



National Fire Protection Association

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January 29, 2014

Ms. Amy Bunk
Director of Legal Affairs & Policy
Office of the Federal Register
8601 Adelphi Rd
College Park, MD

RE: Comments for NPRM on Incorporation by Reference; Docket ID: OFR-2013-0001; RIN: 3095-AB78

Dear Ms. Bunk:

Thank you for the opportunity to provide comments on this Notice of Proposed Rulemaking (NPRM). The National Fire Protection Association (NFPA) supports the changes to the Office of the Federal Register's (OFR) incorporation by reference (IBR) procedures proposed in the NPRM. The proposed changes will encourage agencies and their partners to pursue the broadest possible access policies to standards and other IBR'd material but without compromising the system that makes the development of that content viable.

The National Fire Protection Association is one of the nation's oldest standards development organizations (SDOs), with a mission to reduce the worldwide burden to life and property of fire and other hazards. For over ten years, NFPA has posted our standards to the NFPA website, using the program RealRead, which allows users to read the full text of the standards online, free of charge. We have found this to be a successful model for our organization. It also proved helpful to the Pipeline Safety and Hazardous Materials Administration (PHMSA) in their efforts to implement the requirements of Sec. 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90), which required IBR'd pipeline safety standards to be available on the internet, free of charge. However, as the analysis in the NPRM rightly notes, there is "[not] one solution to the access issue." The OFR's proposed solution gives federal agencies flexibility, and will ensure that they retain the ability to choose the standards that best meet their technical needs.

Enabling reasonable access to standards referenced in regulations is important, but should not be implemented at the price of dismantling a public-private partnership that produces high quality engineering and other technical guidance for the government, as well as the private sector. As the analysis in the NPRM notes, many

SDOs rely on the revenue from the sale of their copyrighted works to support their activity. As a not-for-profit organization, this revenue ensures NFPA can maintain its independence, keep barriers to participation in our standards development process low, and prioritize projects based on safety needs. This revenue enables high-quality, timely consensus-based standards that meet the needs of the relevant private sector stakeholders, as well as government regulators.

While NFPA and other SDOs update standards regularly, often agencies lag in adopting newer versions of these standards, an issue discussed in Section 10(c) of the NPRM. NFPA strongly supports agency efforts to address these outdated references, but also recognizes the challenges agencies can sometimes face in attempting to do so. To that end, we make the immediate past editions of all NFPA standards available for viewing in the free RealRead format on our website. It is also important to note that we make all historical editions of NFPA standards, going back in some cases to the early part of the 20th century, available in PDF format for purchase and immediate download from our website. We are, in addition, available and interested in working with federal agencies to expand our RealRead offerings to meet agency needs. Finally, NFPA would encourage, and we are available to assist, OFR, Federal agencies and NIST in publishing appropriate web links and other useful information, in the CFR and elsewhere, to assist the public in easily locating and accessing NFPA standards incorporated by reference in the CFR.

Thank you again for the opportunity to provide these comments. NFPA supports the measured analysis OFR has brought to this issue and the balanced solution proposed in the NPRM.

Sincerely

A handwritten signature in black ink, appearing to read "Greg B. Cade". The signature is fluid and cursive, with a long horizontal stroke at the end.

Greg Cade
Division Director, Government Affairs
National Fire Protection Association