



January 8, 2016

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National Institute of Food and Agriculture  
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Re: Policy to increase access to the results of federally-funded agricultural research (Federal Register Doc. 2015-12086)

To Dr. Tanger:

The Professional and Scholarly Publishing Division of the Association of American Publishers (AAP/PSP) and the International Association of Scientific, Technical, and Medical Publishers (STM) appreciate the opportunity to comment on the US Department of Agriculture (USDA) Implementation Plan to Increase Public Access to Results of USDA-funded Scientific Research (the Plan). Our members see themselves as integral partners with the scholarly research community in the U.S. and with USDA as it seeks to promote research and innovation. We hope this input will be helpful and look forward to working with USDA as it seeks to provide broader access to products produced during and related to research funded by the Department.

AAP/PSP and STM are the major US and international trade associations for professional and scholarly publishers. Our 150+ members focus on creating and preserving the best scholarly communication, validated through peer review and disseminated worldwide to inspire new avenues of thought and advance discovery and innovation. AAP/PSP and STM members include non-profit professional societies, commercial publishers, and university presses that create books, journals, computer software, databases, and electronic products in virtually all areas of human inquiry and activity. Collectively, they represent tens of thousands of publishing employees, editors and authors, and other professionals throughout the world who regularly contribute to the advancement of American science, medicine, learning, culture and innovation. They comprise the bulk of a \$10 billion publishing industry that contributes significantly to the U.S. economy and enhances the U.S. balance of trade.

Our members make significant intellectual contributions that shape the scholarly record and investments that improve the quality, discoverability, and availability of peer-reviewed articles and other publications. They publish the vast majority of materials used in the U.S. by scholars and other professionals, and they are the worldwide disseminators and archivists of this content in both print and electronic form. A major goal of our members' publishing activities is to help produce and provide

access to high-quality peer-reviewed articles in a useful and user-friendly digital environment that enables researchers and other readers to discover, analyze, and link to the latest breakthroughs and developments in scholarly research. In particular, publishers of scientific and medical journals have, for more than 100 years, played an integral role in building and documenting the U.S. scientific research enterprise. In this context, it is important to emphasize that the publications produced by our members and which report on USDA-funded research are not the “result” of federal grants, but represent significant investments by the publishing organizations to improve, disseminate, interpret, and steward high-quality peer-reviewed articles that contribute to the research conversation. Such articles are made widely available on publisher platforms to anyone, immediately upon publication, through a variety of access mechanisms.

AAP/PSP, STM, and our members have supported the principle that the public should have access to articles that report on federally funded research. AAP/PSP publicly supported the February 22, 2013 Executive Office of the President Office of Science and Technology Policy (OSTP) memo on “Increasing Access to the Results of Federally Funded Scientific Research”, and our members have been working for years on efforts to promote sustainable public access. These efforts include free or low-cost access to articles for target communities through Research4Life (in partnership with the United Nations), the Emergency Access Initiative (in partnership with the National Institutes of Health), patientINFORM (in partnership with health advocacy organizations), and patientACCESS, among others. They also include innovative business models like article rental and delayed access that allow for easy free or low-cost access in a sustainable system. Some efforts, like Hinari (part of Research4Life), focus specifically on agricultural and other research pertinent to development. Many of our members also voluntarily provide free access to all articles that they publish after a delay that is appropriate for their journals’ disciplines and practices. Our members, as well as AAP/PSP and STM on their behalf, have participated in and supported many public-private partnerships to deliver value to the public, and they are supporting the collaborative effort of CHORUS (the Clearinghouse for Open Research of the United States) to deliver public access in a way that minimizes costs for the public, agencies, researchers, and publishers alike.

In this spirit, we very much appreciate USDA’s commitment in its Plan to consult with and work with stakeholders, including publishers. We note that USDA’s approach – emphasizing an incremental and iterative process; a desire to minimize burdens on the scientific community, including researchers, professional societies, and publishers; and a flexible approach that recognizes the differences among agency and stakeholder needs – is a thoughtful framework for moving forward.

Just as the Plan notes that USDA needs to “[d]evelop a business plan that details a sustainable funding model” for implementation of public access policies, so too do individual publishers need business models and an operating environment that provides sustainable funding to enable publishers to continue the work that is so important to the scholarly community.

We hope that the Plan’s frequent calls for discussions with publishers will bear fruit as the Department works to implement the Plan in the coming years. While there are some areas that our members will need to discuss individually with the Department, below we highlight areas where we hope that we can take collective steps to ease the process for researchers, USDA, and other stakeholders and to minimize any negative impact on the scholarly communication ecosystem.

**1. Maintain commitment to proceed carefully, incrementally, and in close consultation with stakeholders to avoid unintended consequences**

We appreciate the Plan’s careful articulation of the issues involved in providing public access to private sector articles that report on federally funded research. We recognize that the implementation schedule takes an incremental approach and provides for regular reviews of the impact of the policy, which we believe is appropriate. We also appreciate the opportunity for all who are affected by the policy to comment, including through call for comment.

Our associations and their members have engaged in consultations with a coalition of agencies at the National Academies (in May 2013) and the Forum on Open Science and look forward to continued engagement. We would welcome even more open communication as the Plan is implemented.

In particular, in as much as USDA is working with the OSTP’s interagency working group on public access, we encourage agencies, individually and collectively, to consult with publishers to inform interagency discussions as policies move forward with implementation.

We also appreciate the Plan’s continued reference to using existing standards, an important consideration where publishers and other stakeholders have invested significant time and energy and a contrast to the approach taken by some other federal agencies. We urge USDA to continue its commitment to building on infrastructure already established, where possible, and working with the relevant communities to use the most appropriate approaches to enhancing access to the results of research.

**2. Take a flexible approach to managing unique discipline communities to sustain the quality, integrity, and availability of high-quality peer-reviewed articles reporting on scientific research**

The diversity of research supported by the government calls for diverse solutions that recognize differences in communication practices among research disciplines and the need for approaches that enable the sustainability of research communication in those disciplines. Accordingly, we are concerned with the Plan’s initial implementation of a 12-month embargo for all articles. While we are encouraged that the Plan indicates that USDA will “adopt a systematic approach” to “[p]rovide a mechanism for stakeholders to petition for changing the 12 month embargo period for a specific field” through evidence, we are concerned about the lack of detail in how such petitions will be considered and the evidentiary standard for considering such changes.

Such a starting point is contrary to evidence-based decision making and evidence already available, which we provided at the open session held by USDA and other agencies at the National Academies in 2013. An evidence-based policy would recognize the differences among practices in various fields and set embargoes appropriately. We note that the Plan takes a cautious approach where it comes to the sharing of data, avoiding one-size-fits-all prescriptions. We hope that USDA will treat publications with an equal measure of consideration for each discipline-community’s needs.

Suggestive evidence comes from a study undertaken by Dr. Phil Davis that looked at usage patterns in more than 2800 journals across 10 disciplines.<sup>1</sup> Dr. Davis found that the majority of journals took more

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<sup>1</sup> Phil Davis, “Journal Usage Half-Life.” [www.publishers.org/usagestudy](http://www.publishers.org/usagestudy).

than 3 years to experience half of the lifetime downloads for the articles published in a volume, but that this “half-life” varied considerably by discipline. This is important information, because usage is a key criterion for library subscription decisions.<sup>2</sup> Surveys<sup>3</sup> and informal conversation further indicate that short embargoes could reduce the incentive to subscribe.

These results are consistent with the experiences of some of our members and with what is known about the use of articles by researchers. The American Psychological Association (APA) found that less than 16 percent of the usage of APA psychology journals occurs in the first year, and the American Mathematical Society (AMS) found that only 10 percent of the citations in the mathematics literature were to articles published in the previous three years combined. In addition, as reported by NSF-supported researchers at Indiana University, some papers in some fields can “remain dormant for years and then suddenly explode with great impact upon the scientific community.”<sup>4</sup> This indicates that usage varies significantly between and among journals.

The importance of such evidence to the sustainability of journals and maintenance of subscriptions is supported by experience. To cite a few examples:

- The Genetics Society of America piloted a 3-month embargo for *GENETICS* and had “a high rate of subscription cancellations”,<sup>5</sup>
- The *American Journal of Pathology* tried a 6-month embargo, and “subscription renewals declined precipitously”,<sup>6</sup> and
- The *Journal of Clinical Investigation* found a too-short embargo unsustainable. After a 10-year experiment that saw the journal lose 40 percent of its institutional subscriptions, it had to reinstitute the subscription model to survive.<sup>7</sup>

Although each of these examples involves an embargo shorter than 12 months, each of them also involves a journal that publishes in the health sciences, which is the fastest-moving field and has the highest level of federal support. We would expect that journals in other fields would have similar issues with uniformly imposed 12-month embargoes.

Throughout the world, funders have implemented policies that recognize inherent differences among the practices of different disciplines, and we urge USDA to do the same. As one example, in the United Kingdom, policymakers have instituted, as a starting point, a 24-month embargo for articles in social science and humanities journals and 12 months for other disciplines. We recommend that USDA use the Davis study and other evidence to set differentiated embargoes by discipline, as suggested in the OSTP memo.

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<sup>2</sup> For a survey of the research on cancellations related to usage data, see J. Williamson, P. Fernandez, and L. Dixon, “Factors in Science Journal Cancellation Projects: The Roles of Faculty Consultations and Data,” *Issues in Science and Technology Librarianship* 78, Fall 2014. <http://www.istl.org/14-fall/refereed4.html>.

<sup>3</sup> See, e.g., <http://blog.alpsp.org/2009/10/alpsp-survey-of-librarians-report.html>

<sup>4</sup> NSF News from the Field, “Like Sleeping Beauty, Some Research Lies Dormant for Decades, IU Study Finds,” May 25, 2015. [http://www.nsf.gov/news/news\\_summ.jsp?cntn\\_id=135258&WT.mc\\_id=USNSF\\_195&WT.mc\\_ev=click](http://www.nsf.gov/news/news_summ.jsp?cntn_id=135258&WT.mc_id=USNSF_195&WT.mc_ev=click).

<sup>5</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ostp/scholarly-pubs-\(%23293\)%20gsa.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ostp/scholarly-pubs-(%23293)%20gsa.pdf).

<sup>6</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ostp/scholarly-pubs-\(%23259\)%20ASIP%20response.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ostp/scholarly-pubs-(%23259)%20ASIP%20response.pdf).

<sup>7</sup> Reported in <http://scholarlykitchen.sspnet.org/2009/02/26/end-of-free-access>.

The wrong policy carries the risk of undermining the quality and sustainability of scholarly communication and thereby reducing the availability to USDA-funded researchers of established, high-quality journals in which to publish. While we understand and agree with USDA's approach to weigh evidence of harm "against the benefits of public access," we hope that USDA will use similar standards for evidence on both sides of the equation, as well as considering the impact of economic harm to publishers on the quality and integrity of the scholarly record. We welcome the opportunity to work with USDA as it implements the Plan to provide additional flexibility for embargoes.

### **3. Expand on opportunities to minimize administrative and researcher burdens and costs by using flexible approaches and public-private partnerships**

As evidenced by two of the three questions asked at USDA's November 23, 2015 listening session, compliance burdens are a significant concern for researchers. Publishers seek to work with authors, USDA and other federal agencies, and other stakeholders to ensure the goals of the Plan are achieved with minimal burden on researchers and minimal negative impact on the scholarly communication system.

The potential regulatory burden of the Plan should not be underestimated. According to the Association of American Universities, it takes "23 steps and several emails for authors to submit manuscripts to PubMed Central" to comply with the National Institutes of Health's Public Access Policy, and others have suggested that the requirement is even more burdensome. A major study of the experience in the United Kingdom in implementing public access mandates quantifies the burden on UK researchers. The study found that the cost to research organizations of implementing mandates put in place by Research Councils UK and the Higher Education Funding Councils in 2013/14 was at least £9.2m and an amount of time equivalent to 110 full-time staff members. The study also found that the compliance burden "falls disproportionately on smaller institutions." USDA should take steps to minimize any unnecessary costs and burdens in its implementation.

We note that the Plan indicates a desire to leverage existing Department infrastructure, and urge USDA to maintain and expand on this desire to leverage existing non-governmental resources and public-private partnerships to enable implementation. As noted in the Plan's section on data, the "scientific community's delivery infrastructure" for scholarly publications is "mature" and could be used to achieve many of the goals of the Plan for publication. We were pleased that Simon Liu mentioned CHORUS (the Clearinghouse for Open Research of the United States) several times during the listening session and hope that USDA will take full advantage of the potential of CHORUS to reduce the regulatory burden of the Plan, lower costs for the government and grantees, and support the sustainability of scholarly communication.

We were especially pleased with the clarification at the listening session that researchers will be able to comply with USDA policy simply by publishing with a CHORUS-participating publisher. We look forward to additional clarification of precisely how compliance will work. In particular, it is not clear whether the Plan will require centralized delivery of access to articles, or if distributed approaches will be allowed. The latter will enable better tracking of the use of articles and the development and accuracy of altmetrics that support the improvement of scholarly discourse. We hope we can work together on implementation of the Plan that enables both automated compliance and distributed access that supports the sustainability of scholarly communication.

#### **4. Focus on the goal of providing access to articles and ensure proper versions of articles are made available through USDA system with clear license terms**

The OSTP memo requires agencies to create plans for publications that ensure “the public can read, download, and analyze in digital form” articles that report on federally funded research. It also requires plans to comply with copyright law and “prevent the unauthorized mass redistribution of scholarly publications.” These provisions provide an ability for the government to achieve its goals of expanding the understanding of research funded by federal agencies, while avoiding undue impact on scholarly publishers, which, as the memo notes, “provide valuable services, including the coordination of peer review, that are essential for ensuring the high quality and integrity of many scholarly publications.” Copyright, and the ability to provide access and additional services enabled by an exclusive license, not only enable publishers to protect authors and preserve the integrity of the scholarly record, but ensure the continued ability of publishers to provide services to the academic community.

Publishers look forward to working with USDA to ensure that material that is distributed by USDA under the Plan complies with copyright and license terms. We appreciate that USDA worked with publishers to address concerns that, in its initial implementation, PubAg was providing access to some articles in error, either because the versions were wrong or because the article did not report on research funded by the Department. We hope that USDA will continue to be vigilant about articles collected or deposited in error, and are encouraged that the Department will work with CHORUS, which will reduce the potential for illicit access to be provided.

CHORUS, and the Crossref license metadata, will also help ensure that proper license information is connected to articles provided by USDA under its plan. We hope that in further implementation of the Plan that USDA will clarify the extent of the requirement for access and limit - it to those requirements articulated in the OSTP memo and in its Plan, and not require specific licenses for the articles to which it provides access. Some agencies appear to have taken an expansive view of the government’s license to materials that are contained in an agency repository; we hope that USDA will properly limit its license to that required to fulfill the Plan and otherwise defer to the license provided by the publisher. We would welcome additional clarification and conversation about this issue, and how best to facilitate the communication of license terms in a manner compliant with both the spirit and the letter of copyright law.

#### **5. Maintain flexible data requirements that recognize the unique research practices of different fields, and encourage collaborative private sector solutions that minimize costs and burdens**

Publishers use their high level of understanding of the difficulties in communicating, sharing, and ensuring access to quality data for the creation of data solutions with and for the scientific community. In addition to publisher efforts to create and disseminate publications that report on and analyze the latest research, publishers have considerable experience and have made significant investment in digital technology, metadata standards, and tools to help users understand and work with data. Publishers support the discoverability and reuse of scholarly data and are actively working with researchers and standards organizations to develop tools and processes to ensure the availability and utility of such data. This makes publishers uniquely positioned to collaboratively support USDA’s plans for access to digital data, ensure the long-term stewardship and discoverability of data, and support the innovation and economic development that is derived from scholarly advancements.

Publishers are working with repositories to better link to data, ensure quality citation, and develop metadata standards, and we look forward to continuing our partnerships with research communities in ensuring the quality and integrity of available data collections. We are also actively engaged in discussions about data as it relates to reproducible research. Our members would be happy to share their experiences with data and their work in partnering with data repositories where it would be helpful to support USDA's development of its requirements. AAP/PSP and STM also submitted comments in response to National Institutes of Health's February 18, 2015, Request for Information regarding "Input on Sustaining Biomedical Data Repositories," and we refer you to that submission for general comments on data stewardship and how publishers might be able to work with USDA on the implementation of the Plan for data.

## **6. Ensure adequate resources are available to support allowable costs for access to publications and data**

The Plan indicates that the policy will need to provide "[g]uidance for the inclusion of appropriate costs for data management and access in extramural funding proposals." In developing such guidance, we encourage USDA to reaffirm existing policy that allows grant proposals to include funds for all aspects of sharing the results of their research, including publication costs, and avoid putting any limitations on including such expenses in their grant proposals.

In addition, grantees frequently need additional funds, for example for publication or for data access, that were unforeseen at the time of the proposal or for expenses that have been incurred after the grant period has ended. We encourage USDA to make sure that sufficient funds are available to cover all such expenses and also that "no-cost extensions" of grants are available without prejudice to enable the full communication of research findings whenever articles may be ready to be published.

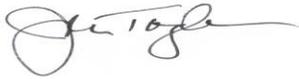
## **7. Continue clear communication and engagement with scholarly community**

The Plan consistently and repeatedly indicates that USDA will be actively engaged in consultation with all parts of the scholarly community, and we are encouraged that the Plan explicitly notes that implementation will be an iterative process. We hope that the comments that we have made here contribute helpfully to that process.

As the Plan is implemented, we encourage USDA to continue an open consultation that includes ongoing evaluation and impact assessment of the Plan. In its evaluation, we urge USDA to consider both positive and negative effects on scholarly communication and the availability of diverse, high-quality peer-reviewed articles and research data in any analysis of the Plan. The high-quality peer reviewed articles that our members produce represent significant investments by publishing organizations to improve, disseminate, interpret, and steward those reports, and the ability to continue making those investments and ensuring the quality and integrity of the scholarly record depends on the sustainability of the publishing enterprise.

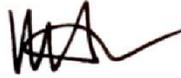
Thank you for the opportunity to comment on the Plan. We look forward to future opportunities to provide input and collaborate to ensure access to high-quality peer-reviewed scholarly communication.

Sincerely,



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