



Theo Brown Society

Submitted Electronically

By, Willie Cade, Director

Testimony in Support of HB5159

Rhode Island HB 5159 House Corporations Committee

February 11, 2025

Chair Solomon, First Vice Chair O'Brien, Second Vice Chair Caldwell and Members of the House Corporations Committee:

Chairperson and Members of the Committee:

I am writing in strong support of HB5159, legislation that addresses the Right to Repair for agricultural equipment. This bill is necessary because most manufacturers of commercial vehicles used in farming continue to violate the Clean Air Act and other properly promulgated federal regulations in order to monopolize equipment repair. This inaction from Washington has persisted for over a decade, largely at the behest of manufacturers.

Recently, the Federal Trade Commission (FTC) sued John Deere, stating in its press release:

“Deere’s monopoly practices unfairly drive-up farming equipment repair costs and restrict farmers’ ability to quickly seek repairs necessary for planting and harvesting.”

Contrary to some written testimony, these manufacturers have **not** provided full access to diagnostic, maintenance, and repair information as promised over two years ago. As recently as January 14, 2025, John Deere announced it will, **at some future time**, expand self-repair capabilities to comply with the Clean Air Act, federal regulations, and its own stated obligations.

The Administrator of the U.S. Environmental Protection Agency (EPA) has confirmed to the National Farmers Union that equipment owners have the right—under the Clean Air Act and associated regulations—to perform maintenance and repairs themselves or through an independent repair

establishment. In fact, federal law requires manufacturers to include notice in **boldface type** on the first page of written maintenance instructions that repair of emission-control devices and systems may be performed by any automotive repair establishment or individual. Yet, manufacturers like John Deere even recalled owners' manuals last year, that included this language but continue to flout these regulations.

Removing an equipment owner's right to repair is fundamentally wrong. Federal regulation (40 C.F.R. § 1068.5) mandates that manufacturers use "good engineering judgment" for compliance with emission requirements. Any deficiencies in the tools required for such compliance fall on the manufacturers and should not be used as an excuse to monopolize repair services.

While a small number of equipment owners may choose to violate emission standards, the EPA recently fined engine manufacturer Cummins over \$2 billion for their own repeated breaches of emission controls, echoing the agency's action against Volkswagen. A few bad actors should not deny law-abiding citizens the right to repair the equipment they have purchased.

Repair does not compromise cybersecurity, rather it makes this equipment more secure. There have never been any reports of cybersecurity breaches of agricultural equipment because of repairs. It is the responsibility of manufacturers to engineer robust cybersecurity of agricultural equipment.

For all these reasons, I respectfully urge you to **pass HB5159**. It is the right course of action to protect farmers, preserve their ownership rights, and ensure fairness in the agricultural marketplace. It also supports the American tradition of self-reliance and holds large corporations accountable for their responsibilities under the law.

Thank you for your time and consideration.

Footnotes

1. Federal Trade Commission v. John Deere, FTC Press Release, (2025).
2. Clean Air Act, 42 U.S.C. § 7401 et seq.
3. 40 C.F.R. § 1068.5.