

Right to Repair



Background

Tractors, combines, and other modern farm equipment contain a multitude of computers and sensors. The major farm equipment manufacturers refuse to make the software tools necessary to repair this equipment fully available to farmers and independent mechanics, leaving farmers no choice but to take their broken equipment to a licensed dealership. This leads to lack of competition in the repair market, inflated service prices, and long delays during tight planting or harvest windows that can cost farmers their crop.

There are few alternatives for farmers who want to buy equipment they can fix themselves. Some farmers have resorted to buying older tractors that do not require software tools to complete repair. This has led to inflated prices for older equipment and is not a long-term solution. Family farmers are disadvantaged by being forced to choose between the ability to independently fix their own tractor or reap the benefits of the technological advancements of modern equipment.

Lawmakers are taking note of this problem. Federal legislation, like the Agricultural Right to Repair Act introduced by Sen. Jon Tester (D-MT), would ensure that farmers and independent mechanics have access to all the documentation, parts, and software tools required to diagnose, repair, and maintain modern equipment. Right to Repair bills are also being considered at the state level, with bills already introduced in more than twenty state legislatures across the country in 2023.

At the agency level, the Federal Trade Commission (FTC) unanimously adopted a policy in 2021 to ramp up law enforcement against illegal repair restrictions. In 2022, NFU and allies filed a complaint with the FTC against John Deere for restricting repair options. While these efforts have gained momentum, none have been enacted or resolved the issue.



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Repair***



Recent John Deere – Farm Bureau MOU

In January 2023, John Deere and the American Farm Bureau Federation (AFBF) announced a memorandum of understanding (MOU) about Right to Repair. The agreement states that AFBF and its state organizations will back off their support for state and federal Right to Repair legislation in exchange for provisions that do not guarantee farmers the ability to independently complete all repairs.

The John Deere - AFBF MOU is a non-binding agreement between one equipment manufacturer and one group, and that manufacturer has a history of hindering the Right to Repair.

While the deal states that farmers will be able to access the same repair materials as dealership technicians, it is riddled with potential loopholes the manufacturer can use to deny farmers repair access. It requires independent mechanics to jump through hoops to acquire these repair materials. Also, John Deere can walk away from the MOU with 30 days' notice, which does not provide assurance that the deal will be honored.

Put simply, the MOU falls far short of legislative or regulations that would apply to all equipment manufacturers.

The industry has failed to meet the terms of similar, though less significant agreements in the past. An investigation by PIRG and VICE News in 2018 found that manufacturers failed to meet the self-assigned deadline ascribed to a deal between California Farm Bureau and equipment dealers, which had significant shortcomings to begin with. The industry's track record with voluntary repair agreements raises doubts that this latest MOU will truly grant farmers the Right to Repair.

Farmers Union will continue to advocate for legislative and regulatory reform that will give farmers full control over fixing their own equipment.

**Right to Repair still isn't fixed.
We need Fairness for Farmers.**