

To: Chair Starr and Members of the Senate Committee on Agriculture
From: Christina McLaughlin on behalf of Repair.org
Date: March 14, 2024
RE: Follow-Up to United Ag and Turf Field Trip & Testimony on H.81

On behalf of Repair.org, I am following up to the information shared with your committee during the United Ag and Turf field trip on March 13, 2024 regarding H.81, an act relating to fair repair of agricultural equipment. Currently, farmers and loggers must rely on dealerships to make repairs. H.81 provides the choice for farmers and loggers to repair their equipment themselves, or go to an independent repair shop or a local dealer. Forcing farmers and loggers to rely on dealerships to make repairs leads to inflated service prices and delays of days to months. Such delays can and do put a farmer's and logger's livelihoods at risk. H.81 ensures that if a farmer or logger is able to fix their equipment today that stays an option as the technology continues to advance. Please find below further follow-up to a few points made by the dealers yesterday.

1. **Supporting farmers to repair their own equipment:** The dealers said they support farmers having the option to fix their own equipment, yet farmers do not have access to all of the tools and information they need to make a full repair currently. It is common that a farmer or logger cannot make a complete repair without going to the dealer. H.81 would make available all information that is not confidential or proprietary to equipment owners as well as independent repair shops so they are able to make a full repair, and they will still have the option to go to their local dealer they trust.
2. **Emission standards:** While it's valid to be concerned about equipment owners bypassing emission standards, this is not a concern related to H.81. The bill points to existing law that equipment owners are not allowed to bypass emission standards. If a farmer were to bypass the emission standards, John Deere or any dealer is not responsible unless they sell the defective equipment. Current law states the farmer or equipment owner would be fined if they bypass or override the emission standards.
3. **Memoranda of Understanding (MOUs):** The MOUs are not enough since they are unenforceable agreements between the American Farm Bureau Federation (AFBF) and only five original equipment manufacturers (OEMs), and adding more OEMs could take decades. These MOUs do not guarantee comprehensive repair access to farmers and independent repair mechanics, and the manufacturers could walk away from the agreements with as little as 15 days notice. However, if the MOUs are enough to cover farmers, passing H.81 would simply allow the MOUs to be enforceable in Vermont and would extend to Vermont loggers. There is little difference between H.81 and the MOUs other than the enforcement language.

Thank you for your consideration and please reach out at christina@mickdunn.com with any questions.