
THE GEORGE WASHINGTON UNIVERSITY

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Opening Remarks from Steven J. Balla

Senior Scholar, GW Regulatory Studies Center
Associate Professor of Political Science, Public
Policy and Public Administration, and International
Affairs

Hearing on

Fake It Till They Make It: How Bad Actors Use Astroturfing to Manipulate Regulators, Disenfranchise Consumers and Subvert the Rulemaking Process

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The George Washington University Regulatory Studies Center
805 21st St, NW, MPA Suite 600
Washington, DC 20052
202-994-7543

RegulatoryStudies@gwu.edu
www.RegulatoryStudies.gwu.edu

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Thank you Chairman Green, Ranking Member Barr, and Members of the Subcommittee for the opportunity to participate in this hearing on mass comment campaigns. My name is Steven Balla, and I am an Associate Professor of Political Science, Public Policy and Public Administration, and International Affairs at The George Washington University

For the past several years, along with colleagues at GW, I have been conducting research on mass comment campaigns in agency rulemaking. By mass comment campaigns, we mean collections of identical and near-duplicate comments sponsored by organizations and submitted by group members and supporters

In our research, we ask three questions about these campaigns:

- (1) Who sponsors them?
- (2) What do these campaigns say?
- (3) How do agencies handle them?

We have focused our research specifically on campaigns directed at the Environmental Protection Agency (EPA). The EPA is a good agency to start with, as it is systematic and transparent in the way in which it catalogs and reports these campaigns on [regulations.gov](https://www.regulations.gov).

When the EPA identifies a mass comment campaign, it creates a record on [regulations.gov](https://www.regulations.gov), and this record includes the identity of the sponsoring organization, if known, a statement of the number of comments submitted as part of the campaign, and an illustrative example of the campaign's comments, usually through a PDF or Word attachment.

Our analysis is based on more than 1,000 campaigns that occurred during EPA rulemakings over a recent 5-year period.

Who sponsors campaigns?

There is a diverse mix of sponsoring organizations. On the one hand, mass comment campaigns are submitted by environmental advocacy groups, labor unions, and progressive organizations. These groups account for 75% of campaigns. On the other hand, regulated entities such as the agriculture and energy sectors also sponsor campaigns, accounting for the remaining 25%.

What do the campaigns say?

Again, there is diversity in the phenomenon. Some campaigns are as short as a few words, articulating a directional stance in favor of or opposition to the proposed rule and nothing more. Other campaigns incorporate arguments and reasoning, as well as data and analysis. Overall, mass comment campaigns are more likely to be brief, directional opinions instead of more detailed comments with substantive insights for policymakers.

How does the EPA handle campaigns?

In response to comment documents, we find that mass comment campaigns often get mentioned one time, and the agency provides a brief response to all comments in the campaign collectively. By contrast, the stand-alone comments that we historically associate with the notice and comment process usually get mentioned repeatedly in response to comment documents. This is because the agency responds separately to each argument or piece of evidence presented in the comment. In short, with more substantive content comes more extensive agency attention.

In my view, these findings demonstrate that the agency is able to identify mass comment campaigns, catalog them systematically and transparently, and respond to them in a manner commensurate with their substantive content.

Contrary to hopes about these campaigns, I do not see them as having a democratizing effect on the rulemaking process, and contrary to fears about them, I do not see them as burying the EPA under an unmanageable avalanche of useless information.

It is my argument that, for the most part, rather than mass comment campaigns bringing fundamental change—whether good or bad—to rulemaking, what has happened instead is that the agency has adopted approaches allowing it to readily incorporate campaigns into its existing rulemaking practices.

Thank you again for the opportunity to participate in this hearing. I hope these comments have proven useful to the Subcommittee, and I look forward to your questions.

Related research:

["Where's the Spam?: Interest Groups and Mass Comment Campaigns in Agency Rulemaking."](#) With Alexander R. Beck, William C. Cubbison, and Aryamala Prasad. Policy & Internet.

["Lost in the Flood?: The Efficacy of Mass Comment Campaigns in Agency Rulemaking."](#) With Alexander R. Beck, Elizabeth Meehan, and Aryamala Prasad. GW Regulatory Studies Center.