

From: [Susan Flanagan](#)
To: [Emily Bremer](#)
Subject: Incorporation By Reference
Date: Monday, January 30, 2012 11:32:37 AM

Emily, I just wanted to thank you for your presentation at Small Biz Labor Safety Roundtable, and to raise one other issue w/you re incorporation by reference. I didn't bring this up at the meeting given the time constraints.

IME publishes a series of Safety Library Publications (SLP's) for the explosives industry (manufacturers, transporters, and users). We provide these publications to the public via free download on our website. A number of our standards have been incorporated by reference into federal and state regulations.

One such standard was incorporated by OSHA decades ago. The incorporated standard dates to the 1960's and has been revised by IME multiple times over the years. The OSHA standard, however, has not, and still refers to the 1960's version.

We recently were contacted by OSHA requesting that we agree to provide copies of the 1960's SLP to the public so that OSHA can meet its obligation to make its standards available. Aside from the fact that we no longer have even a paper copy of the old SLP, we advised OSHA that because of liability (and safety) concerns, we are not willing to disseminate outdated versions of our standards.

OSHA was going to get back to us re possible alternatives (e.g., making historical versions available in library reading rooms, etc.), but we have not yet heard back from them.

We support the effort to encourage incorporation by reference (we currently have an incorporation petition w/DOT), and hope that you are successful in wading through the swamp.

If you have any questions or if I can provide any additional information, please feel free to contact me. Again, thanx for your efforts and your presentation.

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