

Productivity Commission

Re: Right to Repair, Supplemental Submission

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Feb. 22, 2021

Dear representatives of the Productivity Commission,

Though I have already submitted to the Commission, I was advised that a new research project released by U.S. PIRG Education Fund, which I assisted in, would be of interest to your investigation into repair restrictions in modern equipment.

Written by my colleague Kevin O'Reilly, a new report, "Deere in the Headlights," goes through many of the claims that are commonly used by agricultural equipment manufacturers and dealers to defend their refusal to make certain tools available to equipment owners or independent repair facilities. For example, the report refutes claims that "embedded code" is equivalent to "source code," and that dealership repair tools enable illegal modification. The report also catalogs how software tools have become essential to repair of farm equipment.

In addition to this report, advocates and reporters investigated the status of the agricultural equipment industry's "[Statement of Principles](#)" In 2018, the leading American agricultural industry groups, AEM (Association of Equipment Manufacturers) and EDA (Equipment Dealership Association), in response to Right to Repair pressure, committed to making new software tools available to equipment owners, allowing for repair other than would negatively impact emissions controls, or facilitate code modification – starting with equipment sold in January, 2021. Upon outreach to many John Deere dealerships, advocates and reporters found these tools were generally not for sale -- dealerships were not aware of, or not selling, these tools. There was one exception included, where a farmer, after generating media coverage of his tractor repair issues, reportedly was offered the promised diagnostic and repair software tools, which were bundled into a large package costing over \$8,000.

It is unclear if the rollout of these tools was delayed, ongoing or if any further improvements will be made to help equipment owners diagnose and repair their

property. In any case, I feel this situation highlights the need for regulatory relief for equipment owners. Voluntary industry efforts have proven inadequate.

Supporting these arguments, please reference:

- Vice news' piece: "[John Deere Promised Farmers It Would Make Tractors Easy to Repair. It Lied.](#)"
- The webinar presentation of these findings with [farmers and legislators](#).

I will also include the report referenced in this letter.

Sincerely,

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