

February 14, 2024

Chairman Starr
Members of the Senate Agriculture Committee

The Digital Right to Repair Coalition has been promoting “right to repair” legislation for any products made with a computer chip since our founding in 2013. We have now been involved in over 270 individual pieces of legislation across 47 out of 50 states. Our work has inspired similar efforts in the EU, the UK, India, Australia and Canada. There are now 4 laws in effect in the US, including a statute for Right to Repair of agricultural equipment in Colorado.

Agricultural equipment is crossing over from being purely mechanical to being computer products with agricultural “Apps”. We are experts in the world of computer repair. Our worlds have converged. We are here to help.

We know from long experience that repair of things that deploy digital electronic parts is the same regardless of the shape of the chassis, size of the tires or crops produced. Fixing things with computer parts requires access to all the same service materials that the manufacturer built for purposes of repair. The only difference between an OEM hired technician and an independent technician or even the owner themselves is access to these materials.

There are 5 types of repair materials that are all necessary in order to repair or maintain digital parts or products. H.81 is written to make sure that owners of equipment, big or small, have access to these essential materials on fair and reasonable terms.

1. Documentation – including schematics
2. Diagnostics (software or hardware)
3. Service Parts - including the means to authenticate, pair, calibrate, or activate the part
4. Tools - other than commonly available tools
5. Updates to defect support (including corrections to safety, security, and specifications)

We have worked extensively with farm groups, including AFBF, for the past decade to provide support for agricultural right to repair legislation. Until last year – AFBF had official policy in support of legislation, and then withdrew when they inked a single MOU with John Deere. We do not know why, but it is disappointing. Sadly, with a full year of experience behind them, AFBF has yet to present any evidence that farmers have been able to buy necessary service materials that had previously been off limits.

MOUs are classically inadequate when compared with statute. As private agreements they have two generic failings – lack of scope and lack of enforcement. The current MOU from

AFBF only applies to a handful of manufacturers and not for the industry as a whole. There are hundreds of manufacturers that are not covered by any MOU including makers of specialty products used by dairy, forestry, and small farms more typical of Vermont than Nebraska.

Please feel free to contact me with any questions or concerns.

Regards,

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