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May 29, 2012

Assemblyman Andrew Hevesi
Legislative Office Building, Room 742
Albany, NY 12248

Senator Carl L. Marcellino
Legislative Office Building, Room 811
Albany, NY 12247

Dear Assemblyman Hevesi and Senator Marcellino:

On behalf of the Professional and Scholarly Division (PSP) of the Association of American Publishers and the New York publishers listed below, we are writing to express our opposition to A.9162/S.7046, which would require the final manuscripts of peer-reviewed, private-sector journal articles reporting on research supported by New York State funding, be made freely available worldwide through New York State agency websites no later than six months after publication in journals. This would require public dissemination of articles after private sector non-profit and commercial publishers have made substantial investments in the articles. New York should be proud of its efforts to support research, and it is important for members of the public to be made aware of the work that New York supports. However, these goals must not be achieved in a way that harms the peer-review publishing system.

As currently drafted, A.9162/S.7046 would put New York State in direct competition with publishers' efforts to produce and disseminate validated and digitally-enhanced journal articles that analyze and interpret the results of state-funded research. It would also undermine the journal publishers' exercise of their copyrights in such materials, and adversely impact the peer review system that ensures the high quality and reliability of scientific and other scholarly research in the United States. In addition, it would impose costly new mandates on New York agencies, requiring them to divert critical research funding to create and manage new databases, archives and infrastructure that will be largely duplicative of those already existing in the private sector.

The diverse journal publishing community represented by the signatures below is devoted to ensuring wide dissemination of the results of all peer-reviewed research, including research supported by government funding. In fact, journal publishers have invested millions of dollars in technologies and innovations that enable high-quality digital peer review, production, distributions, interoperability and discovery of the latest scientific and scholarly works. PSP publishers also have been collaborating with federal government agencies to improve access to such works by all who need it. Notably, in considering how to promote public access to the results of federally-funded research, Congress has concluded that the best approach is to encourage and develop collaborative efforts among all stakeholder communities.

We welcome the opportunity to work with you to ensure your goal that New York agencies and taxpayers have greater access to the results of research projects. This legislation, however, would undermine the economic viability of independent U.S. journal publishers, many of whom are headquartered in New York or employ a significant number of New Yorkers, through direct government competition. As such, we must oppose this legislation in its current form. We look forward to working with you and your staff to explore the best way to improve public access to New York State funded research, without endangering the current peer-review publishing system that is critical to advancing scientific research.

Sincerely,



Tom Allen
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The Undersigned New York State publishers:

Acoustical Society of America
American Association of Physicists in Medicine
American Association of Physics Teachers
American Institute of Physics
American Society of Mechanical Engineers
AVS: Science and Technology of Materials, Interphases and Processing
Cambridge University Press
Ecological Society of America
Elsevier
John Wiley & Sons
The McGraw-Hill Companies
Springer Publishing Company
Taylor & Francis
Thieme Publishers
Wolters Kluwer