



**Environmental  
Protection**

Federal eRulemaking Portal: <http://www.regulations.gov>

Email: [Fedreg.legal@nara.gov](mailto:Fedreg.legal@nara.gov)

Office of the Federal Register (NF)  
The National Archives and records Administration  
8601 Adelphi Road  
College park, MD

Re: Incorporation by Reference 1 CFR Part 51

May 25, 2012

This letter responds to your request for comments on an amendment to the above-referenced regulation that would define “reasonably available” as it relates to the statutory obligation that material incorporated by reference in regulations must be reasonably available. The New York City Department of Environmental Protection (DEP) is the agency responsible for delivering high quality drinking water and wastewater services to 9 million New Yorkers every day. As a regulated entity, we must comply with all regulations applicable to our 6000 employees, hundreds of facilities and diverse, complex operations. A voluntary consensus standard incorporated by reference becomes a mandatory obligation under the regulation in which it is subsumed. Access to the standards should be easy and cost free to ensure that there is no impediment to our compliance.

The high costs of many of the standards and the extensive licensing requirements preclude easy access. Having these legal mandates available only in print, and at a substantial cost to the regulated community is a throwback to an age when such lengthy documents could only be made available in print with the attendant costs of reproduction. In this digital age, the regulated community should not have to bear that cost to be able to determine its regulatory obligations. In order to accommodate those who do not have internet access, agencies should make hard copies or electronic access available at their offices.

We appreciate the opportunity to comment on this important issue.

A handwritten signature in black ink, appearing to read "Melinda Sherer".

Melinda Sherer

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