

Fact Sheet

Agriculture Right to Repair Act

S.3549



Farm Action Fund



Farm Action

Sponsored by Senator Tester (D-MT), this legislation requires original equipment manufacturers to make available the documentation, parts, software, and tools that enable end-users to repair the equipment they own.

BACKGROUND

By restricting access to basic diagnostic tools, corporate farm equipment manufacturers have taken away farmers' rights to repair their own tractors. Restrictive User Licensing Agreements strip farmers of their consumer rights by mandating that only authorized dealers may work on tractors and other farm equipment.

Beyond the higher repair costs associated with authorized dealerships, this situation is destructive to the farmers' overall business. The time farmers lose when transporting their equipment and waiting for repairs is crippling to their productivity and profits. When farmers' equipment is decommissioned for periods of time, they can lose tens or even hundreds of thousands of dollars in potential yields when critical field-access windows are missed.

This also harms rural economies, as it has led to the collapse of the small business mechanics and repair shops that have no access to the tools required to fix the equipment. This further exacerbates the problem of lead time at the dealership repair centers. Fewer local mechanics means longer wait times at the more regionalized dealerships. Farmers across the country without access to local mechanics are forced to haul their equipment hundreds of miles, then wait for days, weeks, or months for repairs, and finally pay several thousand dollars for simple solutions such as clearing diagnostic error codes.

By restoring consumer rights to America's farmers, the Agriculture Right to Repair Act will counterbalance the excessive power consolidated by manufacturers like John Deere and Case International.

THE AGRICULTURE RIGHT TO REPAIR ACT RESTORES INNOVATION, FLEXIBILITY, AND ECONOMIC OPPORTUNITY TO FARMERS AND RURAL COMMUNITIES BY:

- > Requiring manufacturers to make available any documentation, part, software, or tool necessary to diagnose, maintain, or repair equipment
- > Requiring manufacturers to provide means to disable and re-enable an electronic security lock or other security-related function to effect diagnostics, repair, or maintenance
- > Requiring manufacturers to permit third party software to provide interoperability with other parts/tools, and to protect both the farmer's data and equipment from hackers
- > Requiring manufacturers to ensure that when an original equipment manufacturer (OEM) no longer produces documentation, parts, software, or tools for its equipment, that the relevant copyrights and patents are placed in the public domain
- > Requiring manufacturers to ensure parts are replaceable using commonly available tools without causing damage to the equipment, or provide specialized tools to owners or independent providers on fair and reasonable terms

TECHNOLOGY: A DOUBLE-EDGED SWORD

Today's tractors are vastly complex machines: a single combine can have 125 software-connected sensors, which are each connected to a controller network. While these technological advancements have opened up new possibilities, a problem with any one of these networks will require diagnostic tools not available to farmers or local independent repair shops. According to ag equipment experts, these sensors and their associated networks are now the highest point of failure on the product. Sometimes, a software key is all that's needed to diagnose the issue and then indicate that the repair has been completed. This deactivates the built-in immobilizer and allows the farmer to go back to work.

The Agriculture Right to Repair Act will allow farmers to draw on their long history of self-sufficiency and innovation, and to focus on producing food for the rest of the country.



FACT-CHECKING CORPORATE DECEPTION

Monopolizing the repair market has proved very profitable for manufacturers: service and repair can yield 3-6 times more profit than new equipment sales. To protect this source of revenue, manufacturers have been pushing false narratives. One common narrative is that requiring manufacturers to provide software code will divulge trade secrets. In truth, the bill requires embedded code only, not source code, so there is no risk of IP disclosure.

Another myth is that farmers will use these tools to modify their equipment to violate emissions and safety controls. However, such an override would require modification software tools; this legislation provides only the same diagnostic software given to authorized dealers, which does not enable modifications to emissions systems and safety controls.

The Right to Repair means nothing if it cannot be enforced.

The Agricultural Right to Repair Act empowers the Federal Trade Commission (FTC) to treat violations of the above enforcement mechanisms as an unfair or deceptive act. It also grants the FTC authority to promulgate the regulations necessary to carry out this bill.

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