

**Submitted Electronically
Written Testimony of the Engine Technology
By Allen Schaeffer**

House Bill 7095

**Public Hearing of the House Innovation, Internet, and Technology Committee
Rhode Island Legislature**

January 25, 2024

Chair Baginski, First Vice Chair Handy, Second Vice Chair Carson, and Members of the Committee:

The Engine Technology Forum (ETF) respectfully **opposes** Rhode Island House Bill 7095 (H. 7095) **as currently written**. ETF members are leaders in advanced internal combustion engine technology and emissions controls, as well as petroleum-based and renewable biofuels.

Here's why: Over the last two decades, manufacturers of diesel engines and equipment have invested billions of dollars to reduce emissions to near zero levels and meet federal clean air requirements, as you can see in the attached chart. Across the country, all of us – including the residents of Rhode Island – benefit from these advanced technological innovations in the form of cleaner air.

Unfortunately, some creative individuals and repair shops have illegally accessed the engine computer and software and reprogramming to “trick” the engine into thinking that the emissions control systems are operating properly, when in fact they are not operating at all or at very diminished levels. Sometimes called chipping, tuning, or electronic control unit remapping, this service is offered to farmers by a variety of individuals and companies.

We are concerned that H.7095 will further facilitate this practice by providing open access to engine emissions control software, which is why we are opposed. Making changes to engine control units – computers and their controllers– to enhance the performance or evade emission control device is tampering.

In fact, this type of tampering has become a significant issue across North America. Being sold as “boosting performance” for pennies on the dollar compared to the cost of buying higher-capacity equipment and saving money through bypassing maintenance on emissions control systems; this practice may look like an attractive proposition, but it's not. It may void the equipment's warranty insurance agreements and is illegal in the U.S. If passed in current form, this act would enable the defeat of these systems, in turn denigrating emissions performance and effectively making agricultural and other GPS enabled equipment to exude harmful air pollutants

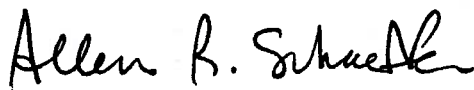
they were designed to control. This is quite the opposite effect industry and RI residents alike expect after so many years and countless dollars invested towards lowering emissions in the transportation and off-road sectors.

Therefore, we ask the committee to amend H. 7095 with exclusions¹, as follows:

- (a) Motor vehicles; and
- (b) Off-road (non-road) equipment including without limitation farm and utility tractors, farm implements, farm machinery, forestry machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road building equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment, portable generators, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, or other power sources , including without limitation generator sets, electric/battery and fuel cell power, power tools, any tools, technology, attachments, accessories, components and repair parts for the foregoing.

We thank you for your time and the opportunity to express our concerns on the complex issues surrounding the “Digital Electronics Right to Repair Act.” Please do not hesitate to contact us for additional information on this or future legislation impacting emissions control standards and technology. Please visit our website at enginetechnforum.org to learn more about our mission, policies, and research.

Sincerely,

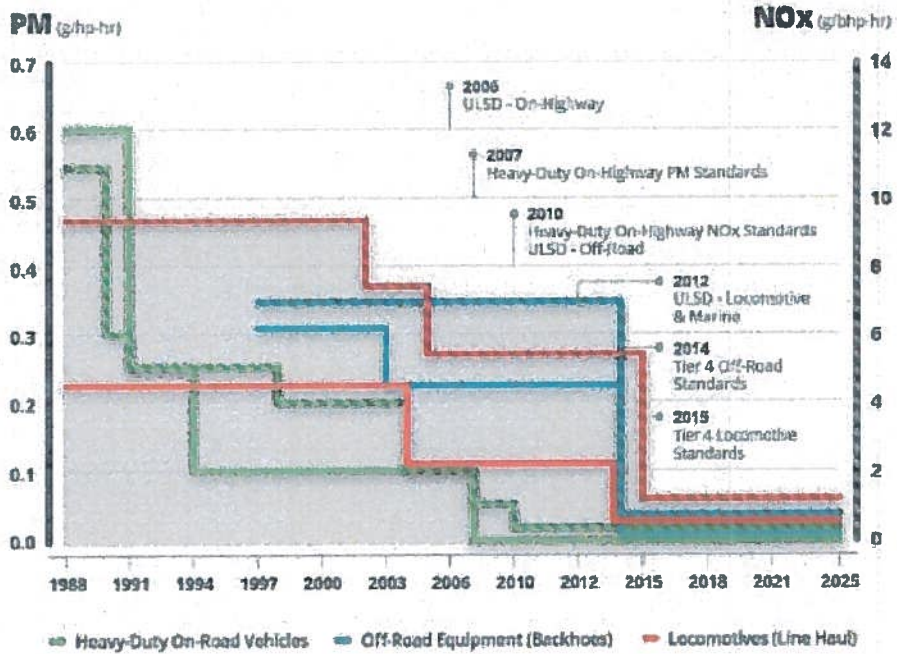


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¹ The State of New York recently recognized the significant adverse unintended consequences that would be created in including heavy machinery in legislation focused on consumer electronic products. New York Assembly bill A.7006B/S.4104A, which was signed into law in 2022, is similar in scope to H 7095 and excludes motor vehicles and offroad equipment (*see Sec. 4(a)-(c)*). Similar exclusions to Digital Equipment legislation were adopted in Minnesota and California.



PROGRESS TO NEAR-ZERO PM & NOx EMISSIONS



Source: U.S. EPA Office of Transportation and Air Quality (OTAQ)