

July 18, 2024

The Honorable Mike Johnson
The Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker and Leader Jeffries:

We write to express our strong support for H.R. 1631, the *Protecting and Enhancing Public Access to Codes Act of 2023 (Pro Codes Act)*, which we believe is one of the most important bills Congress can pass this year to protect American lives and property. In April, the *Pro Codes Act* was reported out of the House Judiciary Committee with overwhelming bipartisan support. We now ask for its timely consideration by the full House.

Rigorous, voluntary, consensus-based standards, developed by nonprofit standards development organizations (SDOs) like those we represent, are critical to the safety of Americans and people around the world. This standards development system has worked effectively and efficiently for over 125 years. The result has been one of the most successful public-private partnerships in history, saving countless lives, creating economic growth, and saving billions of taxpayer dollars.

Unfortunately, the standards development system is under attack, and the threats that could lead to its total collapse grow daily. Sometimes, federal, state, or local statutes or regulations incorporate by reference privately developed standards like the ones our organizations create. Some special interests wrongly argue that this process, which benefits the public, should forfeit the copyright of these standards and allow others to profit off SDOs' work. Extinguishing the copyright for a standard incorporated by reference threatens to make it impossible for SDOs to sell copies of our standards to the professionals who use them, which is how we fund our work. The net result would be the dismantling of the private standards development system. There are no alternatives anywhere near as effective or efficient.

The federal government has repeatedly affirmed its preference for privately developed standards (see [OMB A-119](#) and [United States Government National Standards Strategy for Critical and Emerging Technology](#)). If the government were to take on responsibility for standards development, it would require the creation of an entirely new bureaucracy that would cost U.S. taxpayers billions of dollars with no guarantee of success. Alternatively, if a fee-based model to support standards development was created, industries governed by the standards would be responsible for financing their development, leading to conflicts of interest and compromised safety.

The *Pro Codes Act* reinforces existing law by making it clear that a standard does not lose its copyright protection when a government chooses to recognize its value by incorporating it by reference into statute or regulations, provided that the standard is available for free viewing on a publicly accessible website. H.R. 1631 ensures transparency for the public, while also protecting the ability of groups like ours to continue the important work we do.

Without the standards development system we have in place today, Americans would be far more vulnerable to devastating fires, dangerous buildings, substandard consumer products, and a host of other risks. We strongly support legislative efforts to preserve this system, whose value is not in question. It will save lives and protect property.

Thank you for your time on this critical issue. We ask for your support of the *Pro Codes Act* and hope it will be approved by the House as soon as possible.

Sincerely,

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)

International Association of Plumbing & Mechanical Officials (IAPMO)

International Code Council (ICC)

National Electrical Manufacturers Association (NEMA)

National Fire Protection Association (NFPA)

cc: The Honorable Jim Jordan, Chairman, House Judiciary Committee
The Honorable Jerry Nadler, Ranking Member, House Judiciary Committee
The Honorable Darrel Issa
The Honorable Deborah Ross