

Public Commenting Tips



Fair Shake[®]
Environmental Legal Services

This resource is part of Fair Shake Environmental Legal Service's Community Democracy River.

For more information and additional resources, tools, and levers,
visit: <https://www.fairshake-els.org/community-organizing-resources>.

What is Public Participation

- ❑ A series of activities and actions by a government agency over the full lifespan of a project to both inform the public and obtain input from them.
- ❑ Public participation affords stakeholders (those that have an interest or stake in an issue, such as individuals, interest groups, & communities) the opportunity to influence decisions that affect their lives.
- ❑ Conducting meaningful public participation involves seeking public input at the specific points in the decision process and on the specific issues where such input has a real potential to help shape the decision or action
- ❑ Sometimes the opportunity for influence is quite small, while at other times the public can have a great deal of influence. No matter the outcome, your voice is an important part of the process.

Types of Agencies

❑ Federal

- ❑ US Environmental Protection Agency, US Dept. of Transportation, US Dept. of Energy, etc.
- ❑ Many Federal agencies delegate primary enforcement responsibility to State agencies

❑ State

- ❑ Ohio EPA, Ohio Department of Natural Resources, Public Utilities Commission of Ohio, Ohio Power Siting Board, etc.

❑ Local

- ❑ Board of County Commissioners; City Council; Township Board; & Development Districts



Stakeholders

❑ Interested parties

- ❑ Often includes residents, property owners, or business owners within a certain distance of the permit activity
- ❑ The definition can be expanded to those that are able to articulate an impact from the proposed permit activity

❑ Community members

- ❑ Even if you do not reside within a close vicinity to the permit activity, you can still voice your support or opposition for a permit activity
- ❑ Participation as a community member may be limited unless you can articulate an impact from the permit activity

Common Terminology

- ❑ Environmental Justice
 - ❑ The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies (U.S. EPA)
- ❑ Best Available Technology (BAT)
 - ❑ BAT represents the best available economically achievable performance of plants in the industrial subcategory or category (U.S. EPA)
- ❑ No Build Alternative
 - ❑ Describes the impact on the environment/community if no changes are made.
 - ❑ The no-build serves as a benchmark against which the impacts of the other alternatives can be compared

Ways to Participate

▶ Informational Meetings

- ❑ Often hosted by the permit applicant to answer questions and provide an overview of the permit

▶ Public Hearings

- ❑ Hosted by the permitting agency if requested by an interested party within a certain period of time (usually 30 days)

▶ Written Commenting Period

- ❑ Begins after a notice is provided via newspaper or agency website, or after an informational meeting
- ❑ Limited time to respond, generally 30 days

▶ Verbal Commenting Period

- ❑ Can be offered during an informational meeting or Public Hearing

Understand The Role Of The Host

- ❑ Applicant: To provide community with a better understanding of the project including:
 - ❑ What are the potential harms to the environment
 - ❑ What technology is being used to minimize negative environmental impacts
 - ❑ To gain community support and address concerns of opponents
- ❑ Government Agency
 - ❑ To ensure that all community members have an opportunity to be heard
 - ❑ To serve as an unbiased liaison between the applicant and the

Preparing to Comment

- ❑ Learn about the issue
 - ❑ While permit applications are often highly technical, it is important to learn as much as you can about the proposed activity as it relates to your concerns
 - ❑ Review the permit documents and related information provided by the applicant or agency
 - ❑ Talk to experts in the field such as college professors, engineers, or community leaders
 - ❑ Research information on applicant's website and review similar projects in other areas
 - ❑ Stay informed on announcements related to the project
 - ❑ Because of the limited time frames to comment on permit applications, it is very important to know when an application becomes complete and the comment period begins
 - ❑ Public notices are published in the largest newspaper of general circulation for the county in which the facility is or is proposed to be located (usually in the legal notices section).
 - ❑ If you are an *Interested Party*, you may receive direct notice by mail or posting
- ❑ Talk to other community members
 - ❑ You are stronger together and the more community members that share similar concerns about a project, the more attention you can bring to the issue.

General Advice for Comments

- ❑ Introduce yourself and your connection to the community of project
- ❑ Describe how the project will impact you as directly as possible
 - ❑ Be clear and concise
 - ❑ Use respectful language
 - ❑ Focus on your strongest point first
- ❑ Describe how it will impact the community or change the nature of the community
 - ❑ Are there *Environmental Justice* Concerns
- ❑ Provide specific alternatives
 - ❑ Is the project using the *Best Available Technology*
 - ❑ Is another site better suited for the permit activity
 - ❑ How does the *No Build Alternative* compare to the proposal
- ❑ Use examples from past projects or similar projects in other areas

Verbal Comments

- ❑ Always maintain your composure
- ❑ Speak slowly and clearly
- ❑ Don't read everything from notes
- ❑ Make eye contact with presenters/hosts
- ❑ Repeat main points at the end (time permitting)
- ❑ Stop when your time is up
- ❑ Take notes or video/voice record if permitted
- ❑ Consider following up with a written comment to expand or clarify

Written Comments

- ❑ Write your own
 - ❑ Sign on letters can be effective in certain venues, but each distinct comment issue will need to be addressed, Mass sign on letters can be grouped together with one response.
 - ❑ A compelling story from your point of view is more compelling to the reader
- ❑ Organize your comments by topic and be sure they relate to the permit at issue
 - ❑ Use headings and sub-headings to guide the reader
- ❑ Phrase your comments as statements not questions
- ❑ Simple language can be effective even in comments on highly technical permits.
- ❑ Be able to support with verifiable sources: scientific research, government records, newspaper articles, photos, and witnesses.

Examples

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

Examples

Less Effective	More Effective
Identifying Violations in the Law	
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.
Suggesting Specific Language	
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 high levels of the pesticide <u>at rates higher than indicated on the label</u> could harm the Monarch butterfly.”
Using Examples	
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%.

Source: Environmental Law Institute, Public Participation in Environmental Decision-Making Step-by-Step Tips for Writing Effective Public Comments

Post Comment Follow Up

- ❑ Stay informed on permit application updates and responses to comments
- ❑ Review agency responses and application updates to determine if your concern is sufficiently resolved
- ❑ Contact the agency with questions about when responses will be released or questions about changes to the application a
- ❑ Know the time frame to appeal the agency decision if your concerns are not fully addressed