NATIONAL FARM ANIMAL CARE COUNCIL PUBLIC COMMENT PERIOD REVIEW

Final Report

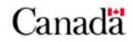**National Farm Animal Care Council Public Comment Period Review – Final Report**

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1. Executive Summary

In August 2017 the National Farm Animal Care Council [NFACC] contracted animal scientist and social science researcher Dr. Jeffrey Spooner[*] to conduct a review of the Public Comment Period [PCP] process. The main purpose of the review was to address both questions being asked as well as those anticipated about the transparency, and hence, legitimacy of the PCP process as it relates to public input (e.g., questions regarding the fate of submissions provided during PCPs, the management of submitted comments, the relative weight given to public submissions, and the plausibility of public submissions resulting in amendments to draft Codes). In short: (i) is the PCP process functioning in a responsible and logically coherent manner; and, (ii) are there identifiable/prospective threats to the integrity of the system, and if so, how might those be addressed and minimized.

The ensuing research and analysis focussed on the following themes:

- procedural standards, guidelines, and practices
- protection of privacy / anonymity
- procedural adherence / consistencies
- manageability
- impartiality
- procedural challenges / vulnerabilities to integrity
- prospective enhancements / improvements
- transparency and public feedback

Taken together, these themes constituted an evaluation of the legitimacy or validity of the PCP process.

The review employed a standard qualitative research methodology [Appendix 1]. The major steps included:

1) A review of past and present NFACC PCP website materials, news announcements, and preambles to PCP survey invitations
2) Extensive PCP-related interviews with previous NFACC Code Managers [CMs] [Appendix 2]
3) An *NVivo* software analysis of all transcribed interviews.

Based upon the interviews it was evident that the Code Managers regarded PCP contributors as serving invaluable – if not partnering – roles in enhancing the credibility of the Code Development Process [CDP]. All CMs clearly managed public feedback with the utmost of

thoroughness and integrity. Despite the intensity and other challenges often involved, Code Managers also remained committed to controlling personal biases that could adversely impact the integrity of the PCP.

In addition to the interview insights, 20 key qualitative themes were identified and subsequently addressed at a day-long meeting of NFACC Code Managers in Calgary, Alberta. [Appendix 3]**. The key themes, issues, and questions addressed during the Calgary meeting included topics associated with:

1) Invitations for public input
2) Managing public input
3) Addressing public input
4) Providing public feedback
5) General concerns.

As a result of the Calgary session a number of "considerations" (i.e., prospective revisions) and "recommendations" (i.e., strongly suggested changes or updates) were developed and advanced in all five thematic areas.

Notable considerations and recommendations included:

- Providing the public with early/additional opportunities to participate in the Code development process [CDP] prior to the PCP. [**Intent**: to engender greater public inclusiveness from the outset of the CDP].

- Providing opportunities for selective commenting on draft Code contents. [**Intent**: to facilitate public interests in addressing specific Code chapters/sub-sections/issues only].

- Encouraging Code Managers to employ more objective/descriptive categorization processes during the administration and preparation of public comments for Code Development Committee (CDC) reviews. [**Intent**: to limit potential subjective evaluations that may inadvertently enter the feedback management process].

- Amending current wording regarding the description and role of the PCP review process on NFACC's website. [**Intent**: to promote, clarify, and further articulate the importance of the PCP].

- Making efforts to more efficiently manage (and to reduce if possible) "copy & paste" comments submitted by individual members of the public directly quoting or closely reflecting organizational positions. [**Intent**: to facilitate administrative efficiencies and to discourage input that challenges/contradicts the spirit of the PCP].

- Encouraging public submissions of positive feedback/comments. [**Intent**: to acknowledge and support the considerable efforts of CDCs and to encourage more balanced reviews of draft Codes].

- Providing post-PCP feedback and expressions of appreciation to PCP contributors. [**Intent**: facilitating greater transparency and engendering positive public/working relations].

- Retaining and drawing upon public comments received during PCPs as starting points for subsequent Code revisions. [**Intent:** facilitating continuity and reinforcing the value of PCP contributions].

In turn, all considerations and recommendations were presented during a meeting of the NFACC executive (November 6, 2017 in Ottawa) for review and discussion.

On December 5, 2017 Dr. Spooner re-presented all considerations and recommendations for review by the entire NFACC board and membership.

Conclusion

In summary, evidence indicates a high degree of integrity of the people and the process responsible for the management and administration of public feedback during NFACC's PCP. Those most directly involved are uniformly committed to ensuring, and ever-enhancing, the integrity of the PCP itself – and by extension – the role that the PCP plays in ensuring the credibility of the CDP. In this way, NFACC's PCP reflects Bradley and MacRae's definition of *legitimacy;* "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions" (2011)[1]**.**

At the same time, this review – while extensive – does not purport to be exhaustive. While the review was able to draw, for example, on evidence found in respective interviews with three Code Managers, it did not make extensive efforts to triangulate or objectively verify claims made during such (although spreadsheet pages reflecting administrative activities that were entirely consistent with descriptions given during one interview were subsequently provided – but are not reproduced here in the interests of discretion). Moreover, shortcomings were certainly identified within the existing PCP system (though recommendations were also made to explicitly enhance the quality and ensuing legitimacy of the PCP process going forward).

While prospective enhancements were identified, it is important to note the integral role played by the Code Managers in fully subjecting themselves to a review of their personal management practices and the extent to which they themselves identified and advanced potential amendments to the PCP.

Hence, there is reason to conclude that NFACC's PCP has been consistently managed in a highly impartial, thorough, and democratic manner.

Photo: Fiona R. Lang

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[*] Dr. Spooner was invited to conduct this review based on previous studies/projects undertaken on behalf of the Canadian Food Inspection Agency [CFIA], the National Farmed Animal Health and Welfare Council [NFAHWC], and other farm animal stakeholder organizations in Canada and beyond. Dr. Spooner was also the NFACC Code Manager responsible for overseeing the completion of the Code of Practice for the Care and Handling of Bison (2017). As such, it was anticipated that his first-hand (i.e., "emic" or insider) knowledge of the administrative workings of both the PCP process and CDP would enable him to conduct a highly informed review.

Reflexivity (bias) considerations: Given Dr. Spooner's recent participation in the development of the Bison Code of Practice, he did not make any personal contributions (e.g., anecdotes) to the review in the interests of objectivity.

^{**} The Calgary meeting of Code Managers also included NFACC's General Manager, NFACC's Communications and Technical Administrative Assistant, and NFACC's Canadian Animal Health Coalition designate.

2. NFACC Public Comment Period Process Review

2.1   Introduction

NFACC's *Codes of Practice* are nationally developed guidelines for the care and handling of farmed animals in Canada. They are intended to promote sound management and welfare practices through recommendations and requirements for housing, transportation, and other animal husbandry practices. National Codes are developed or amended in accord with a seven step National Code Development Process (CDP). **[1]**

Steps six and seven of the CDP describe a 60-day public comment period (PCP) during which interested individuals and organizations may review and submit feedback on a prepared draft version of an evolving Code (or prospective amendments to an existing Code). Once all feedback is received, Code committees review and consider public input, revise drafts as deemed suitable, and subsequently submit the final Code (or Code amendments) to NFACC for formatting and publication.

2.2   Addressing prospective concerns about the PCP

In a 2011 paper entitled, "*Legitimacy & Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Counci*l", authors Bradley and MacRae applaud the fact that "interested consumers will have an opportunity to comment on the final drafts of the Codes". In their view, and while written in 2011, "this improved transparency and the avenues for public participation address one of the main critiques humane organizations have previously leveled against the Codes; the "closed door" practices of Code development and revision".

By 2017, however, it was the considered opinion of the NFACC executive that prospective PCP contributors to the Code development process (and/or others) could have or would raise questions about the transparency, legitimacy – and ultimately the acceptability – of the PCP itself. **[2]**

For example, it was considered plausible that members of the public may wonder:

"What happens to my submitted comments?"

"How are comments addressed, by whom, and how?"

"Do public comments receive legitimate consideration?"

"Do submissions ever result in amendments to draft Codes?"

As a result, a decision was made to undertake a thorough review of NFACC's PCP process focussing on two main themes: (i) is the PCP process functioning in a responsible and logically coherent manner; and, (ii) are there identifiable/prospective threats to the integrity of the system, and if so, how might these be addressed and minimized.

The ensuing research and analysis focussed on the following themes:

- procedural standards, guidelines, and practices
- protection of privacy / anonymity
- procedural adherence / consistencies
- manageability
- impartiality
- procedural challenges / vulnerabilities to integrity
- prospective enhancements / improvements
- transparency and public feedback

Taken together, these themes constituted an evaluation of the legitimacy or validity of the PCP process.

2.3   Review methodology

The review entailed a number of methodological steps. The first involved a thorough examination of all NFACC PCP website materials, (e.g., http://www.nfacc.ca/codes-of-practice), news announcements, and preambles to PCP survey invitations.

As a result, an extensive array of plausible interview questions (i.e., to be used during subsequent interviews with former NFACC Code Managers) was drafted and made available to NFACC's General Manager for review and selection. In turn, approximately 25 open-ended, semi-structured interview questions (plus follow-up probes) were identified. All questions were developed and chosen on the basis of their anticipated ability to elicit insights on topics deemed especially noteworthy with regard to the review process. [Appendix 2]

PCP-related telephone interviews were then conducted by Jeffrey Spooner with NFACC's three most experienced Code Managers (i.e., collectively responsible for facilitating the development of 9 completed NFACC *Codes of Practice*). All interview responses were recorded, transcribed verbatim, and coded (*NVivo* software, 11th Ed). An extensive qualitative analysis of all interviews was subsequently performed. **[3]**

The analysis resulted in the identification of numerous insights revealing the integrity with which NFACC's CMs had historically managed their PCPs. It also surfaced 20 key qualitative themes [Appendix 3]. All 20 themes were subsequently addressed at a day-long meeting of

NFACC Code Managers in Calgary, Alberta[**]. The key themes, issues and questions addressed during the Calgary meeting included topics associated with:

1) Invitations for public input

2) Managing public input

3) Addressing public input

4) Providing public feedback

5) General concerns.

As a result of the Calgary session a number of "considerations" (i.e., prospective revisions) and "recommendations" (i.e., strongly suggested changes or updates) were formulated, refined and compiled. These considerations and recommendations were then prepared as a series of Power Point slides and presented to members of the NFACC executive (Ottawa, November 6, 2017) and the NFACC board and membership (Ottawa, December 5, 2017).

[**] The Calgary meeting of Code Managers also included NFACC's General Manager, NFACC's Communications and Technical Administrative Assistant, and NFACC's Canadian Animal Health Coalition designate.

Notes

[1] According to Bradley and MacRae (2011), in "*Legitimacy & Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Council*", in which the authors present a "theoretical and methodological framework for analyzing legitimacy in the context of animal welfare standards-development", the code development process forms part of NFACC's "output legitimacy" (i.e., whether the rules and their effects meet expectations). According to the authors, "as NFACC's involvement with the Codes is primarily to establish a development/revision process, its output will arguably be the main criterion by which it is evaluated" (p. 38).

(*See*: Bradley, A., & MacRae, R. (2011). Legitimacy & Canadian Farm Animal Welfare Standards Development: The case of the National Farm Animal Care Council. *J. Agric. Environ. Ethics*. 24:19–47).

[2] Such thinking is consistent with recent research findings suggesting that a chief contributing factor to the legitimacy of regulatory organizations is the public's assessment of "procedural fairness" (Nash & Walters, 2015)

(*See*: Nash, J., & Walters, D.E. (2015). "Public Engagement and Transparency in Regulation: A field guide to regulatory excellence. Research Paper Prepared for the Penn Program on Regulation's Best-in-Class Regulator Initiative).

[3] Specifically, through the use of a constant comparative methodology, where participant comments were divided into segments and classified or ''coded'' before being compared and grouped with similar or related comments from other respondents. This process continued until emergent patterns appeared within the data that were subsequently identified as *themes.*

3. Notable Findings

3.1 Code Managers' views and the management of public comments

Three NFACC Code Managers [identified below as "CM 1", "CM 2", and "CM 3"] were invited to share, at length, their respective approaches to the handling and preparation of public comments for review by Code Development Committee (CDC) members. All Code Managers readily agreed to contribute and were enthusiastic participants during the interviews, follow-up exchanges, and the Calgary meeting.

It was immediately apparent that the Code Managers attached a great deal of importance to the PCP itself (with regard to the overall CDP) and to the significance of high-value, public contributions. Over the course of collectively facilitating nine Codes of practice, all three Code Managers engaged in increasingly meticulous sorting processes with regard to the management of comments received (i.e., on behalf of their respective CDCs who would then review and discuss public input in the context of their original draft Codes). During this evolving process, two significant themes/events were notable.

The first involved the way in which all Code Managers demonstrated a commitment to continuous improvement in managing their PCPs (which, in many cases, involved collaborative efforts entailing the voluntary sharing of ideas and methods). An important catalyst or driver here appeared to be the way in which all three learned to rely on one another very early in the collective evolution of managing PCPs:

> *"... One of the side-note things that I thought was really good about the [early] process, when we had all of those Codes going at the same time which, in some ways, meant that we didn't have a track record or even one trailblazer of experience to follow on some of this, we were all kind of thrown into the fire at the same time .... What was nice about that was that there was a group of us .... all working .... and going through this all at the same time. So as the process went on more I think as Secretaries [Note: Precursor term to "Managers"] we reached out to each other more sometimes for concrete advice ... [and] ... as we moved through the process ... we did sort of become more bonded and have more contact .... Like ... I'm just going to call XXXXX or I'm going to call XXXXXX and see what she would say ... which I thought was nice and really helpful."* [CM 2]

> *"So XXXXX did help me. What we ended up doing with XXXXXXX was she helped do a summary of input on a section that got a lot of feedback ... And I know I helped her out with the XXXXX comment period .... and I could kind of follow her system"* [CM 1]

The second involved the management strategy employed in response to an unprecedented number of public comments received during the PCP of a high-profile Code. This particular PCP inspired an innovative approach, which in turn, helped to entrench and standardize all PCP management approaches thereafter:

> *"So for the XXXXX Code we actually had four pulls of comments. And so there would be one file for each pull for each section. So pull one, section one, pull one, section two, pull one section three etc. right through to pull four, Section 7 and that got to be a little bit unwieldy to manage. So what happened, starting with the XXXXX Code that I did, I would do one excel file for section 1 and then, so what I would do is I would copy all the comments over from the raw into here by section number so 1.1, 1.2, 1.3 and I would have three columns to the left of the actual comment, one would just be a count – like count 1 to whatever number – just for reference, one would be the next, one would be the pull date so that I would know which raw data file it came from ... [and] ... at the beginning of each spreadsheet I have what's called a response summary, where I've got it broken down by section number. So like for this one I'm looking at, is housing and equipment, housing equipment design and construction is 2.1. So how many questions were answered, how many were skipped, and then it calculates the total. And then there's also a little graph that shows the Code development committee members can look at which sections, subsections of that section got the most attention while that comes from the raw data ... and then that's my way of checking that I've calculated it properly because the total should be the same now for every subsection."* [CM 3]

The following examples provide additional insights into the views and administrative practices of the Code Managers regarding the preparation of public input for consideration by CDCs:

> *"The [Code Development] process is ... a positive, good thing for industry and ... the public comment period made it better .... [and] I think the PCP is a big piece of that ... in terms of lending the credibility to the document and providing that checks and balance opportunity for the Code committee to say, 'yep, other people are agreeing with us', or 'here's something we need to think about' ....I really liked that part of the process [PCP] ... it felt good as part of the process to make it a complete process and gather good input."* [CM 2]

> *"I think that [the public comments matter] ... The mere fact that Codes change, and some of them change rather significantly after the public comment period, I think that that is a testament in and of itself about the importance of public comment periods and the fact that we do take their comments seriously"* [CM 3]

> *"Yeah, ...there were a lot of comments for making recommended practices into requirements and then we would ... sort of say, 'this is just a really weird recommended practice .... [and] for the XXXXX Code we got a lot of comments on XXXXXX [that] were pretty high-quality comments. They were critical but people were using the scientific report ... and we did really overhaul that section. It led to a number of changes in requirements."* [CM 1]

"We've had some really good comments that have come back and even on something like the choice of wording that was used … [such as] … 'this is confusing the way its worded. If it was like this it would be far clearer' and they were absolutely right. So that was stuff that might not have been picked up by the so-called representative organizations." [CM 3]

"And in some cases the comment period for the Codes I was on … [resulted in a sort of] … reduction in terms of the strictness of the wording … based on the public feedback. Like it made it actually less stringent in our eyes around the committee table than what we had initially put out there. But it was based on valid points and in some cases there was a rethink on the section, and they became more … stringent or they became more restrictive … I think that they put more expectations onto the industry in terms of the welfare handling for that particular issue than what the Code committee initially had." [CM 2]

At times, public contributions were enthusiastically embraced and credited with making invaluable contributions to the success of a Code development process:

"There were some groups or individuals that were really good at proposing middle ground approaches. And so I would grab onto that. I would highlight the heck out of those comments! And when people are using the more extreme comments and bringing those up to argue for certain changes, I would maybe grab onto that and say 'very valid point. We did hear that. But let's look at this comment here because this group actually said rather than make it a requirement make it a recommended practice' and then everyone would go, 'Ah, great idea let's do that'. So those sorts of comments saved us." [CM 1]

In many ways it was clear that Code Managers looked upon public contributors as would-be *partners* in the Code development process:

"I would just say don't be afraid to use the comment period to help make the final decisions. It'll just give you some insight" [CM 1]

"So just in terms of word-smithing … there were certainly times when we spent time on it and then the group said, 'OK, well let's send this out. We've done our best and let's send it out and see what comes back from the public comment period. They might have better ways to improve upon this if we didn't get it'. If they still thought that there was maybe some room or we were struggling to get 100 percent … That certainly happened on a few things." [CM 2]

"For the XXXXX Code … we were having … a very difficult time coming up with a transition strategy from XXXXX and it was suggested by one of the … Code development committee members that we actually leave it blank and ask the public to get back to us and tell us what they think the transition strategy should be." [CM 3]

Especially noteworthy is the care and detailed attention provided to the management of public feedback received. Code Managers clearly addressed public input with the utmost of integrity and thoroughness. It is also noteworthy that the following examples are all attributable to the most experienced of the three Code Managers (i.e., having managed more public comments than any other NFACC Code manager to date):

> *"I've had comments that came in from individuals that wouldn't fit in the cell. So I had to copy and paste it to a word document and then convert it to a PDF and then embed the PDF because it was four pages long. One comment was four pages long and they were citing research at the end. So there are some people that do spend a great deal of time and effort to do the work and particularly in those cases I want to make sure that their comments get the full consideration of the Code development committee because I think it's something deserving of it .... They [CDC members] may not agree with it, but I think that they need to look at it."* [CM 3]

> *"I do recall in some of the summarizing, because we had some of the contact information for people, I think I did follow up with one or two people ... just for clarity in terms of what their comment meant when I was summarizing the data .... just [to] make sure I was understanding their comment appropriately."* [CM 3].

It was clear in many ways, and on many occasions, that the Code Managers found all PCP sessions to be quite personally taxing. In some cases, Code Managers reported feeling emotionally impacted by the intensity and tone of many comments received. In other cases, managing PCPs was likened to coping with highly intense/all-consuming exercises requiring single-minded commitment and attention over extended periods:

> *"The public comment period did [affect me personally] from the ... allocation of my time. So you know ... we ordered a lot of pizza .... I wasn't making a lot of meals or anything like that. Going to bed very late. So yes, there were certainly some impacts in terms of my personal and family life. I don't, I just give up on the idea that I have a social life while I'm doing the public comment period, while I'm doing the comments at least."* [CM 3]

Nonetheless, all Code Managers recognized the significance of controlling personal biases during the feedback management process:

> *"But even if they [public commenters] were against the industry and the comment was, "Ban farming" or "this should be banned" or "they should be put in pens" or whatever the case was, even if it was extreme, because it was a suggestion ... [it received careful attention] ... So I tried. I mean I'm sure there were things that, ... you know, you can never remove your biases totally what you're doing it. But I tried to ... not pay attention to what the content was"* [CM 2]

> *"I mean certainly, you get frustrated from, as you're going through it and some of the, particularly some of the copy and paste ones that had the same comment for every single section in there ... [the] ... [exact] same wording in every section, it was hard not to get*

frustrated or to quell the inclination to just start ignoring it and [to] make sure that you are trying to be unbiased and it's fair as you could be in the process. But I didn't find. I never found it over, well I mean there were certainly times when I'm like, 'OK that's enough of this for today. I need to step away from this today because you know it is brain drain to do that', and I just felt like maybe I was losing my ability to be as fair or as critical in my thinking as when you start working to get it done as opposed to working to do it right. And then I take a break and then come back to it." [CM 2]

"I think, no, I'm pretty good at being neutral. I don't, I can't think of examples ... although I could certainly look back and I might detect some of that. So what I did then when we had subcommittee's and we started working through all this input, I go through all the comments again and I'll highlight some in my notes and I'll be thinking to myself, 'I think the group really needs to talk about this', But that wasn't really maybe because I agreed with it. I think ... it seemed like a theme that they should definitely talk about. I'm going to make sure that someone raises this." [CM 1]

3.2 <u>Considerations and recommendations for implementation</u>

As a result of the Code Manager interviews and the Calgary meeting a number of "considerations" (i.e., prospective revisions) and "recommendations" (i.e., strongly suggested changes or updates) for implementation were developed and advanced in five thematic areas.

1. <u>Inviting public input</u>

2. <u>Managing public input</u>

3. <u>Addressing public input</u>

4. <u>Providing feedback</u>

5. <u>General considerations/risks</u>

1. <u>Inviting public input</u>

Considerations

a) CDC members to encourage fellow constituents to participate in PCPs. [**Intent:** to drive broader, more extensive stakeholder participation during PCPs].

b) NFACC to extend direct invitations to "key organizations"[1] (including governments) to participate in PCPs. [**Intent:** to drive broader, more extensive stakeholder participation during PCPs].

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[1] Regarded as not-for-profit organizations/groups (e.g., association, council, board, federation, government) for which policies and/or PCP responses were developed through consultation with boards, committees, councils, or the entire membership.

c) Provide separate/respective feedback 'portals' for not-for-profit organizations and "others", which includes individuals (e.g., general public, farm workers, scientists, etc.), as well as for-profit organizations (e.g., producers, processors, retailers, etc.) during PCPs. [**Intent:** to facilitate the administration of public input and to reinforce the distinction between collective and individual stakeholder feedback].

d) Instill a screening process, as required, to ensure that "organizations" meet intended organizational criteria for providing organizational input. [**Intent**: to underscore that organizational input is intended to represent the considered and collective feedback of many individuals and/or invested stakeholders].

Recommendations

a) Distribute preliminary surveys at the outset of new Codes to provide the public with early opportunities to advance top-of-mind issues/priorities/concerns. [**Intent**: to facilitate earlier and more constructive public input during the CDP].

b) Distribute mid-term surveys, if deemed appropriate, to attain necessary insights into industry practices regarding key issues and/or to serve as informal, midway consultation processes. [**Intent:** self-evident].

c) (i) Rewrite current/standard introductions to the PCP review process in order to better streamline all information and instructions provided; (ii) consider the use of visual cues to illustrate preferred "dos" and "don'ts" and; (iii) amend current wording regarding the description and role of the PCP. [**Intent**: to encourage input, improve administrative efficiencies, facilitate the reception of high-quality contributions and to further promote the importance of the PCP].

d) Introduce an "escape" button into the PCP review process in order to provide an early exit option for PCP participants. [**Intent**: to facilitate public interests in addressing limited/specific chapters, sub-sections or issues and to potentially reduce the overuse of irrelevant "cut & paste" placeholder comments throughout].

e) Add a *Table of Contents* with hyperlinks to the PCP review in order to allow participants to readily locate specific chapters or issues of interest. [**Intent**: see recommendation 1(d) above].

f) Include, within the *Table of Contents*, a "general comments only" section to accommodate PCP participants wishing to express general sentiments only. [**Intent**: see recommendation 1(d) above].

g) Insert a reference to the PCP into the Code preface. [**Intent:** to place more emphasis on the relevance of the PCP process].

h) Code Managers to reiterate the value of producer workshops in order to increase producer input during PCPs. [**Intent:** to capitalize on the fact that some producers may feel more

comfortable, or be more inclined, to provide personal feedback/input in the context of producer meetings rather than as individual, on-line contributors].

i) Determine whether to categorize companies as "organizations" regarding PCP invites.[**Intent**: as per consideration 1(d) above, to underscore that organizational input is intended to represent the considered and collective feedback of many individuals and/or invested stakeholders).

2. **Managing public input**

Considerations

a) CDCs to retain the option of reviewing raw PCP data as preferred/requested. [**Intent**: While summary compilations by Code Managers are always helpful and welcome, CDCs must have the option of reviewing actual public comments if or when desired].

b) Considerable efforts should be made to minimize assigning "value(s)" to PCP comments. [**Intent**: to limit potential subjective evaluations that may inadvertently enter the management process].

c) Support Code Manager 'team approaches' to managing PCP comments as suitable. [**Intent:** to further reinforce the mutual support and assistance that Code Managers traditionally provide one another].

Recommendations

a) Replace the current "A-E" letter evaluations frequently assigned to public comments with a more objective/descriptive categorization process during the administration/preparation of feedback for committee reviews (e.g., "Validating comments (V)", "Out-of-scope comments (OS)", etc.). [**Intent**: As per consideration 2(b) above, to limit potential subjective evaluations that may inadvertently enter the management process]

b) NFACC General Manager to follow-up weekly with Code Managers during PCP review periods. [**Intent**: to further reinforce the theme of providing mutual/team support].

c) CDC organizations to be notified that non-personalized (i.e., copy & paste) public comment submissions will be collapsed and collectively identified as single organizational comments within summaries forwarded to CDC members only. [**Intent**: to facilitate administrative efficiencies and to discourage input that challenges/contradicts the spirit of the PCP].

3. Addressing public input

Considerations

a) Exceedingly negative comments can adversely impact CDC members and the CDP. Hence, Code Managers should remind CDC members to consider such when offering PCP related guidance to their constituents (e.g., to note that the PCP review process also makes provision for positive, general comments/feedback). [**Intent**: to acknowledge and support the considerable efforts of CDCs and to encourage more balanced reviews of draft Codes].

b) CDCs should note that negative "noise" from the public is typical during PCPs. It is regarded as an acceptable trade-off in the quest for more solution/rationale-oriented comments. [**Intent**: to help prepare, and subsequently manage, CDC responses to negative public feedback].

c) CDC working groups should initiate discussions on notable/emerging feedback themes during the interval between the PCP and the 1st post-PCP meeting. [**Intent:** to make the most efficient use possible of the limited time available for post-PCP Code meetings].

Recommendations

a) The "no comment" box currently offered in each (sub) section of a Code during a PCP review should be removed (as there are adequate provisions to express general comments at the conclusion of the review process). [**Intent**: self-evident].

4. Providing feedback

Considerations

a) Post [on the NFACC website] a description of how feedback from a PCP was used (e.g., high-level/general comments only regarding where changes were made and/or how additional or still outstanding issues will be addressed). [**Intent**: to facilitate greater transparency and to engender positive public/working relations].

Recommendations

a) Delete "*revise* draft *if required*" from step 7 of the current Code development process. Replace with a more positive or suitable phraseology (e.g., "will consider feedback within the context of improving the Code"). [**Intent**: Self-evident].

b) Provide a "thank you" at end of a PCP review along with a short summary of the CDP (e.g., started on XX date, CDC deliberated, # of meetings, # of conference calls, role of PCP, etc.). [**Intent**: to facilitate greater transparency and to engender positive public/working relations].

c) Upon Code completion, all who participated should receive an email thanking them again, confirming that the Code has been published, and affirming that their feedback played a valuable role in the CDP. Note: all emails to be sent from a 'do not reply' address. [**Intent**: to facilitate greater transparency and to engender positive public/working relations].

5. <u>General considerations/risks</u>

Considerations

a) There may be a lack of time for committees to fully reflect on some PCP proposed changes at the end of a Code process. Hence, subsequent CDCs should initiate future Code revisions by first engaging in a review of previously proposed, yet under-addressed comments. [**Intent:** facilitating continuity and reinforcing the value of PCP contributions by retaining and drawing upon public comments received during earlier PCPs as starting points for subsequent Code revisions].

Recommendations

a) As an example, the next Dairy Code revision could begin where the 2009 Code left off (i.e., by addressing previously under-addressed comments) in addition, perhaps, to inviting and compiling current top-of-mind public concerns (as per consideration (?) 1(a) wherein both resources could be used as primers for the new CDP. [**Intent**: to facilitate earlier and more constructive public input during the CDP].

<u>Conclusion</u>

In summary, evidence indicates a high degree of integrity of the people and the process responsible for the management and administration of public feedback during NFACC's PCP. Those most directly involved are uniformly committed to ensuring, and ever-enhancing, the integrity of the PCP itself – and by extension – the role that the PCP plays in ensuring the credibility of the CDP. In this way, NFACC's PCP reflects Bradley and MacRae's definition of *legitimacy;* "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions" (2011)**[1].**

At the same time, this review – while extensive – does not purport to be exhaustive. While the review was able to draw, for example, on evidence found in respective interviews with three Code Managers, it did not make extensive efforts to triangulate or objectively verify claims made during such (although spreadsheet pages reflecting administrative actives that were entirely consistent with descriptions given during one interview were subsequently provided – but are not reproduced here in the interests of discretion). Moreover, shortcomings were certainly identified within the existing PCP system (though recommendations were also made to explicitly enhance the quality and ensuing legitimacy of the PCP process going forward).

While prospective enhancements were identified, it is important to note the integral role played by the Code Managers in fully subjecting themselves to a review of their personal management practices and the extent to which they themselves identified and advanced potential amendments to the PCP.

Hence, there is reason to conclude that NFACC's PCP has been consistently managed in a highly impartial, thorough, and democratic manner.

4. Acknowledgements

Appendix 1

Methodological steps taken during PCP review

1) Multiple discussions between NFACC GM and JS re: desired focus of the PCP review project.

2) Generation of nearly 200 open-ended research questions [JS] to serve as a pool for the Code Manager interview schedule.

3) Thematic narrowing of prospective research questions [GM] to approximately 25 (i.e., required to keep each CM interview to a reasonable duration).

4) Separate telephone interviews with 3 Code mangers (each lasting approx. 2 hours).

5) Transcribing each interview (combination of voice recognition software plus JS typing).

6) All text uploaded into NVivo software program (11th edition) and coded (resulting in the enclosed thematic nodes, below).

7) Themes were identified and supporting quotes selected.

8) Major themes 'reconstituted' into a question format [or in some cases, simply retained as themes] and inserted into the PCP workshop discussion material.

Nodes

Name	Sources	References
60 Day period	2	2
Post PCP meeting TIMING	3	7
CDC views of PCP	3	9
Comments align or counter existing	2	2
Consensus	1	3
CONSIDERED ALL COMMENTS FULLY	2	2
CS Background	3	8
CS driver for position	3	7
FEEDBACK	0	0
Describing changes made	3	5
Updating progress during	1	1
Improving the PCP	2	8
Instructing public about A-E sorting or no voting	3	6
LANDING DIFFERENCES per Code	0	0
LEGITIMACY	0	0
Objective integrity by CS's	3	24
PCP as enabling consultation with CDC constituents etc	1	1
PCP as making process legit	3	3
PCP as more popular now	1	1
PCP as partner part of CDP	3	3
PCP comments Exceeding CDC	2	3
PCP Improving CDP	3	9
Preparing CDC's for PCP	2	9
Refining code to meet PCP needs or readers	2	3
Refining PCP managing process	3	13
Managing numbers of comments	3	7
Limiting or sampling comments	2	4
Purposive sampling	2	2
Team Coding	3	7
Team Support	3	4
Managing personal feelings	3	6
Multiple sectors or producers per Code	1	1
Nature of public commentators	2	3

Nodes

Name	Sources	References
POST PCP DECISION MAKING	0	0
Public input earlier	3	5
Purpose of PCP to CS	3	3
Is that how public sees it or their role in it	2	2
Rationale providing	3	3
Scientific committee report	1	1
Suggestions, improving the PCP	2	15
Suggested problems with PCP process or disconnects	2	29
Surprises	2	3
VARIABILITY per Code Managers	0	0
Categorizing comments	3	10
CS role or objective in managing PCP comments	2	7
Cursing	2	3
Cut & Paste	3	7
Group vs individual comments	2	6
Interpreting no comments	3	4
Inter-rater reliability related	3	5
CDC agreement	2	3
Key Steps	4	10
Original comments viewed or accessible if requested	2	2
Raw comments	2	3
Subjectivity	1	8
Summarizing comments	3	7
Tiring or Exhausting	2	5
Value or Values and comments	3	6
Yelling or extremes to be heard or questioning legitimacy	3	4
Workshop fodder	3	18

Appendix 2

Qualitative interview schedule

[NOTE: Not all questions were asked in all interviews nor in the same order].

CM Background

"How familiar with NFACC were you when you first learned about the role of CM?"

"What originally drew you to becoming a CM?"

Pre-PCP

1) "When you initially became a CM, and with regard to your <u>first Code</u>, can you recall how significant or 'weighty' the PCP was to you at the outset of your planning/preparations (and in what ways – if at all)?"

   "Did this change in any way over the course of subsequent Codes?"

2) "To what extent did you usually attempt to prepare or ready your CDCs for their PCPs (e.g., informing them of the reasons for the PCP, reviewing the processes involved, explaining how comments were managed, etc.)?"

   "If so, can you recall any questions being posed by any CDC members in response and/or any resistance or opposition being presented in reaction to your management practices?"

   PROBE: Did any CDC ever opt to effectively let the PCP "decide" where it should ultimately land on an issue (e.g., perhaps by pushing an issue to a certain point without pressing too far while opting instead to let the public help dictate a final outcome, and/or by pressing quite far on a contentious point in order to effectively allow feedback during the PCP to assist a CDC in subsequently making any final decisions/adjustments thereafter as needed?)

3) "Can you envision the potential impact that the <u>absence of a PCP</u> might have on the way in which a CDC would work toward developing a consensus-based Code (i.e., exclusively on their own)?"

   "IOW's, and in your view only, how does the reality of the PCP, as a requisite step during the CDP, impact the content that is agreed upon as a final draft prior to a PCP (e.g., versus what a final committee document might look like if no PCP was required)?"

4) "Did, or have you, any thoughts about the way in which prospective participants are invited to engage in PCPs and/or about how word reaches prospective participants regarding the fact that a new PCP period window has been opened? If so, in what ways/why?"

5) "What do you think about the 60 day long PCP window? Is this about right or would you prefer to see changes made?"

6) "Is there anything that NFACC could/should consider communicating more directly or effectively to prospective respondents in the instructions or preamble of each PCP invitation?"

"Are there any specific statements that you would like to see included in the invite instructions that may not appear currently?"

Mid-PCP

7) "In as much detail as you would like, can you describe how you sorted or managed the comments that came in to you and then take us through how those comments were readied and shared/forwarded to your committees?"

8) "[If you relied on any type of grading system to evaluate or distinguish the quality of received comments] how would you characterize the nature of 'higher quality' comments?"

"How or to what degree would you say that those who provided valuable comments to drafts tended to align themselves <u>with</u> or tended to align themselves <u>against</u> drafted Code content (or did you tend to find a relatively even balance of the two)?" For example, did they frequently argue *against* existing draft content material while seeking major changes? Did they typically underscore and support existing points while trying to extend such? Did they frequently seek minor revisions only, looking for small changes in content or phraseology, etc.?"

"Did you ever see any pattern changes or notable shifts along these lines?"

9) "[If you relied on any type of grading system …], did you ever receive any high-quality comment(s) that exceeded in some ways, the quality or level of sophistication with which some issues had been dealt with as a whole by a CDC prior to the PCP?"

Probe: While managing/evaluating, did you ever note -- or worry – that some comments could or would serve to reopen issues that had taken a great deal of time and effort to reach consensus on by the CDC? If so, can you think of any examples?

10) "Were the absence of any public comments next to specific Code items (always/usually) interpreted to mean acceptance or agreement with -- or did/does that matter? / Do we need, or would you prefer to have, more people comment on <u>or indicate somehow</u> their degree of support for, or opposition to, Code items that may otherwise be passed over in the course of a PCP review (e.g., since otherwise it is difficult to tell if no response should be interpreted as representing very strong support for the point, opposition to such but a willingness to 'try and live with it', or strong opposition to such but an inability to generate

better alternative(s) at the time) as this additional feedback could play a role in related discussions/decisions among CDC members."

11) "Did you ever have respondents criticize the PCP in the midst of their responses in any way? / Did they ever suggest anything about a 'lack of transparency' or did they ever voice any other concerns (e.g., words to the effect that *'their comments would probably never get read or considered anyways'* and *so what was the point*, etc.?) / Did people ever make any direct comments in the context/midst of their feedback about the PCP (e.g., good or bad, or calling for more transparency or the need to be able to trust more in the process than they felt that they could – or did you ever make deductions to this effect in any way or at any time)?"

"Did you ever feel that some people effectively "yelled" or forwarded (somewhat) extreme comments – or simply provided very succinct comments – either to try and get their voices "heard" during the PCP or because they may have questioned or doubted the likely relevance of any input anyways – maybe seeing the PCP as an NFACC PR exercise?"

"Did you ever wonder whether, if people really knew or could fully trust that their comments were going to be reviewed carefully, that some/many/most would change their tone or make more concerted efforts to spell things out more carefully or thoroughly?"

12) "What about the role of Organizational/Group comments in relation to individual comments? Have you any general thoughts to offer on this matter/dynamic? Did things work well with regard to organizational input and/or would you like to see NFACC consider any possible adjustments or amendments along these lines/in this area?"

13) "If other CMs ever assisted you during a PCP … do you recall trying to evaluate or ensure a high degree of inter-rater reliability in any way, or did you (or might you) feel that that was not necessary (or that what really counted was more a matter of individual consistency regardless of how many reviewers may have been involved … like changing umpires during a ball game perhaps)?"

14) "[If you relied on any type of grading system, for example], what degree of agreement do you think there would have been on your evaluations had you have let some or all of the CDC members themselves either weigh in on, or evaluate, the quality of those same comments?"

"Based, perhaps, on how CDC members may have responded to your 'rankings', do you expect that they would have likely agreed with you and/or would they have aligned closely with each other? Does or should any of this matter?"

15) "With regard to any/all of your Codes did you receive pretty much what you expected to receive in terms of the total volume of input or did things surprise you in that, or any other, ways?"

"To what degree did the content/quality of public comments received over the course of your Codes typically surprise, impress, confuse or even disappoint you, etc.?"

16) "Did you ever feel that there were too many comments received in response to a Code for you or any other CM to deal with effectively?"

Mid PCP - Personal Impacts

17) "[If you relied on any type of a grading system, for example], did you ever feel that some/many/most of your high-quality comments represented or reflected some of your own personal feelings/views quite closely?"

"If so, do you recall ever having to try and work at managing those feelings in any ways (e.g., whether while evaluating comments or when CDCs would debate the relative merit of comments thereafter?)."

18) "Did analyzing the PCP ever have notable impacts on you personally or on your personal/familial/social life?"

19) "Did you ever feel notably tired/exhausted during a PCP review process (i.e., beyond just needing to turn in early most nights)? If so, is it likely or conceivable that your tiredness may have adversely impacted the focal energy that you were able to bring to bear on your analysis during those periods?"

20) "Would you have been, or would you be in favour of, compulsory "team approaches" to managing the PCP – wherein multiple CM's would all pitch in to support one another (i.e., to help offset the workload, provide emotional support in the face of potentially caustic/personal comments and/or to establish a measure of transparency and/or more objectivity)?"

Post PCP - CDC Impacts

21) "To what extent, if at all, did you witness a single small/narrow comment on a specific issue result in a proportionately major overhaul to a draft (e.g., involving tangential sections of a Code, etc.?) / Did any comments meant to change only "X" to "Y" perhaps, ever wind up changing all kinds of related things in return (i.e., far beyond what was actually/apparently /originally requested?) / Did some public comments ever serve to change Codes in major ways -- like causing entire sections to be re-worked?"

22) "Were there ever divisions or disagreements among CDCs as to how the role of even high-quality PCP feedback should impact/engage a code? If so, did these disagreements ever affect the way in which some CDCs dealt with public comments afterwards? IOW's, did some CDCs differ in tone with regard to their openness to PCP feedback (either more positively or negatively)?"

"Do you recall hearing any notable things from CDC members after PCPs (i.e., any worth passing along)?"

<u>PCP - General</u>

23) "[Re: question 6 above about preamble information] Do you feel that most PCP respondents probably know, should know, or should be made more informed about the way in which Code comments are dealt with by CDCs?"

"What, if any, impact might efforts to provide more information along these lines have on the nature, numbers or quality of responses?"

"Does NFACC do a sufficient job of informing or reminding prospective PCP participants that the CDP does not operate on a "vote" basis and/or that as a result, "copy & paste" campaign efforts, lacking accompanying/solid rationales, are rarely effective?"

"Do you feel that if more information/explanation was provided to prospective respondents by NFACC about what is specifically sought during a PCP, more people would respond with or invest more effort … or would many just continue to 'copy & paste' away anyway (unless, perhaps, they received more direct guidance from other sources)?"

24) "Should there ever be efforts made to make known at the time of a PCP, the rationales that were used to justify the basis of given draft positions in a Code* (i.e., with the PCP inviting more targeted reactions perhaps to those rationales, thus potentially making better use of public input by possibly elevating the quality of discussion around those positions/earlier arguments … as opposed, for instance, to having potentially highly capable contributors failing to offer their highest quality of contribution(s) based on not knowing where a CDC "is at" on any given issue).

*(E.g., The CDC based its collective position re: "X" on the following premises: "Y" & "Z")."

25) "What about the timing or point at which public comments formally enter the CDP? Should more efforts be made for more public engagement throughout? Should the public have more direct, or assume more, ongoing role(s) somehow within the CDP?"

26) "Would it make any sense to consider holding the PCP at the <u>outset</u> of a CDP (akin to how NFACC recently invited public input on the transportation PWIs) such that NFACC could invite the public to state priorities/preferences in advance of a Code and then have those preferences made continually available to the CDC for consideration as they enter into the CDP and throughout? Might having just/especially high-quality comments provided on particular topics/positions at the outset of a Code help a CDC to engage with an issue on a level that at least meets or surpasses public concerns?"

PCP – Overarching retrospective

27) "How would you describe the purpose of the PCP? What role or impact should the PCP have on the CDP in terms of the final outcome of a Code?"

"What percentage of PCP respondents, in your view, would answer these two questions in the same way that you do (i.e., based on the nature or format of public comments that you received and/or on information that is currently available to respondents via NFACC, if interested/inclined)?"

"To the best of your ability, how would you say that most people interpreted or treated the PCP based on the nature and quality of the comments that you received? Did most treat it as if every comment would be carefully reviewed or did you feel that some saw it more as an NFACC PR exercise and/or something in between? Can you provide examples?"

28) "From a 35,000 foot level only, and to the extent possible:

In retrospect, how much impact – and in what ways – did PCPs have on your Codes?

In your experience, to what degree or in what ways, did you see PCPs make your Codes better (worse?)?"

Probe: Did your PCPs effectively work in the way that you felt they should with regard to the impact that public feedback had on the final outcomes of your Codes? If so, why/how // If not, why not/how?

Appendix 3

Key themes, issues & questions per NFACC Code Manager meeting

1. Inviting public input

[1.1] "Desired (vs actual) PCP participants" (Are we hearing from who we want?)

[1.2] "Purposive sampling considerations" (Should we also consider more explicit invites?)

[1.3] "Timing of the PCP in relation to the CDP" (Do we need to invite public input earlier?)

[1.4] "Participant knowledge about the PCP" (Do we need to provide more disclosure?)

[1.5] "CM/CDCs' recommendations/suggestions" (What do we think?)

2. Managing public input

[2.1] "CM responsibilities re: the CDP, CDCs & PCP" (What is the role of the CM throughout?)

[2.2, 2.3] "CM values/subjectivity and PCP management" (What is/should be going on here?)

[2.4, 2.5] "Raw/verbatim VS summarized comments" (How should we balance/manage both?)

[2.6] "Managing 'cut-and-paste' comments" (What to do, if anything, about C&P comments?)

[2.7] "Managing voluminous comments, team approaches, CM support" (More partnering?)

[2.8, 2.9] "Implicit public communications" (Are we hearing anything else in those comments?)

3. Addressing public input

[3.1] "Time limitations and/or constraints" (Do we all need more time following PCPs?)

[3.2] "CM-CDC interactions" (How do CMs and CDCs work together on public comments?)

[3.3] "Managing overarching public comments" (How do we address broad feedback?)

[3.4] "Negative public considerations" (Any thoughts/comments about really negative PCPs?)

[3.5] "PCP format considerations" (Are we asking too much from too many/too few?)

[3.6] "CDC values VS PCP values" (Are implicit CDC values 'non-negotiable' entering PCPs?)

4. Providing feedback

[4.1] "Offering mid-PCP feedback" (Any thoughts on providing feedback during the PCP?)

[4.2] "Offering post-PCP feedback" (<mark>Any ideas on how to provide feedback after the PCP?</mark>)

5. General concerns

[5.1, 5.2] "Trends of note" (<mark>Do we need to consider these notable developments?</mark>)