

## It's Time for the Right to Repair, HB 2688

Independent repair businesses throughout Oregon are struggling to survive, but at the same time owners of equipment with digital electronics are unable to keep their equipment operational. We need to make our products last longer. Electronics manufacturing strains the limits of our natural resources while usable products and device components are thrown into landfills or scrapped, instead of salvaged, fixed, and reused. We need to support local repair businesses' ability repair our products.

### Why Now

Over the last two decades, we've gone from a world where software is rarely seen outside of a general-purpose computer, to a world where billions of microprocessors are embedded every year in virtually every type of device. As a result, software has become central to the repair of devices.

Manufacturers are, unfortunately, taking this opportunity to prevent users from repairing or modifying the devices they have bought, from tractors to printers to coffee makers.

### Right to Repair Will Create Local Jobs

An Illinois Economic Activity survey recently showed that repairing electronics creates 13 times as many jobs as recycling it. The problem that repair centers are facing now is that they cannot negotiate directly with each manufacturer for access to critical information—there are too many products and too many manufacturers. So many products end up getting shredded instead of repaired — a significant environmental loss.

Recyclers, consumers and reuse centers alike need access to standardized service documentation at no charge for the complex electronic equipment they own.

### Opposition Argument: Intellectual Property

Opponents claim that Right to Repair will enable the theft of their intellectual property. But the bill only requires manufacturers share information that is already widely provided to authorized repair centers. And the Supreme Court has repeatedly upheld that reuse and repair do not infringe on a manufacturer's rights. In *Kirtsaeng v Wiley* (2013), they affirmed that a copyrighted work (like a book or a software program embedded inside electronic equipment) can be resold. In *Lexmark v Impression* (2017), they again sided with product owners, ensuring that owners couldn't be prosecuted for patent infringement for reselling products (or parts of products).

## Cybersecurity

As products age, they get less secure as hackers discover and exploit new vulnerabilities. For example, many smartphone manufacturers stop updating the software after the warranty expires, turning devices that are only 18 months old into a security hazard for their users. Negligent Chinese home security camera manufacturers are widely considered responsible for an internet outage in 2016. Allowing consumers to hire professionals that can secure their own devices will improve the security of our connected devices, just as locksmiths allow us to secure our homes and replace outdated locks.

## Right to Repair is Great for the Environment

Repairing and refurbishing electronics has tremendous potential to impact carbon emissions. A recent report by McKinsey & Company and the Ellen MacArthur Foundation found that increasing reuse and refurbishment could reduce the production of emissions of mobile phones by 3 million tons of CO<sub>2</sub>. Currently, market experts estimate that only 15% of smartphones are recycled—the rest are either put in storage or thrown away. According to McKinsey, increased resale of refurbished cell phones alone could generate \$9.4 billion USD in additional economic opportunity annually. If we don't facilitate that economic growth here at home, it will happen overseas.

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