

Summary of the Senate Agriculture Committee's Meetings on H.81

Wiley Barzelay, UVM Legislative Intern for the House Committee on Commerce and Economic Development.

3/22/24

H.81: An act relating to fair repair of agricultural equipment

Four Testimonials:

1. **Allen Schaeffer:** Executive Director for the Engine Technology Forum

- **Engine Technology Forum:** National not for product group representing manufacturers of internal combustion engines, fuels, and technologies.
- **Opposed to H81.** Their stated concern was emission regulations.
 - Concerns that providing consumers with more information about their vehicles will make it easier for them to dodge emissions requirements.
 - A 2020 EPA study estimated that ~13% of Vermont diesel on-road vehicles have had their emissions standards tampered with.
 - For example, diesel exhaust fluid is required in vehicles to reduce emissions. Manufacturers can disable vehicles if they don't have it. H.81 may interfere with this.

2. **Matt Beckwith:** Representative of Guardian Agriculture

- **Guardian Agriculture:** High-tech agricultural manufacturer. Specifically produces a 650 pound drone used to disperse pesticides, fertilizers, etc. Labeled himself a "voice of where the industry will be."
- **Opposed to H.81.** Three reasons:
 1. **Safety:** The components of the drone are complex and dangerous, such as the 150 pound battery. Unqualified repairs could result in unintended harm.
 2. **FAA:** Because the drone is aerial, regulating it at the state level could undermine nationwide standards set by the FAA.
 3. **Cybersecurity:** Greater access to software could jeopardize the cybersecurity of the drone. This could mean potential malicious repurposing of the drone, as well as privacy issues.
- He recommends exempting remotely controlled equipment from the bill.

3. **Christopher Pearson:** Former Vermont State Senator

- He introduced a broader right to repair bill in earlier sessions;
- **In support of H.81:**

- It protects the right to self reliance, fairness, and consumer protection.
- Cautioned against falling for industry's "swirl of scare tactics"
 - Safety and emissions concerns already exist. We allow people to repair their own breaks on their car, despite obvious safety implications.
 - Manufacturers often claim their device or their industry is special. He heard from dozens when he introduced his own bill.

4. Justin Kolber: Chief of Environmental and Public Protection Division in the Vermont Attorney General's Office.

- **In support of H.81:**

- Good for consumers and fair competition.
 - **Fair competition:** tying parts to service has been labeled as monopolistic in other domains. He believes the general principle applies here as well.
 - **Consumer benefits:** Expanding repair access will lower repair cost for farmers.
- In support of the enforcement mechanisms.
 - Believes requirement for "fair and reasonable" pricing is a good standard that is enforceable.
- Believes the current memorandum of understanding between the American Farm Bureau and John Deere regarding right to repair lacks enforceability.
 - It is a "voluntary commitment" with no no penalties or enforcement mechanisms
 - It does not stand in the way of legislative action.