



The League of Women Voters of Oregon, established in 1920, is a grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

February 14, 2023

To: [Senator Janeen Sollman](#)
[Senate Energy and Environment Committee](#)

Re: [SB 542](#) Right To Repair – **Support**

The League of Women Voters of Oregon (LWVOR) has strongly supported the “reduce, reuse, recycle” hierarchy since the 1991-1994 battle over reauthorization of the Resource Conservation and Recovery Act (RCRA). Although it is not explicitly contained in the list, we consider that “repair” is included in the hierarchy.

[SB 542](#) “requires the original equipment manufacturer to make available to the owner of consumer electronic equipment or independent repair provider on fair and reasonable terms any documentation, tool, part or other device or implement that original equipment manufacturer makes available to authorized repair provider for purpose of diagnosing, maintaining or repairing consumer electronic equipment.”

We agree that “reusing, repairing and extending the product life of electronics is a critical component of Oregon’s 2050 Vision and Framework for Action, that repairing and reusing electronics rather than throwing out electronics reduces waste, greenhouse gas emissions and raw material use and that barriers to repairing electronics make access to technology difficult by increasing costs.”

We discovered that the text of this bill was taken in large part from a New York law, [S4104A](#) (2021). We did not do a line-by-line review of either document, nor a detailed comparison of the two. We do have two concerns with SB 542: The definition of “consumer electronic equipment” and the manner of enforcement. In both cases we found differences with the New York law.

Definition of “consumer electronic equipment” (OR) “digital electronic equipment” (NY)

Both bills have effectively the same basic definition: “A product that functions in whole or in part on the basis of digital electronics that are embedded within or attached to the product.” We are concerned that this is a much too broad definition, with problems both at the large end and small end.

For appliances, the New York law adds an exception: (g) “... any home appliance that has a digital electronic product embedded within it, including, but not limited to, refrigerators, ovens, microwaves, air conditioning and heating units, including any related software and components.” We suggest that this or a similar exception be included in SB 542. At minimum, it should be limited to the independent repair provider; individuals should not be encouraged to repair these appliances.

For small products, neither bill acknowledges that we are in the age when almost everything has embedded electronics. For example, anything connected via Bluetooth, such as ear buds, electronic pencils, and hearing aids, requires both software and hardware components.

We suggest you consider adding an exemption for such devices.

Enforcement

We were surprised that the bill puts the burden on the person (individual or independent repairer) who is harmed by the manufacturer's failure to comply to sue for the greater of damages or \$1000. Except in the case of major harm, it would cost the individual more than that amount to hire an attorney. A class action is permitted, but it's unlikely an attorney would be willing to take it on for such low damages.

The New York law has a much better enforcement mechanism. Section 2 (6) specifies that the attorney general may bring action on behalf of the people of the state if the attorney general believes that the provisions of the bill have been or will be violated.

We suggest you replace SB 542 Section 1 (3) with the text from the New York law or something similar.

We urge your Support for SB 542 with the changes we have suggested.

Thank you for the opportunity to discuss this legislation.



Rebecca Gladstone
President LWVOR



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Natural Resources Portfolio