

AGRICULTURE

'Right-to-repair' fight extends from iPhones to tractors

Farmers' simmering frustration over their inability to repair their own equipment is now front and center in a contentious debate that spreads well beyond the farm.

By Adam Belz (<https://www.startribune.com/adam-belz/6370450/>) Star Tribune |

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The software in Peter Ripka's \$120,000 tractor gave him an error code and cut the engine to 50% capacity, and Ripka couldn't figure out why. He was locked out.

The farmer near Ogilvie called the dealership to send someone with a computer to identify the problem. Three days and two service calls later, a simple matter of water in the diesel exhaust fluid tank was solved. None of the delay would have been necessary if Ripka had access to the diagnostic software.

"You should be able to bring your own computer out there with a cable and plug it in just like they do, and pull it up," Ripka said. "But you can't."

Farmers' simmering frustration over their inability to repair their own equipment is now front and center in a contentious debate that spreads well beyond the farm. The battle is over who really controls a tractor, car, phone, refrigerator or camera, and whether customers have the freedom to repair the machines they own when they break, as they see fit.

New cars send owners to the dealership with a cryptic message when all they need is an oil change. An owner of an iPhone who tries to change the battery without Apple software gets a warning that sends them to the Apple Store. Nikon, [starting in April](https://www.ifixit.com/News/nikon-is-killing-its-authorized-repair-program) (<https://www.ifixit.com/News/nikon-is-killing-its-authorized-repair-program>), will only allow its cameras to be fixed at two specific locations in the U.S. Even Hasbro, the toymaker, has designed a Nerf dart blaster [with sensors that prevent it from shooting cheaper aftermarket darts](https://boingboing.net/2019/09/24/unauthorized-darts.html) (<https://boingboing.net/2019/09/24/unauthorized-darts.html>).

On one side of the debate is the "right-to-repair" movement. On the other side are manufacturers such as John Deere and Apple. Democratic presidential candidates Elizabeth Warren and Bernie Sanders have weighed in, calling for federal "right-to-repair" legislation, with Warren's pitch [specifically aimed at farmers](https://medium.com/@teamwarren/leveling-the-playing-field-for-americas-family-farmers-823d1994f067) (<https://medium.com/@teamwarren/leveling-the-playing-field-for-americas-family-farmers-823d1994f067>).

But so far the manufacturers are winning. Twenty-three states, including Minnesota, considered so-called "right-to-repair" legislation in 2019. None of those states passed such a law.



MATT MCKINNEY — STAR TRIBUNE

Farmers are increasingly frustrated at the inability to fix their own equipment. Manufacturers want repairs made at

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New dynamic

Tightly controlled integrated technology is everywhere in modern life, and a prominent example is Apple products.

Steve Jobs unveiled a Macintosh personal computer in the early 1980s that required special tools to open, and included no external ports for programmers. The iPod, introduced in 2001, only played music through Apple iTunes. Today, Apple meticulously regulates who can repair an iPhone, though it has started to certify more independent repair shops in the past 12 months.

“The popularity of Apple, and their commitment to that idea, is certainly a factor, but there’s always been pressure from companies to tie in further purchases,” said Nathan Proctor, director of the “right-to-repair” campaign for the U.S. Public Interest Research Group.

For decades up to the 1980s, Proctor said, the manufacturer-consumer relationship was governed by a doctrine that manufacturers had to “recoup their investment at the point of sale.” New technology has upended that.

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“The addition of software has created an opportunity for manufacturers to change the rules of the game, and they have done so,” Proctor said.

Automakers tried to keep their diagnostic tools from independent mechanics, but relented in 2014 when trade groups representing global auto companies [signed a memorandum of understanding](#)

<https://www.autonews.com/article/20140125/RETAIL05/301279936/automakers-agree-to-right-to-repair-deal>) giving independent shops access to the diagnostics authorized dealers use. That agreement was based on a Massachusetts law passed in 2012.

Still, the tools are pricey. They cost independent mechanics upward of \$2,500 each, and the annual subscription fees run from \$2,500 to \$5,000 per manufacturer, said Wayne Watson, owner of Auto Works Diagnostic and Repair in Woodbury.

“If you’re a small independent shop working on all makes and models, it can add up quickly,” Watson said. “It’s not unusual for a shop to spend \$50,000 a year on scan tools and subscriptions and updates.”

Aftermarket diagnostic tools can scan multiple makes and models, but they’re not as good as the tools used by dealers.

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“The manufacturers are working very hard to get their cars back in the dealership,” Watson said.

Getting to the source code

The [bill introduced in the Minnesota House of Representatives last year](#) (https://www.revisor.mn.gov/bills/text.php?number=HF1138&type=bill&version=1&session=1s91&session_year=2019&session_number=0) would require manufacturers to “make available, on fair and reasonable terms, documentation, parts, and tools, inclusive of any updates to information or embedded software, to any independent repair provider or to the owner.”

The bill stalled in committee in 2019, but could be revived this spring. The Minnesota Farmers Union supports the legislation. The Minnesota Corn Growers Association and Minnesota Farm Bureau have not taken a position.

However, members of the Nebraska Farm Bureau — where farmers are generally farther from dealerships than they are in Minnesota — in December [approved a change in policy](#) (<http://netnebraska.org/article/news/1201957/nebraska-farm-bureau-eager-right-repair-agreement-2020>) that echoes the language in the Minnesota bill, and the American Farm Bureau Federation is expected to address the issue at a meeting later this month.

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Equipment manufacturers and dealers say there is no need for legislation, since they agree farmers have the right to repair their equipment, and plan to make diagnostic tools, manuals and parts available to farmers by 2021, as outlined in a statement of principles published in 2018 (<https://r2rsolutions.org/our-commitment-our-customers/>). That statement is modeled on the 2014 auto repair agreement, and explains that farmers, like independent auto mechanics, will have to pay extra for diagnostic tools and subscription fees.

Matthew Larsgaard, the Fargo-based president of the Pioneer Equipment Dealers Association who testified against the legislation in Minnesota (<https://www.farm-equipment.com/articles/16923-testimony-before-minnesota-house-commerce-committee>) last spring, said that's only fair. He also objects to language in the Minnesota bill that appears to require manufacturers to sell replacement parts, diagnostics and other tools to farmers and independent mechanics at wholesale cost.

"Do you want the right to repair or do you want free stuff?" Larsgaard said. "Because you have the right to repair. We're providing you with the tools and information you need to perform repairs. What's the real objective here?"

The real objective of some "right-to-repair" proponents, said Larsgaard, is to get to the source code that operates modern tractors, forcing manufacturers to turn over their intellectual property.

"We believe that is what this legislation would compel manufacturers to do," said Stephanie See, the director of state government relations for the Association of Equipment Manufacturers, which represents John Deere, Case IH, New Holland and Caterpillar, among others. She said some equipment manufacturers already provide farmers diagnostic tools.

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Mike Peterson, a corn, soybean and hog farmer east of Northfield, said all tractors should be self-diagnosing. "This should be a moot point," he said.

But they're not, and paying for the "guaranteed continual cost" of a diagnostic subscription won't make sense for a lot of farmers, Peterson said.

"A subscription fee? Your tractor may only break down every so often," he said.

The reality, Peterson said, is that manufacturers have built in what they hope is exclusive repair rights for their authorized dealers.

He guesses implement dealers fear mega-farms will hire in-house mechanics and abandon them. He's sympathetic to that concern and wants local dealers to thrive.

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"They're our allies out here, but we can't stand any more corporate monopolies eating into our bottom line," Peterson said.

One person who's tracking the debate is Gov. Tim Walz, former co-chair of the Congressional Motorcycle Caucus and fixer of sliding van doors and car radios in his personal life.

"I do tend to try to repair my own stuff," Walz said. "I had an old GMC vehicle. When I replaced the battery it took the code out of the radio, and the dealerships didn't want to give it to me."

After some Googling he found the code and got the radio back, but the problem is a small example of what consumers are up against.

"I get some of the manufacturers' concerns," Walz said. "We don't want unsafe vehicles on roads. We don't want people bailey-rigging wires together on their breaks."

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But he's sympathetic to farmers whose livelihood depends on their ability to fix their equipment, he said, and with the proliferation of electronics in everyday life "there's a discussion to be had," Walz said. "I trust that we could maybe figure something out on the language."

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