



March 16, 2023

The Honorable Thomas J. Umberg, Chair
California Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

Re: Support for SB 244 (Eggman — Right to Repair)

Dear Chair Umberg,

The undersigned groups write in support of SB 244 to guarantee consumers' right to repair, to help ensure that consumers have the choice to fix their own electronics-enabled products, if they can, or to have them fixed by a repair servicer of their choosing, including servicers independent of the manufacturer. President Biden has recognized the importance of this right, by including it in the Executive Order he released in 2021.¹ And in May of that year, the Federal Trade Commission released a landmark report, *Nixing the Fix*, which explores how

¹ Consumer Reports, *White House executive order is an important step that highlights need for greater competition in the U.S. marketplace* (July 9, 2021), https://advocacy.consumerreports.org/press_release/consumer-reports-white-house-executive-order-is-an-important-step-that-highlights-need-for-greater-competition-in-the-u-s-marketplace/.

repair restrictions hurt consumers.² Even more recently on December 28, 2022, New York’s governor signed the first Right to Repair Act covering consumer electronics in the nation.³

We all agree with Senator Eggman that it is important to safeguard and maintain consumers’ ability to exercise their full rights of ownership over the electronics-enabled consumer products they purchase, including the right to repair them, even as technology evolves.⁴ Ensuring an effective right to repair will also expand consumer choice in the marketplace, save consumers money, and reduce waste. According to “Repair Saves Families Big,” a report released by CALPIRG, California households could save \$330 per year on average if they opted to fix their electronics instead of getting new ones. Across the state’s over 13 million households, the savings would amount to \$4.3 billion.⁵

Consumers who have been able in the past to choose to fix their own cars, machinery, appliances, or other products, or to call on a trusted neighborhood repair shop or mechanic, know how important these ownership rights are.

But as products from smartphones and televisions to appliances become increasingly outfitted with computer software, it has become easier for manufacturers to interfere with these rights. It’s often difficult now for consumers to make simple repairs on their devices—even simple repairs such as changing a smartphone battery or replacing a cracked screen.⁶ Not only are the electronics frequently designed in a way to intentionally prevent easy repair, but manufacturers are restricting access to the basic diagnostic information, repair tools, and replacement parts needed to fix the products. Some manufacturers even put digital locks and disabling tripwires on devices to block third-party repair.⁷

² *Nixing the Fix: An FTC Report to Congress on Repair Restrictions*, Fed. Trade Comm’n (May 2021), https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf.

³ Keshia Clukey, *NY Becomes First State With Electronics Right to Repair Law*, Bloomberg Law (Dec. 29, 2022), <https://news.bloomberglaw.com/tech-and-telecom-law/ny-becomes-first-state-to-pass-electronics-right-to-repair-law>

⁴ E.g., Comments of Consumers Union To U.S. Copyright Office, *Software-Enabled Consumer Products Study* (March 18, 2016), <http://consumersunion.org/research/comments-to-the-u-s-copyright-office-regarding-software-enabled-consumer-products/>.

⁵ Nathan Proctor, *Repair Saves Families Big*, CALPIRG, (January 2021) https://publicinterestnetwork.org/wp-content/uploads/2022/07/Repair-Saves-Families-Big_USP_Jan2021_FINAL1a.pdf

⁶ Bree Fowler, *iPhone Slowing Down? It Might be Time to Replace Your Battery*, Consumer Reports (Dec. 28, 2017), <https://www.consumerreports.org/smartphones/iphone-slowing-down-it-might-be-time-to-replace-your-battery/>; Becky Worley and Sarah Messer, *Cracked iPhone Screen Help Guide: How 5 Repair Options Stack Up*, ABCNews.com (May 1, 2017), <http://abcnews.go.com/Business/cracked-iphone-screen-guide-repair-options-stack/story?id=47089610>.

⁷ Jason Koebler, *Tractor-Hacking Farmers Are Leading a Revolt Against Big Tech’s Repair Monopolies*, Motherboard (Feb. 18, 2018), https://motherboard.vice.com/en_us/article/kzp7ny/tractor-hacking-right-to-repair.

These tactics force consumers to rely on the manufacturer, or the manufacturer's handpicked servicer, to fix these products.⁸ The manufacturer is then free to charge whatever it wishes, or even to refuse to repair the product and force the consumer to throw it away and buy a new product.

Manufacturers and their representatives have worked to defeat Right to Repair legislation, often by using spurious arguments about safety and security.⁹ On the contrary, this right to repair would better ensure the safety of products, and without sacrificing consumer choice. Ultimately, the best way to ensure that all repairs are done safely is to give people the information, replacement parts, and tools they need. Independent repair technicians would also have to meet whatever certification requirements are set by state law, just like authorized repair technicians would. This bill would ensure that they all have the same access to proper instructions that are vetted for safety.

Thank you for your consideration. We look forward to working with you and others to secure an effective right to repair for consumers, and urge your aye vote.

Sincerely,

Jenn Engstrom, State Director, CALPIRG
Hayley Tsukayama, Legislative Activist, Electronic Frontier Foundation
Robert Herrell, Consumer Federation of California
Laurel Lehman, Policy Analyst, Consumer Reports
Jamie Court, President, Consumer Watchdog
Tracy Rosenberg, Executive Director, Media Alliance
Mike Katz-Lacabe, Research Director, Oakland Privacy
Allen Gunn, Executive Director, Aspiration
Emory Roane, Policy Counsel, Privacy Rights Clearinghouse
Ruth Susswein, Director of Consumer Protection, CONSUMER ACTION

cc: Members, Senate Judiciary Committee
The Honorable Susan Eggman

⁸ Emily Matchar, *The Fight for the Right to Repair*, Smithsonian (Jul. 13, 2016), <https://www.smithsonianmag.com/innovation/fight-right-repair-180959764/>.

⁹ Mikey Campbell, *Apple Lobbies Against 'Right to Repair' Proposal in Nebraska*, Apple Insider, (March 9, 2017), <http://appleinsider.com/articles/17/03/09/apple-lobbies-against-right-to-repair-proposal-in-nebraska>.