

Right to Repair



Background

Modern farm equipment is designed to require software tools to complete certain repairs. Manufacturers have withheld full access to those tools, giving farmers no choice but to take equipment back to the dealership. This has created a repair monopoly for manufacturers and dealers, reducing competition, inflating service prices, and leading to downtime during tight planting and harvest windows.

There are no good alternatives for farmers who want to buy equipment they can fix independently. Some farmers have resorted to buying older tractors that do not require software tools to complete repairs. This is not a long-term solution, and it has inflated prices for older equipment.

Winning the Right to Repair

Farmers and ranchers deserve the right to access, on fair and reasonable terms, the tools and information required to make timely farm equipment repairs. While there is still much to do, we have started winning the Right to Repair.

In April 2023, Colorado enacted the *Consumer Right to Repair Agricultural Equipment Act*, becoming the first state to enact an agricultural Right to Repair law. Beginning January 1, 2024, equipment manufacturers will be required to provide Colorado's farmers and independent mechanics complete access to parts, software tools, and documentation required to repair agricultural equipment. Failure to provide this access will be considered a deceptive trade practice under Colorado law.

But, the fight is not over, because farmers across the country deserve the Right to Repair. NFU is continuing to push for a federal legislative solution that guarantees the Right to Repair to all farmers and independent mechanics in the U.S.

We will also continue seeking relief in other ways. For example, in 2022 NFU and allies filed a complaint with the Federal Trade Commission (FTC) against John Deere for restricting repair.



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Refuting False and Misleading Claims About Independent Repair

Farm equipment manufacturers and dealers that oppose the Right to Repair have wrongly claimed that independent repair undermines emissions compliance laws under the Clean Air Act (CAA).

In August 2023, the U.S. Environmental Protection Agency (EPA) replied to a letter from NFU seeking clarification on this matter. EPA's letter outlined its support for the Right to Repair, and refuted accusations from manufacturers and dealers that repair access facilitates emissions tampering and violates environmental laws.

The letter from EPA states that "nothing in the Clean Air Act or the EPA's regulations limits a manufacturer's ability to provide service tools and information to consumers and independent repair facilities for the purpose of repairing their equipment."

EPA stated further that "...the EPA believes barriers to the proper repair and maintenance of nonroad equipment is harmful to the environment. We support efforts by anyone to enact legislation clarifying that independent repair is allowable, provided such efforts continue to clearly prohibit illegal tampering of emissions control systems."

Unenforceable Memoranda of Understanding (MOUs)

In January 2023, the American Farm Bureau Federation (AFBF) signed an MOU with John Deere. AFBF has since signed similar MOUs with other farm equipment manufacturers, including CNH Industrial, Kubota, and AGCO.

These MOUs are flawed. They fail to guarantee comprehensive repair access to farmers and independent mechanics, and manufacturers can walk away from these agreements with as little as 15 days notice.

The farm equipment industry failed to meet the terms of similar 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. The industry's track record with voluntary repair agreements casts doubt that the latest round of voluntary agreements will give farmers the Right to Repair.

By the Numbers:

- Right to Repair laws would **save U.S. farmers \$4.2 billion per year** when direct costs and tractor downtime are both accounted for.
- A survey conducted by NFU and PIRG showed that **95 percent of respondents agree** that manufacturers should provide farmers and independent mechanics with access to necessary repair parts, tools, software, and information at fair and reasonable prices.