

NOTICE

NOTICE OF INCORPORATION

*The American National
Standards Institute*

1899 L Street, N.W.
Washington, D.C. 20036
United States

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*The British Standards
Institution*

389 Chiswick High Road
London W4 4AL
United Kingdom

* *

*International Organization for
Standardization (ISO), The*

1, Ch. de la Voie-Creuse
CH-1211 Geneva 20
Switzerland

* *

*The National Sanitation
Foundation*

789 N. Dixboro Road
Ann Arbor, Mi. 48113
United States

*The American Society of
Mechanical Engineers*

Three Park Avenue
New York, N.Y. 10016
United States



*The Society of Automotive
Engineers*

400 Commonwealth Drive
Warrendale, Pa. 15096
United States

*The American Society for
Testing and Materials*

100 Barr Harbor Drive
W. Conshohocken, Pa. 19428
United States

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*The Institute of Electrical and
Electronics Engineers*

3 Park Avenue
New York, N.Y. 10016
United States

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*The National Fire Protection
Association*

1 Batterymarch Park
Quincy, Ma. 02169
United States

* *

*The Underwriters'
Laboratories*

333 Pfingsten Road
Northbrook, Il. 60062
United States

Attached are Facsimiles No 1-10 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations, such laws being binding on the citizenry and critical to the public safety.

COMMENTS MUST BE RECEIVED BY MAY 1, 2012

Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, Ca. 95472



TRANSMITTAL

TRANSMITTAL N° 1

The Honorable Maria A. Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559

Attached for your consideration is Facsimile N° 11 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st Section 206.01 of the Compendium II of Copyright Office Practices states that “edicts of government...are not copyrightable for reasons of public policy.” In *Veeck v. SBCCI* (293 F.3d 791, 2002), the Fifth Circuit ruled that technical standards incorporated by reference, such as building codes, are edicts of government. The 73 federal samples furnished to you are as important and compulsory as state building codes.
- 2^d Since 2007, Public.Resource.Org has posted state public safety codes incorporated by reference. Our aim is expand on the transformation we have made to California’s Title 24 to create a unified XHTML interface to all standards currently incorporated at the state and federal levels and make it available at no charge and with no restrictions on use.
- 3^d Going forward, before incorporating additional standards, we believe officials need to revise ambiguous and conflicting public policies. For example, the Copyright Office, contrary to stated policy, registers edicts of government including the Building Code of New York (TX-5-677-213) and the Missouri Revised Statutes (TX-5-416-097).





Bureau of Standards speeds up photomicrography with new apparatus. By means of this new apparatus just designed by the metallurgical divisions of the National Bureau of Standards, it is now possible to make 700 micrographs per working day of the structural effect of corrosion on cross sections of metallic specimens. This new machine uses roll film of 900 negatives at one loading, thus dispensing with the repeated loading and unloading of individual film holders by which method the Bureau was only formerly able to make 12 micrographs per working day. Willard H. Mutohler, one of the designers of the apparatus is shown photographing the corrosion on airplane materials, 8/18/37, Courtesy of Library of Congress, Photo by Harris & Ewing.

TRANSMITTAL

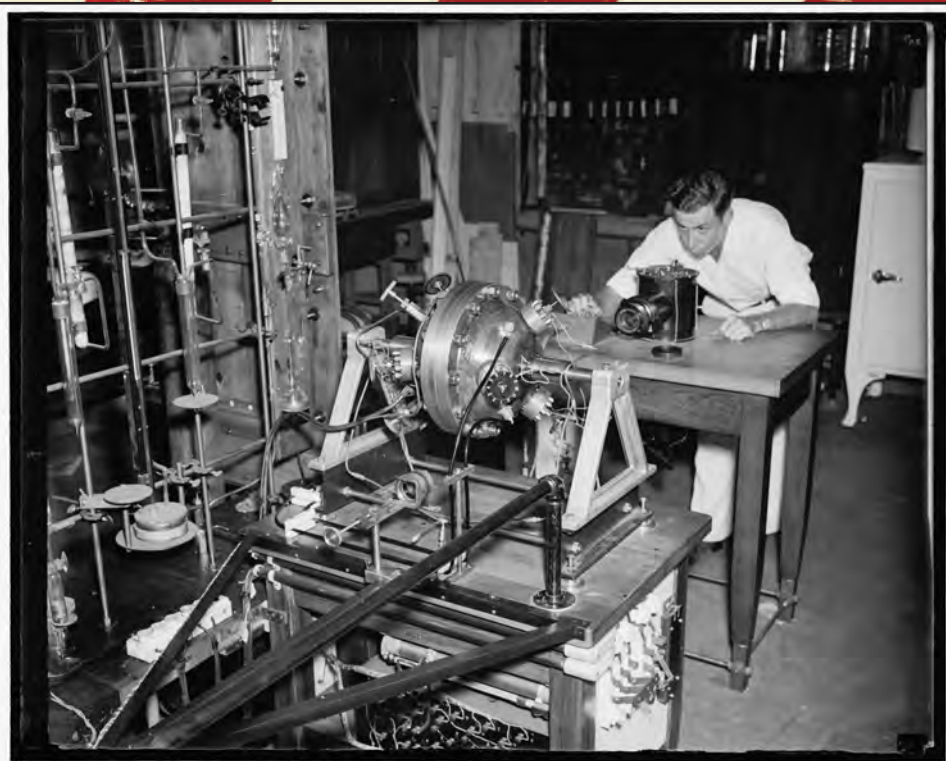
TRANSMITTAL N° 2

The Honorable Paul R. Verkuil
Chairman of the Conference
Administrative Conference of the United States
1120 20th St., N.W.
Washington, DC 20036

Attached for your consideration is Facsimile No 12 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st In hearings prior to passage of ACUS Recommendation 2011-5, a non-governmental member testified in committee as follows: "I don't see what the problem is! Heck, a \$60 standard is just 4 beers on Dupont Circle!" Since most governmental members of ACUS cannot afford \$15 beers or \$60 standards, please make the attached documents available for their inspection.
- 2^d In his keynote address to the 54th Plenary Session of the Conference, Senior Fellow Justice Stephen Breyer concluded by stating "if a law isn't public, it isn't a law." Can the Conference pursue a study to determine if the Breyer Test for public access to the law has been met in the Code of Federal Regulations and is properly considered in ACUS 2011-5?
- 3^d In "Outsourcing Sovereignty" (Cambridge University Press: 2007), you make a strong case that "delegations of public power to private hands [undermines] the capacity to govern." The Conference should consider pursuing a study to determine if this "privatization of government functions threatens democracy."





Flame propagation in gas engines photographed. A study of the mechanism of the flame propagation in the cylinder of a internal combustion engine is being made at the U.S. Bureau of Standards for the National Advisory Committee for Aeronautics. A special bomb made of steel, shown in the foreground, and designed to withstand pressures up to 500 lbs. to the square inch is used to show the progress of the flame and the rise in pressure which may be recorded photographically during the gas explosions under carefully controlled conditions. The camera, where the recordings are made, is in front of Dr. Ernest F. Flock of the Bureau of Standards, carries its film on a drum which may be revolved up to 4,000 revolutions per minute. 8/26/37, Courtesy Library of Congress, Photo by Harris & Ewing.

TRANSMITTAL

TRANSMITTAL N° 3

The Honorable Chuck Grassley
U.S. Senator for Iowa
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
U.S. Senator for Rhode Island
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Attached for your consideration is Facsimile N° 13 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st Section 4958 of the Internal Revenue Code imposes intermediate sanctions on excess benefit transactions and federal policy prohibits “more than reasonable compensation for services rendered.” Yet, CEO compensation for the 10 nonprofit Standards Development Organizations represented in this facsimile range from a “low” of \$420,960 up to an eye-popping \$2,075,984.
- 2^d 1 CFR §1.1 establishes the Official Journals of Government to notify citizens of “documents having general applicability and legal effect.” How can those purposes be met when such a broad swath of the federal regulatory base is hidden behind a cash register, a poll tax on access to regulations when they are proposed or after they are promulgated?
- 3^d Most of these standards are simply unavailable to the public. The few that are available are hidden behind mechanisms that severely limit the functionality available to readers. It is important that the text of laws be available for transformative uses, so that citizens have the opportunity to better educate themselves and for the legal profession to have better tools for the administration of justice.





U.S. testing liveliness of baseballs. Washington, D.C., Feb. 21. Experiments to test the liveliness of American, National and International League baseballs began at the National Bureau of Standards today. Edward B. Eynon, (left) Secretary of the Washington Baseball Club, and Dr. Hugh L. Dryden, Chief of the Mechanics and Sound Division, who designed the unique machine used in the tests, are discussing the first ball to be hit by the Government Fence Buster, 2/21/38, Courtesy Library of Congress, Photo by Harris & Ewing.

TRANSMITTAL

TRANSMITTAL N° 4

The Honorable Jon Leibowitz
Chairman of the Commission
U.S. Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Attached for your consideration is Facsimile No 14 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st The Standards Development Organizations represented in this facsimile appear to coordinate closely on distribution channels, standard boilerplate, pricing mechanisms, and distribution formats. Has the Bureau of Competition examined the SDO industry to make sure that there is no cahootenizing in restraint of trade?
- 2^d Overreaching and scare tactics in the labeling and terms of use attached to these documents hurts consumers by discouraging them from attempting to read the law or to exercise their rights to fair use. Has the Bureau of Consumer Protection examined how this industry deals with the public in an area that is so vital to public safety and economic innovation?
- 3^d Federal policy encouraging the use of voluntary, consensus standards activities also requires that the process be transparent, that all interested or affected parties have an opportunity to participate, and that the process further governmental and national interests. Has the Bureau of Economics studied the standards-making processes to determine if as currently implemented they are a transaction tax on economic activity?





New machine to test brake linings designed by Bureau of Standards. A new machine, both in design and operations, has been installed at the National Bureau of Standards for the testing of brake linings. The machine permits the study of brake linings under conditions closely approaching those of actual service and yet which can be accurately controlled. It will make less difficult the complex job of revising the Federal Government's specification for auto brake linings. Wil. Holt of the Bureau is shown in the photograph, 3/16/38, Courtesy Library of Congress, Photo by Harris & Ewing.

TRANSMITTAL

TRANSMITTAL N° 5

The Honorable Cass R. Sunstein
Office of Information and Regulatory Affairs
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Attached for your consideration is Facsimile No 15 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st Of the 9,486 Regulatory Incorporations registered by the National Institute of Standards, 6,194 of the Incorporations are for standards from 1995 or earlier. The mechanism used has forced regulators into using out-of-date standards, hurting American competitiveness and public safety.
- 2^d OMB Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards" was last revised on February 10, 1998. Federal policy in this area dates back to the print era and hobbles the federal workforce in their attempts to make policy for the Internet era.
- 3^d One reason the Internet exploded was that the specifications that define the network are open for all to read and to expand upon. If the standards governing the Internet of things in the physical world were open for all to read, they would be a valuable tool for students who want to learn how our world works and how to make it better. Open technical standards are a vital ingredient for realizing the President's goals for revitalizing STEM education in the U.S.





How much wear will your carpet stand? A machine that produces the bending, slipping, twisting, and compression of the pile that takes place when a carpet is walked upon, has been developed by the National Bureau of Standards to test the durability of carpets. H.F. Schiefer, physicist at the Bureau, is shown in the photograph, 3/19/38, Courtesy Library of Congress, Photo by Harris & Ewing.

TRANSMITTAL

TRANSMITTAL N° 6

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Attached for your consideration is Facsimile No 16 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st 1 CFR § 51, which governs Incorporation by Reference, was last updated through 47 FR 34108, August 6, 1982. In Federal Register Doc. 2012-4399, filed 2-24-12, the Office of the Federal Register has requested comments on revision in response to a petition drafted by leading administrative law experts. Please accept these transmittals and this facsimile of 73 standards as a submission to your docket NARA 12-0002.
- 2^d The Office of the Federal Register maintains a file of all documents Incorporated by Reference. May Public.Resource.Org install a high-speed scanner at OFR for purposes of digitizing these materials to provide public access and to give NARA a copy of these documents in digital form?
- 3^d Does the National Archives and Records Administration systematically archive all American National Standards as approved by ANSI in order to “ensure continuing access to the essential documentation of the rights of American citizens and the actions of the their government”? While ANSI standards incorporated by reference are only a subset of American National Standards, the full corpus deserves a place in the National Archives.





Test electric light bulbs for Uncle Sam. Purchasing on an average of 4,000,000 electric light bulbs annually, Uncle Sam is probably one of the largest users of light in the country. The National Bureau of Standards sees that the government gets value received in purchases by continually testing the incandescent lamps to determine their life and the amount of light they give. Using a special machine designed by the Bureau, Louis Barbrow is shown measuring the amount of light given by a lamp, 3/21/38, Courtesy Library of Congress, Photo by Harris & Ewing.

TRANSMITTAL

TRANSMITTAL N° 7

The Honorable Darrell Issa
Member of Congress
U.S. House of Representatives
2347 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Zoe Lofgren
Member of Congress
U.S. House of Representatives
1401 Longworth House Office Building
Washington, D.C. 20515

Attached for your consideration is Facsimile N° 17 of 25 of a set of 73 documents Incorporated by Reference into the Code of Federal Regulations. Because these edicts of government cost \$7,414.26 to purchase from private parties, it is likely you have not seen these laws that are binding on the citizenry and critical to the public safety. Three matters are respectfully brought to your attention by means of this transmittal:

- 1st Any hobbyist or small business owner wishing to put a new kind of vehicle on the road—or to modify a vehicle to add a new component, such as a car alarm—must conform to many Federal Motor Vehicle Safety Standards, yet at \$65 per copy for dozens of such standards, we have precluded these makers and doers and risk-takers. The high cost of standards incorporated into law are a damper on economic activity for small business.
- 2^d While it certainly costs money to fund standards-making activities, the Standard Development Organizations have resisted even the most basic public access. Our Federal Depository Library system does not have copies of these public safety specifications, indeed few libraries in America have any standards at all in their collections.
- 3^d The debate on Incorporation by Reference has occurred in a vacuum, with very few U.S. citizens or policy makers having access to the essential documents in question. If the House of Representatives were to hold hearings on this topic and enter the enclosed technical standards into the record, all Americans could judge for themselves this important question of access to the law in our democratic system of government.





And now a beer meter. To aid Uncle Same in collecting the tax on the millions of barrels of beer brewed in this country every year, the National Bureau of Standards has designed a master beer meter for use of the alcohol unit of the Bureau of Internal Revenue, U.S. Treasury. Government inspectors employ this master meter in checking the accuracy of the brewery beer meter to determine the volume of beer brewed. In the photograph the large tank receives the liquid after passing thru the meter where it is weighed to get the true volume, April 1, 1937, Courtesy Library of Congress, Photo by Harris & Ewing.

SHIPPING MANIFEST

<i>Standard Citation</i>	<i>Alternative Citation</i>	<i>CFR Section</i>	<i>Document Title</i>
1.us.sibr.001.001	ANSI-A10.3-1970	29 CFR 1926	Safety Requirements for Powder Actuated Fastening Systems
1.us.sibr.001.002	ANSI-A10.4-1963	29 CFR 1926	Safety Requirements for Workmen's Hoists
1.us.sibr.001.003	ANSI-A10.5-1969	29 CFR 1926	Safety Requirements for Material Joists
1.us.sibr.001.004	ANSI-A14.1-1990	29 CFR 1917	Ladders—Wood—Safety Requirements
1.us.sibr.001.005	ANSI-A14.2-1990	29 CFR 1917	Ladders—Portable Metal—Safety
1.us.sibr.001.006	ANSI-A92.2-1969	29 CFR 453	Vehicle Mounted Elevating and Rotating Work Platforms
1.us.sibr.001.007	ANSI-B7.1-1970	29 CFR 1926	Safety Code for the Use, Care, and Protection of Abrasive Wheels
1.us.sibr.001.008	ANSI-B20.1-1957	29 CFR 1926	Safety Code for Conveyors, Cableways, and Related Equipment
1.us.sibr.001.009	ANSI-B30.6-1969	29 CFR 1926	Safety Code for Derricks
1.us.sibr.001.010	ANSI-B56.1-1969	29 CFR 1926	Safety Standard for Powered Industrial Trucks
1.us.sibr.001.011	ANSI-O1.1-1961	29 CFR 1926	Safety Code for Woodworking Machinery
1.us.sibr.001.012	ANSI-S3.22-2003	21 CFR 801	Specification of Hearing Aid Characteristics
1.us.sibr.001.013	ANSI-Z35.1-1968	29 CFR 1926	Specifications for Accident Prevention Signs
1.us.sibr.001.014	ANSI-Z35.2-1968	29 CFR 1926	Specifications for Accident Prevention Tags
1.us.sibr.004.001	ANSI-Z49.1-1967	29 CFR 1926	Safety in Welding and Cutting
1.us.sibr.001.015	ANSI-Z87.1-2003	29 CFR 1910	Practice for Occupational and Educational Eye and Face Protection
1.us.sibr.001.016	ANSI-Z88.2-1992	30 CFR 250	American National Standard for Respiratory Protection
1.us.sibr.001.017	ANSI-Z89.1-1969	29 CFR 1926	Safety Requirements for Industrial Head Protection
1.us.sibr.001.018	ANSI-Z89.2-1971	29 CFR 1926	Industrial Protective Helmets for Electrical Workers
1.us.sibr.001.019	ANSI-Z90.4-1984	16 CFR 1203	Protective Headgear for Bicyclists
1.us.sibr.001.020	ANSI-Z245.1-1992	40 CFR 243	Mobile Refuse Collection and Compaction—Safety Requirements
1.us.sibr.001.021	ANSI-Z245.2-1997	40 CFR 243	Stationary Compactors—Safety Requirements
1.us.sibr.002.001	ASME-B30.2-2005	29 CFR 1926	Safety Requirements for Overhead and Gantry Cranes
1.us.sibr.002.002	ASME-B30.5-2004	29 CFR 1926	Safety Requirements for Mobile and Locomotive Cranes
1.us.sibr.002.003	ASME-B30.7-2001	29 CFR 1926	Safety Requirements for Base-Mounted Drum Hoists
1.us.sibr.002.004	ASME-B30.14-2004	29 CFR 1926	Safety Requirements for Side Boom Tractors
1.us.sibr.003.001	ASTM-D1126-2002	40 CFR 136	Standard Test Method for Hardness in Water
1.us.sibr.003.002	ASTM-D3559-2003	40 CFR 136	Standard Test Methods for Lead in Water
1.us.sibr.003.003	ASTM-F2412-2005	29 CFR 1910	Standard Test Methods for Foot Protection
1.us.sibr.003.004	ASTM-F2413-2005	29 CFR 1910	Performance Requirements for Protective Footware
1.us.sibr.005.001	BS-EN-13000-2004	29 CFR 1926	Cranes—Safety—Mobile Cranes
1.us.sibr.005.002	BS-EN-14439-2006	29 CFR 1926	Cranes—Safety—Tower Cranes
1.us.sibr.006.001	IEEE-1202-1991	46 CFR 111	Standard for Flame Testing of Cables
1.us.sibr.009.001	ISO-6406-2005	49 CFR 180	Seamless Steel Gas Cylinders—Inspection and Testing
1.us.sibr.009.002	ISO-10461-2005	49 CFR 180	Seamless Aluminum Alloy Gas Cylinders—Inspection and Testing
1.us.sibr.009.003	ISO-10462-2005	49 CFR 180	Transportable Cylinders for Dissolved Acetylene
1.us.sibr.009.004	ISO-11623-2002	49 CFR 180	Periodic Inspection and Testing of Composite Gas Cylinders
1.us.sibr.009.005	ISO-11660-1-2008	29 CFR 1926	Cranes: Access, Guards and Restraints: General
1.us.sibr.009.006	ISO-11660-2-1994	29 CFR 1926	Cranes: Access, Guards and Restraints: Mobile Cranes
1.us.sibr.009.007	ISO-11660-3-2008	29 CFR 1926	Cranes: Access, Guards and Restraints: Tower Cranes

SHIPPING MANIFEST

<i>Standard Citation</i>	<i>Alternative Citation</i>	<i>CFR Section</i>	<i>Document Title</i>
1.us.sibr.009.008	ISO-18902-2001	36 CFR 1237	Photographic Processed Films, Plates, and Papers
1.us.sibr.009.009	ISO-18906-2000	36 CFR 1237	Photographic Films—Specifications for Safety Film
1.us.sibr.008.001	NFPA-10-2002	29 CFR 1915	Standard for Portable Fire Extinguishers
1.us.sibr.008.002	NFPA-11-2005	29 CFR 1915	Standard for Foam—Low-, Medium-, and High-Expansion
1.us.sibr.008.003	NFPA-12-2005	29 CFR 1915	Standard for Carbon Dioxide Extinguishing Systems
1.us.sibr.008.004	NFPA-25-2002	29 CFR 1915	Standard for Water-Based Fire Protection Systems
1.us.sibr.008.005	NFPA-30-2003	49 CFR 192	Flammable and Combustible Liquids Code
1.us.sibr.008.006	NFPA-54-2002	24 CFR 3280	National Fuel and Gas Code
1.us.sibr.008.007	NFPA-58-2001	49 CFR 173	Standard for Liquefied Petroleum Gases
1.us.sibr.008.008	NFPA-72-2002	29 CFR 1915	National Fire Alarm Code
1.us.sibr.008.009	NFPA-101-2000	59 CFR 130	Life Safety Code
1.us.sibr.007.001	NSF-61-2001	24 CFR 3280	Drinking Water System Components—Health Effects
1.us.sibr.011.001	SAE-J211-1-1995	49 CFR 571	Instrumentation for Impact Test
1.us.sibr.011.002	SAE-J387-1987	49 CFR 571	Terminology: Motor Vehicle Lighting
1.us.sibr.011.003	SAE-J573D-1968	49 CFR 571	Requirements for Lamp Bulbs and Sealed Units
1.us.sibr.011.004	SAE-J576-1991	49 CFR 571	Plastic Materials for Use in Optical Parts
1.us.sibr.011.005	SAE-J578-1995	49 CFR 571	Color Specification for Electric Signal Lighting Devices
1.us.sibr.011.006	SAE-J584-1993	49 CFR 571	Requirements for Motorcycle Headlamps
1.us.sibr.011.020	SAE-J587-1981	49 CFR 571	License Plate Lamps (Rear Registration Lamps)
1.us.sibr.011.007	SAE-J588-1984	49 CFR 571	Requirements for Turn Signal Lamps
1.us.sibr.011.008	SAE-J592-1992	49 CFR 571	Clearance, Side Marker, and Identification Lamps
1.us.sibr.011.009	SAE-J594F-1977	49 CFR 571	Requirements for Reflex Reflectors
1.us.sibr.011.010	SAE-J602-1980	49 CFR 571	Mechanically Aimable Sealed Beam Headlamps
1.us.sibr.011.011	SAE-J759-1995	49 CFR 571	Lighting Identification Code
1.us.sibr.011.012	SAE-J826-1995	49 CFR 571	Defining and Measuring Vehicle Seating Accommodation
1.us.sibr.011.013	SAE-J1100-2001	49 CFR 571	Motor Vehicle Dimensions
1.us.sibr.011.014	SAE-J1383-1985	49 CFR 571	Performance Requirements for Motor Vehicle Headlamps
1.us.sibr.011.015	SAE-J1395-1985	49 CFR 571	Turn Signal Lamps for Use on Motor Vehicles
1.us.sibr.011.016	SAE-J1398-1985	49 CFR 571	Stop Lamps for Use on Motor Vehicles
1.us.sibr.011.017	SAE-J1703-1995	49 CFR 571	Motor Vehicle Brake Fluids
1.us.sibr.011.018	SAE-J1733-1994	49 CFR 572	Sign Convention for Vehicle Crash Testing
1.us.sibr.011.019	SAE-J2009-1993	49 CFR 571	Discharge Forward Lighting Systems
1.us.sibr.010.001	UL-142-1968	49 CFR 1910	Steel Above Ground Tanks for Flammable and Combustible Liquids

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Everybody’s
Business!”*