunities, working with partners to develop plain language and accessible versions of documents, posting information in more physical locations and distributing it through social media and other platforms to reach diverse audiences, and being transparent about the reasons and alternatives for EPA's actions.

EPA's response: Frequent communication and providing multiple opportunities for public participation to reach diverse audiences is key.

Impact on final policy document: Additional language was added regarding providing more time and notice under the "Conduct Public Participation Activities" section:

"If the issues are unusually complex or involve review of lengthy documents, EPA teams should consider providing additional time to review and provide comments, commensurate with the time and effort it would take the public to read and provide meaningful comments. The public can also ask for the comment period to be longer or to extend the comment period if it has already begun."

Policy guidance emphasizes understanding demographics and interests to tailor educational materials and outreach, including developing plain language materials. More information can be found in the “Provide Information and Outreach” and “Conduct Public Participation Activities” sections.

6P. Clarity on Potential Outcomes of Public Participation

Comment summary: EPA should be clear and transparent about the potential outcomes of public participation and how the Agency will use and consider the input from the public.

EPA’s response: EPA teams may use the principle of accountability to make the impact of the public’s time and effort clear and to follow up on how decisions are made. EPA officials should clearly describe EPA’s expectations for the outcomes of the process and the type of feedback EPA will provide.

Impact on final policy document: The policy elevates the principle of accountability for outcomes and highlights this comment to emphasize the importance of transparency about potential outcomes for EPA teams engaging with the public. More information can be found in the “Applying the Policy” section.

6Q. Additional Best Practices

Comment summary: The policy’s best practices are useful, but there are many additional methods and factors EPA should consider, such as the challenges and barriers faced by rural communities and the need for different or enhanced engagement strategies there.

EPA’s response: EPA’s meaningful engagement definition considers potential barriers to participation and ways to overcome those barriers. Considerations include income levels, internet access, transportation infrastructure, and other variables that EPA teams should be aware of in tailoring public engagement efforts and increasing participation.

Impact on final policy document: The policy includes guidance on demographic factors to consider, as well as suggested local organizations that EPA teams can work with to coordinate outreach across different groups and communities. Information can be found under “Understand Public Demographics and Interests” and the definition of “public” in “Key Terms and Concepts.”

6R. Participatory Science

Comment summary: Participatory science and Indigenous Knowledge can offer valuable insights that are missed by traditional quantitative approaches. However, EPA should ensure the quality, validity, and reproducibility of the data collected through participatory science, and address the potential challenges and limitations of using air sensor technologies.

EPA’s response: The “Competencies” section discusses using data and information collected through participatory science and Indigenous Knowledge in decision-making. EPA teams may identify opportunities for including participatory science and Indigenous Knowledge in planning, data collection, analysis, monitoring, response, and/or learning material.

Impact on final policy document: The policy guidance on the use of participatory science and Indigenous Knowledge can be found under “Conduct Public Participation Activities.”

6S. Limitations

Comment summary: There are aspects of the decision-making process where regulators, experts, and the regulated community need to be able to dialogue without unlimited public influence.

EPA’s response: EPA recognizes that there are limitations to public participation and that some actions may not provide opportunities for the public to engage at the current time due to regulatory or other constraints. However, in cases where public participation is limited, EPA can use the Public Participation Spectrum at the “inform and outreach” level to provide information that allows the public to understand the EPA action as appropriate.

Impact on final policy document: The policy acknowledges limitations in public participation and how to handle cases where there are no practicable opportunities for public engagement due to various constraints. See “Step 2: Identify the Expected Level of Participation Using EPA’s Public Participation Spectrum.”

6T. Case Studies and Examples

Comment summary: EPA should provide more specific examples and/or case studies.

EPA’s response: It is important to incorporate case studies and examples into the meaningful engagement process overall.

Impact on final policy document: Examples and resources are linked in the policy as appropriate. The Public Participation Spectrum includes linked examples, and the “Resources and Best Practices” section lists guidance, executive orders, and other relevant resources that include further information.

6U. Integrating Public Input

Comment summary: There is a need for genuine and earnest integration of stakeholder feedback in decision-making processes. Form letters should be given equal weight as original comments, as they reflect the lived experience and capacity of the public.

EPA’s response: Integrating public feedback into the decision-making process is a major goal for EPA’s public participation and meaningful engagement processes.

Impact on final policy document: Using input is emphasized as a major goal in the policy. EPA teams should review, use input, and follow up as appropriate. Information is available under “Review, Use Input, and Follow Up With the Public.”

6V. Providing Feedback on How Input Was Used

Comment summary: It is important to provide feedback to the public on how their input was used or why it was not. EPA could create reporting structures to ensure continued engagement.

EPA's response: EPA uses responsiveness summaries, responses to comments, regulatory preambles, and other appropriate documents to show how the Agency considered public input. When feasible, EPA should describe how the comments resulted in a modified action or explain why EPA did not accept proposed comments.

Impact on final policy document: In addition to current policy guidance on follow-up steps for public input, the policy also includes information on sharing the status of the EPA action, the overall process, and next steps. Information is available under "Review, Use Input, and Follow Up With the Public."

6W. Unsolicited Feedback

Comment summary: EPA should consider public participation not only as a response to Agency actions, but also as an opportunity for the public to initiate outreach and request Agency interventions. EPA should provide guidance on how to accept and respond to unsolicited public outreach and how to direct public-initiated contact within the Agency.

EPA's response: In addition to receiving input through public participation processes, EPA also receives input from the public that is self-initiated.

Impact on final policy document: The policy includes guidance and emphasis on receiving unsolicited input from the public and notes the importance of sharing it with the appropriate parties. This language was added under "Applying the Policy":

"EPA teams should respond to unsolicited requests from the public, expect to receive information and concerns that may not be related to the EPA action, and be ready to share that information within EPA, with other federal agencies, or with the public for follow-up and resolution as appropriate and practicable."

6X. Need for Evaluation and Accountability Mechanisms

Comment summary: There is a need for evaluation and accountability mechanisms in the policy. EPA should share the evaluation criteria and results with the public, involve community members and stakeholders in the evaluation process, and document how public participation activities influenced the Agency's decisions. EPA should provide multiple avenues or mechanisms for feedback and evaluation of the policy's effectiveness and impact in engaging communities.

EPA's response: Evaluation and accountability measures strengthen the policy and support effective implementation. EPA uses evaluation and assessments to determine how to improve public participation processes and provide more effective opportunities for meaningful community engagement.

Impact on final policy document: In response to these comments, the EPA team separated the Public Participation Model evaluation section into two sections. "Evaluating the Policy" now focuses on EPA teams having the awareness, understanding, and guidance needed to provide opportunities for meaningful engagement. The second section, "Evaluate Public Participation Activities," remains in the Public Participation

Model and includes self-assessment guiding questions to help EPA teams determine if their activities provided the public with meaningful opportunities to participate. Additionally, self-assessment checks have been included in each of the Public Participation Model stages to support EPA teams in assessing effectiveness.

7. Tribal Considerations

7A. Representation

Comment summary: Only the elected leaders of Tribal Nations can engage in government-to-government consultation with EPA, and Tribal leaders must be afforded the respect and opportunity to voice their concerns to federal officials with decision-making authority. Tribal leaders are the sole arbiters of who should participate in consultations. They should be able to include their staff, spiritual and cultural leaders, and resource officers as needed.

EPA's response: It is EPA policy to consult with federally recognized Tribes through processes consistent with the EPA Policy on Consultation with Indian Tribes and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." EPA conducts government-to-government Tribal Consultations with federally recognized Tribes when EPA actions and decisions may affect Tribes. EPA acknowledges that individual Tribes may adopt their own consultation procedures. EPA may seek to accommodate the consultation preferences of the Tribal government engaging in government-to-government consultation, to the extent practicable and consistent with EPA's Policy on Consultation with Indian Tribes.

Impact on final policy document: The policy specifies that Tribal Consultation is a government-to-government process under the "Policy Statement" and includes links to regulatory resources and guidance in "Resources and Best Practices."

7B. Tribal Consultation as a Distinct Process

Comment summary: EPA must distinguish between Tribal Consultation and public or community engagement. The policy document should make clear to all EPA users that Tribal engagement is unique and has its own specific requirements.

EPA's response: EPA confirms that Tribal Consultation is a separate process from EPA's statutory obligations to engage the public and recognizes that Tribal Consultation has its own processes.

Impact on final policy document: In response to these comments, EPA added the following language under the "Policy Statement":

"EPA consults with federally recognized Tribes through processes consistent with the 'EPA Policy on Consultation with Indian Tribes' and Executive Order 13175, 'Consultation and Coordination with Indian Tribal Governments.' EPA's policy is to conduct government-to-government Tribal Consultations with federally recognized Tribes when EPA actions and decisions may affect Tribes. This is consistent with existing executive orders and EPA policies and guidance. Tribal Consultations are separate and distinct from EPA's statutory obligations to engage the public."

The policy includes guidance on the distinct nature of Tribal Consultations, including information disclosure risks and requirements under “Legal Considerations When Obtaining Information,” and provides additional resources and information on Tribal Consultations for reference in “Resources and Best Practices.”

8. Broader Input on Public Comment Processes

8A. Comment Period Length and Flexibility

Comment summary: There is a need for longer and more flexible comment periods for complex or lengthy EPA actions, especially when they coincide with holidays or other busy times. EPA should provide more proactive and iterative engagement with the public before and during the development of proposals.

EPA’s response: Some elements of EPA actions are complex and may involve a substantial time commitment from the public to provide robust input. To make sure the public has sufficient time to respond, EPA teams can note any regulatory or court deadlines so that the public can request longer comment periods as needed. The public can also request that EPA extend the comment period if it has already begun.

Impact on final policy document: In response to these comments, the following language was added to the policy under “Conduct Public Participation Activities”:

“If the issues are unusually complex or involve review of lengthy documents, EPA teams should consider providing additional time to review and provide comments, commensurate with the time and effort it would take the public to read and provide meaningful comments. The public can also ask for the comment period to be longer or to extend the comment period if it has already begun.”

8B. Public Awareness

Comment summary: EPA should enhance public awareness and involvement in EPA actions by providing more information and dialogue on technical issues, allowing for two-way discussions and clarifying questions during the comment period, and providing opportunities for feedback during implementation. EPA should provide multiple contacts during engagement and go beyond conventional organizations and contacts.

EPA’s response: A key aspect of meaningful engagement is raising awareness of public participation opportunities and providing adequate time and opportunities to provide input. As EPA teams become aware of an action, they can share the anticipated timeline for the overall process with the public.

Impact on final policy document: The policy discusses a two-way approach to risk communication under “Applying the Policy” and discusses feedback on technical issues under “Consider Providing Technical or Financial Assistance to the Public.” The Public Participation Spectrum also includes guidance on obtaining public input through dialogue over an extended period of time.

9. Other Edits or Additions to the Document

9A. Structure

Comment summary: The format and structure of the draft policy could be improved by adding an executive summary of the main points and a standard framework or best practices for public engagement.

EPA's response: EPA considered public comments in restructuring the Meaningful Engagement Policy for readability and content. The policy includes three steps for EPA teams to use in designing an appropriate and effective process for meaningful engagement and public participation for a particular action or situation, where appropriate.

Impact on final policy document: The policy has been restructured overall for readability, content, and best practices, including a "Policy Statement" section, a more detailed Public Participation Spectrum, and an introduction that replaces the executive summary.

9B. Edits

Comment summary: The policy should better align with International Association for Public Participation's (IAP2's) definitions. "Equity" should be the first evaluation criterion. There are numerous line edits that can improve the document.

EPA's response: The spectrum used in the policy is modeled after spectrums from IAP2 and EPA's Conflict Prevention and Resolution Center. The spectrum aligns with IAP2's language on the Promise to the Public. Public commenters' suggested line edits were useful in clarifying EPA's commitment to public participation and meaningful engagement.

Impact on final policy document: EPA drew from public comments and editorial suggestions to improve the clarity and language throughout the policy document.

9C. Additions to the Policy

Comment summary: Suggested additions include contacts, roles, and responsibilities within EPA; additional information from other agencies and from Biden Administration guidance; case studies; a trigger list, criteria, or self-nomination mechanism to identify projects that require enhanced engagement; an explanation of what has changed since the 2003 version; and additional resources.

EPA's response: Meaningful engagement is a complex process that involves many parties and collaboration with state, local, and Tribal governments. The "Resources and Best Practices" section provides links to many of the references that EPA draws upon when implementing public participation processes.

Impact on final policy document: The policy includes additional references in the "Resources and Best Practices" section that provide further guidance on providing public participation and meaningful engagement opportunities.

9D. Translations

Comment summary: EPA should translate the policy and create a plain-language summary.

EPA's response: EPA's Order 1000.32, "Compliance with Executive Order 13166, 'Improving Access to Services for Persons with Limited English Proficiency'" outlines necessary steps that the Agency needs to take to provide meaningful access to EPA programs, activities, and services for individuals with limited English proficiency. EPA will follow this order and translate the policy into the following nationally prominent languages: Spanish, Chinese (Mandarin traditional and simplified), Korean, Arabic, Russian, French, Portuguese, Tagalog, Vietnamese, and Haitian. EPA did not make a separate document with a plain language summary of the policy but instead included a plain language summary in the introduction.

Impact on final policy document: The policy will be translated in accordance with EPA Order 1000.32. It includes a plain language summary in the introduction.

9E. Updating the Policy

Comment summary: EPA should review the policy more frequently.

EPA's response: The changing needs of the public and environmental concerns support frequent policy reviews.

Impact on final policy document: The policy states that EPA intends to review at least every five years (see "Evaluating the Policy" section) and consider updated laws or policies as appropriate.

9F. Federal Advisory Committees (FACs)

Comment summary: EPA should make FACs more broadly representative, including the private sector and the public, and consider empowering a FAC to oversee policy implementation.

EPA's response: FACs should represent a balance of viewpoints. While the "Resources and Best Practices" section provides information and recommendations for FACs, EPA is also sharing a list of EPA's FACs [here](#). This list includes contact information for the Designated Federal Officer, a brief description, and meeting dates where available.

Impact on final policy document: The policy addresses FACs (see "Federal Advisory Committee Actions"). The EPA team will share this policy with EPA's Designated Federal Officers.

9G. Decision-Making Implementation

Comment summary: EPA should clarify how it would weigh different interests and factors when making decisions that affect communities with environmental justice concerns. It is important to be transparent and provide comprehensive cost analyses for EPA actions. EPA could make specific changes to decrease the dominance of industry in regulatory rulemaking and decisions.

EPA's response: EPA's Meaningful Engagement Policy encourages teams to carefully consider and weigh different interests and factors in the public participation process. The EPA team appreciates these concerns and will share the suggestion with EPA's [Office of Regulatory Policy and Management](#).

Impact on final policy document: The policy encourages EPA teams to consider power dynamics when understanding demographics and planning public participation activities. This information can be found in the "Understand Public Demographics and Interests" section.