

-PUBLIC COMMENTS 101- A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS

What is a public comment?

Public commenting is a process that allows individuals, organizations, agencies, industry stakeholders, and businesses to provide written input on proposed regulatory action(s).

Why submit a public comment?

Public commenting is an important way to make your voice heard in the regulatory decision-making process. Public comments can strengthen a regulatory decision by providing the agency with facts or perspectives that may not have been originally considered. The goal of commenting is to help the agency create an accurate and comprehensive document to support appropriate and informed regulatory decision-making.

Tips for Making a Public Comment

- ⇒ **Be accurate.** If comment(s) submitted to a federal agency is found to have a basic inaccuracy in it, then the rest of the comment on that topic will be called into question and it can potentially carry less weight. If you hope to make an impact on a regulatory decision then be sure to verify the accuracy in everything you say.
- ⇒ **Be specific with issues and provide alternatives.** If you want your comment to be highly considered, be sure to include specifics in the comment. If specific reasoning and alternatives are provided then you are giving the agency something to consider. If your alternative is specific and viable then you have a higher likelihood of influencing the regulatory decision.
- ⇒ **Address the issues the docket asks about.** The specific issues an agency is considering for comment are numbered and listed at the end of the docket. If you do not see a list at the end of the notice, be sure to go through the document carefully to find them.
- ⇒ **Include data.** The best way to back up your comment and influence regulatory decision-making is to include data as evidence. Data can be quantitative, qualitative, or anecdotal.
- ⇒ **Include sources.** Crucial to an effective public comment is providing evidence of your data. Providing a comment that is opinion based is unlikely to be effective. If you can demonstrate your points with sources - e.g., scientific studies, experimental results, industry information, marketing analysis, or your personal experiences then the comment will likely to have a bigger impact. The more you can 'show' your point rather than 'tell' it the more substance and weight your comment will have.
- ⇒ **Avoid form letters and copy and paste comments.** Public comment periods are NOT voting mechanisms. While repeat comments may not be thrown out, some agencies may choose to redact or withhold certain submissions such as duplicate/near duplicate form letters or copy and paste comments. Many in the public mistakenly believe that their submitted for letter constitutes as a 'vote' regarding the issue concerning them. Although public support or opposition may help

Exclusive Property of:



A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS

guide important public policies, agencies make determinations for a proposed action based on sound reasoning and scientific evidence rather than a majority of votes. A single, well-supported comment, may carry more weight than a thousand form letters or copy and paste comments.

⇒ **Include your experiences.** Draw on your own expertise, research, or evidence to persuade officials at the agency that the rule they've composed either has flaws, has ignored or under valued you or your industry. Provide specific ways for the rule to be changed or improved based on your experience. The basic premise of the notice-and-comment process is that even though the Executive Branch employs specialists with deep and specific knowledge, those specialists are not experts in how a given policy may affect a specific market, industry, activity, or person. Comments help make sure that the government is getting it right—or alert it when it's not—by providing information that challenges the government's assumptions where they're inaccurate and to help the government understand what the right assumption would be.

Preparing your Public Comment

Consider the following before you start writing your comment.

It is important to remember that the agency responsible for reviewing your comment may have hundreds, or even thousands, of other comments to read. It is required by law that the agency read and consider all public comments. It is not required that the agency respond to any public comments. To get your message across, you need to frame your comment in a clear, concise, convincing, and grammatically correct manner.

Be sure to define your objective(s) for making your public comment. Before you start writing, ask yourself: What do you hope to achieve through your comment? Are you trying to stop or delay an action? Are you trying to ensure that the regulatory decision meets the needs or solves a problem in your industry? You must write your comment in a way that best supports your objectives.

Use clear organization, formatting, and language. You should use subject headings throughout your comment to draw attention to key points. Remember that the agency may be flooded with comments and may have to review each one quickly.

Using this Guide

The following pages outline the 5 different ways to make a public comment. This document has been customized to the following docket:

Docket Number: **FMCSA-2022-0189-0001**

Assessment of the Continued Need for COVID-19 Emergency Declaration, Regulatory Relief for Commercial Motor Vehicle Operations

No matter the method you choose to make your public comment they must be received by **September 21, 2022.**

Request for Comments

The Agency seeks public comment on the usage of the emergency declaration for the covered products. Specifically, if the usage is fit for the intended purpose of the limited relief. Commenters are encouraged to share with the Agency the source of the data or information and provide recommendations on additional actions the Agency should consider in monitoring the use of the declaration. Further, any data or information the Agency should use in determining whether continued extension or modification of the declaration is needed. The Agency also seeks public comment on the safety and supply chain impacts of the emergency declaration.

Based on a review of the carriers' self-reported information, the primary categories of commodities transported under the declaration are: food, paper products and other groceries for emergency restocking of distributions centers or stores; and livestock and livestock feed. Two categories which have seen the usage between October 2021 and July 2022 decrease by almost 50 percent are: medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; and supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19.

The Agency seeks public comment concerning the extent to which motor carriers currently rely on the emergency declaration to deliver certain commodities and whether there has been any impact on safety.

-PUBLIC COMMENTS 101- A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS

Submitting a Public Comment Electronically

All public comments submitted **MUST** include the following:

1. The docket number; (**FMCSA-2022-0189-0001**)
2. Your comment

The easiest and most efficient way to submit a public comment is to submit them electronically. To do so follow the steps below:

⇒ **Step 1:** Visit www.regulations.gov

⇒ **Step 2:** In the blue search box enter the docket number on which you would like to make public comment(s). (**FMCSA-2022-0189-0001**) Click the blue ‘Search’ button.

⇒ **Step 3:** When the results appear click on the docket that you would like to make a public comment(s).

⇒ **Step 4:** Review the proposed information on which you would like to make public comment(s).

⇒ **Step 5:** Click on the blue ‘Comment’ buttons.

⇒ **Step 6:** Type your comment in the ‘Comment’ box provided. If you choose to type your comment in the box provided you are limited to 5000 characters. You may choose to type your comment in a separate document. If so, click on the ‘Attach files’ button located under the comment box.

⇒ **Step 7:** Click on the drop-down box under the ‘What is your comment about?’ section and choose ‘Public Comment(s)’.

⇒ **Step 8:** You may choose to include your email address to receive your submission tracking number, however this is optional. Your comment can always be found on the public docket online.

⇒ **Step 9:** Identify yourself as an individual, an organization, or you may choose to remain anonymous.

⇒ **Step 10:** Click the blue ‘Submit Comment’ button.

Exclusive Property of:



**-PUBLIC COMMENTS 101-
A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS**

Submitting a Public Comment via Fax

All public comments submitted **MUST** include the following:

1. The docket number; (**FMCSA-2022-0189-0001**)
2. Your comment.

You may choose to submit a public comment via fax. To do so follow the steps below:

⇒ **Step 1:** Type or hand write your public comment(s) using the template found below.

⇒ **Step 2:** Fax to 202-493-2251

Fax

Subject: **FMCSA-2022-0189-0001: Public Comment**

Date: *(Enter date here)*

To: Mr. Richard Clemente
Driver and Carrier
Operations Division;
Federal Motor Carrier
Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590-0001

From: *(Enter your name here)*

**Phone
Number:** (202) 366-2722

**Phone:
Number:** *(Enter your phone number here)*

**Fax
Number:** 202-493-2251

**Fax
Number:** *(Enter your fax number here)*

Comments:

Enclosed find comments regarding FMCSA Docket Number: **FMCSA-2022-0189-0001:**
Assessment of the Continued Need for COVID-19 Emergency Declaration

Exclusive Property of:



**-PUBLIC COMMENTS 101-
A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS**

Submitting a Public Comment via Mail

All public comments submitted **MUST** include the following:

1. The docket number; (**FMCSA-2022-0189-0001**)
2. Your comment.

You may choose to submit a public comment via mail. To do so follow the steps below:

⇒ **Step 1:** Type or hand write your public comment(s) ensuring to include the information found above.

⇒ **Step 2:** Mail to:

U.S. Department of Transportation
Docket Management Facility
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

Exclusive Property of:



**-PUBLIC COMMENTS 101-
A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS**

Submitting a Public Comment via Hand Delivery

All public comments submitted **MUST** include the following:

1. The docket number; (**FMCSA-2022-0189-0001**)
2. Your comment.

You may choose to submit a public comment via hand delivery. To do so follow the steps below:

⇒ **Step 1:** Type or hand write your public comment(s) ensuring to include the information found above.

⇒ **Step 2:** Hand deliver to:

U.S. Department of Transportation
Docket Management Facility
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

NOTE: Hand delivered comments are accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Exclusive Property of:



**-PUBLIC COMMENTS 101-
A COMPLETE GUIDE TO PARTICIPATING IN PUBLIC COMMENT PERIODS**

Important Reminders

A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.

If you disagree with a proposed action, suggest an alternative (including not regulating at all) and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective.

The comment process is not a vote.

We repeat... THE COMMENT PROCESS IS NOT A VOTE

The government is attempting to formulate the best policy, so when crafting a comment, it is important that you adequately explain the reasoning behind your position.

Agency reviewers look for sound science and reasoning in the comments they receive. When possible, support your comment with substantive data, facts, and/or expert opinions. You may also provide personal experience in your comment, as may be appropriate. By supporting your arguments well, you are more likely to influence the agency decision making.

DO NOT SUBMIT FORM LETTERS

Organizations often encourage their members to submit form letters designed to address issues common to their membership. Organizations including industry associations, labor unions, and conservation groups sometimes use form letters to voice their opposition or support of a proposed rulemaking. Many in the public mistakenly believe that their submitted form letter constitutes a "vote" regarding the issues concerning them. Although public support or opposition may help guide important public policies, agencies make determinations for a proposed action based on sound reasoning and scientific evidence rather than a majority of votes. **A single, well-supported comment may carry more weight than a thousand form letters.**