

This booklet, adapted from the leading text *The Art of Commenting*, provides an introduction to writing comments to government agencies. Commenting on proposed environmental actions is a way to make your voice heard and to influence decisions on the issues you care about. In these pages, you will find an overview of the public written comment process and suggested tips and techniques for creating thorough and convincing comments.

*Adapted from* ELIZABETH D. MULLIN, *THE ART OF COMMENTING: HOW TO INFLUENCE ENVIRONMENTAL DECISIONMAKING WITH EFFECTIVE COMMENTS (Envtl L. Inst. 2000)*.

## WHAT IS A COMMENT?

Every time a federal, state, or local government agency undertakes a significant environmental action—such as adopting regulations, preparing an environmental assessment, or developing a new plan or program—the agency has to put something in writing. These documents, which range from background information to records of decisions, can be complicated to produce, and the resulting conclusion or action can have far-reaching effects on individuals, communities, economies, and ecosystems.

**Commenting** is a process that allows individuals, organizations, agencies, and businesses to provide written input on proposed environmental decisions. While commenting may first happen internally within the lead agency, this booklet focuses opportunities for the public to comment on a public draft. For many federal-level actions, public notice and an opportunity to comment is required by law before the action can be finalized.

**WHY COMMENT?** Commenting is an important way to make your voice heard in decision-making. Public comments can strengthen an environmental decision by providing the authoring agency with facts or perspectives that were lacking in the original draft. The goal of commenting is to help the agency create an accurate and comprehensive document to support appropriate and informed decision-making.

## BEFORE YOU COMMENT

Comment periods are typically short—often just 30 days—so it is a good idea to prepare as much as possible beforehand. Here are a few ideas:

### 1. Set the stage by preparing yourself.

*First*, consider whether you know anyone involved in producing the draft to whom you could direct questions. *Second*, find out generally when the document will be released, so you can plan ahead. *Third*, consider coordinating your comment with others' comments to strengthen your message.

### 2. Identify, collect, and review

**background information.** Gather background materials to familiarize yourself with the scope of the issue (for example, relevant laws or similar agency documents).

### 3. Create a checklist of important

**considerations.** This will help you keep track of what you hope to see in the document.

## REVIEWING THE DOCUMENT

Before you can write an effective comment, you must be familiar with the document.

### 1. Review the table of contents and flip through the document.

### 2. Read the document and take notes.

You may want to focus on particular sections and skim others. Check the document against a checklist of what you understand should be in it, for substantive or technical errors or omissions, and for accuracy and consistency.

### 3. Once you have finished, go back and

**review your notes.** This will help you identify any major problems in the document, as well as major themes.

## PREPARING TO COMMENT

### Consider the following points before you start writing your comment.

There are two main components to keep in mind while preparing to comment: ***what you will say*** and ***how you will organize it***.

It is important to remember that the person responsible for reviewing your comment may have hundreds, or even thousands, of other comments to read.

To get your message across, you need to frame your comment in a clear, concise, and convincing manner.

### 1. Define your objectives.

Before you start writing, ask yourself: What do you hope to achieve through your comment? Are you trying to stop or delay a particular action, to ensure that the decision or document is in line with your organization's policies, or to catch and correct factual errors or data gaps? You should write your comment in a way that best supports your objectives.

### 2. Use clear organization, formatting, and language.

You should use subject headings throughout your comment to draw attention to key points. Remember that the authors may be flooded with comments and may have to review each set quickly. See "*Organizing Your Comment*" on page four for more information on formatting and organization.

# WRITING A CONVINCING COMMENT

The exact content of your comment will depend on the issues addressed in the document and on your views of them. Here are six tips for writing a convincing comment.

- 1. Make the strongest possible points.** There are three tools to give force to your comments:
  - **Pounding the law.** A government document can have two types of legal problems: it may omit or inadequately address something that is required by law, or the action proposed in the document could violate the law. Either is a good issue to raise. If possible, specifically describe or quote and cite the legal language.
  - **Pounding the facts.** The document could have three types of factual problems: facts are presented incorrectly, facts are left out, or facts are included but not given adequate consideration. The most valuable comments provide key information that the document's author did not have.
  - **Pounding the table.** If there are neither legal violations nor factual errors to address, you can resort to "pounding the table." This generally means critiquing the process or people involved in producing the document.
- 2. Suggest specific language when possible and appropriate.** This will save the reviewer time. Think about when you have received comments—isn't it quicker and easier to adopt someone's suggestion if they give you the wording?
- 3. Use specific examples to illustrate concerns.** Whenever possible, back up a concern with a solid example (either real or hypothetical).
- 4. State what you support as well as what you disagree with.** The agency could revise parts of a document that you agree with, as well as parts that you don't—so it is a good idea to note the sections you support.
- 5. Provide supplemental information, if needed.** If you have access to any facts or articles that were not included in the document, consider providing a copy.
- 6. Offer helpful solutions.** Whenever possible, offer suggestions for how the document's authors can address a concern or solve a problem (such as timing, design, etc.).

## Example 1: Suggestions for Content

Less Effective	More Effective
<b>Identifying Violations in the Law</b>	
The old farm at the end of our street has a rich history and may have many artifacts.	Under 40 C.F.R. 6.301, EPA must take steps to preserve historic resources. The old farm at the end of our street has a rich history and may have many artifacts. At a minimum, there should be a historical survey to assess the property and mitigation measures to preserve items of historical or cultural value.
<b>Suggesting Specific Language</b>	
Delete the words "high levels of" and add "at rates higher than indicated on the label" after the word "pesticide."	Rewrite the sentence as follows: "Application of <del>high levels of</del> the pesticide <u>at rates higher than indicated</u> on the label could harm the Monarch butterfly."
<b>Using Examples</b>	
The company underestimates the economic benefits of waste minimization.	The company underestimates the economic benefits of waste minimization. As the attached article shows, ABC Corporation adopted a similar program two years ago and has already recouped the cost of the program plus an additional 10%.

# ORGANIZING YOUR COMMENT

## Tips for making your comment clear, concise, and easy to follow:

- If you have more than one major concern, open your comment with a summary section like “Major Concerns” or “General Comments” and outline them before you give detail.
- Use headings and sub-headings to separate your points. Highlight your headings with some combination of spacing, color, capital letters, or bold, italic, or underlined font.
- For specific concerns, order your comments page-by-page to make it easier for the reviewer to locate the places in the document that you are referencing.
- Avoid dense blocks of text.
- Follow good writing practices: use topic sentences, keep each sentence under 50 words, and use the active voice.
- Phrase your comments as statements, not questions, and use respectful language.

## FOLLOWING UP ON YOUR COMMENT

If you want to increase the likelihood that your comment is addressed, you may want to follow up after you’ve submitted it.

### Some follow-up options include:

Reviewing others’ comments or submitting additional comments

Speaking at a public meeting or hearing

Rallying support for your position among agencies or citizen groups

Lobbying an agency or involving a legislator

Meeting with an official decision-maker

Going to the press

## Example 2: Style and Formatting Techniques

Less Effective	More Effective
<b>Highlighting Major Concerns</b>	
<ol style="list-style-type: none"> <li>1. On page 12, there is a word missing in the first sentence of the last paragraph.</li> <li>2. Adoption of the proposed regulation would immediately shut down all coal-fired power plants in the United States.</li> <li>3. The map on page 56 is blurry.</li> </ol>	<p style="text-align: center;"><u><b>MAJOR CONCERNS</b></u></p> <p><b>Catastrophic Disruption of Power Supply.</b> Adoption of the proposed regulation would immediately shut down all coal-fired power plants in the United States.</p>
<b>Using Topic Sentences</b>	
The draft EIS contains a lengthy discussion of the possible impacts on wildlife. <b>Nowhere, however, does the document address the Perdido Key beach mouse.</b>	<b>The draft EIS fails to address possible impacts on the Perdido Key beach mouse.</b>
<b>Conveying a Respectful Message</b>	
You call yourself the Environmental Protection Agency!	The proposed standards do not go far enough to protect sensitive aquatic organisms.

## Useful Resources

- Portal for U.S. government regulations: <http://www.regulations.gov>
- *Notice and Comment Rulemaking* by OMB Watch: <http://www.ombwatch.org/node/2578>
- *Tips for Submitting Effective Public Comments* by NOAA Fisheries Service: <http://www.fakr.noaa.gov/prules/effectivecomments.pdf>