

To: Office of the Federal Register

Attn: Ms. Amy Bunk, Ms. Miriam Vincent

Ref: Docket ID NARA-12-0002, Incorporation by Reference

Greetings,

On behalf of the manufacturing members of The Carpet and Rug Institute, thank you for the opportunity to comment on the action posted in the Federal Register concerning Incorporation by Reference. Annually, the manufacturers of The Carpet and Rug Institute create 95% of the carpet produced in the United States. The Carpet and Rug Institute is the voice of the United States carpet industry.

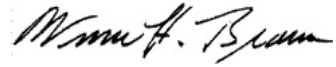
We have read with great interest the notification in the Federal Register concerning the concept of Incorporation by Reference as challenged by Professor Strauss et al. We are advocates of the use of consensus standards by the United States Government and support the principles adopted via OMB Circular A-119. It is our firmly held belief that consensus standards and the accredited process they are supported by are the most reliable method of ensuring Federal purchasing is accomplished in the most productive and economical manner possible.

While we agree with some ideals offered by Professor Strauss such as safeguards against lawmaking by regulatory (non-elected) bodies and adequate access for the populace to the workings of our government, we have some differences of viewpoint as well. Most notable of these differences is the definition of reasonably available. Dr. Strauss contends that this would mean that referenced standards would essentially be available free via electronic posting. We contend that "reasonably available" means different things to different groups and that the "reasonably available" tag should be applied to those groups who need access to ensure compliance. A general citizen, while interested in the provisions and employment of the referenced standard, does not need the full technical background in order to comply with this sort of referenced standard nor would a general citizen have a duty to comply. Thus, the nominal fee of \$40-50 (\$40 for ASTM, \$50 for AATCC) dollars does make these referenced standards reasonably available to those charged with meeting the provisions therein- primarily manufacturers. Development of such consensus standards is a long, meticulous process and the finished standard does not come cheap – the cost must be borne by someone; we believe those standards most frequently used by our industry are readily available at reasonable cost. In the interest of keeping the public informed and aware of what requirements are being placed upon manufacturers, it would be reasonable to require that any referenced standard be accompanied by a one or two page synopsis of the critical aspects of the standard- but not the entire standard in copyrighted form.

To reiterate, "reasonably available" does not mean given free to everyone. It should be applied to the group required to comply with the standard with sufficient and reasonable detail given in synopsis in order to inform the general public of the requirement. We urge continued reliance upon consensus, accredited standards with no change to OMB A-119 in this regards.

We would welcome your questions or discussion of this topic. Feel free to contact us via the means below.

Sincerely,

A handwritten signature in black ink, appearing to read "Werner H. Braun". The signature is fluid and cursive, with the first name "Werner" being the most prominent.

Werner H. Braun, President

The Carpet and Rug Institute

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