

House Commerce Committee
Testimony on Right To Repair Issue
Pennsylvania State Grange
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House Commerce Committee Majority Chair Scott Conklin and Minority Chair Joe Emrick, thank you for convening this hearing on the important issue of Right To Repair. For the record, I am Matt Espenshade, President of the Pennsylvania State Grange. In addition, I am a seventh-generation dairy farmer from Lancaster County. As you may know, the Pennsylvania State Grange is one of, if not the oldest, organizations that advocates for rural Pennsylvanians, having been founded in 1873.

First, let me state the obvious, farmers are self-sufficient and independent by nature. It is not only their heritage, but also their way of life. To be a farmer is to confront and solve problems on a daily basis.

However, advances in technology have transformed basic farming into today's precision agriculture, where specific amounts of fertilizer and pesticide are applied only where needed and farm equipment has evolved into larger and larger complex machines. These advances result in more productivity, but at a financial cost. These expenses are not just the financial capital to purchase, but resources now devoted to outside repairs that self-reliant farmers can no longer do.

Here is where we get into the gray areas of what is commonly called 'Right To Repair'.

Where is the technological divide where an outside expert is required? In a sense, repairing automobiles is a good comparison. Automobiles were much simpler many years ago, but today technology has grown exponentially. The pace of manufacturers implementing more and more complex systems continues to accelerate. Some of that is pure technology at work. Others, such as the Federal Government's efforts to convert America to non-fossil fuel have prompted auto manufacturers to adapt and to change.

Right To Repair Goes Beyond Ag.

Right To Repair is not limited to agriculture. It affects much of what we buy and use products from automobiles to cell phones, and other consumer-focused electronic devices. In some buildings, temperature is computer-controlled and the thermostat is irrelevant. There are many things that consumers cannot fix any more.

For most farmers, replacing a \$40,000 piece of equipment on a whim is not an option. Their only real option is repairing damaged equipment. But who can repair it? The farmer? Repairs done solely by a certified equipment dealer who could be

30-40 miles away? If so, that farmer is at the mercy of the staff availability of that dealer. Many dealerships have established areas and territories they serve. Many operations on a farm are time sensitive, and down time waiting for repairs during planting or harvest can have a ripple effect for the rest of the year.

What if repairs are done by a local equipment dealer not affiliated with the manufacturers' brand? Which repair resource is qualified? Which facility is more accessible? Which repair is more affordable and is the price higher for repairs done by company dealerships because no one else is authorized to repair that piece of equipment?

To be fair, farm equipment manufacturers have a valid point. It may have cost millions of dollars for a manufacturer to have researched and developed the technological advances. Should they allow just any equipment dealers unfamiliar with the equipment to do the repairs? Doing so, they might say, increases their liability if they let someone else perform those repairs who may not have enough understanding and training to repair correctly. Could an independent repair prompt the manufacturer to void the warranty?

Staying Away from Winners and Losers in Legislation.

Some Right To Repair advocates may want complete access to manufacturer specifications including algorithms. They might say that manufacturers base their restrictions against non-company equipment dealers on profits coming from a restraint of trade. Some opposing Right To Repair could try to make the case that repair information for technologically sophisticated equipment is intellectual property and should not be shared.

To be clear, the Pennsylvania State Grange has taken a policy position voted on by members in favor of the Right To Repair

Recognizing that there are arguments on both sides, the Pennsylvania State Grange is presenting these suggestions for the House Commerce Committee's consideration.

- Some manufacturers have already made agreements which they say allow independent equipment dealers to do the repairs. Is this claim true? Perhaps the Legislative Budget and Finance Committee (LBFC) could examine those agreements and survey equipment dealers to determine the accuracy of that claim.

- Further, LBFC could also look at laws passed in other states to see if a national model of Right To Repair is emerging. It could also reach out to the national state legislator organizations – National Council of State Legislators and American Legislative Exchange Council to see what model legislation has been crafted. I suggest this NOT to say that we should follow a national model. Rather, it is important to see what others are saying and then the General Assembly can decide for Pennsylvania what should be done.

Hopefully, these suggestions could lay the groundwork for a Right To Repair bill that protects manufacturers’ intellectual property while providing a certification training program so that repairs are done according to manufacturer specifications.

When the report(s) reach the Legislature, you would have a complete perspective as to how the interests of farmers, manufacturers and independent equipment dealers can all be met.

Conclusion

Again, the Pennsylvania State Grange appreciates this opportunity to present testimony.

Respectfully submitted,

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