

US EPA ARCHIVE DOCUMENT



NATIONAL AUTOMOBILE DEALERS ASSOCIATION  
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**Legal & Regulatory Group**

December 28, 1999

Ms. Deborah Dalton  
U.S. Environmental Protection Agency (EPA)  
Mail Code 2136  
401 M. St., SW  
Washington, D.C. 20460

Re: Review of Environmental Protection Agency Public Participation Policies

Dear Ms. Dalton:

The National Automobile Dealers Association (NADA) represents 20,000 franchised automobile and truck dealers who sell new and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of 1,000,000 people nationwide, yet more than 80% are small businesses as defined by the Small Business Administration.

Last month, EPA issued a notice requesting comment on its Public Participation Regulations and Policies. 64 Fed. Reg. 66906, *et seq.* (November 30, 1999). In response, NADA offers the following comments and suggestions.

In NADA's experience, EPA does a much better than average job of involving the public in its key activities. In addition to the 1981 Policy on Public Participation, EPA's efforts to involve the public are guided by a number of relatively new legal requirements, including those set out in the Federal Advisory Committee Act and the Small Business Regulatory Efficiency and Fairness Act. As part of its 1981 Policy review, EPA should inventory all laws and regulations which guide or limit the public's interaction with the Agency and incorporate appropriate language from those provisions into its revised Policy.

From the stand point of a trade association made up primarily of small businesses, NADA recommends that EPA:

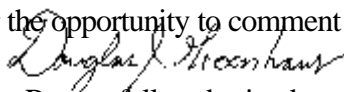
1. Bolster the Policy's emphasis on the need for intra-Agency consistency. Different EPA offices approach public involvement differently, even when involved in similar functions (e.g., advisory, policy development, rulemaking). In addition to strengthening its Policy

language, EPA should undertake to train program managers consistently regarding how and when to involve the public.

2. Encourage program managers to look to EPA's Small Business Ombudsman's office when seeking to identify small business contacts for potential involvement in certain proceedings. Since the Small Business Ombudsman has an excellent data base of trade association contacts, there is no need to "reinvent the wheel."
3. Maximize the use of electronic media where appropriate. Obviously, e-mail and the internet did not exist in 1981 when the Policy was written. These communications options offer a new array of public outreach and involvement opportunities, a number of which the Agency is beginning to take advantage of.
4. Stress in its Policy that potential industry advisory committee members include business owners and operators, their key managers, and their professional or trade associations representatives. This is an important concern for small businesses that lack the in-house expertise necessary to productively participate in EPA's often highly technical advisory groups. From time to time, advisory groups have refused to admit small business association representatives, even when no business owners, operators, or managers could productively participate. Curiously, "public interest" organization representatives are always welcome to participate on behalf of their members.
5. Update its Policy to reflect the Office of Environmental Information's public participation and involvement functions.

NADA has participated in a just a small number of the innumerable rulemakings, advisory committees, SBREFA panels, etc, where the public's involvement has clearly benefitted EPA's missions and programs. Certainly, EPA's forward thinking public involvement policies will continue to benefit the Agency in the future.

On behalf of NADA, I thank EPA for the opportunity to comment on this matter.

  
Respectfully submitted,

Douglas I. Greenhaus  
Director, Environment, Health and Safety