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**March 13, 2008**

Dr. Neil M. Thakur, Ph.D.  
Special Assistant to the NIH Deputy Director for Extramural Research  
Building 1, Room 134  
Bethesda, MD 20892  
[PublicAccessComments@NIH.gov](mailto:PublicAccessComments@NIH.gov)

RE: NOT-OD-08-057 - Notice of Public Meeting: Seeking Comments on  
Implementation of the NIH Public Access Policy<sup>1</sup>

To the NIH and Dr. Thakur:

Please accept these comments on the NIH invitation to meet on March 20, 2008 to discuss implementation of the NIH Access Policy. I have followed development of the policy since its origination in 2004 efforts and have commented previously to NIH in my capacity representing participants in NIH funded research to treat and prevent HIV infection. I am a member of related community advisory boards within the NIH networks and in advocacy organizations.

Of course, I welcome the significant development that Congress has mandated to convert the previously voluntary effort into a binding requirement for deposit into PUBMED Central of articles for publication. The previous voluntary system proved to be ineffectual without sufficient yield or dissemination of vital knowledge for this publicly funded work..

The precise scope of current implementation issues requiring a meeting is unclear because the provisions of P.L. 110-161 (2008) are straightforward. Indeed, it is only a few short weeks until the April 7, 2008 start date that NIH has explained is the date after which submitted articles must comply with the new law. The public assumes and relies on the fact that the current policy will remain in effect continuously without any suspension during the period when further public comments are collected.

I understand that some parties continue to object to these developments or may seek to weaken the effectiveness of a robust and dedicated effort to make materials available in public access. However, the research community, advocates for research participants, universities funded by NIH and a tide of international peer organizations all unite to conclude that the policy should be strengthened even further. Among only the latest of those common efforts are the European Research Council "Scientific Council Guidelines for Open Access."<sup>2</sup> These ERC efforts, those of the UK Research Councils, the Canadian

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<sup>1</sup> <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-057.html>

<sup>2</sup> [http://erc.europa.eu/pdf/ScC\\_Guidelines\\_Open\\_Access\\_revised\\_Dec07\\_FINAL.pdf](http://erc.europa.eu/pdf/ScC_Guidelines_Open_Access_revised_Dec07_FINAL.pdf) December 17, 2007

Institutes of Health Research, the European Research Advisory Board and many others demonstrate the NIH must take steps to associate itself with the best practice for national public grant institutions or risk a deterioration of its international parity for advancement of biomedical science.

The consensus of these efforts is to require public repository deposit or public access availability as soon as possible but *no later than 6 months* after publication in a fee-based journal. Therefore, if NIH is considering any implementation changes, the strongest evidence and best practice policy would be to shorten the time for deposit under current NIH policy. There is no doubt that P.L. 110-161 provides ample authority for NIH to make this change and join the international community in establishing a workable knowledge dissemination program.

Because NIH will engage in further comment collection after March 20, 2008, please consider these comments preliminary. I request that on March 20, 2008 and after NIH dedicate its implementation efforts towards revising the current policy to:

- require deposit or public access as soon as possible but no later than 6 months after publication
- provide publication funding support to grantees so that they may choose publication options permitting immediate open access in journals that publish full text articles for immediate free viewing online.

I can be reached at 415/268-7469 or [rjreinhard@gmail.com](mailto:rjreinhard@gmail.com) if you have any questions.

Sincerely,



Robert Reinhard  
Community Advisory Board Member