

January 14, 2022

Dear Senator Wyden:

I am writing to thank you for your work with Representative Eshoo to investigate publishers and ebook providers that seek to place restrictions on libraries' ability to provide and lend ebooks. This timely inquiry is important to Oregon Library Association members, which include nearly 1,000 Oregon library workers across the state, and the Oregonians we serve.

Oregon libraries continue to face publisher restrictions on lending, transfer, and reproduction of ebook materials that have traditionally been part of accepted copyright exceptions and limitations. These limits inhibit access to the increasing number of students enrolled in distance education programs. Here is how the library director at the University of Western States describes the problem at her institution:

“... many of the texts that are used in our university's courses are not available to our library as an institutional buyer. Publishers that used to license titles to us have stopped in favor of selling ebooks only to individuals; when an instructor adopts a more current edition of a text, the ebook is not available to us and expensive for students. In the health sciences, it is essential to have access to the most updated texts in the field and it is irresponsible to point students to outdated texts. We have a commitment to providing the required and recommended texts to enhance equity of access for students but cannot honor that when publishers won't play. This disproportionately affects our students enrolled in online programs and creates an inequitable learning environment.”

Oregon librarians serving both K-12 schools and higher education institutions encounter a variety of challenges when trying to provide students equitable access to ebooks. Publishers like Penguin Random House often provide licenses that only allow one user at a time. This restricts access to entire classes working on the same text, preventing some students from being able to complete their assignments. Costs also create barriers to student access. One library cites the title [Speech and Song at the Margins of Global Health](#) by Steven P. Black which costs \$30 as an individual ePub on Amazon. This same title costs the library \$750 for a perpetual unlimited user license.

College students can also suffer directly from ebook licensing models that limit affordable access to vital course materials and lack transparency. Some textbook vendors use a model with the misnomer “[Inclusive Access](#)” for college textbooks. This model gives students temporary access to textbook material through learning management systems, offering students the option to opt in or out of purchase. While it may appear to be a discount when compared to buying the new print textbook, the discount is often much smaller when compared to buying the digital version of the same book. An inclusive access fee can be more expensive than buying a used book, renting, or borrowing.

Public libraries also struggle to provide universal access to information due to prohibitive pricing and licensing terms offered by publishers and ebook providers. These restrictions impact people

who rely on libraries the most — those with limited incomes who cannot afford to purchase ebooks and e-audiobooks, and those with disabilities. While libraries are working on a number of fronts to provide devices, access and training, licensing costs hinder those efforts. We know well your commitment to the issue of digital exclusion and deeply appreciate your advocacy.

The [Oregon Digital Library Consortium \(ODLC\)](#) is a group of libraries from across the state of Oregon who work together to provide access to downloadable audiobooks, ebooks, and videos for patrons at member libraries. As most ODLC member libraries are funded through local taxes, the high cost and limited access of ebooks has a direct negative impact to taxpayers throughout the state. Managing patron expectations with title availability, format, and lending model with limited funding is a major challenge; 58% of ODLC's budget goes towards buying multiple copies of high demand titles in an attempt to keep the wait time down. Patrons and library staff remain frustrated and disappointed by these costly and punitive practices— even as use of downloadable audiobook and ebook resources continues to grow.

We thank you for your work to hold publishers and vendors accountable for their unfair practices with libraries and are eager to support your efforts in this area. I would be happy to meet with your staff to discuss ways we can provide any additional assistance with this important work, including putting you in touch with librarians that may provide additional examples illustrating the inequities libraries and students face.

Sincerely,

A handwritten signature in black ink, appearing to read "Arlene Weible". The signature is fluid and cursive, with the first name being more prominent.

Arlene Weible
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