American Society for Nutrition
Excellence in Nutrition Research and Practice

March 25, 2020

Lisa Nichols, Ph.D.
Assistant Director for Academic Engagement
Office of Science and Technology Policy (OSTP)
1650 Pennsylvania Avenue NW
Washington DC 20504

Re: Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting from Federally Funded Research

Dear Dr. Nichols:

The American Society for Nutrition (ASN) appreciates the opportunity to provide comments to the Office of Science Technology and Policy (OSTP) regarding Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting from Federally Funded Research. Founded in 1928, ASN is a nonprofit scientific society with more than 7,000 members in more than 75 countries working in academia, clinical practice, government and industry. ASN is dedicated to bringing together the world's top nutrition research scientists to advance knowledge and application of nutrition. ASN supports the principle of public access to science and voluntarily has taken significant steps to support broad access to content published in our society journals. ASN publishes leading, peer-reviewed scientific journals in the areas of nutrition science and dietetics, *The American Journal of Clinical Nutrition (AJCN), The Journal of Nutrition (JN),* the review journal *Advances in Nutrition,* and the open access journal *Current Developments in Nutrition.* ASN supports efforts to explore ways to increase public access to peer-reviewed scholarly publications, data and code resulting from federally funded research with a clear, coordinated policy from the U.S. government to provide for such access with input from scientific societies such as ASN.

Below, ASN provides our perspectives (*italicized)* on the following questions presented for comment by OSTP.

(1) What current limitations exist to the effective communication of research outputs (publications, data, and code) and how might communications evolve to accelerate public access while advancing the quality of scientific research? What are the barriers to and opportunities for change?

Communications have evolved so that our current culture, including younger researchers as well as the general public, expect that content be immediately available from the internet. There are many opportunities for change, but there are many barriers and limitations that must be accounted for as we continue towards accelerating public access to all peer-reviewed scholarly publications, data, and code resulting from federally funded research.

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Cost to researchers to publish their federally funded research as open access in a peer-reviewed scholarly publication, as well as costs to current subscription-based scholarly journals, are the existing barriers for public access. While open access could become cost neutral as time moves on, currently open access fees are cost-prohibitive, particularly for institutions that may receive less funding overall, including regional colleges and universities. It may be useful to initially allow investigator choice as to whether they publish their research findings as an open access article or not.

In addition, a shorter (or non-existent) embargo period in public access policies devalues journal subscriptions, and therefore subscription revenue that many publishers rely heavily on to support publishing operations such as collecting, reviewing, editing, composing, disseminating, and archiving manuscripts, will drop significantly.

ASN is one of many scholarly publishing organizations that currently rely on a subscription-based model. We appreciate OSTP's consideration of the time necessary to fully transform our current business model and request that OSTP allow adequate time for a transition from subscription to open access by supporting "read and publish" or "transformative" models to enable the gradual transition of revenues from supporting subscriptions to open access. A phased-in approach is preferable for existing scientific society journals. Most read and publish deals have a goal of full open access over a five-year period, which provides the time needed for journals, societies, and research institutions to plan and adapt.

While it is a shared goal of ASN that the public be guaranteed access to the results of scientific research, 35% of each of ASN's four journals' articles between 2017 and 2019 were government funded. Given the magnitude of federally funded research being published in our journals, time is needed to transition and for workflows to be tested and refined. There are many considerations publishers face during this transition period, including determination of market-driven article processing charges and opportunities for federal and other support for these charges; the legal challenges around publication of articles with expired grants, partial federal support, or indirect federal support (such as review articles & other translational content); and the allowance for hybrid subscription/open access journals. ASN is actively working to maximize the amount of published literature in ASN journals for public access; however, this is a process that will take time to fully implement. We appreciate OSTP's efforts to understand the perspectives of our scientific society's journals and those of others, as well as to foster their transition to a sustainable open access business model by engaging the broader community of publishing stakeholders, including scientific societies, in discussions and decision-making about how best to support publishing in an open access landscape and in implementation of any such changes.

Regarding public access to data resulting from federally funded research, a central, coordinated repository to hold and manage the data would be necessary, along with efforts

to associate the data with other research materials (supporting data, preprints, and other associated resources with the manuscript before it reaches final form). There is a need for technical expertise on the back end to make data findable and usable. Additional time would need to be provided for researchers to deposit data into such a repository although enforcement mechanisms must be considered to ensure that data are deposited in a timely manner and that data are accessible and usable by other researchers. Data sharing could become a mandatory part of a fair use of data agreement required by institutional review boards and other similar institution bodies. Sorting through large volumes of data, especially lower quality articles published in journals with no or limited peer review systems in place, could make accessing high quality data a challenge. Support is also necessary to create and manage longer-term data repositories than currently exist, and to develop long-term business models to support such repositories. OSTP should pursue efforts to ensure that data, methods, code, and other ancillary elements of content are captured in a standardized manner before they can be made available. This work has already begun for some scientific fields, but at a very slow pace. There are many emerging models so this is a critical time to ensure this information is captured in standard ways that are interoperable and not proprietary to any single market segment, and that has the infrastructure to support interoperability.

(2) What more can Federal agencies do to make taxpayer funded research results, including peer-reviewed author manuscripts, data, and code funded by the Federal Government, freely and publicly accessible in a way that minimizes delay, maximizes access, and enhances usability?

Allowing researchers to receive coverage for open access publication costs and service charges from their federal grant support or providing federal block grants to institutions would help alleviate some of the current concerns regarding charges for public access to research funded by the federal government. Some federal agencies may need to alter their existing rules related to grant overhead to allow for contribution to or payment of open access charges. In addition, some federal agencies may not currently have the resources, particularly those that provide smaller grants, to support open access charges or would only partially support these fees. Funding and incentives are needed to change the current publishing culture and make peer-reviewed publications, data, and code funded by the federal government freely and publicly accessible in a way that minimizes delay, maximizes access, and enhances usability. We request that OSTP mandate that federal funders include publishing costs in their grants and that authors can continue to choose the hybrid/open access journal(s) they submit to. Also, it is important that the market continue to determine the appropriate level of article processing charges for each journal.

An unintended consequence regarding minimal delays, maximum access, and enhanced usability relates to limited funding available for open access fees, which may result in delayed publication of peer-reviewed scholarly articles resulting from federally funded

research. There is concern that if only partial support of these fees is provided through grant money researchers will need to find alternative sources of support, or if block grants are provided and/or institutions have pools of funding available to cover open access fees, that there may not be enough funds available for all investigators to publish their work in a timely manner due to rationing of limited funds. Some researchers, likely higher tier, more senior investigators, will be able to publish their work in more expensive and more well-known journals, while there may not be enough funds remaining for lower tier, often younger researchers, to publish their work in a timely manner or in their journal of choice and most applicable to the field. There is concern that to save money, researchers may look for the cheapest publication option available, thereby hindering access to the scientific information resulting from federally funded research. While there may be greater overall access to the article, this could restrict access to the best scientific journal options in a researcher's field and therefore restrict visibility and dissemination to the intended audience.

While making preprints accessible via a server may be one way to make taxpayer funded research results freely and publicly accessible in a way that minimizes delay, sustainable business models for preprint servers are not yet in place. In addition, preprints do not include the various support services expected by investigators and journal audiences such as peer review, searchability, curation, archiving, and media outreach. Author processing charges are important and necessary charges that scholarly publications utilize to provide these support services; yet these fees cannot currently be billed to grants. Another limitation of public access to federally funded peer reviewed scholarly publications, that journals present a solution for, is the time it takes to read full journal articles and translate the science, particularly for readers that are not scientists. Translational materials provided by scholarly publications such as editorials and reviews are highly important in translating the science and reaching a broader audience and should also be considered for support.

In addition, authors can continue to distribute PDFs of their published articles to interested audiences at their discretion. It would be useful to make this practice better known outside of the scientific community so that anyone with a specific interest in a research article can easily gain access to that article for free.

(3) How would American science leadership and American competitiveness benefit from immediate access to these resources? What are potential challenges and effective approaches for overcoming them? Analyses that weigh the trade-offs of different approaches and models, especially those that provide data, will be particularly helpful.

ASN appreciates the efforts of OSTP to have the U.S. continue to lead the world in research output and influence. A potential challenge and unintended consequence related to science leadership and competitiveness of immediate open access publishing is that other

researchers and labs, both domestic and foreign, build off another scientist's work before the initiating scientist has a chance to do so. This might compromise the initiating scientist's ability to get additional funding if others have pursued the research first leading, potentially, to misappropriation of intellectual property.

Potential unintended consequences may lead to scientists delaying open access publishing of their research findings and data despite mandates to more immediately share both, in order to allow for further analysis of secondary endpoints and to keep any intellectual property within their lab and institution for a longer period of time. An embargo period could prevent this particular practice.

Another impact on American science leadership and competitiveness is that researchers may be forced to make difficult decisions, such as balancing the decision to hire a new graduate student to work in their lab with needing to use those same funds to cover open access fees.

Thank you for your consideration of ASN's comments of the potential impacts of any public access initiative on not-for-profit publishers, and the fundamental roles and services that scientific society journals provide to their membership and the scientific community at-large. ASN looks forward to the opportunity to further assist OSTP regarding Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting from Federally Funded Research. Please contact Gwen Twillman, Chief Knowledge Officer, at 240-428-3642 or gtwillman@nutrition.org if ASN can provide further assistance.

Sincerely,

Richard D. Mattes, PhD, MPH, RD
2019-2020 President, American Society for Nutrition