

Senate Joint Memorial 8

Sponsored by Senator SOLLMAN; Senators CAMPOS, MEEK, REYNOLDS, WEBER, Representatives FRAGALA, GAMBA, GOMBERG, GRAYBER, LIVELY, NELSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Asks the FTC and the NIST to create a score system that ranks for consumers how easy or hard it is to repair tech devices. (Flesch Readability Score: 76.5).

Requests that the Federal Trade Commission and the National Institute of Standards and Technology coordinate on and provide to manufacturers of electronic devices voluntary criteria for a one through ten repair score that may be displayed to consumers at the point of sale.

JOINT MEMORIAL

1
2 To Lina M. Khan, Chair of the Federal Trade Commission (FTC), and Dr. Laurie Locascio, director
3 of the National Institute of Standards and Technology (NIST):

4 We, your memorialists, the Eighty-third Legislative Assembly of the State of Oregon, in legisla-
5 tive session assembled, respectfully represent as follows:

6 Whereas according to the Global E-waste Monitor of the United Nations Institute for Training
7 and Research, Americans throw out just shy of 8 million tons of electronic waste each year, or more
8 than 500 pounds of electronic waste each second; and

9 Whereas the United States Environmental Protection Agency reports that electronic waste is
10 now the fastest growing part of our domestic municipal waste stream; and

11 Whereas according to the United States Public Interest Research Group, an average American
12 family spends nearly \$1,500 on new electronics per year, and fixable devices are a boon for those
13 whose budgets are squeezed by rising prices; and

14 Whereas according to the Oregon State Public Interest Research Group, Oregonians could save
15 a combined \$649 million if they were able to repair instead of replace electronics, extending the
16 lifespans of their electronic devices by 50 percent; and

17 Whereas the stated mission of the FTC is “protecting the public from deceptive or unfair busi-
18 ness practices and from unfair methods of competition through law enforcement, advocacy, research,
19 and education” and the commission voted unanimously in July 2021 to “closely coordinate with state
20 law enforcement and policymakers to ensure compliance and to update existing law and regulation
21 to advance the goal of open repair markets”; and

22 Whereas on July 9, 2021, the President of the United States signed the Executive Order on
23 Promoting Competition in the American Economy, which stated that “to address persistent and re-
24 current practices that inhibit competition, the Chair of the FTC, in the Chair’s discretion, is also
25 encouraged to consider working with the rest of the Commission to exercise the FTC’s statutory
26 rulemaking authority, as appropriate and consistent with applicable law, in areas such as . . . unfair
27 anticompetitive restrictions on third-party repair or self-repair of items, such as the restrictions
28 imposed by powerful manufacturers that prevent farmers from repairing their own equipment”; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Whereas a study cited in the FTC’s May 2021 report “Nixing the Fix: An FTC Report to Con-
2 gress on Repair Restrictions” states that “the lack of information concerning durable and repairable
3 products causes an asymmetry in the market balance and leaves consumers unable to make the best
4 buying decisions regarding to their own needs”; and

5 Whereas the stated mission of NIST is “to promote U.S. innovation and industrial
6 competitiveness by advancing measurement science, standards, and technology in ways that enhance
7 economic security and improve our quality of life”; and

8 Whereas lawmakers in Oregon have identified that consumers in this state do not have easy
9 access to trusted information on the repairability and longevity of electronics before they purchase
10 electronics or seek repair of the electronics they have purchased; and

11 Whereas right to repair scores for electronics such as laptop computers, cellular phones and
12 appliances would function similarly to Monroney stickers, which display essential information about
13 new automobiles, but for repairability, providing consumers with a one through ten repair score that
14 measures availability of spare parts, ease of disassembly and longevity of support; and

15 Whereas right to repair scores would inform consumers whether a product is easy to repair or
16 has a robust repair market, and would correct the asymmetry identified in the FTC’s May 2021 re-
17 port; now, therefore,

18 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

19 That we, the members of the Eighty-third Legislative Assembly, in order to promote consumer
20 choice, formally request the Federal Trade Commission and the National Institute of Standards and
21 Technology to coordinate and provide to manufacturers of electronic devices voluntary criteria for
22 a one through ten repair score that may be displayed to consumers at the point of sale; and be it
23 further

24 Resolved, That we ask the Federal Trade Commission and the National Institute of Standards
25 and Technology to determine the scoring criteria in coordination and to periodically update such
26 criteria; and be it further

27 Resolved, That this scoring criteria should include, but need not be limited to, the following
28 categories for determining a product’s final score: the free and public availability of technical doc-
29 uments regarding the product, the ease of disassembly of the product, the availability of spare parts
30 for the product, the price of spare parts for the product, the length of software support by the
31 manufacturer of the product and other criteria specific to the category of the product; and be it
32 further

33 Resolved, That a copy of this memorial shall be sent to Lina M. Khan, Chair of the Federal
34 Trade Commission, and Dr. Laurie Locascio, director of the National Institute of Standards and
35 Technology, and to each member of the Oregon congressional delegation.

36