

Response to Federal Register Notice [DOCID: fr17se04-81]
Enhanced Public Access to National Institutes of Health (NIH) Research Information
Submitted by: The American Society of Plant Biologists

November 16, 2004

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

Dear Dr. Zerhouni:

A notice published September 3, 2004 in the National Institutes of Health (NIH) Guide to Grants and Contracts [NOT-OD-04-064] and September 17 in the Federal Register [DOCID: fr17se04-81] raises concerns about the future quality of medical science publishing.

NIH is calling for public comments on its plan to mandate that all final version manuscripts be submitted to NIH upon acceptance for publication if the research was supported in whole or in part by NIH funding. This would include all research grants, cooperative agreements and contracts as well as National Research Service Award (NRSA) fellowships, as explained in the notice.

NIH would mandate that all private-publisher-reviewed and accepted manuscripts would be redirected to the federal site, PubMed Central (PMC). PMC is NIH's digital repository for biomedical research. This federally mandated posting of a private-publisher-reviewed manuscript would occur six months after publication, or sooner if the private publisher agrees.

Private non-profit publishers share the goal of ensuring that scientific information arising from NIH-funded research is available in a timely fashion to other scientists, health care providers, students, teachers, and the many millions of Americans searching the web to obtain credible health-related information. Indeed, non-profit science societies and publishers are already investing in practices that would provide significantly better public access to reviewed and edited journal articles than is proposed in the September 3 and 17 notice.

If publishers are forced to close down their journals, because current subscribers could opt instead to access articles for free from PubMed Central, this could undermine the diversity in scientific review and publishing that currently exists. It also raises questions regarding censorship. Would the government appoint editorial review panels, if the private journals no longer existed to support editorial review panels? This is a question that needs further review by NIH and Congress before there is implementation of the proposal.

Many non-profit publishers, including the American Society of Plant Biologists, already place their journal articles on the HighWire Library of the Sciences & Medicine site at <http://highwire.stanford.edu>. This web site, which was privately developed by HighWire Press, an imprint of Stanford University Libraries, has search capabilities exceeding those of PubMed Central. Readers can conduct sophisticated searches for content resident on the site and can follow toll-free reference links to other HighWire-hosted journals. In addition, over 600,000 articles on the site are freely available to the public. This free and sophisticated search access to published articles is determined and supported by private non-profit science publishers, without mandates from the government. It constitutes a potent existing resource of considerable value that does not require expensive duplication by the NIH.

There are a number of other powerful tools available to provide easy access to scientific literature. More than 770 scientific, technical and medical publishers participate in CrossRef (www.crossref.org). This is a not-for-profit network established to provide reference linking across publications. The Internet search engine Google, as a result of the voluntary participation by non-profit science publishers, searches the scientific literature so one can readily obtain links to scientific information even without knowledge of specialized sites.

There is a danger that manuscripts placed on PubMed Central under the NIH September 3 and 17 notice could be plagued with scientific errors that would otherwise have been caught in the intensive scientific editing process that manuscripts undergo prior to actual publication in journals. This mandatory publishing by NIH of "rough-cut" articles could weaken the quality of science publishing and of science in our nation. Potential hazards could also be presented to unsuspecting readers of the unfinished articles on PubMed Central.

Non-profit science societies and publishers know that their future ability to assure the highest quality of science publishing is placed in doubt by the September 3 and 17 notice.

Key members of Congress have expressed concerns with problems in the September 3 and 17 notice. We urge you to delay implementation of the proposal in the September 3 and 17 notice until Committees in Congress can review this proposal. This is necessary because the proposal outlined in the September 3 and 17 notice is not now specifically authorized in the authorizing statute. There are valid questions that the proposal may not be in accordance with Intellectual Property statutes approved by the Judiciary Committee and Congress. This requested delay of implementation would also allow further interaction between NIH and non-profit science societies and publishers. Major areas that must be resolved are ways to assure:

- maintaining world leadership in medical science publishing here in the United States
- maintaining our nation's world leadership in medical research
- observing all relevant Intellectual Property statutes
- providing workable, state-of-the-art access to highest-quality research articles in a manner that is voluntarily agreed to and supported by non-profit publishers and the public
- encouraging further development of services that interpret findings in medical science journals into language that could be understood by the public and by scientists not trained in a particular subfield of science addressed in an article

- Providing public access in a way that does not destroy a world-renowned private non-profit science publishing industry based in the U.S.

This September 3 and 17 notice should not be viewed as a competition between NIH and non-profit science publishers. Review by Congressional Committees and further interaction between non-profit science publishers and NIH is needed to reach agreement on the best approach to accessing medical science findings.

Sincerely,

Roger Hangarter, PhD
President, American Society of Plant Biologists