

Hello and thank you for allowing me the opportunity to provide input on the HF1156 (Right to Repair) legislation.

My name is Jack Gerhardt. The son of second-generation dairy farmers near Fairmont, MN. I bring a unique perspective to the R2R issue having co-owned and operated a crop and livestock farm for many years before spending the last 16 years of my career in the Ag Equipment industry. I am currently employed as Vice President of Aftermarket Strategy for C&B Operations. LLC, who owns and operates 9 John Deere dealerships in SW Minnesota.

With my very brief time today...I have 2 goals:

First, to provide clear evidence to the fact that ag equipment owners currently enjoy real, affordable, and timely access to all the parts, tools, and information required to make even the most complex repairs.

And second, to demonstrate the real risks to life safety, emissions control, warranty provisions and used equipment values that this proposed legislation presents.

Let me begin with owner ability to repair equipment. One reason we are talking about this issue today, is because equipment has become increasingly more sophisticated. Past mechanical linkages that were used to operate equipment have been replaced with complex electronic devices and circuits. Furthermore, between 2008 and 2015 the EPA mandated that manufacturers significantly modify engine exhaust systems to meet the stringent emissions standards of the Federal Clean Air Act. As equipment sophistication became mainstream, Equipment Manufacturer's began to develop online support tools to facilitate repair. Today these tools are readily available and affordable to the public.

One place to access these resources is our C&B Operations website. On the "Do-It-Yourself Repairs" page, you'll find:

- Free access to the same John Deere parts catalog that dealers use,
- Quick links to the John Deere website to purchase all service manuals.
- Direction on how to order Special Tools required to perform critical tasks, and
- Direction on how to Customer Service Advisor 5.2; the same diagnostic software John Deere Technician's use to diagnose and repair equipment.

All these tools and resources are affordable and well supported by the dealer. **If these resources do not provide owners with the RIGHT TO REPAIR, I honestly don't know what more can be done.**

To be clear, Customer Service Advisor 5.2 DOES NOT provide the technical training required to perform sophisticated diagnostic tests and troubleshooting procedures. While these skills can be readily obtained at technical schools throughout the State, it should not be taken for granted that just anyone can capture ALL the benefits of Customer Service Advisor 5.2.

Today, farmers and other end users are taking full advantage of their ability to make repairs. For Calendar Year 2021, **over 58% of C&B's parts sales were sold direct to End Users and Independent Repair Shops.** If customers and Independent Repair Shops don't have the right to repair their own equipment, why are they buying nearly 6 out of every 10 parts sold by our dealerships? It is particularly worth noting that **12 of our Top 20 parts customers are Independent Repair Shops.** Because of the resources available to today, Independent Repair Shops routinely win service work on both aged and late-model equipment alike. These facts strongly refute claims that Equipment Dealers are somehow restricting competition.

Now let's consider the threat this legislation poses to life safety, air quality, product liability and used equipment representations. As written today, this HF1156 would require Equipment Manufacturers to provide near unfettered access to proprietary source code. Currently CSA 5.2 does not provide this access. Doing so would kick open the door to unauthorized modification of equipment including increasing engine horsepower and increasing ground speeds beyond manufacturer specifications. It would also fuel deletion of emissions controls in violation of the Federal Clean Air. These modifications:

- put service technicians and operators lives at risks,
- undermines manufacturer warranty provisions,
- pollute the environment, and
- dramatically distorts used equipment representations.

These are all real and unintended consequences of the legislation. Up until now, these issues have been well managed by the industry without the help of State or Federal legislation.

To conclude, let's be clear, equipment owners already have the **RIGHT TO REPAIR** their equipment, **AND** the **RESOURCES TO REPAIR** their equipment. Unfortunately, this legislation is about the **RIGHT TO MODIFY** equipment, **PERIOD!** It clearly intends to strip proprietary information from manufactures, hand it over to an unregulated end user, then turns a blind eye to concerns related to the certain misuse cases that will result.

For these reasons, C&B Operations views this legislation as both **DECEPTIVE & RECKLESS**, and as such not good for the equipment industry nor the State of Minnesota.

Thank you again for your time and consideration of this testimony.