

May 5, 2021

Sharilyn Ingram, Chair
Canadian Cultural Property Export Review Board
Administrative Tribunals Support Service of Canada
344 Slater Street, 15th Floor, Suite 400
Ottawa, Ontario K1A 0E2

Dear Ms. Ingram,

On behalf of the Canadian Association of Research Libraries (CARL), we would like to once again voice deep concerns regarding the 2020 revisions to the Canadian Cultural Property Export Review Board's (CCPERB) Guide to Monetary Appraisals. As we stated in our letter to the Minister (attached), we believe CCPERB's new approach makes it impossible for Canadian institutions 1) to increase the diversity of voices and groups represented in archival collections and 2) to collect archives in modern digital formats.

For over forty years, CCPERB has helped encourage people to donate their valuable collections to Canadian research libraries and archives, rather than to sell them to institutions or private collectors in other countries that may have greater resources for the purchase of research collections. Canadian institutions have depended on this system of tax incentives to foster a culture of donation and to build their rich and diverse special collections. These collections are used extensively in research and teaching, as well as encouraging international collaborations and innovation.

In our letter to you dated September 18, 2020, we noted a number of concerns with the draft revised Guide as it pertains to archival monetary appraisal, including the increased dependency on demonstrating comparable sales to determine fair market value and the rejection of other methods of reasoned justification, as well as the explicit exclusion of non-monetary values such as historical value, legal value, broad cultural value, and research value. These changes greatly reduce Canadian research libraries' ability to attract and retain significant and unique Canadiana. Although CARL and other members of the archival community submitted feedback, the Guide summarily ignores the concerns previously identified.

While these guidelines state that appraisals must cite market information and appropriate comparable sales, there is virtually no market in Canada for the sale of archives in all media and the ability to find comparables is severely hampered by privacy restrictions at the provincial, national, and international level. There are also no sales precedents for digital records, and the Guide offers no direction on the monetary appraisal of such records, which are now an integral part of most modern archival funds.

Unlike art, archival materials are rarely listed in public catalogues, dealers' listings, or auction records; and fair market value is rarely disclosed. Even if market comparables

were available, their application would be problematic as the uniqueness of each creator (or creating organization) inevitably renders the fonds unique and, therefore, resistant to formulaic comparisons with other fonds. Additionally, in the case of many archives, the donors prefer that they not go to market, and the new guidelines will impinge on a donor's choice to donate directly to one of our member institutions.

Requiring proof of sales transactions in order to receive CCPERB certification also promotes regressive and systemic bias, as sales precedents for archival material pertaining to important figures and groups within Indigenous, other BIPOC, and other equity seeking communities are even less likely to exist. This is deeply troubling as the changes coincide with these communities' increasing engagement with our members and collaborative efforts to increase the diversity voices represented in Canada's publicly accessible special collections and archives.

To help mitigate these issues many research libraries have relied on the monetary appraisal expertise provided by the National Archival Appraisal Board (NAAB) and by independent Antiquarian Booksellers' Association of Canada / Association de la Librairie Ancienne du Canada (ABAC/ALAC) appraisers for decades. However, given the narrow legalistic approach of the new Guide, which prevents NAAB from drawing on previous NAAB appraisals or CCPERB decisions, NAAB has concluded that it can no longer conduct appraisals for submissions to CCPERB according to its long-established methodology. We have heard the same concerns from independent appraisers.

It has also come to our attention that several applications that were under consideration prior to the new Guide coming into effect have now been rejected, and that in several cases these decisions reached the donors before the cultural institutions, which has led to frustration on the part of these donors and undermined the credibility of the cultural institutions involved, independent appraisers, NAAB, and CCPERB.

As this is now a matter of urgent concern for our member institutions and their donors, we wish to ensure that you are aware of the negative impacts the new Guide will continue to have on Canada's documentary heritage.

We believe the Board should maintain the appraisal system that has been in place for the last forty years. This approach has been to establish value based on 'reasoned justification', which allows appraisers to use previous appraisals or determinations by CCPERB and to consider research and historical value judiciously.

More detailed information on the community's concerns can be viewed on the [Canadian Council of Archives' website](#).



We hope to have the opportunity to further discuss these concerns with you and to work together to develop reasonable alternatives in order to ensure that public collections of Canada's documentary heritage continue to grow. Please do not hesitate to contact us with any questions.

Best Regards,

Jonathan Bengtson, President
University Librarian, University of Victoria

Susan Haigh, Executive Director