

14 August 2004

Lana R. Skirboll, Ph.D.
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National Institutes of Health
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Dear Dr. Skirboll,

Thank you for extending an invitation to the Ornithological Council to attend the July 28 stakeholder meeting on open access publishing. We appreciate the willingness of NIH to consider our views in crafting the “open-access” policy. These comments reiterate and extend the comments we offered at the meeting. We also propose solutions for NIH consideration.

We strongly endorse the principle that more access to information is good. Access to information is the underpinning of a free and well-functioning society. In crafting policies to increase access to information, however, it is important to avoid the inadvertent reduction in the amount of information produced. This is a possible outcome of the proposed NIH policy.

Information published in the journals of nonprofit scientific societies is already open access. It is available in libraries – many of them open to the public at no cost - and to anyone who wishes to join the society. We recognize that many people do not have easy access to libraries, and the cost of memberships may be prohibitive to some. Note, however, that this is not always the case. Membership in the member societies of the Ornithological Council ranges from \$21 to \$55 per year, with discounts for students and members in developing countries.

What NIH is calling “open access” is really “free and easy access.” This, too, is a laudable goal. Again, however, there is the real possibility that the NIH policy – which we expect other federal agencies to adopt - will so weaken the financial viability of some nonprofit scientific societies that they will cease to exist and their journals will be lost. Other journals will not have the capacity to absorb all these papers, so some of it will never be published.

Dr. Zerhouni asked at the July 28 meeting if the concerns about the NIH model of open access are just about funding. We hope that NIH understands that there is genuine concern about limiting the opportunity to publish in peer-reviewed journals. It would reduce the amount of peer-reviewed scientific information that reaches the public. It could truncate

some careers. Unfortunately, the ability to publish in peer-reviewed journals rests on the existence of those journals, which in turn rests on the financial viability of the scientific societies that publish so many of these journals.

To us, and we hope to society at large, the information published in ornithological journals (and other biology journals outside the realm of biomedicine) is every bit as critical to our well-being as that in biomedical journals. In this age of daily biodiversity crises, the science needed to prevent extinctions and ecological disasters is a vital resource.

Librarians with tight budget may not see it this way. Will university librarians will say, "our students and faculty can't wait six months for scientific literature about birds?" This may be particularly true in ornithology, because there are, in the Western Hemisphere alone, eight print journals in ornithology in English, and two more online publications. To the non-ornithologist, some of these journals may seem interchangeable. Librarians may view a six-month gap as acceptable. For a journal that publishes only 3 or 4 issues per year, this means that only the one or two most recent issues will be unavailable.

Individual members may also be willing to wait six months for free access, which would reduce memberships. We would like to think that scientists recognize the value of the existence of the society, and will choose to join even if they have free access to the journal. Unfortunately, scientific societies are no less vulnerable to the free rider problem than is the rest of society. Membership revenue will be lost. Societies that joined BioOne feared loss of memberships, although it is uncertain whether the loss of members was coincidental or in fact caused by BioOne access. However, BioOne returns revenue to its member societies, offsetting any loss in membership dues. Of course, societies do not like to lose members, for reasons unrelated to revenue, but at least their finances have not suffered. Now we have a proposal that – when extended to all federally-funded research - threatens to undermine the revenues of BioOne, and in turn, the revenues of its members.

Even a longer delay period –*defined by number of issues, not number of months* – may ameliorate the financial impacts of open access. Ornithological societies with the financial means to do so are already providing online, open-access archives to both journals and monographs. Three of our member societies have online archives with a four-year delay and a fourth is getting ready to do the same. They have determined that, for now, this is the balance between open access and financial stability that they can sustain.

Comments by representatives of PLOS, PNAS, and SPARC at the July 28 meeting suggested that every scientific society can sustain the revenue losses that will likely result from the NIH proposal. Please realize that scientific societies have reasons to want to attract and retain members for reasons other than generating revenue. We know that some proponents of open access suggest that nonprofit scientific societies will simply have to find some other source of revenue. Some will succeed in doing so, others will not. As most are volunteer-run, some may not be able to initiate other kinds of activities to generate revenue. Surely there is a means to achieve “open access” that will accommodate even those scientific societies that for some reason continue in the traditional mode. As you know, PLOS, which does not provide other functions provided by scientific societies, produces two monthly on-line journals with a paid staff of 13, a

grant of \$9 million from the Moore Foundation, author charges of \$1500 per article and membership fees (for professionals) of \$100 per year. In addition, PLOS enjoys support from four other foundations and corporate sponsorships. We wonder how long PLOS can survive without this substantial external funding, which few other societies have or can reasonably expect to obtain.

We again urge NIH to understand that some nonbiomedical journals – even those in ornithology - will be impacted by the NIH proposal because some of this research is NIH-funded, particularly in the field of animal behavior. And because the NIH model is likely to substantially influence the models adopted by other federal research agencies, including the National Science Foundation, the NIH model will soon impact most scientific journals that publish federally-funded research.

Therefore, we suggest that NIH consider incorporating the following solution to protect the viability of nonprofit scientific societies and their journals:

Exempt nonprofit scientific societies whose revenue falls below a certain level (to be determined) and/or those who derive a high percentage (to be determined) of revenue from memberships and subscriptions. The NIH proposal places the obligation to deposit the paper in the open access archive on the researcher, not on the journal. This exemption would thus apply to any research paper that the author chooses to publish in an exempt journal. If NIH and other funding agencies deem it necessary to require open access at some point, it would be reasonable to discuss a longer delay, rather than a permanent exemption.

We again express our appreciation for the careful consideration that NIH is giving to our concerns. We hope our comments, and our proposed solution, prove helpful to you in crafting the draft proposal.

Sincerely,

Ellen Paul
Executive Director