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February 13, 2023

Rep. Zack Stephenson

Chair, Commerce Committee

Minnesota House of Representatives

St. Paul, MN 55155

**SUBJ: Right to Repair (HF 1337) will not enable illegal modifications in agriculture**

Dear Chair Stephenson,

I write to share with you my expertise in the repair of electronics, especially the electronics that control much of today’s agricultural equipment. My grandfather, Theo Brown, in 1923 was named John Deere’s chief engineer and elected to its Board of Directors. My father retired from International Harvester as Chief Engineer of farm implements. I spent my career developing the computer-refurbishing industry. Since then, I have worked with farmers and mechanics across the country to become an expert in the technological aspects of modern tractor repair, combining my family’s agricultural equipment roots with my own computer background.

In their testimony, dealership and manufacturer representatives frequently raise the specter of emissions or safety violations and erroneously suggest that legislation such as HF 1337 will exacerbate the situation. I expect this testimony at your hearing this week.

The repair tools that Right to Repair calls for are the manufacturer-made tools that equipment owners or independent mechanics need to effectively repair their machines and facilitate compliance with the law. It is incorrect to say manufacturer tools facilitate anything but safety and emissions compliance.

A comparison of the repair materials required by the bill and the two most common forms of illegal modifications—chipping and deleting emissions—demonstrates why. Chipping is a process of altering software that enables the equipment to operate at a higher level of power. Manufacturer tools such as those called for in HF 1337 have nothing to do with chipping—they do not make it easier for farmers to unlock additional power.

In fact, dealer tools are necessary to ‘un-chip’ a tractor—reinstalling software to factory settings reverses the process. Performing such a step is a straightforward and common part of the resale process of other devices. Dealers should be performing this before selling used equipment, and farmers should have the ability to perform such a step if they buy a used piece of equipment outside of a dealer.

While emission systems deletion is different from chipping in that it deals with emissions controls rather than power output, it is similar in that emissions deletion is a modification that does not occur with the use of manufacturer tools. In some cases, deletion is performed by illegally deleting the emissions control software from a tractor’s computer system. In others, it can require a mechanical modification, such as disconnecting the relevant sensors. Any mechanical alterations should be clearly visible to skilled dealer technicians. It is appropriate to presume that equipment dealers with full access to the complete set of repair tools and electronic machine history would immediately be aware of this violation.

In fact, dealerships are already performing these checks. Dealers often note this in testimony, most recently Russell Ball from 21st Century in Colorado, who explained when his company discovers evidence of chipping or emissions deletion, they “price what it would take to get it back to standards and take that off the trade-in value.”

Without access to these complete sets of tools, farmers can be forced to choose between circumvention and having a functional piece of equipment—particularly if weather threatens their crop or their window for planting closes. In an industry with such high risks that are often beyond control, empowering farmers to repair their property is the most responsible thing to do for the critical infrastructure of agriculture, the environment, and farmers’ safety.

I urge you to pass HF 1337 as is, and as soon as possible.

Sincerely,

Willie Cade

Repair.org

Midwest Regional Director

Board Member, focusing on Agricultural Right to Repair