



Submitted Electronically to: publicaccess@ostp.gov

December 28, 2011

RE: Request for Information: Public Access to Peer-Reviewed Scholarly Publications Resulting From Federally Funded Research

Dear Sir or Madam:

The American Society of Hematology (ASH) appreciates this opportunity to respond to the Office of Science and Technology Policy's November 3, 2011 Request for Information on Public Access to Peer-Reviewed Scholarly Publications Resulting from Federally Funded Research and share its recommendations on approaches for ensuring broad public access to peer-reviewed scholarly publications that emanate from federally funded scientific research.

ASH represents over 16,000 scientists and clinicians committed to the study and treatment of blood and blood-related diseases. These diseases include malignant hematologic disorders such as leukemia and lymphoma, non-malignant conditions including anemia and hemophilia, and congenital disorders such as sickle cell anemia and thalassemia. ASH members are active participants in federal programs, recipients of federal grants, and contributors to the federal government's research accomplishments. The Society publishes the premier scientific journal in hematology, *Blood*, and is committed to a collaborative relationship with the government to assure that important research findings are published and disseminated by print and electronic means to the public through rigorous independent peer review.

ASH fully supports the goal of broad public access to research publications. In fact, ASH supports free access to *Blood* on the broadest possible basis. Although ASH cannot adopt or support a publishing model that is not economically sustainable over the long run, certain sections of the journal are always free on-line: abstracts and tables of contents, *Inside Blood* commentaries, "How I treat" articles, and five research articles in every issue. *Blood* maintains a 12-month embargo for current articles, but content older than 12 months is free to all on-line. In addition, ASH and many other not-for-profit publishers allow free immediate access to selected articles with important public health or clinical significance and distribute free articles to scientists working in many developing nations. As a result, more scientific papers are available now to more people than at any time in history.

While federal funds may support – in whole or in part – the research reported in journal articles, it is extremely important to realize that the federal government does not pay for the very important processes that lead to the publication of that research. ASH and many other not-for-profit scientific societies provide important services that are necessary to ensure the publication of accurate scientific information: peer review, copyediting, formatting, printing for distribution, and publishing on-line. These services represent a substantial private sector investment that results in prompt access to research results and the reliable archiving of articles at no additional cost to the public. Mandating a specific

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time for public release of manuscripts could be detrimental to not-for-profit scientific societies like ASH and jeopardize the crucial processes that are necessary to ensure that publications provide accurate scientific information.

There are several critical questions that must be addressed when Federal agencies consider developing a public access policy. These include: What will be the impact on scientific journal business models? What will be the impact on peer review? What will be the impact of expanded access on federal influence on research? What will be the impact of expanded access on federal funding of research? How will authors pay for expanded access and how will a public access policy impact limited research dollars? Below please find responses to several of the specific questions posed in the November 3 Request for Information that are relevant to the ASH membership:

Question 1: Are there steps that agencies could take to grow existing and new markets related to the access and analysis of peer-reviewed publications that result from federally funded scientific research? How can policies for archiving publications and making them publically accessible be used to grow the economy and improve the productivity of the scientific enterprise? What are the relative costs and benefits of such policies? What type of access to these publications is required to maximize U.S. economic growth and improve productivity of the American scientific enterprise?

This question appears to focus on the role of federal agencies and public access policies in helping economic growth and improving productivity of the American scientific enterprise. ASH calls your attention to a November 10, 2011 inquiry to National Institutes of Health (NIH) Director Frances Collins by Representative Joseph R Pitts who chairs the Subcommittee on Health of the Energy and Commerce Committee in the U.S. House of Representatives. Chairman Pitts raises several similar questions. The Energy and Commerce Committee is engaged in a broad review of agencies under its jurisdiction to prevent federal regulation from undermining the ability of the private sector to create or sustain jobs. The Committee is concerned that the cost of regulation not exceed any net U.S. public benefit and that regulatory policy support strong economic recovery and boosting of job creation. Consequently, the Committee is examining the impact of the NIH Public Access Policy and PubMed Central database (PMC) on the science, technology and medical publishing field. The Committee is specifically concerned about the impact of the NIH Public Access Policy on the competitiveness of the science, technology and medical publishing industry.

Regarding what type of access to publications should be required, ASH recommends that the development of any government public access policy be designed so as not to jeopardize the business model of the journal, if it is to maximize economic growth. It is critical that any public access policy implemented by federal agencies preserve the viability of peer review and ensure the integrity of the scientific record. Various journals currently use different strategies to recover the costs of these operations: some charge subscription or access fees to readers; some charge article processing fees to authors; some are subsidized by scholarly societies, research institutions, or funding agencies; and many use a hybrid model combining various funding streams in their business models. Even without a government mandate, many not-for-profit publishers provide free access to their journals either immediately upon publication or after some period. The specifics of the access policy vary according to how a journal recovers costs. Consequently, ASH believes no one solution will solve all problems and recommends that federal agencies work cooperatively with all stakeholders to address any specific issues.

Question 2: What specific steps can be taken to protect the intellectual property interests of publishers, scientists, Federal agencies, and other stakeholders involved with the publication and dissemination of peer-reviewed scholarly publications resulting from federally funded scientific research? Conversely, are there policies that should not be adopted with respect to public access to peer-reviewed scholarly publications?

Regarding intellectual property protections, ASH believes existing intellectual property and patent protections are adequate and the Society does not have further recommendations. Regarding the question of what policies should not be adopted with respect to public access to peer-reviewed scholarly publication, ASH strongly recommends that federal agencies steer away from certain policies. ASH opposes policies that impose too short of an embargo period that hamper a subscription-based business model. In addition, the Society opposes policies that impact the integrity of the scientific record by providing access to something other than the final version of an article.

Question 4: Are there models for public-private partnerships that take advantage of existing publisher archives and encourage innovation in accessibility and interoperability, while ensuring long-term stewardship of the results of federally funded research?

Since 2006, ASH has participated in the PMC(NIH Portfolio) Archive program as an alternative to the NIH Public Access Policy. The NIH Portfolio program works as follows: Participating publishers submit to NIH the final version of NIH funded research articles upon publication. NIH has internal use only of the articles during the journal's embargo period, which can be no longer than 12 months. During the embargo period, NIH can link to the journal website to provide access to NIH-funded research articles. Following the embargo period, NIH can provide links to the journal and can also distribute the articles directly through its PMC website. While the NIH Portfolio program is not ideal from the publisher perspective because it has implementation costs, ASH strongly believes it provides a better alternative for *Blood* and *Blood* authors than the NIH Public Access Policy.

Advantages of the NIH Portfolio program include:

- NIH obtains 100 percent compliance in its Public Access Policy by participating journals because the journals submit to NIH the final version of all NIH funded research articles upon publication on behalf of their authors.
- Authors of participating journals do not have to submit their manuscripts to NIH through the NIH Public Access Policy, but are fully compliant because the participating journals submit for them.
- NIH also has the ability to create a stable archive of peer-reviewed research publications resulting from NIH-funded research and a secure searchable compendium of these peer reviewed research publications that NIH can use to manage research portfolios and set research priorities.
- The program protects the integrity of journal articles by allowing the journal to submit the final article.
- The program also maintains journal business models by protecting the embargo period and the peer review system.
- The program allows expanded free access of science to researchers and the public.

Question 6: How can Federal agencies that fund science maximize the benefit of public access policies to U.S. taxpayers, and their investment in the peer-reviewed literature, while minimizing burden and costs for stakeholders, including awardee institutions, scientists, publishers, Federal agencies, and libraries?

ASH respectfully recommends that first federal agencies explore the question of access and the extent of any problem. As noted above, ASH believes no one solution will fit all problems and it would be best to work cooperatively with all stakeholders in addressing specific issues. Again, while not ideal from the publisher perspective, ASH strongly believes the NIH Portfolio program, which was developed collaboratively between medical society publishers and the NIH, could serve as one paradigm.

Question 8: What is the appropriate embargo period after publication before the public is granted free access to the full content of peer-reviewed scholarly publications resulting from federally funded research? Please describe the empirical basis for the recommended embargo period. Analyses that weigh public and private benefits and account for external market factors will be particularly useful. Are there evidence-based arguments that can be made that the delay period should be different for specific disciplines or types of publications?

ASH believes the embargo period needs to be suited to the needs of the stakeholders. The NIH Portfolio program allows for a 12-month embargo, which works for most not-for-profit publishers. This decision was made recognizing the important role journals play in the validation and dissemination of scientific information and that a shorter period would jeopardize the ability of the journals to sustain the peer review process should subscription revenues decline if the embargo period were reduced. However, different fields of science have different patterns of usage and citation. There appears to be no uniform optimal embargo period across all scientific disciplines. While a 12 month embargo might work for most journals in the research areas funded by the National Institutes of Health, it is unlikely that the same is true for research funded by other federal agencies.

Again, ASH appreciates the opportunity to submit these comments and the Society would be pleased to further discuss its public access policy. For more information, please contact ASH Senior Director of Government Relations, Practice and Scientific Affairs Mila Becker at mbecker@hematology.org or 202.776.0544.

Sincerely yours,



Armand Keating, MD
President