

February 2, 2022

Representative Zack Stephenson, Chair  
Representative Carlie Kotyza-Witthuhn, Vice Chair  
Members of the Commerce Finance and Policy Committee

### **Support for HF 1156**

The Repair Association, officially incorporated as the Digital Right to Repair Coalition, is in strong support of this essential legislation.

Our over 400 members are businesses, individuals, and organizations engaged in support of technology products in the secondary market. We perform all the “Rs” -- repair, reuse, refurbishing, remarketing, resale and recycling. These are all services that allow for a circular economy, allow consumers and businesses to control the useful life of their property, and bring jobs back to the Commonwealth that have been destroyed by repair monopolies.

Digital Right to Repair and similar bills, being considered now in 14 additional states, is very popular for good reasons. Everyone needs to fix their stuff, or be forced to throw away and buy new, or do without.

**Buying new** stimulates factory production in Asia where poor environmental laws and abusive working conditions are common. According to the UN, roughly 80% of the environmental costs of using computers and cell phones are associated with manufacturing -- not use. Just keeping a cell phone for 4 years instead of two amortizes those environmental costs over twice as long.

**Chip Shortages:** the pandemic continues to create supply problems around the globe for new products. We could be fixing more to make do, but we cannot because of artificial limitations on access to repair materials.

**Education Shortages:** shortages of new laptops, such as for education, are a major problem for school districts needing to outfit students with technology. Wealthier districts have typically been able to buy new - which is now a challenge due to shortages, and poorer districts are often struggling to provide affordable options for their students. The most affordable products are sourced from the secondary market where lack of repair options continues to hamper the flow of suitable technology into the market.

**More repair** will help cross the digital divide not only for students, but for all products where affordability is an issue. Most new products today include chips and are repair-monopolized even when their function is decidedly low-tech, such as household appliances or HVAC.

Products which used to last 20 years are now failing in 8 years. The cost burden to buy replacements falls hardest on the least financially secure.

**Throwing away** creates processing costs that are borne by taxpayers. Recycling is expensive and rarely done well. Raw materials values frequently do not cover the costs of transportation nor processing. Many products that should be handled as e-waste are discarded in household waste creating further challenges as common lion batteries are explosive when nicked, crushed, or shredded. Lack of schematic diagrams makes it difficult for processors to easily identify the location of dangerous parts, such as batteries, so they can be efficiently removed and processed.

**Harvesting Parts:** Parts that can be harvested for repair use help us all keep our purchases in use even when the manufacturer has long ago stopped producing or stocking parts. The same schematic information needed to locate valuable parts must also be paired with the tools that allow repair technicians to activate the part as a spare part. Many charitable groups could buy and deploy used parts more easily if the means to use them were unlocked.

Polling in support of Right to Repair has been consistently at 75% or higher approval regardless of political party, geography, social-economic or ethnic lines. This is because the consequences of not repairing things are so impactful, we find nearly universal interest in support of legislation, regulations and standards to make repair more readily available.

We are not alone in making the case that limitations on repair are harmful and without justification. The Federal Trade Commission (FTC) began investigating the repair marketplace and its limitations in July of 2019. The Commission unanimously issued their report to Congress on May 6, 2021 and reported there are no good reasons to block repair. They reported critically that manufacturers in opposition to owner-directed repair lacked evidence to support their allegations of harm. They concluded there are no justifications for limiting repair - and that state legislation is a very viable option for restoring the option of repair to product owners.

The report concludes with this final sentence: "The Commission also stands ready to work with legislators, either at the state or federal level, in order to ensure that consumers have choices when they need to repair products that they purchase and own. "

Our members are subject matter experts and are available for discussion. We urge the Committee to report these bills favorably so that further discussion and debate can follow.

Please feel free to contact me at any time.

Sincerely,

Gay Gordon-Byrne Executive Director, The Repair Association  
[ggbyrne@repair.org](mailto:ggbyrne@repair.org) / 518-251-2837

References:

Report Announcement:

<https://www.ftc.gov/news-events/press-releases/2021/05/ftc-report-congress-examines-anti-competitive-repair-restrictions>

Report Text:

[https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing\\_the\\_fix\\_report\\_final\\_5521\\_630pm-508\\_002.pdf](https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf)

“Cliff Notes” Summary: PDF attached.