



UNIVERSITY OF
MARYLAND

OFFICE OF THE DEAN OF LIBRARIES

6131 McKeldin Library
College Park, Maryland 20742-7011
301.405.9127 TEL 301.314.9408 FAX

January 20, 2012

Andrew M. Sherman
Chief Communications Officer
US Government Printing Office
732 North Capitol Street, NW, 20401
Washington, DC
Sent via email asherman@gpo.gov

Dear Mr. Sherman:

We are responding to your letter to Senator Ben Cardin (dated December 2, 2011), which was in response to the August 29 letter conveyed by Dean Patricia Steele of the University of Maryland Libraries on behalf of the seven dean/directors of multi-state regional depository libraries. We were signatories to that August letter and write to address several inaccuracies in your letter, specifically about the multi-state regional depository proposal advanced by the State Library of Michigan and the University of Minnesota Libraries (hereafter Minnesota/Michigan) as well your representation of GPO's position on comprehensive collecting by regional depository libraries. We understand that representatives of ASERL recently met with GPO staff, including yourself, and are continuing to discuss options for implementation of the project that will be supported by Government Printing Office.

These comments follow the structure of your letter.

Regional and Selective Depository Libraries

You note the distinction between regional and selective depository libraries. The former have the responsibility to retain copies of new and revised publications sent by GPO to participating libraries. Selective depositories are not required to retain publications permanently; rather, they routinely dispose of items no longer needed in their active collections after a period of retention for 5 years. In the Minnesota proposal to serve the state of Michigan, Minnesota noted the intent to review any disposed items from selective depositories in Michigan to determine if they were already held in the regional depository at the University of Minnesota. Items not already held in the Minnesota regional would be added to the University's depository collection. This is a process, regularly and positively evaluated by the GPO, which the Minnesota regional depository library has followed for many, many years thus there should be no concerns on GPO's part with this long-standing practice.

Multi-State Regional Depository Libraries

As you note, there are currently 7 multi-state regional depository libraries, some neighboring, some not. These seven, individual multi-state regional libraries serve multiple jurisdictions. When approving multi-state regionals in the past, GPO cited the Library Services Act of 1956, which provided for interstate compacts to improve library services and the Library Services Act of 1962 as justification for multi-state

regional designation. Multi-state regional libraries currently serve nearly 18% of all federal depository libraries and have done so beginning in 1966.

CRS Legal Opinion

We raise two issues regarding GPO's response to the 2007 memorandum by the Congressional Research Service, "GPO Authority Over Regional Depository Libraries." This memorandum focused on GPO's authority to direct and control the activities of regional depository libraries. First, the primary focus of the analysis concerned "shared regional depository libraries," those libraries that share regional federal depository library collections and responsibilities across and within state lines. This type of regional federal depository is distinct from multi-state regionals which GPO has approved in the past and which the CRS memorandum acknowledged by noting that multi-state regionals had been in operation since 1966. And second, as GPO was "persuaded ...that any future proposals for multi-state regionals should be reviewed and approved by GPO's oversight committee, the Joint Committee on Printing" (JCP), it is not at all clear why GPO didn't, in fact, request JCP consideration of the Minnesota/Michigan proposal. This would be consistent with GPO's stated position and allow the JCP to evaluate the proposal. It would be helpful for GPO to develop and share publicly, criteria for evaluation multi-state regional proposals.

Michigan/Minnesota Proposal

Superintendent Baish's September 15 letter to the Michigan State Librarian, which you cite, indicates that the proposal *"is not practical and would not ensure equal and equitable public access to the historic materials which have been distributed to the Library of Michigan through the FDLP."* You elaborate to indicate distance and the *"financial ability of the Minnesota library...to support the needs of Michigan's selective libraries"* as factors in this statement. First, existing regional depositories have equal or greater issues of distance between libraries served, for example, the University of Hawaii that serves Guam, American Samoa, and the Federated States of Micronesia and the California State Library that serves depositories throughout the state. Contemporary libraries have mitigated distance in numerous ways -- through online reference services, (e.g., the University of Minnesota participates in a consortium that offers such service 24 x 7) and scanning and network delivery of needed documents (e.g., the University of Minnesota has one of the highest volume interlibrary lending services in North America and is known for excellent service). The University of Minnesota's online training and depository library meetings are attended by the majority of selective depositories served and are well received. Distance is no more of an issue to serve Grand Rapids, Michigan than it is to serve Rapid City, South Dakota (576 miles vs. 586 miles).

The financial assertion is perplexing. The Minnesota/Michigan proposal noted that the University Libraries made recent large-scale investments in cataloging all federal documents, as well as an increased investment in documents services. These steps were taken during a biennium that included significant budget reductions. It should be noted that the Libraries preliminary budget figures for FY13 show a notable increase. While every library experiences ups and downs in budget, the University of Minnesota Libraries have a recognized record of innovation and process improvement that has ensured progressive services throughout these fluctuations. The depository library program is a priority taken seriously as demonstrated by staff, space and financial commitments. The University of Minnesota Libraries would not have responded positively to the Library of Michigan's request for support had there been concern about serving the three states well. Further, GPO's analysis of the 2009 Biennial Survey data indicate that budget constraints were noted by 80% of respondents. Singling the University of Minnesota out as financially risky seems unwarranted.

You further note that *“GPO also was informed that the MI/MN agreement included plans to send many regional materials from the Library of Michigan to be used as part of a destructive scanning project by the Committee on Institutional Cooperation (CIC). These Google-scanned digital files which when digitized would no longer be official Government resources, would then be included in a digital repository at the University of Michigan with certain restrictions on easy public accessibility for Michigan’s citizens.”* This description of the digitization project contains numerous inaccuracies.

- The University of Minnesota Libraries (UMN) openly shared a draft proposal with the previous Superintendent of Documents who, in turn, shared the proposal with other GPO staff. The draft proposal proposed a review of any documents identified for disposal from the Library of Michigan. When the Library of Michigan stepped down from its regional status, it became a selective depository. As you noted, selective depositories may dispose of items no longer needed in their collection after a retention period of 5 years. The Library of Michigan noted its intent to review and more narrowly focus its collecting policies as part of its change in status. This narrowing would result in items identified for disposal. Any disposed documents from the Library of Michigan (or any selective libraries in Michigan) would be reviewed to determine if they were held by the University of Minnesota regional depository before disposal (items not in the UMN collections would be added to the UMN collection).
- Regional depository libraries follow community-based procedures for these disposal processes. Disposed documents that are not retained often are destroyed – whether by throwing in a dumpster or sent to a recycling service
- The Committee on Institutional Cooperation libraries (the Big 10 universities, plus the University of Chicago) are Google scanning partners. Millions of books from these library collections have been scanned and the full text indexed in the last 5 years. Since 2008, the CIC Libraries have invested considerably in a focused effort to identify government documents for the Google scanning process. Some 400,000 items have been scanned from CIC libraries and other Google partners. Documents sent to Google for scanning are either items identified for disposal by selective depository libraries (in accord with GPO policies) or are duplicates from regional depositories.
- Digital copies of items scanned as part of the CIC Google agreement have been deposited in the HathiTrust service for digital preservation and access in a non-profit context. While one physical site of the HathiTrust computing infrastructure is located at the University of Michigan, HathiTrust is a membership organization of over 60 institutions which collectively invest in preserving digital content and making the content widely accessible. All government documents in the HathiTrust (and actually all public domain content in Hathi) are accessible by anyone, anywhere without charge. One does not have to be a member of HathiTrust to use this material. Background on the HathiTrust is easily available at: www.hathitrust.org. The Hathi now contains 10 million volumes, with over 2.7 million public domain items. Hathi also contains digitized government documents contributed by its members from institutional projects.
- You note that *“these Google-scanned digital files which when digitized would no longer be official Government resources.”* First, in discussions with the previous Superintendent of Documents, these digital files were offered to the GPO to be incorporated within FDSys, a step that would enable GPO to build on this significant public-private investment and ensure the authenticity of the documents. Other federal agencies have contacted Google and HathiTrust about securing copies of the Hathi digital files as well as to deposit agency files in Hathi. Staff of GPO also asked for sample files for assessment. And second, the public has a strong interest in immediate online access to government information and, as with many other types of information, accepts and oftentimes evaluates content based on the reliability of the source. In

the rare instance where the official status of a publication is important, depository libraries are often the source to which the public turns to access the original print publication.

- If Ms. Baish had approached us directly about the Google project, we could have further noted that Google is significantly reducing its digitization program, and it is unlikely that the government documents scanning initiative will be fully realized through this venue.
- In October 2011, the membership of the HathiTrust held its first constitutional convention, and ballot proposals for future initiatives were reviewed. One ballot which received exceptionally strong endorsement and will move forward resolved that the HathiTrust “facilitate collective action to create a comprehensive digital corpus of U.S. federal publications.... [through a] planning process to coordinate operational plans and a business model to further coordinated digitization, ingest, and display of U.S. government documents.” Consequently, while the Google project is slowing down, the 60+ institutions of the HathiTrust now stand behind this priority and its realization. This again demonstrates the significant investment and commitment of Hathi members, many of whom are federal depository libraries, in ensuring that there is effective access to government information.

Indiana State Library Proposal

Michigan State Librarian Nancy Robertson has shared email documentation with the Superintendent of Documents, noting that the Indiana State Library’s interest in serving Michigan was received after exploration had begun with the University of Minnesota. The August 31 email communication notes that the Indiana State Library suggested pursuing a shared regional depository, a model that the 2007 CRS memorandum did not support. In that email, Indiana State Librarian Bobbie Booker writes: “We are interested in discussing a shared regional with you.... Although as the regional, the State Library collects and keeps everything published by GPO, different selectives are subject specialists, depending on the emphasis and strengths of the institution. Dividing the federal agencies between our institutions for subject specialties gives us the ability for “value added” for our patrons.” Michigan State Librarian Robertson has noted that this shared regional proposition, along with the late response to the inquiry from the Indiana State Library as well as other reasons, factored into her decision to pursue Minnesota as the multi-state regional. Can you help us understand how GPO is now supporting a shared regional between the State Libraries of Michigan and Indiana given the conclusions of the CRS memorandum that a shared regional “would appear to run contrary to the requirements of the depository library program?”¹

You note that there is no destructive digitization as part of Indiana’s proposal. To our knowledge, a documented proposal from the Indiana State Library has not been shared with the Library of Michigan and the Michigan and Indiana federal depository libraries. As was done with the Minnesota/Michigan proposal, it is important to share that documented proposal with the community so they can have the opportunity to assess the proposal. That said, it should be noted that Indiana libraries have been participants in the CIC digitization project, with the state library approving the disposal of documents for this sheet-fed scanning process. It would be useful to understand the criteria upon which a decision was made to favor the Indiana interest in lieu of the Minnesota proposal.

Comprehensive and Retrospective Collection

We are pleased to learn that GPO has changed its position on comprehensive, retrospective collecting by regional depository libraries, since GPO staff have emphasized the regional responsibility for

¹ T.J. Halstead, Congressional Research Service, “Memorandum on GPO Authority Over Regional Depository Libraries,” page, 5, November 6, 2007.

comprehensive collecting in multiple correspondence and at the fall Depository Library Council meeting.² It is important that GPO formally correct the record including in the Legal Requirements and Program Regulations of the FDLP, (page 8, #54) <http://www.fdlp.gov/administration/fdlp-legal-requirements>

Collaborative Research Project to Explore the Future of the FDLP

You reference the recently announced “tools” to assist GPO in developing the FDLP. These tools include a state by state forecast and action plan. While the final templates for this effort are not yet available, several aspects of this initiative are troubling. First, FDLP is organized around regional and selective libraries; multi-state regional models cover over 18% of all selectives and there are also states with 2 regional depositories. Moving to a state-focused effort introduces complexity and a coordination burden that some states may be ill-prepared to address. In addition, FDLP participating libraries already submitted biennial survey data (the most recent Fall 2011) which cover significant territory about support, initiatives, challenges, and programs. Cannot these data be mined for the information intended with the new tools?

Yet another data-gathering effort seems like an unnecessary burden for libraries and a GPO expense that is unwarranted. There have been at least 3 major assessments of the FDLP in the last 5 years, several funded by and/or undertaken by GPO itself. The most recent one commissioned by GPO and conducted by Ithaka this past year interviewed librarians from across the U.S., and the staged release of draft sections of the document stimulated healthy discussion about the program. Regardless of GPO’s ultimate rejection of the Ithaka report, there exist substantial data about the needs and challenges of libraries in the program that could be cost-effectively reviewed and assessed for a summative analysis by GPO.

Conclusion

Your letter outlines the various efforts at library collaboration that GPO has not approved, yet you close by noting that “the claim that *GPO has not supported new collaborative initiatives that ensure members of the public have access to government information in ways that are effective for users and cost-effective for federal depository libraries alike does not appear warranted.*” Participants in the FDLP offer enormous potential in ideas, investments, and partnerships that could advance access to and preservation of government information. GPO has opportunity to facilitate these efforts and support a

² GPO Letter to ASERL dated September 23, <http://www.aserl.org/wp-content/uploads/2011/09/ASERL2011-0923-final.pdf> “regionals are required to ensure comprehensiveness and integrity of a comprehensive collection ... regionals must retain or selectively house one tangible copy of all FDLP materials issued before or after regional designation.” GPO Legal Requirements and Program Regulations of the Federal Depository Library, page 8 (#54) <http://www.fdlp.gov/administration/fdlp-legal-requirements> “Designated regional depository libraries must: Ensure the comprehensiveness and integrity of a tangible FDLP collection in their state or region.” June 2011.

GPO letter November 4 from Mary Alice Baish to Judy Russell, ASERL <http://www.aserl.org/wp-content/uploads/2011/11/Letter-ASERL-FINAL-20111104.pdf> “While Center of Excellent libraries are not within the scope of the FDLP, we are pleased that many depository libraries within ASERL are in the process of developing these comprehensive collections. GPO has, in fact, been consistent in its policy of comprehensive collection development for the regional depository library collection in the states for more than 20 years.”

Minutes of the Fall Depository Library Council meeting, October 2011.

more forward-thinking FDLP program in line with contemporary user and libraries' needs. To do so, however, will require communication and engagement with the library leaders and stakeholders who provide the support for this vital program.

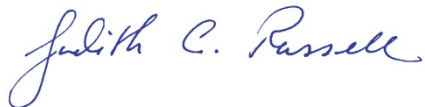
Sincerely,



Patricia A. Steele, Dean of Libraries, University of Maryland
pastele@umd.edu
(Serving Maryland, Delaware, and the District of Columbia)



Wendy Lougee, University Librarian, University of Minnesota
wlougee@umn.edu
(Serving Minnesota and South Dakota)



Judith Russell, Dean of Libraries, University of Florida
jcrussell@ufl.edu
(Serving Florida, Puerto Rico, and the Virgin Islands)

Cc: Mary Alice Baish, mabaish@gpo.gov
Honorable Ben Cardin
Davita Vance-Cooks, Acting Public Printer, dvance-cooks@gpo.gov
Nancy Robertson, robertson@michigan.gov