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Dr. Diane DiEuliis
Assistant Director, Life Sciences, Office of Science and Technology Policy
Office of Science and Technology Policy
Attn: Open Government Recommendations
725 17th Street
Washington, DC 20502
Via Email to: publicaccess@ostp.gov

Dear Dr. DiEuliis,

The Entomological Society of America (ESA) appreciates the opportunity to respond to the U.S. Government's open consultation with stakeholders. ESA is a professional membership organization and publisher of scientific, technical, and medical (STM) research and reference information in the field of entomology. We are incorporated in the United States and were founded in 1889.

- We publish 4 quarterly research journals
- In 2009, 574 articles were published by U.S. researchers, of which 190 acknowledged support by various agencies of the US Government
- There are approximately 1,060 U.S. reviewers and 100 U.S. editors engaged in the peer review and editing of our journals
- In 2009, our journals had 1,503 institutional subscribers and 1,994 individual subscribers
- There were 6,420 members of the Society in 2009

In response to the specific questions proposed by OSTP on the "Policy Forum on Public Access to Federally Funded Research: Implementation" posted on the OSTP Blog, the Entomological Society of America offers the following views.

Which other Federal agencies may be good candidates to adopt public access policies?

In relation to entomology, research funded by grants from the USDA and NSF are candidates to consider adopting public access policies.

Are there objective reasons why some should promulgate public access policies and others not?

No, although there is always the potential for information in publicly accessible papers in any STM field to be misinterpreted by the lay public.

What criteria are appropriate to consider when an agency weighs the potential costs (including administrative and management burdens) and benefits of increased public access?

The main criteria should be, 1) to make publicly accessible articles available at the least cost to the American taxpayer, and 2) to make the information publically accessible within existing institutions and processes. Both of these criteria would ensure that public access is done in the most cost-efficient and timely manner.

There are also concerns that government-imposed Public Access Policies would violate fundamental copyright principles**.** For over a century, copyright protection has provided the incentive for publishers to invest in the peer-review of research prior to publication and in the infrastructure necessary to publish and distribute scientific journal articles about the latest

government-funded research. Publishers have depended on copyright to protect these works that have aided in the advancement and integrity of science and contributed to substantial gains in biomedical research and other knowledge. In effect the application of government mandates like the NIH public access policy—whether cloaked in the guise of funding, appropriations, or other policy—is indistinguishable from the imposition of an extraordinary and unprecedented exception to the most fundamental of rights under copyright—namely, the exclusive right to distribute the copyrighted work. While the government may have funded the research, or some of it, it should not claim fundamental rights in the research works that reflect substantial value added by publishers.

ESA, like most scientific society publishers, allows articles from its journals to be either immediately freely accessible on its website (for a fee paid by the author) or to be posted on the author's website or institutional repository two years after publication in our journals. That is, there is an existing process and mechanism for making published articles freely accessible from ESA's own online journal website.

How should a public access policy be designed?
1. Timing. At what point in time should peer-reviewed papers be made public via a public access policy relative to the date a publisher releases the final version? Are there empirical data to support an optimal length of time? Different fields of science advance at different rates—a factor that can influence the short- and long-term value of new findings to scientists, publishers and others. Should the delay period be the same or vary across disciplines? If it should vary, what should be the minimum or maximum length of time between publication and public release for various disciplines? Should the delay period be the same or vary for levels of access (e.g. final peer reviewed manuscript or final published article, access under fair use versus alternative license)?

Assuming that an author has not paid to have his article made freely accessible at the time of publication, ESA believes that a minimum of 12 months from date of publication in the journal should pass before the article is made publicly accessible, regardless of the discipline. The ability for publishers to charge subscriptions—its largest source of income—would be significantly if not completely compromised if duplicate versions of the content were freely available elsewhere, especially within as short a period as 6 months after publication.

2. Version. What version of the paper should be made public under a public access policy (e.g., the author's peer-reviewed manuscript or the final published version)? What are the relative advantages and disadvantages of different versions of a scientific paper?

ESA feels very strongly that final published version of the paper should be the one and only version that is made publicly accessible. It is this version that has the value and authoritativeness as a result of having undergone peer review, scientific editing, and copy editing. We see no advantage in making an earlier draft of a scientific paper available for public access.

3. Mandatory v. Voluntary. The NIH mandatory policy was enacted after a voluntary policy at the agency failed to generate high levels of participation. Are there other approaches to increasing participation that would have advantages over mandatory participation?

Yes. Unlike the NIH policy, don't have a separate and time-consuming submission process to make the paper publicly accessible, and especially do not mandate it. Simply let the article be made publicly accessible on the same website where it already exists, namely the publisher's. This would save time on behalf of the author and/or time and money on behalf of the publisher, and could be easily integrated into the publisher's existing workflow. By eliminating all additional time and effort on the author's part, the program could be voluntary and simply ask the author to check a box on the journal's manuscript submission or publishing form noting that the article is to be made publicly accessible (within the embargo period if applicable) as a

requirement of its funding. As mentioned earlier, most publishers, including ESA, already allow open-access to articles—either immediately (for a fee), or after 12 months.

4. Other. What other structural characteristics of a public access policy ought to be taken into account to best accommodate the needs and interests of authors, primary and secondary publishers, libraries, universities, the federal government, users of scientific literature and the public?

Instead of spending the resources—human and financial—on building and hosting a full blown, full-text, government website such as was done by NIH with PubMed Central, other funding agencies could simply create citation-based website like PubMed whereby the public could link to the relevant publisher's site for a publicly accessible article. The publisher's metadata for each article could easily be sent to this website as is currently done with PubMed.

The NIH Public Access Policy is a case study in how not to proceed. It did not properly involve the consultation or participation of stakeholders in its development. The PubMed Central database duplicates and competes with private sector functions, is costly, and diverts funding away from research. Authors' productivity is affected as they are forced to re-submit and check manuscripts to PMC which have already been accepted by publishers, and publisher's staff has to do additional, repetitive work if the publisher does the submitting to PMC.

In summary, ESA does not support mandating public access of federally-funded research, but if the government does proceed to implement policies, it should uphold clear principles, such as being evidence-based, and proceed with extreme caution to ensure long term sustainability and that quality levels are maintained.

Sincerely,

Alan Kahan
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