

Maintaining the integrity of the public record of US Law should take priority over any copyright issue. As a professional working in regulatory affairs, over the last several years I have seen more and more reliance on non-governmental standards agencies to draft documents used to measure conformance.

A recent example where the US has mandated conformance to a copyrighted standard is ASTM F963 under the CPSIA. ASTM F963 describes test methods and passage criteria related to the safety of children's products and toys. Because it is copyrighted by ANSI, the only way to obtain a copy of this standard is by purchasing it from ASTM.

Unfortunately ASTM only sells individual licenses to their copyrighted work. This means, once purchased, you cannot copy or distribute the standard. You can imagine that companies who have to institute practices to assure conformance to the standard need to purchase multiple copies. Consumers, who should have the right to read, understand and comment on the document, are required to purchase it. Since this standard is written by an NGO that primarily intersects with industry and related groups, consumers have little opportunity to participate in rewriting the standard or expressing their feedback directly to ASTM.

Businesses need full access to information to assure compliance. Consumers need full access to voice their concerns and keep us accountable. Going through standards organizations as a means of supplementing the government workforce while blinding the law because it is convenient to the rule making process, is not acceptable.

ASTM F963 is just one example of many. We need to have full visibility to the law as a matter of public record.