November 7, 2018

Senator Christopher Pearson, Co-Chair
Representative Matthew Hill, Co-Chair
Vermont Right to Repair Task Force
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Dear Chairs Pearson and Hill:

TechNet is the national, bipartisan network of over 85 technology companies that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50 state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents more than three million employees in the fields of information technology, e-commerce, clean energy, telecommunications, gig economy, sharing economy, venture capital, and finance.  TechNet is committed to advancing the public policies and private sector initiatives that make the U.S. the most innovative country in the world.

TechNet appreciates the important role of this Task Force and the work that has been done to date.  This is a complex issue that extends far beyond the stated intent of providing access to parts, tools, technical manuals, and software to a broad range of electronic products. TechNet and its members are concerned that any future legislation would have the potential for troubling, unintended consequences, including serious cybersecurity, privacy and safety risks.

Technology companies have every incentive to ensure that their customers have ample opportunity to get their products repaired –in fact, our brands depend on being able to provide superior customer service.  Technology companies must be able to manage their repair networks in order to provide safe and effective repairs. It is important to understand that technology companies do, in fact, maintain extensive networks of authorized repair partners that are well-trained and highly qualified to safely and securely repair or refurbish their products and that any repair shop can apply to become an authorized repair shop.  Repairs and refurbished products from authorized partners ensure that a product is safe, secure, and meets factory specifications, including the most recent software updates and other improvements.  We hope the Task Force agrees with us that opening up digital repair to any facility that wishes to hang a shingle put both the technology manufacturer and the consumer at a serious risk.

TechNet would also like to remind the Task Force that it is an unfair and unfounded claim that electronic products are not getting recycled. Earlier this fall the Task Force heard testimony from Vermont's Electronics Waste Division of the Department of Environmental Conservation. Mr. Kelly, who testified on behalf of the State agency, clearly stated the high levels of success of the e-cycle program including over 30 million pounds of e-waste collected at 100 locations. Additionally, electronic product manufacturers have designed policies and programs to ensure that they are continuously improving the sustainability of their products and reducing the overall amounts of e-waste generated.

Right to Repair legislation was proposed and defeated in 19 states in 2018. These bills would have allowed unrestricted access to digital keys and proprietary information for thousands of internet-connected products including smart phones, televisions, fire alarms, Wi-fi routers, computers and more. The minimal benefits of allowing access to this information is greatly outweighed by the privacy and safety risks. We fear that once a manufacturer loses control of their ability to repair the devices they alone develop and produce, their intellectual property is at enormous risk. A government mandate would force manufacturers to reveal sensitive technical information about their products, including source code, proprietary parts and tools, and trade secrets. This presents a security risk for the use of a product, the network, and other devices connected to the network, and could allow for tampering with firmware controls that protect copyrighted works. Additionally, there are physical safety risks that accompany repairs by independent shops. Some repairs are so complex (ex. connected smoke detectors and security cameras) that there is no room for error and even if a technician is provided with diagnostic tools their repair may end up negatively impacting the device.

TechNet asks that the Task Force keep these important facts in mind as it drafts its report and strongly recommends against filing legislation next session. Thank you in advance for your consideration on these matters and please do not hesitate to reach out if I may be able to provide you with additional information.

Sincerely,

/s/

Christina Fisher
Executive Director, Northeast
TechNet
cfisher@technet.org
508-397-4358