

Dear OFR,

I have responded below to a selection of questions you posed for comment on the webpage regarding Incorporation By Reference.

"Reasonably available" means for free or for a small, reasonable price, and to anyone online. I believe that those who have an interest in the information to be made available would not be disenfranchised by an online only option of availability. Those who need to use these codes for educational or work purposes would, more likely than not, also need access to the internet to perform duties educational or business related.

"Class of persons affected" need not be defined for it sets in law a prejudice for who can be privileged with knowledge. The information contained in the codes is not classified or sensitive and anyone who has an interest in these codes is an "affected person."

The agencies need not bear the costs of implementing an online access solution so long as the standards development agencies require a small per-access fee for all users of this information. The profits generated from many small per-access fees could be used to support a website.

An alternative would be to allow free online access for individuals, but charge a royalty fee if the codes are used in any for-profit work. Clearly this would be easy to enforce because if a design claims to follow any freely-available standards, it would be subject to per-design royalty payments.

The OFR should make it clear that any standards submitted for IBR review, if accepted, would have to be made available online within a certain time period. OFR should have the authority to deny requests for IBR.

I believe that all people should have access to the law, and I understand that the Standards Developing Organizations need recompense. I believe that those who use the standards for-profit should pay, but the average citizen should not have to pay if they use the information merely to gain knowledge.

Thank you for your time and consideration,

Joshua Hampton, EIT