

February 14, 2023



Chair Zack Stephenson
Vice Chair Carlie Kotyza-Witthuhn
Members, Minnesota House Committee on Commerce Finance and Policy
Via Email to simon.brown@house.mn.gov

Re: Opposition to HF 1337 (Digital Fair Repair Act)

Dear Chair Stephenson, Vice Chair Kotyza-Witthuhn, and Committee Members:

We are writing in respectful opposition to HF 1337, a repair-related bill that would apply to consumer electronic devices. In particular, we would like to provide information on the unique design and safety features associated with lithium ion batteries used to power portable electronic devices, and the resulting risks from manufacturer unaffiliated third-party repair of devices containing them.

Our understanding is that this bill would mandate original equipment manufacturers (OEMs) of digital electronic equipment or a part of the equipment sold or used in Minnesota to provide independent repair providers and consumers with diagnostic and repair information, software, tools, and parts, but without requiring the training and competency certification that is important for protecting consumer safety. We are concerned that this will undermine ongoing OEM efforts to provide more safe repair options for devices containing lithium ion batteries, including through authorized and affiliated repair networks.

PRBA is an internationally recognized trade association based in Washington, DC representing manufacturers of rechargeable consumer and industrial batteries and products that are powered by them. Our members range from internationally-known companies to small, family-owned specialty battery businesses in the U.S. We have existed for 31 years – since the portable consumer product revolution began. Much of our work for the industry is focused on promoting the safe manufacturing, handling, transport, and recycling of rechargeable batteries.

Unlike AA and AAA household batteries that consumers can buy over the counter for everyday use, lithium ion batteries are generally manufactured to power a specific device like a cellular phone, tablet, medical device, or power tool. Due to the high-energy density and flammable characteristics of lithium ion batteries, manufacturers of devices work closely with their battery suppliers to design a safe and dependable battery that is securely installed in the device to maximize safety. The 2018 Consumer Product Safety Commission (CPSC) update on high energy density batteries asserts that cord flexing failures, exposure to severe impacts (dropping or crushing), or environments (water, heat, and cold) can also affect cell and battery pack safety,

and may be initiated or exacerbated by consumer behavior.¹ Installation of these batteries often require special knowledge and training to understand the safety features in the battery and device. Compromising these safety features can lead to severe battery failures, which is often referred to as a “thermal runaway” event that can result in the battery exceeding temperatures 600 °C (1112 °F).


The unique designs and safety features associated with portable electronic devices and the lithium ion batteries that power them require knowledge of all the related safety parameters. That is, repair facilities must fully understand how the entire sophisticated “battery system” (*i.e.*, battery, charger, and host device) operates to ensure the system’s safety components are not compromised. Even with the correct tools, consumers and independent repair shops likely have limited knowledge of a battery and product’s sophisticated safety features, which creates an inherent risk during repair and when the product is being used after repairs are completed.

We note that many OEMs have launched carefully designed self-repair and work with authorized and affiliated repair networks to facilitate repair solutions in which consumer protections for safety and security are advanced. The bill, however, jeopardizes consumer protection guardrails such as training and certification requirements that would apply for independent repairers. This undermines rather than supports OEM efforts to provide additional repair options for devices containing lithium ion batteries in as safe a manner as possible.

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Thank you for the opportunity to provide our views on these important lithium ion battery safety issues. Please contact me at 202.719.4109 or gkerchner@wiley.law if I can be of further assistance.

Sincerely,



George A. Kerchner
Executive Director

¹ https://www.cpsc.gov/s3fs-public/High_Energy_Density_Batteries_Status_Report_2_12_18.pdf?UksG80UJqGY0q4pfVBkbCuUQ5sNHqtwO