

The "Right to Repair" Movement

BY LIZ CRAMPTON AND CRISTINA RIVERO | 05/12/2021 09:00:45 AM EDT

PRO POINTS

- **The desire to fix complex equipment – everything from tractors to laptops to washing machines –** untethered from the original manufacturer has become an increasingly popular grassroots campaign. Several 2020 Democratic presidential candidates, including Sens. Elizabeth Warren (D-Mass.) and Bernie Sanders (I-Vt.), made right-to-repair key to their antitrust platforms.
- **Massachusetts has been at the center of right-to-repair advocacy. A 2012 Massachusetts law** inspired lawmakers in more than two dozen other states to introduce legislation aimed at compelling companies to turn over technical information consumers might use to fix products independently. But amid opposition from many of the nation's biggest businesses, none of the measures has become law.
- **The Federal Trade Commission recently weighed in, saying it plans to use enforcement and regulatory options to combat "unlawful repair restrictions."**
- **Health care providers that have relied on life-saving devices such as ventilators throughout the Covid-19 pandemic** have urged companies to ease repair costs and access to the technical specifications of their products.

HOW WE GOT HERE

As the technology behind everything from modern cars, phones, and home appliances to medical and farming equipment grows increasingly sophisticated, a rebellion has steadily grown over who has a right to fix those products when they break. Big businesses have limited who can tinker with their devices, citing a need to protect proprietary information or prevent unauthorized changes that could undermine safety and performance standards. Apple, for example, has restricted who can repair their devices: A damaged iPhone typically must be taken to an Apple Genius Bar or an approved third-party. Those tech companies say the restrictions are needed to protect intellectual property and trade secrets.

But consumer advocates and many lawmakers don't buy that argument. Their skepticism has stoked a national "right to repair" movement over the past decade – and dozens of pieces of statehouse legislation this year. Its supporters believe companies intentionally make it difficult to fix their products so that customers are forced to frequently buy parts through certified vendors or purchase completely new replacements. An inability to easily fix your own things stifles competition, encourages

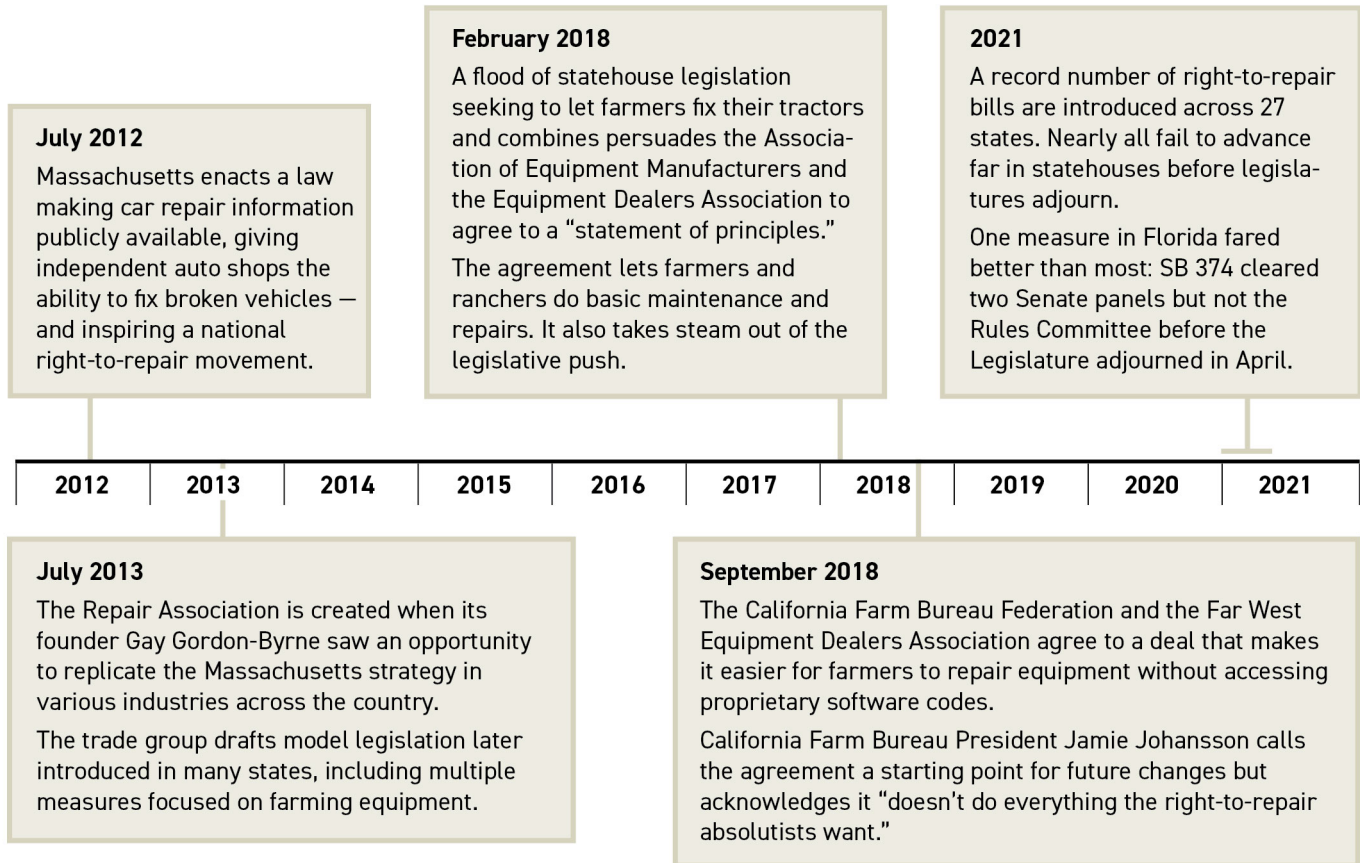
waste and unfairly increases costs for consumers over the life of a product, argue advocates like iFixit, an online resource that provides repair guides for gadgets.

The movement got its first big spark in Massachusetts, where a 2012 law mandated that car manufacturers make vehicle diagnostic and repair information available to consumers. The auto industry then agreed to replicate that process on a national scale to avoid potentially facing a patchwork of state laws. Massachusetts voters went a step further in 2020, approving a ballot initiative that updated the law to disclose electronic vehicle data. The successes in Massachusetts prompted consumer advocates to turn their attention to other states and industries.

A limited right to repair exists in Rhode Island, Indiana and California, according to the Federal Trade Commission. And year after year, more bills in various states have been introduced that primarily deal with medical, farming and tech equipment and devices. Corporations like Apple and John Deere have deployed teams of lobbyists to statehouses to fight back and have so far stymied every piece of legislation on the issue.

Key moments in the right-to-repair debate for agriculture

The “right to repair” movement has played out across several industries, but it’s been particularly contentious in the agriculture sector. Some farm groups, such as the American Farm Bureau Federation, have demanded that manufacturers make manuals, replacement parts and diagnostic software available to the public so they don’t have to go to the dealership – which can be hours away in rural communities. Having that information also helps them avoid waiting for an authorized technician when a tractor or combine breaks down. Here is a timeline of some key developments.



Source: POLITICO staff reports

WHAT’S NEXT

The Covid-19 pandemic has put momentum behind right-to-repair legislation targeting medical devices. Hospital repair technicians have complained about difficulties in quickly fixing equipment like ventilators, which saw a surge in demand for treating coronavirus patients. Last year, ventilator manufacturers GE, Fisher & Paykel and Medtronic made some changes to their repair policies and provided manuals to help technicians in a pinch. But some critics say significant barriers remain and lawmakers on Capitol Hill are looking to extract more information from those companies. The FTC recently [released a report](#) saying it will “pursue appropriate law enforcement and regulatory options” to address unlawful repair restrictions.

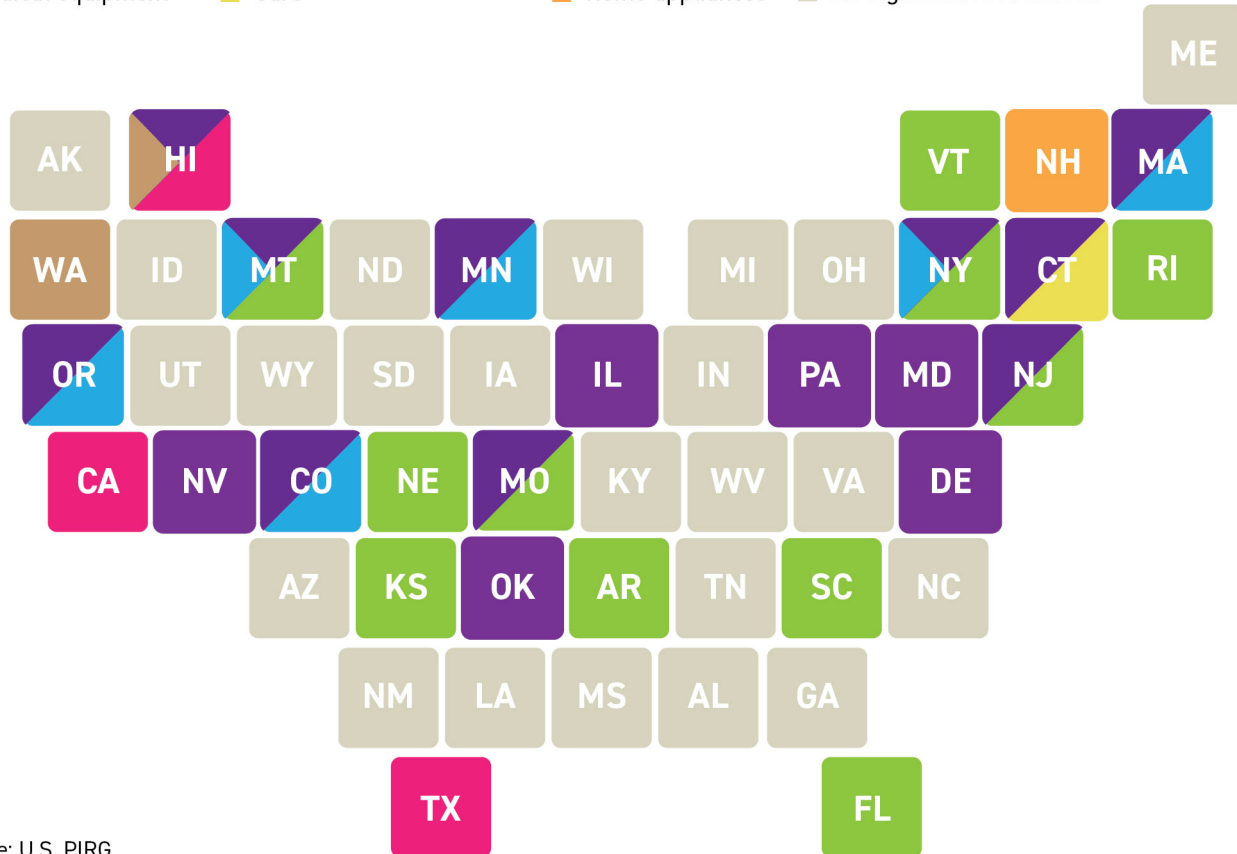
The first federal right-to-repair legislation, [S. 4473/H.R.7956](#), was introduced by Sen. [Ron Wyden](#) (D-Ore.) and Rep. [Yvette Clarke](#) (D-N.Y.) in the last Congress. Those measures aimed to make it easier to modify medical equipment. While those measures did not advance, Wyden has vowed “to complement state efforts and promote consumers’ right to repair their property across a broader range of products,” according to a spokesperson.

A bipartisan bill moving through the California Senate is perhaps the proposal with the best odds of passing a statehouse this year. The measure would require manufacturers of critical medical equipment to provide repair parts and information to hospital technicians and other third-party servicers. The California Hospital Association is among supporters of SB 605, [the Medical Device Right to Repair Act](#). But opponents argue it would undermine quality and safety standards.

Equipment covered under state right-to-repair proposals

A record 27 states introduced right-to-repair legislation this session and, depending on the state, the proposed bills apply to a variety of industries, from autos to health care to agriculture. But so far, none have been signed into law.

- Agriculture
- Non-medical equipment
- Non-car devices
- Consumer devices/products
- Medical equipment
- Cars
- Home appliances
- No legislation introduced



Source: U.S. PIRG

POWER PLAYERS

- **The Repair Association:** One of the original organizations to push for state and federal right-to-repair legislation, the Repair Association has provided model legislation for state lawmakers to use to advance the cause. Thirty-two states have introduced the association's template since it was first drafted in 2014. In addition to trying to pass laws, the group is also working to remove "warranty void if removed" stickers on appliances that they say violates federal law.
- **U.S. Public Interest Research Group:** PIRG has become a crucial hub of research for right-to-repair public advocacy. It argues that passing legislation and other policy changes would crackdown on corporate power and enable individuals to prolong the life of their products while reducing environmental waste in the process. Americans dispose of 416,000 cell phones a day, according to PIRG, and only 15 to 20 percent of electronic waste is recycled.
- **TechNet:** The Washington, D.C.-based trade group, which lobbies for Apple, Hewlett-Packard, Honeywell and other device manufacturers, has deployed a multi-state operation to defeat state legislation. It argues that permitting third-party repairs could expose customers to privacy and security risks.
- **The Association of Equipment Manufacturers:** AEM represents farm-related companies like John Deere and Case, and contends that some repair information shouldn't be widely distributed because it could then be used to modify a machine's source code. Tweaking that code has the potential to boost the horsepower above an engine's capabilities or compromise emissions or safety standards.
- **Federal Trade Commission:** The FTC issued a report to Congress in early May stating that "manufacturers have offered numerous explanations for their repair restrictions," but the agency found "the majority are not supported by the record." The report stated that the FTC is ready to assist state and federal lawmakers "ensure that consumers have choices when they need to repair products."