

RE: [OFR request for comments][1] on Incorporation by Reference
(Document ID FR-2012-0001-0001)

That information required for compliance with federal law is "reasonably available" should mean that the information is available for free and available to anyone. The cost of publishing information in such a manner that it is available via the Internet is minimal, and it is reasonable to expect government agencies to publish all public records in such a manner.

Incorporation by reference should result in that which is referenced becoming public domain. If it is not practical for a set of standards to enter the public domain, then they should not be incorporated as law.

Access to legal requirements should not be controlled by a private entity. If we require adherence to some standard by law, then that standard should be freely available. If I cannot read a law, I cannot ensure my compliance with it. My ability to comply with the law should not depend upon any arrangement between a private party (e.g., a standards body) and me.

References:

[1]: <<https://www.federalregister.gov/articles/2012/02/27/2012-4399/incorporation-by-reference#p-14>>

--

Phillip Mocek

Seattle, Washington