



## CITY OF HOUSTON

### Fire Department

*Promoting Excellence as the World's Largest Accredited Municipal Fire Agency*

**Sylvester Turner**

Mayor

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June 15, 2023

The Honorable Ted Cruz  
404 Russell Senate Office Building  
United States Senate  
Washington, D.C. 20510

Dear Senator Cruz:

As fire chiefs entrusted with protecting lives and property in major cities throughout Texas, we ask you to help the National Fire Protection Association (NFPA) in their legislative effort to protect the copyright on their safety standards through S.835, the Pro Codes Act. NFPA's standards are important in making the world safer for everyday citizens and for the firefighters throughout Texas. In fact, we rely on them daily. States and cities often use NFPA's safety standards for many purposes, including through incorporation by reference, to protect people and property. ]

4 NFPA uses rigorous consensus-oriented American National Standards Institute (ANSI) processes to ensure that all interested parties can provide input into developing high-quality standards that evolve as information and technology advances. This process is self-funded by NFPA, meaning industry or other contributions cannot and do not influence the process. In addition to ensuring independent, rigorous results removed from undue political or corporate pressures, privately developed standards like those NFPA develops and publishes provide considerable cost-savings for the government that can rely on NFPA's standards, rather than the substantial cost it would take to develop their own.

To ensure that standards continue to reflect the most up-to-date knowledge and technologies, NFPA updates its standards every 3 to 5 years using a balanced and expensive process that takes roughly 2 years to complete. Government use

Council Members: Amy Peck Tarsha Jackson Abbie Kamin Carolyn Evans-Shabazz Dave Martin Tiffany Thomas Mary Nan Huffman Karla Cisneros  
Robert Gallegos Edward Pollard Martha Castex-Tatum Mike Knox David Robinson Michael Kubosh Letitia Plummer Sallie Alcorn  
Controller: Chris Brown

of voluntary consensus standards means that taxpayers do not have to bear these significant costs.

Having each state or municipality develop its own fire safety standards would result in a confusing array of requirements that would surely decrease the overall safety of the fire service. We have come a long way from the mismatched hoses and fire sprinklers that helped give birth to NFPA in 1896, and we must not turn back now.

To support its work, NFPA, a self-funded nonprofit, relies on the revenue generated from selling, licensing, and otherwise distributing copies of its copyrighted publications to professionals who use them in the course of their business. We understand that NFPA generates about 65% of its revenue from the sale of copyrighted materials. While this revenue is critical, no NFPA publication costs more than about \$150 which makes them affordable to those who need them. Many professionals subscribe to full online access to all NFPA products for less than \$15 per month. It is also important to note that all NFPA's standards are also easily accessible for free read-only access on the NFPA website.

Unfortunately, NFPA's copyright protection has been under attack in recent years. In multiple court cases and in legislation considered in the 115<sup>th</sup> Congress, a small but vocal group have pushed for copyright protections to end for any code incorporated by reference into law. To address these threats, we understand that NFPA has been working in support of legislation to ensure that copyrights for codes and standards incorporated by reference aren't lost, as long as the codes and standards are provided via free read-only online access by the standards developer. The International Association of Fire Chiefs and the Metropolitan Fire Chiefs Association have both endorsed this legislative effort as have the other major fire service organizations.

We write to request that Senator Cruz co-sponsor S.835, Pro Codes Act, to enact this legislation for the good of firefighters in Texas and throughout the country, as well as the citizens who depend on us. Senator Cruz has a distinguished record of protecting fire chiefs and firefighters in Texas, and we would welcome his leadership once again to protect these critically important codes and standards.

Respectfully,

Samuel Peña,  
Fire Chief  
City of Houston

Charles Hood,  
Fire Chief  
City of San Antonio

Joel Baker,  
Fire Chief  
City of Austin

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Dominique Artis  
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Department

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City of Laredo

James Kubinski,  
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City of Killeen

Mark Lee,  
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City of Garland

Russell "Rusty" Wilson,  
Fire Chief  
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Fire Chief  
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