

Gadget industry tosses a wrench into 'right to repair' efforts

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The "right to repair" movement is having a moment, but roadblocks remain.

After Colorado and New York passed [new laws](#) last year, legislators in at least 17 states introduced bills this year that would compel manufacturers to provide information and parts for do-it-yourselfers or independent shops to fix devices.

But the tech industry, despite making some concessions, has maintained its furious opposition to the measures, making it difficult for tinkerers and [small businesses](#) to get instructions and components.

President Joe Biden gave the movement a nudge in July 2021 with an executive order encouraging the Federal Trade Commission to limit manufacturers' ability to restrict independent repairs. The FTC said it would focus enforcement on repair restrictions that violate [antitrust laws](#) or violate the agency's prohibitions on unfair or deceptive practices. Congress also has been considering more comprehensive bills to extend the right to repair nationwide.

And the industry has been taking some limited steps toward allowing more self-repairs.

Apple recently added more desktop Macs to the devices covered by its self-service repair program, for example, while Samsung did the same with certain phones and laptops.

And the John Deere company, which has long been criticized by farmers trying to fix computer-related problems on their own equipment, in January signed a memorandum of understanding that outlines how the company will make some parts and manuals available.

But given the resistance from industry on broader actions and a last-minute effort last year that weakened the New York law, repair advocates are skeptical that new state laws will make much of a difference. They say manufacturers are trying to open loopholes that

would prevent owners and smaller repairers from doing simple fixes, such as swapping out cracked screens or replacing weak batteries.

Critics similarly say the John Deere move won't accomplish much because there's no enforcement mechanism, NPR reported.

Variety of bills

Nathan Proctor, a senior director at the Public Interest Research Group, a left-leaning advocacy group that has been a leader in the nationwide right to repair movement, senses the momentum but said the industry actions aren't nearly enough.

Proctor said the passage of the New York and Colorado laws is likely to lead to more states following suit. "There's an inherent momentum in proof of concept when you get across the finish line."

A Consumer Reports survey conducted in 2021 found that 84% of the U.S. adults polled said they agreed with a policy that would require manufacturers to make repair information and parts available either to independent repairers or to product owners.

Some of the state bills cover a broad variety of devices, as does New York's law. Others are more tailored: Montana, for example, had a bill that would have helped wheelchair users fix their equipment, mimicking Colorado, which enacted similar legislation last year.

But the Montana legislation was shot down just days ago on an 11-10 committee vote, when some Republican lawmakers expressed concern over [safety issues](#), according to the Daily Montanan.

Lingering loopholes

And even if the bills do pass, critics worry they may have loopholes like New York's.

The New York law, which requires manufacturers of digital equipment such as laptops and smartphones to provide parts, diagnostic and repair information to owners and repair professionals, overwhelmingly passed in the New York legislature in June 2022, on a 59-4 Senate vote and 147-2 Assembly vote.

But before agreeing to sign the bill in late December, Democratic Gov. Kathy Hochul secured the legislature's agreement to incorporate some amendments, pushed by the [tech industry](#), that critics say weakened the law.

Those amendments eliminated the original requirement that manufacturers provide passwords, security codes or materials to override security features on devices and allowed the manufacturers to provide entire assemblies of parts, rather than individual parts, to fix broken devices. Critics say that last requirement forces consumers to pay for an entire assembly rather than, say, one chip.

But the industry pressed hard for the changes. In a letter to Hochul asking her to veto the bill, the CTIA, the trade association for the communications industry, said the legislation "has the potential to weaken the privacy and security features of electronic products."

Asked why Hochul agreed to the industry talking points, when the legislature had initially rejected them during hearings and committee votes, Hochul spokesperson Justin Henry, in an email to Stateline, declined comment.

The law as signed "has enough loopholes to allow manufacturers to get out of it completely," said Louis Rossmann, a repair business owner and

YouTube commentator who moved his repair business from New York to Texas last year, before the law was enacted. "There's no goodwill there that would not lead me to believe they would try to weasel their way out of it."

Chris Gilrein, executive director of Massachusetts/the Northeast for TechNet, another industry coalition, said in a statement emailed to Stateline that the New York bill as passed by the legislature "presented unacceptable risks to consumer data privacy and safety, requiring manufacturers to expose critical security information and hand over the keys to surreptitiously unlock customers' devices."

He said the changes addressed the "most egregious" concerns.

"We still have concerns with the final legislation signed into law. At its core, the law remains a state-mandated transfer of intellectual property that is unwarranted at a time when consumers have access to more repair options than ever before. We do not encourage other states to follow New York's lead," he said.

The FTC released a report in 2021 that found "scant evidence to support manufacturers' justifications for repair restrictions."

'Catching on'

Despite the concessions in New York, right to repair supporters in other states continue to push for new bills across the country.

According to Proctor and other legislative trackers, bills have been introduced, or held over from last year, in 17 states, including California, Colorado, Connecticut, Delaware, Florida, Hawaii, Massachusetts, Missouri, Montana, New Jersey, New Hampshire, Oklahoma, Oregon, Tennessee, Texas, Vermont and Washington.

In addition, supporters in Maine say they have enough signatures to put an automobile right to repair initiative on the ballot. The Maine initiative is modeled after a similar law in Massachusetts, which is currently hung up in federal court.

Elizabeth Chamberlain, director of sustainability at iFixit, an independent technology repair company, said that while momentum is building, the New York case shows that right to repair advocates need to be vigilant about all the legislation.

"We recognize there will be narrowings (of legislation)," she said in a phone interview. "We are going to have to fight on."

But the movement is accelerating, she said. For example, in California, state Sen. Susan Eggman, a Democrat, has introduced a broad right to repair bill for the fifth time, but now is more optimistic.

"It's rare to introduce a big new idea and be successful on the first attempt," Eggman said in a statement emailed to Stateline. "From the federal action to other state bills and manufacturers reacting to this momentum by improving reparability and access to repair, the idea is catching on. It's a lot harder to argue against when people are aware of it."

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