



## HB1124: Consumer Protection: Right to Repair

Economic Matters Committee

March 11, 2020

**FAVORABLE**

*Maryland Public Interest Research Group (Maryland PIRG) is a citizen funded public interest advocacy organization with grassroots members across the state. For forty years we've stood up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society.*

**We support HB1124, Right to Repair, or as we call it, the “Just Let us Fix our Stuff Act.”** We generate way too much waste, and companies use their power in the marketplace to make things harder to repair, or even designed to fail.

In order to repair an electronic device, whether it be a [smart phone](#), a washing machine or a [computer enabled tractor](#), you need some basic things: Spare parts, repair documentation (like the schematics and manuals), diagnostic software and any special tools. But when the companies that make our stuff block access to all of those essential things, repair becomes difficult -- and in some cases *only* the manufacturer or their “authorized” repair technicians can do the repairs.

**Manufacturers essentially have a monopoly on repairs. When only the manufacturer or their ‘authorized technician’ can fix something, they can charge whatever they want or they can say “it can’t be fixed” and push you into buying a new device. They do both.**

Meanwhile, we estimate that Marylanders dispose of some [7,000 cell phones each day](#), and electronic waste is the [fastest growing waste stream in the world](#). And the materials and emissions from manufacturing and transporting products far eclipse the waste from disposal.

**This bill will upset manufacturers and their current monopoly on repairs. That’s the point.** Manufacturers that currently prevent competition for repair services will be forced to compete. Some may lose business opportunities to competitors. This is the healthy outcome that spurs innovation, quality of service, and competitive pricing.

### **How Right to Repair Policies Work**

Right to Repair requires manufacturing companies to make the diagnostic tools, manuals, replacement parts and tools available to the user or a third party available at a fair price. These are the critical things repair shops and consumers need to fix broken things.

The statute is adapted from the “Right To Repair” agreement for cars -- so we know the structure of the law works. The automotive industry agreed to these terms in 2014. There have been no ill-effects from the application of this law, and consumers have the option of taking their car to whichever mechanic they choose.

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## **Fixing a Throwaway Economy**

Recycling by itself doesn't change our throw-away society. In fact, it appears that recycling has given many consumers a false sense of environmentally-responsible consumption. In fact, many products no longer make sense to recycle due to lack of value as commodities. Municipalities are learning they have to return to landfilling carefully separated commodities, including electronics, metals, plastics, paper, and glass. The growth of internet connected devices in our lives is going to overwhelm the limited capacity we have today to process and actually reuse these gadgets. Adding more recycling centers that will need to landfill collections is not the answer.

The best way to fight waste is to interrupt market pressures to replace products with widespread and reasonable opportunities to repair and reuse. Right to Repair puts the option of repair and extended use back in the hands of consumers -- which will lead to less waste. If, for example, the average useful life of a cell phone moves from 18 months to 36 months, that's half the number of new cell phones produced yearly.

## **Why Right to Repair?**

- **Good for the Economy**

With access to more repair documentation, parts and tools, small businesses will start or expand, adding to the local economy. The money spent on repair will circulate in the US economy rather than stimulate factory jobs overseas.

- **Good for Consumers**

Repairs are usually less costly than buying replacements, leaving more money in the pockets of consumers. Repairing things is consistent with the rights of owners to control their property. In addition, it:

- Prevents price-gouging from manufacturers for replacement parts.
- Gives consumers more options, and fosters a more competitive marketplace for high-tech goods.

- **Good for the Environment**

Right to Repair will allow millions of tons of useful products to remain in use instead of filling up landfills, and more impactfully: reduce the burden on source material, manufacturing, and transportation of new devices. Greater access to repair will create new markets for parts which can in turn result in higher values for recyclers and reusers to harvest useful parts from older machines. The same information necessary for repair will also aid recyclers in locating and safely removing dangerous parts such as batteries for safer processing.

- **Good for Cyber Security**

Improves cyber security. While our industry opposition argues the opposite, the experts at Harvard's Berkman Klein Center for Internet & Society testified that Right to Repair would improve cyber security -- especially in older devices which lack manufacturer support.

**We respectfully request a favorable report.**

## FAQ

### **Will this mean manufacturers lose their Proprietary Rights over the products they make?**

No. Repair is already specifically legal under both copyright and patent law. Right to Repair does not, and cannot, alter federal law, and none of the diagnostic tools and data enabled by this law would increase access to proprietary property.

### **But would manufacturers' trade secrets be put at risk?**

Trade secrets are specifically disclaimed in the statute. Repair work has no interest in trade secrets. Manufacturers don't give access to trade secrets to their own technicians, and we aren't asking them to do so here.

### **Will third party repairs pose risks to consumer safety?**

Repair by any customer or technician will be safer with more access to repair manuals, tools, parts, and diagnostics.

And, typically, manufacturers disclaim responsibility for safety of use in purchase contracts to the greatest extent allowed by state law. They don't promise safety when they do the repairs themselves, so there is no additional liability concern either.

### **Do these reforms interfere with the warranty?**

Federal law already protects consumers from losing warranty coverage due to using independent repair or non-OEM original parts. This will make those repairs more likely to be successful.

### **Are there cyber security risks?**

No. Cyber Security is a software and network access function unrelated to hardware repair. This law does not give access to the software itself.

### **Could this create privacy concerns for customers?**

No. Products are either secure by design, or they are not. Manufacturers do not provide authorized repair technicians with secret security keys -- because such secrets would not be kept. Right to Repair asks only for those tools, including security tools, that are already provided to authorized repair technicians.