

Does EPA Fail to Communicate?

December 2013

According to a new report by the Center for Plain Languages (CPL), a nonprofit group devoted to plain writing, most federal agencies are failing to communicate with the public. In its report, CPL gives several federal agencies, including the U.S. Environmental Protection Agency (EPA), Department of Homeland Security (DHS), and the National Aeronautics and Space Administration (NASA) an “F” for compliance with the “plain language” laws. CPL’s latest “Report Card” examines how well 20 federal agencies are complying with the 2010 Plain Writing Act. CPL, a group of volunteers dedicated to improving the way bureaucracies talk to taxpayers, gave high marks to the Social Security Administration (SSA), U.S. Department of Agriculture (USDA), Consumer Financial Protection Bureau, U.S. Small Business Administration, and the U.S. Department of Transportation.

How did the volunteers make these assessments? CPL analyzed writing samples from two elements of each agency by reviewing either voluntary submissions or samples taken directly from agency websites. Each of the 20 entities studied received two scores. First, each agency was graded on how well it is following the new law that requires, among other things, that a high-level official be placed in charge of implementing the law; whether the agency’s website contains an adequate description of how it complies with the law; agency training efforts; and other measures to implement the law’s standards. EPA, DHS, the U.S. Department of Housing and Urban Development (HUD), NASA, and the U.S. Department of the Treasury (Treasury) all received an “F.”

Second, each agency received a grade for the clarity of its communications. For example, CPL looked at whether the agency uses passive or active voice; whether it uses jargon and legalese; and whether its sentences are too long. The group likes to quote President Obama when thinking about information that is critical to the needs of all citizens; it should be “in plain language and in plain sight.” In fact, the CPL website proclaims that “Plain language is a civil right!”

On the CPL’s plain language score, only SSA got an “A”; the Departments of Defense, Justice, Interior, and Treasury all got “Ds.” Is anyone surprised?

The 2010 Plain Writing Act requires official communications to use active voice, avoid double negatives, and use personal pronouns and other devices to make government writing clearer. According to CPL, those postings in the Federal Register and other federal communications should adhere to a basic approach that specifies and considers who will use it, why they will use it, and what tasks they will do with it. Consider the

basic approach:

- Identifies the audiences and is clearly created for them.
- Focuses on the major audiences and their top questions and tasks.
- Does not try to be everything to everyone.

Now, those 20 pages in the Federal Register should address “you.” Plain language advocates want to see fewer agency enterprise words and no acronyms. CPL's reports remind us that there is a new law, but as yet there is no penalty for poor performance by the agencies.

So, CPL is flogging the Plain Regulations Act (HR 1557 and S 807) that would require that all new and substantially revised federal regulations be written in plain language. According to CPL, this will make it easier to understand regulations, which in turn will:

- Increase the effectiveness of federal regulatory programs
- Decrease the regulatory burden on the public.

Remember this the next time you are slogging through an EPA news release or proposed regulation: It could be (and some say should be) in plain language.