



November 6, 2015

Director,
Regulations Management (02REG),
Department of Veterans Affairs,
810 Vermont Avenue NW.,
Room 1068,
Washington, DC 20420

Re: Policy and Implementation Plan for Public Access to Scientific Publications and Digital Data from Research Funded by the Department of Veterans Affairs (Federal Register Doc. 2015-25448)

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 Department of Veterans Affairs (VA) Policy and Implementation Plan for Public Access to Scientific Publications and Digital Data from Research Funded by the Department of Veterans Affairs (the Plan). AAP/PSP and STM are the major US and international trade associations for professional and scholarly publishers. Our 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 country 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 publish the vast majority of materials used in the U.S. by scholars and other professionals in the sciences and other areas of scholarship, and they are the worldwide disseminators, archivists and shapers of the scholarly record in both print and electronic form. They make significant intellectual contributions and investments that improve the quality, discoverability, and availability of peer-reviewed articles and other publications. 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. Our members therefore are integral partners with the scholarly research community in the U.S. and with VA as it seeks to promote research and innovation. In this context, it is important to emphasize that the publications produced by our members and which report on VA-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.

In addition, 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 memo on “Increasing Access to the Results of Federally Funded Scientific Research” (the OSTP memo), 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. Many of our members 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.

Any efforts to provide wider access to research publications need to be undertaken in collaboration and consultation with the scholarly community, including publishers, to prevent any negative impacts on the research enterprise and ensure the sustainability of the scholarly communication system. This federal register notice can be a first step in such a consultation, and we would welcome further collaboration as the VA continues its development and implementation of the Plan.

Public-private partnerships

The publishing community has had broad success advancing access through public-private partnerships. One such effort, of particular relevance to VA’s mission, is the Emergency Access Initiative (EAI). EAI provides free access to full text articles from major biomedicine titles to healthcare professionals, librarians, and the public affected by disasters. Developed in partnership between publishers and the National Library of Medicine (NLM), including AAP/PSP and the National Network of Libraries of Medicine, this program demonstrates how the public good can be advanced through voluntary collaboration that can be mutually beneficial. Publishers and the public have universally seen EAI as a benefit.

As VA seeks to advance its public access policy, the Department may be well served by seeking such partnerships with organizations beyond NIH and other government agencies. We note that the Plan indicates an openness to exploring partnerships beyond the NIH with respect to data, and would encourage VA to also look at opportunities for partnership on publications and with the private sector.

One such opportunity that could save VA valuable resources is CHORUS (the Clearinghouse for Open Research of the United States)¹. This service, developed by publishers as a public service and run by a non-profit organization, enables easy, free access to articles reporting on federally funded research and ensures the identification, discovery, and long-term preservation of such articles. A public-private partnership with CHORUS or other private-sector entities devoted to providing access could be a win-win for VA, publishers, researchers, and agencies.

¹ www.chorusaccess.org

Although the Plan refers to PMC as a public-private partnership, publishers have often felt that the implementation of PMC does not fully take their concerns into account. Some of these concerns include the diversion of traffic from publisher platforms, the difficulty in obtaining usage data on publisher content accessed through the National Library of Medicine (NLM), and the reformatting of published content for delivery through NLM. Although the Plan refers to linking to content through PMC, it is not clear whether VA intends to provide links to definitive versions of content on publisher platforms in addition to content provided on PMC. Such linking would ensure that the public has access to the best available version of articles, in context and with any post-publication revisions or retractions. As VA works with PMC to implement its Plan, we encourage VA to discuss these issues with NLM and would welcome the opportunity to discuss these issues further.

Sustainability and embargoes

A key issue to ensuring the sustainability of the scholarly communication enterprise is ensuring the viability of economic models for publishing. While we appreciate that long-standing policy at VA allows researchers to use government funds to cover publication costs, including costs for publishing in open access venues, and we encourage this policy to continue, other business models are used in publishing and should not be undermined. These include subscription publishing, where costs are underwritten on the reader side. PMC's current policy, allowing for a delay before free access is mandated, recognizes that the viability and sustainability of subscription journals that serve the research public could be undermined by the free access provided by PMC. However, the appropriate delay that ensures the viability and sustainability of journals remains a subject of debate. AAP/PSP and STM are concerned that for many disciplines and much of the research funded by the VA, the Plan's restriction that publications be made available within one year of the date of publication may not be appropriate. Even though the Plan anticipates the use of PMC, which currently limits the delay before free access is provided to 12 months, VA should not cede responsibility for setting appropriate policy to the NIH and should make sure that the Plan supports the continued quality and sustainability of the research outlets that best advance the impact of VA-funded research.

We appreciate that the Plan includes an opportunity for stakeholders to petition to change the embargo period for specific fields, and that the Plan provides a commitment for timely response to such petitions. However, it is not clear what kind of evidence would meet the standard for changes to the embargo. Additional clarification in this respect would be helpful. An understanding of veteran health can come from research in fields as diverse as social science, mathematics, civil engineering, and others, in addition to biomedicine. These fields have been shown to have much longer usage curves than the health sciences.² It would be helpful for VA to clarify what additional information is necessary to support longer embargoes for some disciplines.

Redundancy and burdens on the research enterprise

Publishers are devoted to providing access to the scholarly literature, and work closely with researchers, librarians, and others in the research community to minimize the administrative burdens associated with bringing articles to publication. We are therefore concerned that, because of its choice of PMC, the Plan imposes administrative burdens on VA-funded researchers, which in our view are unnecessary and redundant.

Presentations by the Association of American Universities indicated that it takes "23 steps and several emails for authors to submit manuscripts to PubMed Central" and others have suggested that the requirement is even

² See, for example, www.publishers.org/usagestudy

more burdensome. A recent study³ showed that similar public access requirements in the UK require significant investments in time and money that takes away from research. We encourage VA to consider newer alternative mechanisms, including CHORUS, for providing access more efficiently to articles that report on funded research.

Data

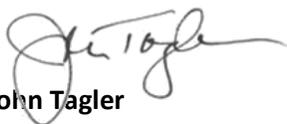
In contrast to peer-reviewed publications, which are not the “result” of federally-funded research and contain significant publisher added-value, digital data does often directly result from activity funded by the government. Publishers support better discoverability and reuse of scholarly data and are actively working with researchers to develop tools and processes to ensure the availability and utility of such data. AAP/PSP have separately submitted comments to the National Institutes of Health’s (“NIH”) February 18, 2015 Request for Information (“RFI”) 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 VA on the implementation of the Plan for data. Where appropriate, publishers would be willing to share our experience with working to publish data with VA as implementation moves forward.

Review and further plan development

Government policies to advance public access are still in their early stages of development and implementation, and we hope that you will consider and address our concerns as you continue the development and implementation of the Plan. We were disappointed that the Plan ends its consideration of the policy with respect to publications with its implementation and the petition mechanism, while it explicitly commits to an analysis of the “mosaic effects” of its data policy and further revisions. As the Plan moves forward, we encourage VA to undertake a complete analysis of the Plan as it relates to publications as well, and adjust the Plan as needed to ensure the continued quality and sustainability of scholarly communication.

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

Sincerely,



John Tagler

Vice President & Executive Director
Professional & Scholarly Publishing
Association of American Publishers, Inc.
71 Fifth Avenue, New York, NY 10003
455 Massachusetts Ave, Washington, DC 20001
jtagler@publishers.org
Phone: [212 255-1407](tel:212-255-1407)



Michael Mabe

Chief Executive Officer
International Association of STM Publishers
Prins Willem Alexanderhof 5
The Hague, 2595 BE
The Netherlands
Mabe@stm-assoc.org
Phone: [+44 1865 339321](tel:+44-1865-339321)

³ <http://www.researchconsulting.co.uk/wp-content/uploads/2014/11/Research-Consulting-Counting-the-Costs-of-OA-Final.pdf>