Where’s the Spam?
Mass Comment Campaigns in Agency Rulemaking

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ABSTRACT

This article examines the occurrence and nature of mass comment campaigns—identical and near-duplicate comments submitted by like-minded organizations and individuals—in rulemaking at the Environmental Protection Agency (EPA) between 2012 and 2016. The analysis demonstrates that campaigns occur across issue areas under EPA jurisdiction, particularly in the context of complex, economically significant actions. Broad societal constituencies—such as environmentalists—are more active in sponsoring campaigns than
specific interests negatively affected by stringent regulations. Industry-led campaigns are regularly divided along sectoral lines, with industries anticipating benefits arguing in favor of stringent regulations and industries forecast to bear the brunt of such actions sponsoring campaigns in opposition to EPA proposals. It is common for campaigns to contain policy-relevant information as a means of bolstering justifications for political sentiments. These findings in some respects confirm and in other respects challenge existing understandings of an increasingly salient form of participation in administrative rulemaking.

Introduction

In 2014, the Natural Resources Defense Council (NRDC) coordinated an online campaign that generated more than 100,000 comments on a proposed EPA rule defining federal jurisdiction over water bodies such as streams and wetlands. These emails urged the EPA to finalize stringent standards in short order, as a means of protecting headwater sources that are connected to downstream bodies already covered under the Clean Water Act. A year later, such standards were promulgated with great fanfare, touted by President Obama as an “historic commitment” to environmental protection.

In contemporary American politics, information and communication technologies have increased the ease for organizations and individuals with shared interests of participating in policymaking in mass numbers. Interest groups such as the NRDC cultivate and maintain often large lists of members, with whom they communicate regularly through email and other channels. Such communications frequently direct recipients to the websites of government organizations, encouraging members to make their common preferences known to officials making salient policy decisions.

As illustrated by the clean water email campaign, administrative rulemaking through the notice and comment process has been no exception to these developments. Proposed rules are readily accessible via agency websites, the digital version of the Federal Register (the daily publication of the executive branch), and regulations.gov (a government-wide repository of rulemaking documents). Advocates for health, safety, and the environment, as well as representatives of

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6 The fanfare turned out to be short lived, as the Waters of the United States rule was stayed in court and targeted by the Trump administration for revision or removal. See Cama, Timothy, 2017, “Supreme Court Won’t Pause Obama Water Rule Case.” The Hill, April 3.

regulated entities, routinely submit comments in response to proposed rules, sometimes in large numbers.

One particular form that such participation takes is the coordination of mass comment campaigns. In mass comment campaigns, identical and near-duplicate comments are submitted by like-minded organizations and individuals. Ever since the advent of electronic rulemaking, the routinization of mass commenting has been anticipated by digital democrats (celebrating the “throwing open” of the doors of government) as well as by more skeptical participants and observers (warning of the negative consequences of “notice and spam”).

Despite such clear-cut anticipation, basic uncertainties about the occurrence and nature of mass comment campaigns remain, two decades into the era of electronic rulemaking. Under what conditions do mass comment campaigns occur? What types of organizations coordinate mass comment campaigns? What kinds of information do mass comment campaigns communicate to agency officials?

This article addresses these questions in the context of rulemaking at the Environmental Protection Agency between 2012 and 2016. To examine the conditions under which mass comment campaigns occur, information is assembled for all significant EPA actions taken during this period, some of which were characterized by campaigns and some of which were not. Information regarding sponsoring organizations is collected as a means of investigating the coordination of mass comment campaigns. Finally, the content of mass comment campaigns is evaluated in order to assess the information communicated by campaigns to agency officials.

Through the analysis of these data, the article both confirms and qualifies existing knowledge regarding mass comment campaigns. In the former regard, the analysis demonstrates that campaigns occur across issue areas under EPA jurisdiction, particularly in the context of complex, economically significant actions. In addition, broad societal constituencies—such as environmentalists and advocates for workers’ rights—are more active in sponsoring campaigns than specific interests (e.g., industries) negatively impacted by stringent regulations. In the latter regard, industry-led campaigns are regularly divided along sectoral lines, with industries anticipating benefits arguing in favor of stringent regulations and industries forecast to bear the brunt of such actions sponsoring campaigns in opposition to EPA proposals. Furthermore, it is common for campaigns to contain policy-relevant information as a means of bolstering justifications for value-laden, political sentiments. In the end, the article presents an empirical

9 Mass comment campaigns occurred prior to the era of electronic rulemaking, via postcards, letters, and other traditional forms of communication (Karpf 2010). The expectation has been that information and communication technologies serve to increase the frequency and size of mass comment campaigns (Balla and Daniels 2007).
account of mass comment campaigns that is broader and more nuanced than previous treatments of what is a common and rather diverse phenomenon in administrative rulemaking.

**Current Understanding of Mass Comment Campaigns**

Mass comment campaigns are, on occasion, front page news. A few years ago, *USA Today* highlighted the “barrage” of comments submitted in response to proposed rules issued by the EPA, Department of Education, and Federal Reserve System. In 2014, the Federal Communications Commission’s (FCC) proposed net neutrality rule received 3.7 million comments, in part because comedian John Oliver urged viewers of *Last Week Tonight* to “get out there and for once in your lives focus your indiscriminate rage in a useful direction.” Three years later, this number was dwarfed by the nearly 22 million comments (some of which were fakes generated by spambots) that arrived as the FCC prepared to repeal its net neutrality regulations.

This kind of episodic attention also characterizes much research on mass comment campaigns. Researchers have for the most part focused on the highest-profile rules that generate unusually (often historically) large numbers of comments. Although such cases do not facilitate the direct drawing of general lessons, they are useful in establishing baseline expectations regarding the occurrence and nature of mass comment campaigns.

**When Do Mass Comment Campaigns Occur?**

A glance across case studies illustrates that mass comment campaigns have occurred in a wide variety of issue areas, including organic food standards and restrictions on tobacco sales and

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11 Kastrenakes, Jacob. 2014. “FCC Received a Total of 3.7 Million Comments on Net Neutrality.” *The Verge*, September 16.
12 Welch, Chris. 2014. “John Oliver Wants the Internet's Worst Trolls to Yell at the FCC.” *The Verge*, June 2.
15 The issue of fake comments in agency proceedings (such activity has been documented not only at the FCC, but at the Department of Labor, Consumer Financial Protection Bureau, Federal Energy Regulatory Commission, and Securities and Exchange Commission as well [Rosenworcel 2018]) is beyond the scope of this article’s research. See Rosenworcel, Jessica, 2018, “Russians Are Hacking Our Public-Commenting System, Too.” *Washington Post*, March 6.
16 A notable exception (Potter and Richardson 2017) examines the importance of partisan control of Congress and the White House in mediating the influence of mass comment campaigns on the time it takes the EPA to finalize rules. See Potter, Rachel Augustine, and Mark D. Richardson, 2017, “*Vox Populi*? Agency Rulemaking and the Politics of Mass Comment Campaigns.” Paper presented at the annual meeting of the Midwest Political Science Association, April 6-9, Chicago, Illinois.
marketing. Environmental, wildlife, and natural resource issues are especially conducive to the mobilization of mass comment campaigns. Communications issues have also generated a number of high-profile mass comment campaigns. In addition to the net neutrality rule, the FCC received in excess of one million comments on a rule governing the concentration of media ownership.

Such issue areas have been the subject of case studies precisely because of the occurrence of highly-publicized mass comment campaigns. As a result, research of this variety does not provide insight into the characteristics differentiating rules that experience mass comment campaigns from rules without such participation. In this regard, recent analysis of a large number of EPA actions demonstrates that mass comment campaigns are especially common in the context of rules that are economically or politically significant. Beyond this distinction, however, little remains known about the conditions under which mass comment campaigns occur.

**Who Sponsors Mass Comment Campaigns?**

A number of case studies indicate that mass comment campaigns are primarily utilized by advocacy organizations representing the interests of regulatory beneficiaries. A Fish and Wildlife Service proposal to designate the polar bear as an endangered species prompted mass comment campaigns from environmental groups such as Earthjustice, Defenders of Wildlife, and

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Similarly, the Forest Service’s roadless rule—which limited road construction and timber harvesting on millions of acres of federal lands—engendered a mass comment campaign on the part of the Sierra Club. Mass comment campaigns, to be sure, are not solely the domain of environmental groups. MoveOn.org—a general liberal advocacy group—sponsored a mass comment campaign in response to an EPA proposed rule on mercury emissions.

Other case studies demonstrate that regulated entities and opponents of stringent regulations are active in mobilizing mass comment campaigns. For example, a National Parks Service rule restricting snowmobiles in national parks attracted the attention of large numbers of snowmobile enthusiasts and the recreational tourism industry. Such cases indicate that it is an open question regarding the extent to which mass comment campaigns are, as a general matter, primarily instruments of advocates for health, safety, and the environment.

What Information Do Mass Comment Campaigns Convey?

Mass comment campaigns, as a means of public participation in the rulemaking process, potentially offer two types of information to agency officials. One type of information concerns the legal, economic, scientific, and technical justifications for particular aspects of rules. Political information, by contrast, pertains to levels of support for and opposition to rules among regulated entities and the beneficiaries of agency actions.

Case studies suggest that mass comment campaigns typically offer little in the way of insight into policy-relevant dimensions of rules. For example, an analysis of MoveOn.org’s mercury emissions mass comment campaign demonstrates that participants did not center on communicating substantive information to the EPA. Rather than addressing legal, economic, scientific, or technical aspects of the rule, comments focused on instructing the agency to “do its job.”

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33 Shulman 2009, p. 44.
Such examples indicate that mass comment campaigns are not primarily instruments of “reasoned deliberation” in rulemaking, but rather center on the expression of value-laden, political sentiments. Does, however, this lack of policy content hold for mass comment campaigns in general, beyond the highest-profile campaigns that have attracted the bulk of research attention?

**Parameters of This Research**

Taken together, case studies—the most common type of research on mass comment campaigns—paint a suggestive portrait of this form of participation in administrative rulemaking. Mass comment campaigns occur across policy areas, especially in the context of issues that are economically or politically significant. Mass comment campaigns are primarily utilized by regulatory beneficiaries, such as advocates for health, safety, and the environment. Mass comment campaigns consist of value-laden expressions of political sentiments.

On all three dimensions, there is mixed evidence or uncertainty regarding the extent to which such patterns hold beyond mass comment campaigns of the greatest magnitude and publicity. This article therefore examines these elements of mass comment campaigns—occurrence, sponsorship, and informational content—in a broader context (rulemaking at the EPA between 2012 and 2016) than prior case study research. The aim is to provide a more general account of this highly-salient, yet little understood form of participation in administrative rulemaking. Such an account is a step toward generating a baseline of knowledge through which to contextualize large, headline-grabbing mass comment campaigns, such as those that have occurred in the area of net neutrality over the past several years.

Two dimensions of mass comment campaigns fall outside the scope of this article. These dimensions concern the motivations of organizations for mobilizing mass comment campaigns and the impact of campaigns on policymaking processes and outcomes. The article lays

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38 Kastrenakes, Jacob. 2014. “FCC Received a Total of 3.7 Million Comments on Net Neutrality.” *The Verge*, September 16.
40 Welch, Chris. 2014. “John Oliver Wants the Internet's Worst Trolls to Yell at the FCC.” *The Verge*, June 2.
important groundwork for the consideration of these concerns, by establishing the basic contours of the occurrence, sponsorship, and informational content of mass comment campaigns.

**Collecting Information on Mass Comment Campaigns**

The cornerstone of the article’s approach to assembling information about mass comment campaigns is derived from a particular feature of regulations.gov. Regulations.gov is a repository of documents pertaining to the activities of hundreds of agencies of the federal government, from the American Battle Monuments Commission to the Wage and Hour Division of the Department of Labor. The website's documents include proposed and final rules, analyses and supporting materials, and comments submitted by organizations and individuals in response to agency actions.

Agencies classify documents posted to regulations.gov along a variety of dimensions. The key category for the purposes of this research is documents labeled “mass mail campaign.” This label allows for the direct identification of mass comment campaigns as specified by recipient agencies.

The mass mail campaign label has been used by only five agencies—the EPA, Centers for Medicare and Medicaid Services, Energy Efficiency and Renewable Energy Office (Department of Energy), Office of Federal Contract Compliance Programs (Department of Labor), and Occupational Safety and Health Administration. Among these agencies, furthermore, the number of mass comment campaigns typically identified is exceedingly small. In fact, other than the EPA, no agency has labeled more than five mass comment campaigns.

The EPA, by contrast, makes regular use of the mass mail campaign label. Each labeled document corresponds to a collection of identical and near-duplicate comments submitted in response to a particular *Federal Register* notice. As detailed in Figure 1, the EPA does not typically list each and every submission that is part of a campaign, but rather posts a single illustrative comment. In addition, the EPA provides information about such characteristics as the sponsor of the mass comment campaign and the number of submissions received.

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41 Examples of document types include “advance notice of proposed rulemaking,” “environmental impact statement,” and “public submission.”

42 Agencies have discretion over which fields in regulations.gov to make use of. Thirty-three agencies list “mass mail campaign” as a document type in regulations.gov. Twenty-eight of these agencies, however, have never posted a document in this category.

43 This lack of labeling does not imply that agencies are seldom or never the recipients of mass comment campaigns. Rather, agencies other than the EPA have elected not to (as a general practice) document the occurrence of mass comment campaigns through the mass mail campaign label.
Figure 1: NRDC Waters of the United States Mass Comment Campaign

Note: This screen shot, taken by the authors, demonstrates the manner in which the EPA documents mass comment campaigns at regulations.gov. At the top of the screen, the sponsor of the mass comment campaign (the NRDC) is named. On the right-hand side, the agency lists the number of comments that were submitted as part of the campaign (108,076). In the bottom left-hand corner, the agency provides an attachment containing one example of this set of identical and near-duplicate comments.
Identifying EPA Actions

With these parameters of data availability in mind, the article focuses on analyzing mass comment campaigns at the EPA between 2012 and 2016. This time period corresponds to the years during which the EPA began using “mass mail campaign” as a label for classifying rulemaking documents. The EPA is an important organizational context for analyzing the occurrence and nature of mass comment campaigns. The EPA promulgates rules of varying significance across a wide range of issue areas related to environmental protection, a realm of policymaking especially prone to mass comment campaigns. The agency’s external environment is characterized by a diverse and highly mobilized array of stakeholders representing both regulated entities and advocates for health, safety, and the environment.

The EPA issues hundreds of rules each year, many of which are routine and not consequential in the context of mass comment campaigns. The analysis therefore limits the scope of investigation to rules that are subject to regulatory review on the part of the Office of Information and Regulatory Affairs (OIRA). OIRA is a White House office charged with reviewing agency actions—both proposed rules and final rules—prior to publication in the Federal Register. These reviews audit rules according to a number of analytical standards (e.g., benefits and costs) as well as for consistency with presidential priorities. All rules reviewed by OIRA are significant in some respect, either because of their anticipated economic effects or political ramifications.

During the 2012 – 2016 time period, the EPA published in the Federal Register 214 actions that had been subject to OIRA review. One hundred fifteen actions were at the proposed rule stage, while 99 actions were final rules. These actions constitute the focal point of the analysis of the conditions under which mass comment campaigns occur.

44 Given that the time period is limited to a single presidency, the results of the analysis are not necessarily generalizable beyond the Obama administration.
45 Given this focus, the article’s findings are not necessarily applicable to policy areas outside of environmental protection.
48 Although mass comment campaigns occasionally occur in the context of EPA rules that are not economically or politically significant, the vast majority of campaigns concern agency actions that are subject to OIRA review (Potter and Richardson 2017).
49 Searchable information about OIRA review is available at https://www.reginfo.gov/public/.
50 Although many of these rules were ultimately implemented, the EPA (for a variety of reasons) withdrew a number of the Federal Register notices from further consideration and development.
Identifying Mass Comment Campaigns

A crucial element in data collection is determining which EPA actions precipitated mass comment campaigns and which did not. Each regulatory action taken by an agency is assigned a unique Regulation Identifier Number (RIN). In regulations.gov, these RINs are used in tandem with the mass mail campaign label to identify the mass comment campaigns (if any) that were associated with each action.\(^5\) This search reveals that mass comment campaigns occurred during the comment periods of 32 of the EPA actions.

The EPA does not utilize a minimum threshold regarding the number of identical and near-duplicate comments that constitute a mass comment campaign. As a result, agency-identified mass comment campaigns vary substantially in scope, with some campaigns attracting a handful of supporters and others resulting in the submission of hundreds of thousands of comments. Researchers, by contrast, have defined mass comment campaigns as consisting of 1,000 or more identical and near-duplicate comments.\(^5\) Both operationalizations are employed and highlighted in the analysis that follows.

As documented by the EPA, a total of 1,244 mass comment campaigns occurred in response to the actions under analysis.\(^3\) The average number of submissions in these mass comment campaigns was 10,487, with a median of 408 submissions. Four hundred seventy-five of these mass comment campaigns consisted of 1,000 or more identical and near-duplicate submissions. Twenty-four mass comment campaigns were composed of more than 100,000 submissions, with two campaigns totaling in excess of a half-million submissions. Information on sponsorship and content forms the basis of the analysis of the nature of these mass comment campaigns.

Analyzing Mass Comment Campaigns

The analysis brings information about EPA actions and mass comment campaigns to bear on the questions posed in this article. Under what conditions do mass comment campaigns occur? What

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\(^5\) Each action retains the same RIN through all stages of development. Since both proposed rules and final rules are subject to OIRA review, a number of RINs appear multiple times in the set of actions (i.e., the OIRA review is the unit of analysis). For these RINs, mass comment campaigns are assigned to the stage of the rulemaking process during which they occurred (e.g., a campaign that occurred during the comment period for a proposed rule is assigned to the OIRA review of this proposed rule, but not to the OIRA review of the associated final rule).


\(^3\) As this number indicates (and the analysis below details), it is not uncommon for rules to experience multiple mass comment campaigns.
types of organizations coordinate mass comment campaigns? What kinds of information do mass comment campaigns communicate to agency officials? The analysis broadens existing case study evidence by addressing these questions in the context of hundreds of EPA actions taken between 2012 and 2016 and more than one thousand mass comment campaigns that occurred in response to these actions.

Occurrence of Mass Comment Campaigns

All 32 EPA actions during which mass comment campaigns occurred were at the proposal stage of the rulemaking process. No mass comment campaigns, in other words, were submitted in response to final rules. Of the 115 proposed actions under analysis, approximately one-fourth (32/115) experienced mass comment campaigns. Twenty-eight of the proposed actions were recipients of mass comment campaigns consisting of 1,000 or more identical and near-duplicate comments, with the remaining four actions not experiencing campaigns meeting this threshold.

Mass comment campaigns occur across a wide range of issue areas under EPA jurisdiction. A number of EPA offices were subject to mass comment campaigns, including the Office of Air and Radiation, Office of Chemical Safety and Pollution Prevention, Office of Enforcement and Compliance Assurance, Office of Land and Emergency Management, and Office of Water. All of these offices, with the exception of the Office of Enforcement and Compliance Assurance, experienced mass comment campaigns of at least 1,000 identical and near-duplicate comments.

Although mass comment campaigns occur across issue areas, EPA offices vary in the regularity with which they experience this form of participation. The Office of Air and Radiation and Office of Water (with jurisdiction over the Clean Air Act and Clean Water Act, respectively) were the most common recipients of mass comment campaigns. In both offices, nearly one-third of proposed actions engendered mass comment campaigns of at least 1,000 identical and near-duplicate comments. Furthermore, mass comment campaigns routinely occur in response to these offices’ proposed rules in large numbers. The average number of mass comment campaigns was 34 for Office of Air and Radiation proposed rules and 40 for Office of Water proposed rules. By contrast, the Office of Land and Emergency Management (which governs hazardous waste) and Office of Chemical Safety and Pollution Prevention (with jurisdiction over pesticides and other toxic chemicals) experienced mass comment campaigns of at least 1,000 identical and near-duplicate comments in response to 11 and 6 percent of their proposed actions, respectively. Neither of these offices received in excess of 10 mass comment campaigns in response to any of their proposed rules.

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54 Some final rules—such as direct final rules and interim final rules—are subject to comment periods, thus opening up the possibility (unrealized in the EPA actions under analysis) of mass comment campaigns during the finalization stage of the rulemaking process.
All rules subject to OIRA review are considered significant in some respect. Among the proposed actions under analysis, a subset stands out as particularly noteworthy. Eighteen of these 115 actions were deemed economically significant, a designation indicating (among other criteria) that the rule “is likely to have an annual effect on the economy of $100 million or more.”\textsuperscript{55} Rules that are economically significant must be accompanied by analyses of attributes such as benefits and costs that are more detailed than analyses required for other rules subject to OIRA review.

Ten of the 18 proposed actions categorized as economically significant experienced mass comment campaigns. Among these 10 actions, the average number of mass comment campaigns was 74 campaigns. By contrast, mass comment campaigns occurred in the context of less than one-fourth of proposed actions not classified as economically significant. For these actions, the average number of mass comment campaigns was 23 campaigns. These distinctions between economically significant rules and other rules hold regardless of the manner in which mass comment campaigns are operationalized (i.e., as identified by the EPA or limited to campaigns with 1,000 or more identical and near-duplicate comments).\textsuperscript{56}

Although procedurally important in the rulemaking process, economic significance—as a dichotomous distinction—treats as identical agency actions that are in other respects potentially quite different from one another. Economically significant rules, for example, vary in complexity, the extent to which the issues at hand raise legal, economic, scientific, and technical questions that “cannot be answered by generalists or laypersons.”\textsuperscript{57} A common operationalization of complexity is the length of the Federal Register notice,\textsuperscript{58} on the argument that “as rule complexity increases it will take more space to explain the rule’s basis and purpose.”\textsuperscript{59,60}

\textsuperscript{55} This definition was established in Executive Order 12866, issued in 1993 by President Clinton and maintained in subsequent administrations.

\textsuperscript{56} In general, unless otherwise highlighted, the results for both operationalizations of mass comment campaigns are substantively similar.

\textsuperscript{57} Gormley, Jr., William T. 1986. “Issue Networks in a Federal System.” \textit{Polity}, Vol. 18, No. 4, p. 598. Rules also vary in salience (Gormley 1986). Salience, however, is endogenous to the occurrence of mass comment campaigns, which themselves constitute indicators of stakeholder and general public interest.


\textsuperscript{59} Another measure of complexity is the Flesch-Kincaid Grade Level of a document, which is widely used to score the number of years of education required to understand a text. (See Kincaid, J. Peter, et al. 1975, “Deviation of new Readability Formulas (Automated Readability Index, Fog Count and Flesch Reading Ease Formula) for Navy Enlisted Personnel.” Paper available online at \url{http://www.dtic.mil/dtic/tr/fulltext/u2/a006655.pdf}.) This measure, however, is of limited variation (and hence utility) in the context of the EPA actions at hand, which generally are accessible only to readers with a college degree and beyond.
According to this measure, the 18 economically significant proposed actions under analysis vary substantially in complexity. These actions vary in length from 10 to 629 pages, with an average of 129 pages. Mass comment campaigns are more likely to occur in the context of economically significant actions that are particularly lengthy. The 10 economically significant actions that experienced mass comment campaigns were on average 156 pages in length. By contrast, the eight economically significant actions that were not subject to mass comment campaigns consumed on average 96 pages in the Federal Register.

Together the patterns established in this section demonstrate that although mass comment campaigns are common responses to proposed EPA actions, certain issues areas (clean air and clean water) and types of actions (complex, economically significant rules) are especially likely to experience this form of public participation. The analysis now turns to a consideration of the sponsorship of mass comment campaigns, to elucidate the organizations that coordinate campaigns under these particular conditions.

**Sponsorship of Mass Comment Campaigns**

Although the EPA catalogs mass comment campaigns, the agency is not always able to identify sponsoring organizations. Four hundred ninety-one of the 1,244 mass comment campaigns under analysis have no listed sponsor. In such instances, the mass comment campaign’s document on regulations.gov states that the sponsor is “unknown.”

The 753 identified sponsors were coded according to organizational and advocacy characteristics. As illustrated in Table 1, many sponsors were representatives of regulatory beneficiaries and broad societal constituencies. These sponsors include environmental groups such as Environment America and Clean Water Action. This category also contains unions and supporters of workers’ rights (e.g., United Mine Workers of America), general liberal advocacy groups (e.g., Organizing for Action), and organizations with an overarching public interest

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61 Proposed actions that are not economically significant have an average length of 35 pages, with a median of 30 pages.

62 A similar distinction manifests among proposed actions that are not economically significant, with mass comment campaigns more likely to occur in the context of lengthy rules. Similar results also obtain when the number of days it takes OIRA to complete its review of a proposed rule is used as a measure of complexity. The EPA was, as a general matter, more likely to experience mass comment campaigns during rulemaking processes in which OIRA review times were relatively lengthy.

orientation (e.g., houses of worship). Together these sponsors account for 73 percent of the identified mass comments campaigns. This prevalence increases to 87 percent if the analysis is limited to mass comment campaigns consisting of at least 1,000 identical and near-duplicate comments.

Table 1: Sponsors of Mass Comment Campaigns

<table>
<thead>
<tr>
<th>Broad Societal Constituencies</th>
<th>Number of Mass Comment Campaigns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Advocacy</td>
<td>411</td>
</tr>
<tr>
<td>Unions/Workers’ Rights</td>
<td>10</td>
</tr>
<tr>
<td>General Liberal Organizations</td>
<td>10</td>
</tr>
<tr>
<td>Other Public Interest Advocates</td>
<td>62</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>542</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Regulated Industries and Specific Interests</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Industry</td>
<td>97</td>
</tr>
<tr>
<td>Energy Sector</td>
<td>89</td>
</tr>
<tr>
<td>Other Industries</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>198</strong></td>
</tr>
</tbody>
</table>

*Note:* The total number of mass comment campaigns in this table is 740, as sponsors for 13 of the 753 identified campaigns could not be readily placed into a specific category.

Other sponsors were representatives of specific interests such as regulated industries. These sponsors for the most part represent agriculture (e.g., American Farm Bureau Federation and National Corn Growers Association) and the energy sector (e.g., North American Coal Corporation). On occasion, such interests as realtors and construction companies submitted mass comment campaigns. Altogether, firms and advocates for industry are responsible for 27 percent of the identified mass comment campaigns, and 13 percent of campaigns with 1,000 or more identical and near-duplicate comments.

The overarching split of (roughly) three-fourths of mass comment campaigns emanating from broad societal constituencies and one-fourth generated by specific regulated interests holds across issue areas and types of EPA actions. For example, this distinction is present in the context of mass comment campaigns submitted to both the Office of Air and Radiation and Office of Water. Regulatory beneficiaries also exhibit this advantage over regulated entities in the mobilization of mass comment campaigns in response to rules that are particularly lengthy and economically significant.

The scope of mass comment campaigns initiated by advocates for health, safety, and the environment is typically greater than those submitted by regulated entities and opponents of
stringent EPA regulations. The average mass comment campaign sponsored by broad societal constituencies was composed of 15,783 comments. By contrast, the average industry-led mass comment campaign contained 4,345 comments.

The fact that broad societal constituencies are more active than regulated industries in sponsoring mass comment campaigns is evidenced at the organizational level as well. Of the organizations that generated at least ten mass comment campaigns, all but one are environmental advocacy groups such as Earthjustice and the Sierra Club.\(^{64}\) The lone exception is the National Corn Growers Association.

These patterns demonstrate that although representatives of specific interests regularly submit mass comment campaigns, broad societal constituencies are the primary drivers of the more than one thousand campaigns that were submitted on the EPA actions under analysis. Environmentalists and other advocates of the public interest were more actively engaged in this form of participation than industries and other stakeholders negatively impacted by stringent regulations, both in terms of sheer number and size of mass comment campaigns. In these regards, the evidence confirms on a broader basis insights generated by case studies of prominent mass comment campaigns that have occurred during high-profile rulemakings at the EPA and other agencies.\(^{65}\)

**Informational Content of Mass Comment Campaigns**

The illustrative comments posted by the EPA to regulations.gov are utilized to collect information about two aspects of the 1,244 mass comment campaigns under analysis.\(^{66}\) The first aspect is the number of words contained in mass comment campaigns. The number of words serves as a proxy for the nature of the information communicated in mass comment campaigns. Value-laden expressions of political sentiment (e.g., telling the EPA to “do its job”\(^{67}\)) are readily expressible in a few words. By contrast, conveying information about the legal, economic, scientific, and technical parameters of proposed actions requires the articulation of arguments and submission of data and evidence.

\(^{64}\) A similar distinction holds among organizations that mobilized five or more mass comment campaigns.

\(^{65}\) To underscore the breadth of the results, the patterns reported in this section hold if highly-publicized EPA actions that generated unusually large numbers of mass comment campaigns (e.g., the Waters of the United States rule) are excluded from the analysis.

\(^{66}\) For five mass comment campaigns, the EPA does not provide sufficient information about an illustrative submission. As a result, these mass comment campaigns are excluded from the analysis of informational content. On occasion, the EPA posts more than one submission in a mass comment campaign. In such instances, the submissions are typically identical or near duplicates of one another. Given these similarities, information is collected from the first listed submission.

The second aspect is the extent to which mass comment campaigns express support for or opposition to the development and promulgation of stringent environmental regulations. The following quotation is an excerpt from a mass comment campaign coded as supportive: “I urge you to support a strong rule that reduces carbon pollution and encourages clean and renewable energy development.”68 As an example of a mass comment campaign staking out opposition to agency plans, the following excerpt was submitted during the Waters of the United States rulemaking: “I urge the EPA and the Corps of Engineers to withdraw this proposed rule.”69

The bulk of mass comment campaigns are relatively short in length. The middle 50 percent of the distribution encompasses mass comment campaigns containing between 100 and 275 words. Figure 2 provides an example of one such mass comment campaign. This mass comment campaign occurred during the making of the Clean Power Plan, a climate change rule requiring significant reductions in carbon dioxide emissions from electric power generators, in particular coal-burning plants. The mass comment campaign expressed support for the EPA’s proposed action and briefly enumerated a number of facts, including the scientific consensus on human contributions to global warming and the breadth of public support for government intervention to mitigate such contributions. In these regards, the mass comment campaign is emblematic of hundreds of campaigns of ordinary length, in that it communicates a value-laden, political sentiment (“I strongly support EPA”) while also highlighting substantive justifications for this sentiment.

Mass comment campaigns of the shortest length, by contrast, focus solely on conveying political information regarding levels of support for and opposition to proposed EPA actions. Such mass comment campaigns, in other words, do not contain arguments or evidence about the substantive content of the actions at hand. Another mass comment campaign submitted in response to the proposed Clean Power Plan is illustrative of this class of campaigns. In its entirety, this mass comment campaign reads: “I strongly support the EPA’s effort to limit carbon pollution from all power plants.”

A small number of mass comment campaigns contain more than 1,000 words, with the longest campaign comprised of 3,207 words. One such mass comment campaign, sponsored by the NRDC, was submitted in response to the proposed Clean Power Plan. This mass comment campaign states a clear-cut political sentiment: “Along with over 1.4 million members and supporters of the Natural Resources Defense Council, I want to see extremely strong climate

Note: This screen shot was taken by the authors from information available at [https://www.regulations.gov/document?D=EPA-HQ-OAR-2013-0602-1144](https://www.regulations.gov/document?D=EPA-HQ-OAR-2013-0602-1144).

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action.” The mass comment campaign, however, departs from the vast majority of campaigns by addressing substantive concerns regarding climate change in great detail, extensively citing data and reports in a well-sourced submission.

Almost all of the very longest mass comment campaigns emanated from broad societal constituencies such as the NRDC. Apart from such extreme cases, however, mass comment campaigns sponsored by regulatory beneficiaries were not substantially longer than campaigns submitted by specific interests such as regulated entities. For example, among mass comment campaigns containing at least 1,000 submissions, the median number of words was 147 for campaigns mobilized by advocates for health, safety, and the environment and 139 for campaigns sponsored by regulated entities and opponents of stringent regulations.

The coding of the content of mass comment campaigns demonstrates that 79 percent of campaigns expressed support for the EPA’s proposed actions. The remaining 21 percent of mass comment campaigns opposed stringent environmental regulations. The reasons for such opposition included economic growth, job protection, and principles of limited government.

Mass comment campaigns submitted by broad societal constituencies were nearly unanimous in support of stringent environmental regulations. Specific interests such as regulated entities, however, articulated both support for and opposition to proposed EPA actions. In fact, this division was quite balanced, with 53 percent of industry-led mass comment campaigns expressing opposition to proposed rules and 47 percent stating support for EPA proposals.

One example of division within industry-led mass comment campaigns is the EPA’s proposal to reduce the amount of ethanol required to be blended into motor vehicle fuel. This proposed rule generated 57 mass comment campaigns on the part of specific industrial interests. Thirteen mass comment campaigns were sponsored by companies and organizations representing poultry farmers (e.g., Perdue Farms and the National Turkey Federation). These mass comment campaigns supported the EPA’s proposed ethanol reductions, on the argument that the status quo was harming the poultry industry and consumers by raising the price of corn, the single largest input cost for farmers. By contrast, 44 mass comment campaigns advanced opposing claims that lowering ethanol content would increase vehicle gas prices and dependence on foreign oil.

71 This mass comment campaign can be accessed at https://www.regulations.gov/document?D=EPA-HQ-OAR-2013-0602-33313.
72 This distinction holds both for mass comment campaigns with and without identified sponsors, indicating that the EPA was no more or less likely to identify campaigns sponsored by regulated entities and opponents of stringent regulations than campaigns coordinated by advocates for health, safety, and the environment.
73 An example of one such mass comment campaign can be accessed at https://www.regulations.gov/document?D=EPA-HQ-OAR-2013-0479-6887.
while hindering innovation with respect to clean-burning fuels.\(^7^4\) These mass comment campaigns were sponsored by the National Corn Growers Association and other representatives of corn producers and related industries.

As the ethanol rulemaking indicates, mass comment campaigns do not always occur in isolation. In fact, of the 32 proposed EPA rules that experienced mass comment campaigns, only five actions were characterized by the occurrence of a single campaign. The average number of mass comment campaigns submitted in response to these proposed rules was 39 campaigns. Five actions received more than 100 mass comment campaigns, with the Clean Power Plan engendering a high of 363 campaigns.

For most proposed rules that experienced multiple mass comment campaigns, the distribution of campaigns favored broad societal constituencies. For example, of the Clean Power Plan’s mass comment campaigns with identified sponsors, 82 percent were submitted by advocates for health, safety, and the environment. In fact, all but two EPA actions that generated more than 10 mass comment campaigns received all or most of their campaigns from broad societal constituencies. The only exceptions—both of which concerned the blending of ethanol into motor vehicle fuel—were characterized by divisions across industrial sectors and active mobilizations within these opposing sectors.

Such division does not characterize the proposed EPA actions that received multiple mass comment campaigns from advocates for health, safety, and the environment. For example, the EPA’s proposed standards for particulate matter in the air generated 23 mass comment campaigns with identified sponsors. All 23 of these mass comment campaigns were from representatives of broad societal constituencies such as Earthjustice, the Sierra Club, and the American Lung Association. Furthermore, the overarching content of these mass comment campaigns was rather similar, with all asking the EPA to set the “strongest standards possible.”\(^7^5\)

In sum, the analysis of informational content demonstrates that although mass comment campaigns are, as a general matter, relatively short in length, the bulk of campaigns go beyond mere expressions of value-laden, political sentiments. It is common, in other words, for mass comment campaigns to highlight legal, economic, scientific, and technical justifications for communicated sentiments. In addition, although mass comment campaigns primarily consist of expressions of support for stringent environmental regulations on the part of advocates for broad societal constituencies, industry-led campaigns are regular occurrences that are frequently characterized by divisions across sectors advantaged and disadvantaged by proposed EPA

\(^7^4\) An example of one such mass comment campaign can be accessed at https://www.regulations.gov/document?D=EPA-HQ-OAR-2013-0479-8768.

\(^7^5\) An example of one such mass comment campaign can be accessed at https://www.regulations.gov/document?D=EPA-HQ-OAR-2007-0492-0854.
actions. Both of these patterns generate information about complexities in the content of mass comment campaigns that are not apparent from case studies of the highest-profile campaigns that have previously attracted the bulk of research attention.

Contributions and Future Directions

Mass comment campaigns have long been a part of administrative rulemaking through the notice and comment process. With the advent of electronic rulemaking at the turn of the century, it has been widely expected that identical and near-duplicate comments will occur with greater frequency and in larger batches than in previous eras. With greater occurrence comes heightened interest, both among researchers and practitioners, in the occurrence and nature of mass comment campaigns. Although there have been a number of informative case studies in this regard, general descriptions and analyses of mass comment campaigns have for the most part failed to materialize.

This article makes a number of contributions toward remedying this lack of basic information and analysis. The article assembles extensive information about mass comment campaigns that occurred during rulemaking at the EPA between 2012 and 2016. By examining 1,244 mass comment campaigns submitted in the context of 214 significant EPA actions, the article adds substantial breadth to knowledge derived from existing case studies.

The assembled information demonstrates that mass comment campaigns were a common occurrence in EPA rulemaking during the period under analysis. This basic fact confirms what digital democrats have long hoped for and, by contrast, what skeptics of plebiscitary participation in rulemaking have anticipated with trepidation. The analysis of the occurrence, sponsorship, and informational content of EPA mass comment campaigns in some respects confirms expectations from case studies of particularly high-profile rulemakings and in other respects qualifies and challenges existing understandings.

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81 The latter perspective may find solace in that mass comment campaigns regularly highlight legal, economic, scientific, and technical matters in proposed rules.
The analysis demonstrates that broad societal constituencies—such as environmentalists and advocates for workers’ rights—are more active in sponsoring mass comment campaigns than industries and other specific interests negatively impacted by stringent regulations. In addition, mass comment campaigns occur across issue areas under EPA jurisdiction, particularly in the context of complex, economically significant actions. Both of these results are consistent with expectations drawn from case studies of mass comment campaigns.

Case studies, however, paint an incomplete portrait of sponsorship and the informational content of mass comment campaigns. It is an oversimplification to portray mass comment campaigns as pitting regulated entities versus broad societal constituencies in an economic and ideological battle over the stringency of EPA policy decisions. Industry-led mass comment campaigns, for example, are regularly divided along sectoral lines, with industries anticipating benefits arguing in favor of stringent regulations and industries forecast to bear the brunt of such actions sponsoring campaigns in opposition to EPA proposals. In addition, it is common for mass comment campaigns to contain policy-relevant information as a means of bolstering justifications for value-laden, political sentiments. To be sure, mass comment campaigns do not constitute seminal instruments of “reasoned deliberation” in rulemaking. That said, mass comment campaigns address legal, economic, scientific, and technical issues in proposed rules to a greater extent than suggested by the largest, headline-grabbing campaigns that have been the focal points of case study research.

Given limitations in the data utilized in the article, future research ought to build upon the analysis in a number of directions. Understanding the occurrence, sponsorship, and informational content of mass comment campaigns at agencies other than the EPA is an empirically challenging, but nevertheless essential, avenue of inquiry. Furthermore, the Obama administration was quite different with respect to regulation and the rulemaking process than the preceding Bush administration and, especially, subsequent Trump administration. In general, analyzing the politics of mass comment campaigns under presidents of both political parties offers the possibility of examining a host of research questions not considered in this article.

Two questions regarding mass comment campaigns fall outside the scope of the article. Why do organizations mobilize mass comment campaigns? What are the effects of mass comment campaigns on rulemaking processes and outcomes? The article’s findings regarding the identity of sponsors and informational content of mass comment campaigns lay important groundwork for the consideration of these concerns.

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Finally, by advancing research beyond case studies, the article offers a means of contextualizing the mass comment campaigns that have captured public attention in recent years. The debate over net neutrality, for example, has generated concerns that mass comment campaigns are unhealthy for American democracy.⁸³ Although not denying the potentially harmful effects of plebiscitary participation in the extreme (nor the emerging problem of automated fake comments), this article presents an empirical account of mass comment campaigns that is broader and more nuanced than treatments focused solely on extraordinary instances of what is in fact a common and rather diverse phenomenon in administrative rulemaking. It is this generation of a more general account of mass comment campaigns that marks the article’s primary contribution to understanding of the ever-important nexus of technology, participation, and policymaking in contemporary American politics.