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## Right to Repair Position Statement

The North America Equipment Dealers Association is a trade association representing approximately 4,500 farm, industrial and outdoor power equipment dealers in North America. In Texas, our association represents 247 dealer locations. Through the sale of equipment, parts, and service, our dealer members work in partnership with farmers and ranchers to make them the most productive and competitive producers in the world.

### Reality of the Repair Landscape

Our industry is a leading example of one that supports customer self-repair. Equipment manufacturers and dealers are committed to providing access and widespread availability of parts, tools, documentation, and diagnostic capabilities to owners and independent repair shops. The reality of the repair landscape for farm equipment demonstrates this commitment. A third-party survey of our industry showed that nearly 60 percent of all parts sold are installed by someone other than the dealership. On average, a farm equipment dealership also sells parts to nine different independent repair shops with two typically in their top ten parts customer list. (*See Repair Done Right Infographic Survey Results Attachment*).

### Memorandums of Understanding

In addition to the support provided directly to owners and independent repair shops, the major stakeholders on this issue have agreed to Memorandums of Understanding. The MOUs between John Deere, CNHI, Kubota, AGCO, Claas and the American Farm Bureau Federation is a private sector solution that formalizes the commitment to supporting customer repair and makes legislation unnecessary for our industry. These MOUs cover nearly 80 percent of the farm equipment sold in the U.S. and contain detailed provisions describing what manufacturers make available to support customer self-repair.

The MOUs are a living document that provide for at least semi-annual meetings between the stakeholders to assess concerns, updates, and other issues related to Right to Repair. The AFBF has created a complaint portal for members and non-members to submit issues related to the MOUs. In nearly two years, there has not been a single complaint lodged on the portal. (*See <https://www.naeda.com/farmers-fix-it/>*).

### Workforce Development Challenges

Even with our industry's commitment to Right to Repair, there are still persistent challenges to increasing uptime for farmers and ranchers. However, they are not attributable to availability and access to parts, tools, documentation, and diagnostics. The most prevalent challenge is the shortage of skilled technicians in our industry. The average farm equipment dealer would hire five additional technicians today, with a cumulative shortfall of technicians across the country numbering in the thousands. This gap continues to widen despite an industry leading model where dealers cover complete tuition for a two-year equipment technician program with a guaranteed high-wage job upon completion.

### **Rural Broadband**

Another challenge our industry faces is the lack of rural broadband. Modern farm machinery is equipped with remote diagnostic capabilities that, when available, significantly decrease the amount of time required for a dealership to diagnose equipment issues. However, without ubiquitous rural broadband this technology is unusable for dealerships and their customers, resulting in increased service times across our industry.

### **Opposition to Legislation**

The success of our dealers depends on the success of their customers. Far from preventing a customer's right to repair their equipment, our dealers have every incentive to increase their customer's ability to work on their own equipment or have an independent repair shop perform the repairs. While we support a customer's Right to Repair, we oppose Right to Repair legislation for our industry because it would create serious safety, environmental, and intellectual property concerns.

In addition to these concerns, most Right to Repair legislation introduced includes price fixing provisions that prohibit dealers from making a profit on the sale of parts inventory. This would have drastic consequences for the viability of dealerships and their ability to stock parts necessary for customer repairs. Another area of concern posed by most Right to Repair legislation is the creation of private causes of action that would subject dealers to litigation for making a profit. This is simply untenable.

### **Illegal Tampering, Modification & Destruction of Intellectual Property Rights**

Our industry opposes legislation that would make illegal tampering and modification of farm equipment more likely. We oppose Right to Repair legislation that would allow for unfettered access to the software governing safety and security of farm equipment, including the software controlling emissions technology. NAEDA is a member of a coalition including 27 national and regional associations that oppose legislation making illegal tampering more likely. (*See attached Illegal Tampering Coalition Position Statement*).

### **Exemption for Off-Road Equipment**

Most states are exempting off-road equipment, including farm machinery, from Right to Repair bills across the country. Every state that has passed a Right to Repair bill has included an exemption for off-road equipment, with the exception of one state. The reason for this is two-fold. Farm equipment is distinguishable from household consumer electronics because of the safety and emissions issues raised by allowing access to systems controlling those items. Second, our industry already provides owners and independent repair shops the parts, tools, documentation, and diagnostics they need to perform self-repairs, and we have formalized that commitment with detailed MOUs.

This is a complex issue that brings up many points of consideration not fully addressable in a position statement. If your office would like to discuss any of these issues further, we are available to provide resources and material to further explain our position.



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