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February 28, 2024

Jeffrey Silverstein
Acting Associate Administrator
Agricultural Research Service
U.S. Department of Agriculture

Submitted via www.regulations.gov

Re: Docket Number: 2024-01673

Dear Acting Associate Administrator Silverstein,

Thank you for the opportunity to provide input on USDA's *Implementation Plan to Increase Public Access to USDA-Funded Research Results*. I am writing on behalf of [SPARC](#), a non-profit advocacy organization that supports systems for research and education that are open by default and equitable by design. Our [membership](#) includes over 200 academic and research libraries across the U.S., with institutions ranging from large research intensive universities to community colleges. We believe that sharing knowledge is a human right, and that everyone should be able to access, contribute to, and benefit from the knowledge that shapes our world. Our members are committed to supporting equitable systems of research and education, and we appreciate the opportunity to provide feedback on USDA's plan to implement the 2022 OSTP Memorandum on [Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#).

Our responses to the questions below outline our recommendations to USDA regarding equitable compliance, public reuse of USDA-funded research, and repositories.

Question 1: How can USDA best implement its plans to improve public access to USDA-funded research results?

Public access to USDA-funded research results is a critical component of the agency's mission to serve all Americans through science-based public policy and decision-making. In furtherance of this mission, USDA should ensure the implementation of its plan centers equity and

productive reuse so that everyone can access, contribute to, and benefit from the agency's funded research.

Equitable compliance options and policies that enable full reuse of scholarly publications are important features of successful public access policies. In particular, USDA should ensure authors can comply with its policy at **no cost** by depositing the author-accepted manuscript into PubAg or another agency-approved repository. We discuss this recommendation in more detail in Question #3.

As the USDA works to develop policy on reuse rights and the federal purpose license, it should closely follow OSTP's language in the Memorandum asking agencies to "make federally funded publications, data, and other such research outputs and their metadata...findable, accessible, interoperable, and reusable to the American public and the scientific community in an equitable and secure manner." To meet these requirements, we recommend that USDA require that all publications resulting from its funded research carry full reuse rights, such as those provided by a [CC BY 4.0 International License](#) or its functional equivalent. We commend the plan for stating publications and underlying data will be made available in machine-readable formats and must have a digital persistent identifier (DPI or PID). We also support the agency's requirement that researchers have a DPI such as an ORCID. This will improve discoverability of these outputs. We provide additional recommendations on PIDs in Question #2.

To be certain that all agency publications carry sufficient re-use rights, we suggest that USDA require grantees, as a term and condition of funding agreements, to ensure that the agency receives a license to agency publications sufficient for USDA to grant the public re-use rights. This is the most straightforward approach that minimizes complexity and burden in compliance by grantee institutions and authors.

To do this, the agency could rely on its existing federal purpose license under [2 C.F.R. § 200.315\(b\)](#). For clarity, we suggest that USDA also require that grantees provide an additional license to USDA that specifically provides the right to grant the public re-use rights to agency publications covered by the public access policy.

Requiring that this additional license be granted as a term and condition of funding ensures that the agency receives its additional license at the moment the scholarly publication is created, which is how the longstanding federal purpose license operates. In this way, even if an author from the grantee's institution signs a publication agreement that conflicts with the agency's license, the agency's license remains intact, as is the case with the agency's federal purpose license.

We also recommend the agency develop template language that can be attached to or included with the publication, either by the author or USDA staff, to indicate the publication is available

under an open license. A more thorough explanation of these recommendations is available on our [website](#).

We note that USDA is in the process of migrating the content in Ag Data Commons over to Figshare. The agency should be conscious of the costs associated with a for-profit repository provider and ensure that researchers do not face financial barriers when submitting data to USDA's Figshare-supported repository. The agency should be cognizant of data curation costs and ensure researchers are aware of curation services beyond those provided by Figshare and other for-profit servicers.

Question 2: How can USDA update or refine its policies to improve public access to USDA-funded research results?

To improve public access to the research it funds, the USDA should update its existing policy ([DR 1020-006](#)) in key ways to clearly communicate viable compliance paths and requirements to both researchers and grantee institutions. Language under 6(g) in the DR 1020-006 should be updated to state "authors of scholarly publications will not sign any agreements with journal publishers that do not allow the author to *retain full reuse rights to the publication*." Although the agency will already have the license to reuse the publication if it follows the recommendations outlined in Question #1, this updated language is an additional requirement and signal to authors that will improve its policy.

The current sections referencing scientific data should also be updated to reference the National Science & Technology Committee's (NSTC) [Desirable Characteristics of Data Repositories](#).

USDA should consider updates to the definitions in DR 1020-006 to avoid confusion and strengthen its commitment to public access. Specifically, the agency should:

- Remove "trustworthy" in reference to the Version of Record (VoR) from its definition of "Final Peer-reviewed Accepted Manuscript." The Final Peer-reviewed Accepted Manuscript is not any less trustworthy than the VoR, and researchers should not be dissuaded from submitting the former for compliance.
- Combine the definitions for "Digital Object Identifier" and "Digital Persistent Identifier" instead of listing them separately and incorporate the use of "Persistent Identifiers (PIDs)" as the more commonly used term to avoid confusion for researchers. We suggest stating that DPs are also known as PIDs and that a DOI is a type of PID. This single definition should then be aligned with the NSTC's and OSTP's [guidance](#) and [policy](#) implementing NSPM-33. In particular, USDA's policy should require the use of PIDs that meet the NSPM-33 Implementation Guidance requirement that their provider be an "open, non-proprietary, researcher-driven platform."

Question 3: How can USDA ensure equity in publication opportunities?

SPARC strongly supports the OSTP Memorandum's emphasis on ensuring equity in contributing to, accessing, and benefitting from the results of federally funded research, and we appreciate USDA's specific attention to this issue in its request for information. USDA should provide authors with compliance options that do not present financial barriers. To this end, USDA's public access policy, associated guidance, and communications to researchers should clearly state that authors can fully comply with its public access policy at no cost by depositing their author's accepted manuscripts into PubAg or any other agency-approved repository.

Further, USDA should clarify that any fee an author may be asked to pay is a publication fee and not a fee required by the agency for compliance. It is critical that authors do not conflate compliance with article processing charges (APCs), which create significant barriers for less-well-resourced authors and institutions to make their research available. USDA should also highlight the diversity of publication models available to authors who may face financial barriers in paying for APCs—including [Subscribe to Open](#) (S2O) and Diamond Open Access.

USDA's efforts to ensure equity in publication opportunities for its investigators naturally align with the critical work of the NSTC's Subcommittee on Equitable Data. SPARC strongly supports the Subcommittee's [recommendation](#) to "Build Capacity for Robust Equity Assessment for Policymaking and Program Implementation," and we recommend USDA coordinate the implementation of its public access plan with the NSTC Subcommittee and USDA's [Equity Action Plan](#). USDA should also consider engaging with the National Academies' [Roundtable on Aligning Incentives for Open Scholarship](#) to promote the growth of sustainable, equitable open scholarship policies and practices. We also recommend the agency engage with the [Higher Education Leadership Initiative for Open Scholarship](#) (HELIOS Open) to align its grant review process with efforts to recognize more equitable research sharing activities.

Question 4: How can USDA use partnerships to improve public access and accessibility to results of USDA-funded research?

We recommend USDA consider working with institutional and other non-federal repositories through the [U.S. Repository Network](#) (USRN) to expand where manuscripts, final published articles, and data can be deposited and accessed beyond PubAg or Ag Data Commons. Institutional repositories run by libraries and other research institutions generally do not charge authors to deposit articles, manuscripts, or data. They can play an important role in easing compliance burdens on authors, improving discoverability of research outputs, and providing long-term preservation support. They can also serve as an important connection point between agricultural research and practitioners, given the strong community relationships institutions have through their extension offices. Specifically, we recommend the USDA allow for the deposit of publications into other repositories beyond PubAg, and we suggest that it utilize the guidance set out in the USRN's [Desirable Characteristics of Digital Publications Repositories](#) and NSTC's [Desirable Characteristics of Data Repositories](#).

Question 5: How can USDA monitor impacts on communities impacted by its public access policies?

Due to evaluation-related pressures, some funded authors may feel that they need to publish in a particular journal that requires an APC to make the article publicly available. These APC barriers are extremely troubling from an equity perspective, as [studies](#) have documented that APC costs disproportionately affect younger researchers, female researchers, and those at less well-funded institutions.

USDA should establish a baseline understanding of the environment by collecting data on the number and makeup of its current funding recipients who are charging publication fees (APCs) as direct costs to their research grants and analyze that data across different types of institutions and disciplines (e.g., 1890 HBCUs, 1994 tribal colleges and universities, [EPSCoR-eligible](#) institutions, researchers in less-well-resourced disciplines, etc.). If significant numbers of funded authors are reimbursing APC costs from their grants, USDA should review the agency's efforts around equitable compliance mechanisms.

USDA should also track and release usage statistics of PubAg and share with the public the amount of times articles have been accessed and downloaded.

SPARC appreciates the opportunity to provide comments on USDA's *Implementation Plan to Increase Public Access to USDA-Funded Research Results* . We look forward to working with the agency to fully accomplish the goals outlined in the OSTP Memorandum and to leverage the full value and utility of USDA-funded research.

Sincerely,

A handwritten signature in black ink that reads "Katie M. Steen-James". The signature is written in a cursive, flowing style.

Katie Steen-James
Manager of Public Policy & Advocacy