

February 7, 2024

Senator Janeen Sollman  
Members of the Senate Committee on Energy and the Environment

Re: Support for SB 1596 - the Right to Repair Consumer Electronics

On behalf of the over 400 business and trade associations that are members of the Digital Right to Repair Coalition (website <https://repair.org/members>) I would like to offer our specific support for SB 1596.

We are the group behind over 270 separate bills across 45 states and multiple US Territories. Statutes are now in place in New York, Minnesota and California covering most of the same categories of equipment as in SB 1596. More “right to repair” measures are underway not only in the US but in Canada, Australia, India and the EU.

Since our founding in 2013 – we have focused entirely on making sure that everyone has the opportunity to choose whom they trust to help them keep their purchases in service – even if those products happen to include a computer chip. Our template legislation has always included the positive requirement that all OEMS shall provide the same service materials that they have already created and provided for purposes of repair directly to customers and independent repair providers on fair and reasonable terms. None of these OEM-created materials should contain any trade secrets; nor create any new physical, cyber security, or data privacy risk to consumers. The only purpose of the legislation is to restore competition to the marketplace for repair and maintenance services.

Among the most pernicious tactics used by OEMs to block repair is the use of what we now call “Parts Pairing”. The phrase is relatively new but the tactic is widespread and far from novel. In the auto industry it’s called “VIN Burning”. In agriculture the same limitations are made by “Payloads”. Other synonyms in use include “registration”, “activation”, “calibration”, “authentication” and “serialization”. All of the above allow the manufacturer to control how, and if, spare parts can be used without losing full functionality.

If parts cannot be paired, even the identical brand new part from the OEM will not function correctly. Used parts (even barely used parts) cannot be deployed – reducing the value of purchased equipment without any compensation to the buyer. Third party parts – particularly generic parts – will not work as intended, removing competitive options and consumer choice.

The problem is not “pairing” per se – but the use of proprietary tools to prevent pairing.

There are significant downstream consequences beyond annoying messages. Recyclers – both charitable and for profit – harvest parts from discarded or donated equipment for resale as spare parts. If parts pairing is allowed to block the use of used parts – these markets will disappear along with the opportunity for refurbishers to recover and repair equipment for any purpose – including charitable uses. More equipment will go into landfills instead of being reused. “Zero Waste” efforts will be pointless.

We strongly support passage of SB1596 at the earliest opportunity.

Please let me know if there is any way we can be of assistance.

Regards,

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