



*American Society for Investigative Pathology*

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November 10, 2004

Elias Zerhouni, MD  
Director, National Institutes of Health  
9000 Rockville Pike  
Bethesda, MD 20892

Re: "Enhanced Public Access to National Institutes of Health (NIH) Research Information," *Federal Register* (Volume 69, Number 180, Page 56074)

Dear Dr. Zerhouni:

The American Society for Investigative Pathology (ASIP) is a 501(c)3 not-for-profit organization whose mission is to create, advance, and disseminate information and knowledge concerning the pathogenesis of disease. Like many not-for-profit scientific societies, our mission is achieved through scientific meetings, educational courses, and the production of our scholarly scientific journals: *The American Journal of Pathology* and *The Journal of Molecular Diagnostics*.

ASIP is a signatory to the Washington DC Principles for Free Access to Science ([www.dcprinciples.org](http://www.dcprinciples.org)) and is committed to providing open access and wide dissemination of published research findings. We provide free and immediate public access to all our abstracts, and, effective January, 2005, we will provide free public access to our full articles 6 months (*The American Journal of Pathology*) or 12 months (*The Journal of Molecular Diagnostics*) after publication. More recent articles are available for free to subscribers or at the modest cost of \$8.00 to non-subscribers. Furthermore, we have joined the World Health Organization's HINARI initiative, allowing free access to journal articles to underdeveloped nations and we make special provisions through our website ([www.asip.org](http://www.asip.org)) for patients and their family members to request complimentary immediate access to specific articles for educational purposes.

The current business model for our journals depends on multiple revenue streams from member subscriptions, institutional subscriptions, advertising, reprints, and author charges. Changes that would result from the NIH proposal "Enhanced Public Access to National Institutes of Health (NIH) Research Information" may endanger our subscription base and consequently our advertising revenue, requiring us to triple author charges to be able to continue to afford to publish our journals. Whatever net revenue is currently generated from our journals is used not only to support enhanced publishing features, but also to support trainee and young investigator access to our meetings, journals, and educational courses. Loss of such revenue will signal the end of such programs.

The ASIP Council is concerned that the NIH proposal as currently worded may have unintended adverse consequences on the ability of not-for-profit societies to fulfill their obligations to the scientific community. Specific points of our consideration of the NIH proposal include:

### **Redundancy of PubMedCentral and the Integrity of the Scientific Literature**

The proposal defines the final manuscript as “the author's version resulting after all modifications due to the peer review process,” and thus does not explicitly ask for the final publisher-edited manuscript. Our authors recognize that serious errors in manuscripts are frequently corrected *after* the peer review process. We are extremely concerned that using any version other than the true “final” one that will be on our journal website after full redaction will cause confusion, at a minimum, and could significantly compromise the scientific record. Copyediting, proofing, reference checking, formatting of images, tables and data sets, and other functions performed by publishers add real value to manuscripts. It would be significantly less costly and more respectful of the integrity of the scholarly publishing enterprise for an NIH repository of peer-reviewed NIH-funded research to have links to our journal websites rather than providing an alternative version of manuscripts. If NIH staff require access to these articles for searching and indexing purposes related to grant evaluations, ASIP would be willing to discuss mechanisms whereby NIH staff can have access to our publications' materials for private indexing and searching use.

### **Request vs. mandate**

Although the proposal reads: “The NIH intends to request that...,” ASIP Council feels that most, if not all, authors will view this as a mandate.

### **One size does not fit all: the six-month rule**

Like many other publishers of scholarly scientific journals, ASIP makes the content of its journals freely available after a designated period of time, based on our best assessment of the negative financial impact that shorter periods would have. By imposing too short an interval between publication and free access, the existence of some journals (and the not-for-profit associations that publish them) may be jeopardized. It is critical to consider that some specialized disciplines may be differentially impacted by the NIH proposal. Would there not be a more significant impact on journals that publish less frequently than monthly? Yet, the NIH proposal does not provide any financial impact data on varying segments of the scientific publishing enterprise. ASIP was planning to initiate a “publish-ahead-of-print” feature, which would advance the online publication date of many of our articles. In practice, the proposed NIH six-month delay of free access to articles would be a three-month delay upon the launching of “publish-ahead-of-print”, with a further deleterious impact on our subscription revenues. We are considering delaying the “publish-ahead-of-print” feature until we better understand the implications of the NIH proposal.

### **Unfunded mandate, centralized government control and the politicization of science**

ASIP is gravely concerned that there is no guarantee that PubMedCentral will survive future budget cuts or will not be affected by periodic freezes on government spending. What safeguards will be put into place to ensure that public access to the results of NIH-funded research will not be improperly manipulated for political objectives? In contrast, while it is our mission to service the scientific community as a whole and our members, authors and subscribers specifically, we have a very real commitment to the sustained archiving and access to the research published by our journals which supercedes and is independent of any current political or Federal government influence.

### **Potential impact on research funding**

Currently, ASIP's business model for scholarly scientific publishing of our journals is not completely dependent upon author charges. Implementation of the NIH proposal may require ASIP to implement a model in which all revenue is generated through author charges. Should that occur, will NIH researchers be provided with sufficient funding to publish their articles in our journals without decreasing the number of research grants that are available to sustain the American biomedical research enterprise? The vagueness of the NIH proposal to “carefully monitor requested budgets and other costing information ... [and] ensure that grantees' budgets are not unduly affected” is very troubling.

### **Cost to NIH and the American taxpayer**

ASIP sincerely doubts that the NIH cost estimate for the NIH proposal is realistic. Does this estimate include staffing as well as technical costs, including the cost of developing and maintaining state-of-the-art archiving and search capacity? This is particularly disturbing since there are several outstanding online archives that publishers such as ourselves have already invested in without depending on American tax dollars.

### **Conclusion**

As a not-for-profit organization that supports biomedical research, ASIP expends considerable time, energy, and resources in support of NIH programs. Furthermore, as a not-for-profit publisher of scientific journals that has invested in electronic dissemination, we are particularly concerned about the implications of the NIH proposal for the scientific integrity of the literature as well as our ability to publish high quality peer reviewed manuscripts in the future. ASIP urges NIH to reconsider its proposal and to develop a representative coalition of scientists and publishing partners to examine our shared goals of achieving enhanced access to the scientific literature without further endangering research dollars or the ability of not-for-profit publishers such as ourselves to cover our production costs and to promote programs to advance science for the public good.

Sincerely yours,

A handwritten signature in black ink that reads "Nelson Fausto". The signature is written in a cursive style with a large, sweeping initial "N".

Nelson Fausto, MD  
President, ASIP  
For the ASIP Council