



Aspiration



March 8, 2022

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

Re: SB 983 (Eggman — Consumer warranty protection: express warranties)

Dear Chair Umberg,

The undersigned groups write in support of SB 983 to guarantee 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 last year.¹ And last May, the Federal Trade Commission released a landmark report, *Nixing the Fix*, which explores how repair restrictions hurt consumers.²

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

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/.

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.

consumer products they purchase, including the right to repair them, even as technology evolves.³ Ensuring an effective right to repair will also expand consumer choice in the marketplace, save consumers money, and reduce waste.

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.⁴ 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.⁵

These tactics force consumers to rely on the manufacturer, or the manufacturer's handpicked servicer, to fix these products.⁶ 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.⁷ On the contrary, this right to repair would better ensure the safety of products, and without sacrificing consumer choice. Independent repair technicians would 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.

³ 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/>.

⁴ 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>.

⁵ 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.

⁶ Emily Matchar, *The Fight for the Right to Repair*, Smithsonian (Jul. 13, 2016), <https://www.smithsonianmag.com/innovation/fight-right-repair-180959764/>.

⁷ 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>.

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,

Sean McLaughlin, Access Humboldt

Allen Gunn, Executive Director, Aspiration

Nelson Santiago, Community Outreach Manager, Consumer Action

Maureen Mahoney, Senior Policy Analyst, Consumer Reports

Hayley Tsukayama, Legislative Activist, Electronic Frontier Foundation

Tracy Rosenberg, Executive Director, Media Alliance

Emory Roane, Policy Counsel, Privacy Rights Clearinghouse

cc: Members, Senate Judiciary Committee

The Honorable Susan Eggman