

**TAXPAYERS
PROTECTION
ALLIANCE**

March 25, 2024

House Commerce Committee
Pennsylvania House of Representatives
523 Irvis Office Building
Harrisburg, PA 17120

Dear Chair Conklin, Chair Emrick, and Members of the Commerce Committee,

On behalf of the millions of taxpayers and consumers we represent (including many in the commonwealth of Pennsylvania), the Taxpayers Protection Alliance (TPA) strongly advises against the passing of any law that would force device makers to work with unauthorized third-party repair shops to repair consumer electronics.

So-called “right to repair” laws are well-intentioned, but largely flawed, policies aimed at increasing repairability of consumer electronics, automobiles, medical equipment, and a wide arrange of consumer goods. While these are noble goals, this push for repairability should not come at the expense of intellectual property (IP) rights, freedom of commerce, commercial good-will, and consumer safety.

By requiring manufacturing companies to sell tools, documentation, software, or parts to unauthorized repair shops, right to repair laws would violate manufacturers’ rights to freely decide with whom they do commerce. This essentially negates the rights they have over their property. Business transactions should be conducted between two freely consenting parties, as it is the basis of a mutually beneficial exchange. The mandates that are inherent to right to repair laws would significantly hamper manufacturers’ ability to set standards and conditions in these transactions. Measures such as non-disclosure agreements, and others that could protect IP and trade secrets, could become legally problematic.

Right to repair mandates also expose manufacturers to unnecessary brand risk. As unauthorized and unvetted repair shops operate with no supervision from manufacturers, there is no way for them to guarantee that any repairs are done properly and to a standard deemed acceptable by the manufacturer. However, if consumers received an improperly repaired or refurbished device, they are likely to think of the whole device as defective, blaming the manufacturer instead of the repairer. This will ultimately negatively impact the sales of the manufacturer, instead of the repair shop responsible for the faulty device.

The negative impacts of right to repair legislation also extend to consumers. Oftentimes, consumers end up paying for lower priced repairs with the insertion of faulty, stolen, and even hazardous parts in their devices. For example, studies show that third-party aftermarket lithium-ion batteries tend to be of lower quality and overwhelmingly fail to meet safety standards. As it has been shown in the past, faulty or defective lithium-ion batteries can be incredibly hazardous for users and repairpersons, as they can suddenly combust and explode, causing serious injury.

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Unauthorized and unaccountable third-party repairs can also significantly compromise consumers' privacy and safety. Certain consumer electronics (such as smartphones) have become more important in users' day-to-day life. They host intimate, medical, financial, and all kinds of sensitive data. As such, these devices have become a common target for malicious actors. By granting unauthorized repair shops access to software tools that allow them to get unrestricted access to these devices, right to repair legislation can make it easier for ill-intentioned individuals to breach consumers' privacy. It can also expose users to the installation of malware and spyware, creating a cybersecurity risk both for the owners of the device and to all the information technologies that interact with the compromised device.

Right to repair legislation is a well-intentioned policy that unfortunately, would cause more harm than good if passed. Pennsylvania should step away from considering these types of legislation to ensure consumers' safety, privacy, and security.

TPA commends the House's efforts to listen and inform themselves on the matter.

Sincerely,



David Williams
President