



January 12, 2022

The Honorable Steve Kirby, Chair
The Honorable Amy Walen, Vice Chair
The Honorable Brandon Vick, Ranking Member
Washington State House Committee on Consumer Protection & Business
John L. O'Brien Building, P.O. Box 40600
Olympia, WA 98504-0600

Re: Written Testimony on HB 1810, An Act relating to promoting the fair servicing and repair of digital electronic products

Dear Chair Kirby, Vice Chair Walen, and Ranking Member Wick,

Consumer Reports¹ writes in support of the 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 earlier this year.² And in May, the Federal Trade Commission released a landmark report, *Nixing the Fix*, which explores how repair restrictions hurt consumers.³

CR has long supported this right to repair. We developed model legislation to help guide state legislators.⁴ And we have also incorporated this principle into the Digital Standard, a set of best practices that Consumer Reports uses to evaluate the privacy and security of software,

¹ Consumer Reports is an independent, nonprofit membership organization that works side by side with consumers to create a fairer, safer, and healthier world. For over 80 years, CR has provided evidence-based product testing and ratings, rigorous research, hard-hitting investigative journalism, public education, and steadfast policy action on behalf of consumers' interests. Unconstrained by advertising, CR has exposed landmark public health and safety issues and strives to be a catalyst for pro-consumer changes in the marketplace.

² 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/.

³ *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.

⁴ *Right to Repair Model State Law*, CONSUMER REPORTS (updated December 2, 2021), <https://advocacy.consumerreports.org/research/right-to-repair-model-state-law/>.

digital platforms and services, and internet-connected products, as well as to help influence the consumer-friendly design of these products.⁵ 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, and the right to resell them, even as technology evolves.⁶ Ensuring an effective right to repair will also expand consumer choice in the marketplace, save consumers money, and reduce waste.

Consumers, farmers, and others 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 and tractors 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.⁷ 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.⁸

These tactics force consumers to rely on the manufacturer, or the manufacturer's handpicked servicer, to fix these products.⁹ 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.¹⁰ On the contrary, this right to repair would better ensure the safety of products, and without sacrificing consumer

⁵ The Digital Standard, <https://www.thedigitalstandard.org/>.

⁶ 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/>.

⁷ 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>.

⁸ 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.

⁹ Emily Matchar, *The Fight for the Right to Repair*, SMITHSONIAN (Jul. 13, 2016), <https://www.smithsonianmag.com/innovation/fight-right-repair-180959764/>.

¹⁰ 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>.

choice. Independent repair technicians would have to meet whatever certification requirements are set by state law, just like authorized repair technicians. This bill would ensure that they have the same access to proper instructions that are vetted for safety.

We would be happy to answer any questions, and look forward to working with you and others to secure an effective right to repair for consumers.

Sincerely,

Maureen Mahoney
Senior Policy Analyst
Consumer Reports

George Slover
Senior Policy Counsel
Consumer Reports

cc: Members, House Committee on Consumer Protection & Business
The Honorable Mia Gregerson