Slide by Slide Discussion of AEM/EDA Webinar

4. Incomplete description of Repair.org goals. We are fighting for repair-friendly policies that will enable everything with a digital electronic part to be repaired – so the list of devices is far too brief.   Repair.org is an umbrella association connecting everyone in the business of repair, resale, and recycling of electronics in support of repair-friendly legislation. iFixit is one of our founding members along with about 25 other non-profits and hundreds of individual repair, reuse, recycling, and resale businesses.

5. The “Repair Manifesto” was written several years ago by Kyle Wiens of iFixit as a marketing piece for his business. It’s close on our collective goals but is not our publication. Since it was written, it has become obvious that state legislation can unlock much of the information needed for repair, but that federal efforts at the Copyright Office are also needed.  Our Association promotes both.

7. Amusing. Repair.org members were not interviewed in any of the publications referenced.   We cannot speak for articles written by observers.  There is ample mis-understanding on both sides.  Before posting this type of information, we could have provided AEM with far more accurate and researched works.

8. We have promoted only the bills in NE, MN, MA, NY and previously in SD.  We are NOT involved in any motor vehicle right to repair anywhere (it’s a settled issue nationally).  Our bills specifically exempt over-the-road motor vehicles because of right to repair industry agreements for both Autos and Commercial Vehicles.

9. We cannot speak for Farm Bureau – but since FB speaks for farmers, it would be likely that some states may adopt policy favoring Right to Repair. NY has already done so.  The National Farmers Union has already done so.  More crop associations are also working on policy in states.

9. Right to Repair is entirely separate from Copyright Law and has to be separate. States cannot “pre-empt” federal law. Right to Repair is only a state effort and does nothing do copyright, patent, or trade secret law. The US Copyright Office has already exempted land-based-motor-vehicles from copyright law starting at the end of October, 2016.  The USCO still requires farmers to remain in compliance with all federal law.

11. We think that AEM is trying to use the obvious differences between the shape and size of equipment (cars vs tractors) in order avoid discussing how Right to Repair agreements in clearly similar industries have already agreed to the language of Right to Repair for their industries nationally.  The electronics in car-shaped, truck-shaped, tractor-shaped and computer-shaped computers are the same – so repair is the same.

11. Electronically, there isn’t a difference between cars, trucks, tractors, refrigerators and cell phones.   Computer Chips aren’t different based on the tasks performed – they just calculate.  If the chip is burnt out or damaged – the chip has to be replaced.  This is the reason that repair for “stuff” is unrelated to the application.

12. Right to Repair legislation already provides for fair and reasonable pricing for purchases of information and materials necessary for repair.  The standard is that whatever the OEM provides to the dealership – with or without a fee – is to be equally available to the owner or independent.

12. We agree that access to a manual doesn’t guarantee skill – but preventing access to a manual guarantees lack of skill.  Educators can’t teach without manuals, tools, diagrams, parts and now passwords.

13. Everyone on this list can decide for themselves if the chart has any resemblance to actual conditions.  If this were the case, then AEM wouldn’t be in opposition to Right to Repair. The information would already be available and legislation would not be necessary.

14. This is a fundamentally absurd argument. Manufacturers and retailers offer products for sale – but once sold – have no further rights to control of use. The sale is a complete transaction – or it isn’t a sale. Owners have to comply with state and local laws – which are enforced locally and not by the OEM.

Those of us in the repair industry disagree entirely that repair is so difficult or mysterious that only a manufacturer employee is capable of learning. Hog wash. The program which Right to Repair seeks to sole is that OEMs are making it intentionally difficult to acquire skills by blocking access to the information necessary to learn.

15. All federal, state, and local laws still apply. Modification of equipment is legal under patent law, but modification of software is controlled by Copyright Law.  As stated before, the US Copyright Office has AGREED to exempt software modifications to vehicles reiterating all safety, DOT, EPA standards still apply.  Opposition to right to repair on this basis is entirely mis-placed.

It is already illegal under the Magnuson-Moss Warranty Act of 1975 for any manufacturer to refuse to honor a warranty repair based only on the use of independent repair or non-OEM original parts.   Moreover, warranties are promises made to buyers to support equipment under limited conditions and are not a requirement for the buyer.

Dealers are currently the only parties trained by the OEM because of the franchise business model.   Independent mechanics can be equally well trained, and often are.  Buyers of repair services get to decide whom they prefer – not the OEM.  Competition for repair on the basis of training and experience is a good thing for everyone.

Reiterating – it is up to the owner of the equipment to remain in compliance with federal, state, and local laws.   If a tractor, car, or truck fails an emissions test – the owner gets the ticket or the fine – not the OEM.

16. Safety – is still the responsibility of the owner, not the OEM.   AEM is expressing their worries about downstream liability for manufacturers – which are not the concern of farmers.  Farmers are the ones at risk from defective products. Farmers are the ones that get hurt if the equipment is unsafe to operate.

Preventing farmers from repairing their legally owned property under the fiction that they might hurt themselves did not pass muster for the auto and truck industries.  Manufacturers that withhold essential service documentation, including warnings about hazards, are making themselves more vulnerable to personal injury claims.

Trade-in value is based on used market values.  Equipment that cannot be repaired, or for which repairs are exceptionally costly, are worth less than those capable of long-useful life.  This is true in all markets – not just tractors.  Manufacturers that monopolize repair also crush used market value – because the used buyer will take the monopoly costs of future repair into account.  Independent repair has historically allowed the average automobile to stay in use for 20 years – and 80% of repairs are made by independents.    Independent repair takes over when the OEM is no longer interested.

One of the advantages of high-tech products is the ease of determining the history of adjustments, changes, and updates.  Diagnostic software designed for repair also provides a list of all updates – which is easily referenced if there is any concern about software revision levels.  If the machine should be wiped clean and reloaded with original firmware – that, too, is a simple step.  We suspect such comments stem from people with no experience of computer repair and refurbishment where resetting software to the original is routine.

17 -  20.  Puzzling as to why these statements were quoted.   We attended the hearings so know that these snippets are a tiny part of 90 minutes of discussion. Interesting that later in testimony – Senators never got a satisfactory answer to the key question: “ When do I get to repair my tractor?”

20. (repetitive)

21. Local repair businesses of all kinds are the anchors of local communities, pay taxes, sponsor little league T-shirts, invest in training and advancement of their employees, including themselves.   Technicians with electronics repair skills can expand their knowledge base and support more than one brand, or even one category of equipment. If a local diesel mechanic is uncomfortable downloading safety and security patches - a local computer geek can help if the information is available.

22.  Training on complex equipment is not available under the current business model of hidden information.  Community Colleges, Universities, Researchers and Tech Trade Schools cannot develop curriculum without this information.    Passing Right to Repair will allow multiple options for repair training.  Manufacturers truly worried about training can offer their certification courses to independents.

23. We have asked AEM to provide language for use in Right to Repair bills that would help them address these concerns.

24. Ownership does mean ownership.  It means that the prior owner no longer controls how equipment is used, including mis-use.  If you sell your car and next owner gets in a wreck – is that your problem? No. You don’t own it any longer.

The question of good public policy is for legislators to decide.  Our goal is to enable a level playing field for competition for digital electronics repair for the future.   In this we agree with AEM.  Competition is essential for innovation, consumer rights, and extended use of our valuable purchases.