

November 15, 2004

American Institute of Biological Sciences  
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Washington, DC 20005

NIH Public Access Comments  
National Institutes of Health  
Office of Extramural Research  
6705 Rockledge Drive, Room 350  
Bethesda, MD 20892-7963

To Whom It May Concern:

The American Institute of Biological Sciences (AIBS) submits the following comments in response to the National Institutes of Health proposed "open access" publishing policy published in the *Federal Register* on 17 September 2004. AIBS was established as a national umbrella organization for the biological sciences in 1947 by 11 scientific societies as part of the National Academy of Sciences. An independent non-profit organization since 1954, it has grown to represent more than 80 professional societies and organizations with a combined membership exceeding 240,000 scientists and educators. AIBS publishes the peer-reviewed journal *BioScience* and the free, bilingual biology education website *ActionBioScience.org*.

While increasing public access to scientific research is a laudable goal, the non-profit scientific publishing community is already experimenting with methods to achieve this goal. Moreover, the non-profit scientific publishing community (e.g., professional scientific societies) is concerned with the potential negative effects the NIH open access policy could have on the health, quality, and vigor of the entire research enterprise in the United States. Thus, AIBS requests that NIH delay implementation of its proposed open access policy until the implications of this fundamental shift in the way research findings are peer-reviewed and published in the United States are understood.

The NIH open access policy is premature. Many non-profit scientific publishers already are studying methods for increasing access to scientific literature. Importantly, these efforts are finding financially sustainable business models that benefit libraries, researchers, and the public. Some societies already provide access to all articles within 6 or 12 months. Others provide the author with the option to pay a fee to have his/her article freely available to non-subscribers. Results from these free market innovations are not final, but it appears that flexibility rather than a government mandated model works well for many scientific communities. Unfortunately, the NIH open access plan does not reward or acknowledge the progress that is being made by the free market. More than 50 scholarly, not-for-profit medical and scientific societies have endorsed the *DC Principles for Free Access to Science* (<http://www.dcprinciples.org/>). Through this and similar initiatives, the

marketplace is developing new and sustainable business models. These efforts should be encouraged, not stifled by a one-size-fits-all mandate from NIH.

If implemented, it is likely that the NIH open access model will force publishers to assess page charges, or similar fees, on authors to submit and publish a paper. Again, this model raises serious questions, particularly for young investigators (e.g., undergraduate and graduate students, post-doctoral fellows, faculty at teaching institutions, and foreign researchers). Not all of these individuals will have adequate funding to pay potentially significant page charges to submit their research for publication. Some estimates suggest that page charges could range from \$2000 to \$7500 an article. These costs, which cover peer-review, copy-editing, layout, and other editorial services, must be covered from some funding source. Thus, one must ask how a journal publisher could afford to publish an article from a foreign scientist that lacks the resources to pay such high page charges. Additionally, this new funding model could impact the quality of the scientific research published in a journal funded through page charges. If journal editors must assure they publish enough articles from researchers with the capacity to pay high page charges, the science community has no assurance that the research they are reading is indeed of high quality, and not questionable or incomplete findings of a well-funded researcher.

Finally, science is increasingly inter- or multi-disciplinary in nature, as evidenced by recent NIH partnerships and meetings with science programs supported by the Department of Energy and the National Science Foundation. Thus, an NIH open access policy affects scientific interests and entities beyond the scope of NIH; a concern that many in the science and scientific publishing community feel NIH has not fully considered. The NIH open access policy requests that all NIH grantees, contractors, or personnel provide the agency with an electronic copy of peer-reviewed and copy-edited manuscripts that have been accepted for publication, or the published version of a paper produced with "any" amount of support from NIH. Some in the science community think that this policy could depress interdisciplinary research or, alternatively, force NIH policies and procedures on publishers of non-medical journals. For instance, assume that a microbiologist is funded by NIH to conduct medically-relevant microbiological research. A marine science colleague is funded by NOAA or NSF. The marine scientist observes what he/she believes to be a new microbe while conducting research in an intertidal zone. The marine biologist speaks to their NIH-funded colleague who agrees to assist with the identification of the new microbe. The results are presented in a paper that neither scientist had planned to submit and thus has not reserved adequate grant funds to cover page charges. According to the proposed NIH policy, even if the NIH funded microbiologist were the fifth author on the paper and the article is submitted to a marine biology journal the article would be deposited with the NIH and made freely available to anyone six months after publication. Thus, the NIH plan would impact research outside of NIH jurisdiction. If this is the desired goal, a more thorough and open consideration of this matter, including appropriate Congressional hearings should be conducted. If this is not the goal, the policy should be clarified such that NIH does not regulate research primarily supported by other federal and/or non-federal agencies.

Until the marketplace, scientific community, Congress, and federal science agencies have had an opportunity to more thoroughly consider the ramifications of open or free access to the scientific literature, the proposed open access policy should be withdrawn. Thank you for your consideration in this matter. Please do not hesitate to contact AIBS if we might be of any assistance in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "O'Grady", written in a cursive style.

Richard O'Grady  
Executive Director  
American Institute of Biological Sciences