

Responding to Opposition Concerns on HB 2698 : Vote Yes on HB 2698

Opposition claim: Right to Repair will “isolate consumers”

Fact: Right to Repair is inevitable. There is already precedent for Right to Repair for automobiles, which passed in 2012 in Massachusetts and led to a national agreement for the entire industry. 18 states this year have already introduced Right to Repair legislation with more likely to follow as the year progresses. The EU is also making progress toward Right to Repair, where France introduced a repairability scoring system in January 2021. In France, manufacturers, including Samsung have already begun to provide access to the same parts and information covered by HB 2698 in order to improve their repairability score. There’s no reason why they should not do so here.

Opposition claim: Right to Repair will expose consumers to cyber and data security risks.

Fact: Products are either secure by design, or they are not. Manufacturers do not provide their own authorized repair technicians with secret security keys -- because such secrets would not be kept. Right to Repair asks only for tools that are already provided to authorized repair technicians.

Furthermore, personal data security is not the same as cyber-security. If data is not encrypted -- it is viewable by anyone with access to the device -- remote or local - manufacturer or independent. Security experts from around the world advocate in favor of widespread consumer access to the means to control device passwords and settings. In-secure devices can be made more secure by resetting factory passwords, by adding security software, and by encouraging security research.

Finally, independent repair shops already exist and have pre-existing relationships with their customers. Right to Repair simply allows them to do repairs more effectively with appropriate tools, parts, and repair schematics, it doesn’t give them any more access to devices or personal information than they currently have.

Opposition claim: Giving consumers access to repair information will cause safety issues, especially through handling ion-lithium batteries.

Fact: Batteries are consumables and need to be replaced. It is clearly safer for consumers, recycling facilities, and third-party repair shops to have instructions on how to replace a battery safely than try to figure it out on their own.

Consumers and independent repair businesses are already attempting many repairs, although with suboptimal parts and diagnostic tools; and without the manuals needed to do repairs as safely as possible. Having access to diagnostic and service information directly from manufacturers makes finding and replacing failed parts easier. The best way to ensure that all repairs are done safely is to give people the right information, parts, and tools they need to repair their devices.

Lastly, some manufacturers, like Dell and HP, already provide access to service information and parts. Clearly if there was a serious safety or security risk, it would have

emerged already.

Opposition claim: Right to Repair won't help solve the e-waste problem.

Fact: It's true that consumer electronics have changed significantly in the last two decades - some devices that were once large and heavy (like cathode ray tube televisions and monitors) are now smaller and lighter. Unfortunately, [as the authors of a recent Yale study on e-waste make clear](#), state e-waste regulations, and their definitions of what counts as e-waste, haven't managed to keep up, which distorts the real picture of e-waste in the United States.

[According to the UN Study on e-waste](#) - e-waste is the largest growing segment of the waste industry. "Constant upgrades have created a growing global waste challenge. In 2019 alone, people discarded 53 million metric tons of electronic waste" and "some innovations that are slimming down the e-waste stream are also making products harder to repair and recycle."

Both for profit and non profit solid waste industries have broadly endorsed Right to Repair legislation as the best way to reduce the skyrocketing burdens on e-waste handlers.

E-waste is also just one of the many enormous environmental costs of electronics manufacturing. For example, 81% of the energy a laptop uses in its lifetime is consumed during manufacturing, not during use by consumers, and mining for the materials in electronics is incredibly destructive. Getting a single ounce of gold out of the earth can create up to 91 tons of waste. Keeping electronics in use instead of going into the waste stream dramatically reduces environmental costs worldwide.

Opposition Claim: Right to Repair will lead to "mass copyright infringement"

Manufacturers are not at any new risk of copyright infringement under HB 2698. Repair is specifically legal under copyright and patent law. Copyright Law already allows for repair and the 2016 and 2017 studies conducted by the U.S. Copyright Office and requested by the Judiciary Committee affirm these rights. And, Congress confirmed in amending Title 17 that it is perfectly legal under copyright law to backup and restore software for purposes of repair. State laws cannot modify copyright law or take away remedies for infringement and nothing in HB 2698 makes such an attempt.

Opposition Claim: Consumers already “have a right to have [their device] repaired at various independent repair shops or authorized service providers across Oregon.”

Manufacturer-offered and authorized repair services have proven inadequate to meet the needs of device owners across Oregon. When they’re available (many manufacturers don’t provide any repair services), they often require Oregonians, especially those in rural areas, to travel long distances, pay higher prices, wait out delays in shipping and repair, or limit the types of repairs available. Further, unduly restrictive and onerous contracts discourage many independent repair providers from joining manufacturers’ “authorized” service networks or “independent repair programs”. If Oregonians prefer independent or DIY repair, they should be able to use those options.