



September 8, 2004

The Honorable Arlen Specter, Chairman
Senate Appropriations Committee on Labor-HHS-Education

The Honorable Tom Harkin, Ranking Member
Senate Appropriations Committee on Labor-HHS-Education

Dear Senators Specter and Harkin:

I am writing on behalf of not-for-profit scholarly publishers to ask you to halt the NIH's current efforts to develop a government-run distribution center for scientific research articles. This program has apparently been under discussion at the NIH for some time, but scientific journal publishers were not consulted about it until after the fact. Although it is certainly justified for the NIH to collect manuscripts for internal use to manage its research portfolio, it is unacceptable for the NIH to mandate a timetable by which the public will be given free access to articles destined for publication in scientific journals.

The development of a government-run free manuscript distribution program should be put on hold until the following issues can be addressed by the General Accounting Office:

- ***Is the proposed national repository in the best interests of science?***
- ***How will the proposed system of mandated free access affect scientific publishing in the U.S.?***

The organizations that have co-signed this letter include many of the original signatories of the Washington DC Principles for Free Access to Science. Signers also include other scientific societies and not-for-profit publishers who share the concerns expressed in this letter about the House report language.¹

¹ The DC Principles is a declaration that describes the on-going efforts of not-for-profit publishers to make science freely accessible. This declaration was released in March 2004 on behalf of 53 not-for-profit society and university presses that collectively publish more than 380 journals and represent some 600,000 scientists. The DC Principles publishers have already made more than 800,000 scientific articles freely accessible on the web and have undertaken numerous efforts to improve access to the articles published in our journals. The DC Principles are attached, and further information is available on the web at www.dcprinciples.org.

NIH's plans to disseminate research manuscripts through PubMed Central first came to light when the House Appropriations Committee released the report that accompanied H.R. 2660. In the National Library of Medicine (NLM) section, the House instructed the NIH to develop a plan requiring extramural researchers to deposit with the NLM manuscripts accepted for publication in peer-reviewed scientific journals. We understand that the NIH requested this language and that in fact the agency had been working on this plan for at least a year. The House report also set a timetable for when manuscripts would be opened up to the public for free access. The general rule would be that manuscripts would be made publicly available after six months, but immediate free access would be granted if the author used NIH funds to pay publication-related costs such as page charges.

After information about the House report language was made public NIH Director Elias Zerhouni met with a group of scientific and medical publishers on July 28. In that meeting he said he was already prepared to propose a plan along the lines suggested in the House report. Publishers were surprised that the plan had been formulated without input of the not-for-profit community since our publications have been heavily involved in efforts to improve public access to scientific research.

As scientific publishers, our disagreement is not about whether scientific research should be made broadly and readily accessible. Rather, it is about how best to do so.

As things now stand, depositing articles with the NLM's PubMed Central website is a voluntary decision made by publishers, and the publishers themselves determine when to lift subscription-based controls to access. A government-mandated schedule for giving away journal manuscripts will cause harm to some publications that rely upon subscription revenues to cover their costs. Furthermore, we object in principle to the notion that the government rather than the journal determines when it is appropriate to make content accessible.

On Friday, September 3, a notice was published in the NIH *Guide to Grants and Contracts* requesting comments on an agency plan "to enhance public access to NIH-funded health related research information" by "[e]stablishing a comprehensive, searchable electronic resource of NIH-funded research results and providing free access to all." The NIH plan does not require immediate free access. Instead, all articles will be opened to the public after six months. Nevertheless, the proposal will reduce the value of subscriptions to many journals because it gives away the manuscripts of articles that have been accepted for publication.

Although Dr. Zerhouni modified the NIH proposal in response to some of the concerns of not-for-profit publishers, the fundamental elements of the House report language still stand. We urge the Senate to seek answers to important questions about the House recommendations before allowing the NIH to proceed.

Financial issues are but one of the problems. Scholarly publishers in the U.S. have made significant investments in technology and software that have brought us to the point where scientific research reports are now rapidly available to a wider audience than ever before. Publishers need the support of the Congress to continue the major financial investments that electronic publishing requires. Legislative language such as that in the House report could put

the whole scholarly publishing enterprise at risk because it would prevent us from recovering publication costs, such as those associated with scientific peer review and editorial copyediting, as well as formatting and hosting electronic documents that are linked to references and supplemental materials.

Journals also play important roles in promoting science. By providing an outlet for the publication of specialized research, journals serve as a focal point for communities of scholars. Furthermore, the funds that scholarly societies derive from their journal programs have enabled them to fund many important innovations in electronic publishing, as well as to support research, scientific meetings, educational programs, etc.

Journal revenues underwrite activities that are a public good that supports science. A government-run mandatory distribution system threatens these activities because it undermines the viability of subscription-based publications.

Beyond the question of economic impact on our journals, we do not believe that creation of a centralized government-run repository is necessary to ensure access to science or desirable as a matter of public policy. Some DC Principles signatories already deposit their content with PubMed Central on a voluntary basis. Others have opted not to do so and place their content instead on the HighWire Library of the Sciences & Medicine site at <http://highwire.stanford.edu/>. This website, which was privately developed by HighWire Press, has search capabilities exceeding those of PubMed Central. Readers can conduct sophisticated searches for content resident on the site including following reference links to other HighWire journals. In addition, readers can search for topics in the 14 million articles published in more than 4,500 Medline journals. As of this point in 2004, about 1 million of those articles are freely accessible.

There are other powerful tools available to provide ready access to the scientific literature. More than 500 scientific, technical, and medical publishers participate in CrossRef (www.crossref.org), a not-for-profit network established to provide reference linking across publications using Digital Object Identifiers (DOI) that are incorporated into the text of documents. Furthermore, the popular internet search engine Google searches the scientific literature so one can obtain scientific information even without knowledge of specialized sites.

The development of sites such as the HighWire Library of the Sciences & Medicine and CrossRef and the expanded utility of search engines such as Google demonstrate that it is unnecessary for content to reside on one server in order to find it. This further demonstrates that the private sector has already taken steps to provide ready access to the scientific literature.

Turning PubMed Central into a national repository raises other policy concerns. First and foremost, it is not in the best interests of science to place a government agency in the position of gatekeeper for public access to research. Although the accepted manuscripts to be deposited in PubMed Central will have undergone peer review, scientific errors are sometimes discovered during copyediting and editorial proofreading. Inadvertent dissemination of erroneous information may have more significant consequences if such manuscripts are archived on an official government website.

In addition, the cost of developing and hosting such a website as well as the ongoing costs associated with maintaining it will stand in competition with NIH's research programs. PubMed Central already comprises a \$2.5 million annual expenditure within the budget of the National Library of Medicine. There are sharp differences of opinion about how much it would cost to establish a repository for all NIH-funded research manuscripts. NIH estimates that it would cost no more than another \$2.5 million, while some publishers believe that it might cost as much as \$50 million a year.

The assumptions underlying cost projections should be examined to determine how realistic they are.

One of the main arguments underlying both the House language and the NIH proposal is that if tax dollars helped underwrite the research, the public should not have to pay further for access to research results. When this concern is raised, it is sometimes unclear whether "the public" in question refers to individual patients or to all consumers of research results, including scientists in academia and industry.

Helping individuals obtain information about medical conditions is one of the NIH's missions, and the Institutes have hundreds of web pages devoted to providing such information. These pages are centrally accessible from the NIH's own health information page (<http://health.nih.gov/>). In addition, information about on-going NIH clinical trials across the Institutes may be obtained from (<http://www.nih.gov/health/clinicaltrials.htm>). Health information is also available through the National Library of Medicine's MedLinePlus (www.medlineplus.gov) and from the Department of Health and Human Services HealthFinder web page (www.healthfinder.gov). These sites provide consumer-oriented content that has been reviewed by scientific experts as well as links to voluntary health organizations and support services.

Some argue that consumer-oriented information is insufficient and that as taxpayers, patients should have access to journal articles on their conditions. However, the House proposal will only provide access to research funded by the NIH. If as the NIH argues, this only covers about a third of research articles published, then patients will still find themselves without access to two-thirds of the scientific literature.

Solving the problem of patient access to research will require cooperative efforts between patients and publishers. Most of our journals already provide copies of articles without charge to individuals dealing with personal or familial health problems. Publishers are also exploring with voluntary health agencies additional ways to expedite access to this information.

What about other "public" consumers of research? Up until this point, the norm was that journal subscriptions were a cost of doing research. The advent of the Internet makes it easier to disseminate information, but it does not eliminate the costs of publishing.

The NIH should not take it upon itself to donate scientific content not only to U.S. researchers and companies but also to the world at large, particularly when doing so will harm the economic interests of U.S. scientific publishers.

Providing free access to research manuscripts also has intellectual property implications. Manuscripts will have to be deposited with PubMed Central even if only one author receives NIH funds. In this era of collaborative science, research teams often include scientists from several nations so this language would put the U.S. government in the position of mandating the disposition of intellectual property from researchers around the world.

In conclusion we strongly urge you to halt the NIH's efforts to make PubMed Central a repository for research manuscripts until the General Account Office can address the aforementioned issues.

Sincerely,



Martin Frank, PhD
Coordinator, DC Principles Coalition
Executive Director, American Physiological Society

Attachment: DC Principles of Free Access to Science

This undersigned organizations are members of the DC Principles Coalition unless otherwise indicated:

American Association of Anatomists*
American Academy of Pediatrics
American Association for Cancer Research
American Association for Clinical Chemistry
American Cancer Society
American College of Chest Physicians
American College of Nutrition
American College of Physicians
American Dairy Science Association
American Diabetes Association
American Institute of Biological Sciences
American Physiological Society
American Psychiatric Publishing
American Roentgen Ray Society
American Society for Biochemistry and Molecular Biology
American Society for Clinical Investigation
American Society for Clinical Nutrition
American Society for Investigative Pathology
American Society for Nutritional Sciences
American Society for Pharmacology and Experimental Therapeutics

American Society of Animal Science
American Society of Hematology
American Society of Clinical Oncology
American Society of Plant Biologists
American Society of Tropical Medicine and Hygiene
Anthropology Review Database
Association for Molecular Pathology
Association for Research in Vision and Ophthalmology
Association of Biomolecular Resource Facilities
Biophysical Society
Company of Biologists Limited
Cooper Ornithological Society*
Genetics Society of America
Pacific Seabird Group*
Project Hope
Protein Society
Radiological Society of North America
RNA Society*
Royal College of Psychiatrists
Society for Experimental Biology and Medicine
Society for Leukocyte Biology
Society for Neuroscience
Society for the Study of Reproduction
Society of Nuclear Medicine
Society of Surgical Oncology
The American Society of Nephrology
The Botanical Society of America
The Endocrine Society
The Histochemical Society
The International & American Associations for Dental Research
The Physiological Society
The Rockefeller University Press
Society of National Association Publications
Waterbird Society*
Wilson Ornithological Society*

**Not a DC Principles signatory*

Washington D.C. Principles For Free Access to Science

A Statement from Not-for-Profit Publishers

(MARCH 16, 2004) - WASHINGTON, DC – As scholarly, not-for-profit publishers, we reaffirm our commitment to innovative and independent publishing practices and to promoting the wide dissemination of information in our journals. Not-for-profit scientific, technical, and medical publishers are an integral part of the broader scholarly communities supporting scientists, researchers, and clinicians. We work in partnership with scholarly communities to ensure that these communities are sustained and extended, science is advanced, research meets the highest standards, and patient care is enhanced with accurate and timely information.

We continue to support broad access to the scientific and medical literature through the following publishing principles and practices.

1. As not-for-profit publishers, we see it as our mission to maintain and enhance the independence, rigor, trust, and visibility that have established scholarly journals as reliable filters of information emanating from clinical and laboratory research.
2. As not-for-profit publishers, we reinvest all of the revenue from our journals in the direct support of science worldwide, including scholarships, scientific meetings, grants, educational outreach, advocacy for research funding, the free dissemination of information for the public, and improvements in scientific publishing.
3. As not-for-profit publishers, we have introduced and will continue to support the following forms of free access:
 - Selected important articles of interest are free online from the time of publication;
 - The full text of our journals is freely available to everyone worldwide either immediately or within months of publication, depending on each publisher's business and publishing requirements;
 - The content of our journals is available free to scientists working in many low-income nations;
 - Articles are made available free online through reference linking between these journals;
 - Our content is available for indexing by major search engines so that readers worldwide can easily locate information.
4. We will continue to work to develop long-term preservation solutions for online journals to ensure the ongoing availability of the scientific literature.
5. We will continue to work with authors, peer-reviewers, and editors for the development of robust online and electronic tools to improve efficiency of their important intellectual endeavors.
6. We strongly support the principle that publication fees should not be borne solely by researchers and their funding institutions, because the ability to publish in scientific journals should be available equally to all scientists worldwide, no matter what their economic circumstances.
7. As not-for-profit publishers, we believe that a free society allows for the co-existence of many publishing models, and we will continue to work closely with our publishing colleagues to set high standards for the scholarly publishing enterprise.