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Attn: Representative Solomon, Chair House Committee on  
Corporations and Committee Members

**Testimony in Support of H 6141**

An Act Relating to Commercial Law – General Regulatory Provisions  
Agricultural Equipment Right to Repair Act  
Before the House Corporations Committee

Rhode Island Farm Bureau is an independent, non-governmental grassroots organization of farm families united for the purpose of enhancing and strengthening the lives of rural Americans, and to build strong, prosperous agricultural communities. Today our over 1200 members are not only large farmers and small farmers, but also includes those engaged in agricultural industries, teachers of agriculture and consumers.

Rhode Island Farm Bureau is in support of **H 6141 - Agricultural Equipment Right to Repair Act**. Farmers have always been economical, making repairs where needed and having a “do-it-myself” philosophy. Before the introduction of computer-controlled tractors in the mid 2000’s, farmers made most of the repairs to their tractors on their own, sometimes using a local repair facility and rarely needing services of the big dealerships. However, once computer-controlled tractors rolled onto the scene, that began to change. Since then, farmers who have purchased modern ag equipment have often been forced to go to "authorized" dealerships and service centers to perform otherwise simple repairs that they could no longer do because they were locked out of their equipment and needed special software to unlock it. Repairing their own tractors and equipment is not just to save money, but also serves in the interest of time. Being unable to choose where their tractors and equipment will be repaired is not only a burden on farmers and their bottom line, but it also has a deleterious effect on Food Security.

In 2018, the Association of Equipment Manufacturers (AEM) and the Equipment Dealers Association (EDA) board of directors agreed to make a series of diagnostic and repair tools available to owners of tractors and combines by January 1, 2021. Farmers were assured through their online resource (R2RSolutions.org) that they would be granted access to:

- Manuals (operator, parts, service)
- Product guides
- Product service demonstrations, training, seminars or clinics
- Fleet management information
- On-board diagnostics via diagnostics port or wireless interface
- Electronic field diagnostic service tools, and training on how to use them
- Other publications with information on service, parts, operation, and safety

We stand here in April of 2021 and it is still extremely difficult, if not impossible, for farmers to get diagnostic software, tools, or parts from some manufacturers as was promised. Their R2RSolutions.org website is out-of-date and provides no clear information on where anything from the above list stands. Making the aforementioned items available for tractors and equipment sold on or after January 1, 2021 is not enough; the equipment that has been purchased over the last 15-20 years needs to be repaired as well, because buying new equipment isn't a realistic option for most farmers. Manufacturers are using their processes and technology as a competitive edge, and while this makes sense in a perfect application, it hinders a farmer's ability to invest in newer technology due to the fear of being able to keep it running when it is needed or for an affordable price.

Even replacing modern equipment with an older, non-computer-controlled piece of equipment can cost as much today, if not more, than that equipment cost brand new. The older equipment's value lies in the fact that it can be repaired by the farmer or a local, independent repair shop.

While we are unable to give you figures on the actual numbers of farmers this issue affects, or the number and age of tractors and other pieces of equipment owned by Rhode Island farmers, we *can* give you the following farm statistics. The USDA census tells us that **there are 1,043 farms in Rhode Island, and 644 of those have land in harvested cropland.** Of those farms, 197 are under 10 acres, and 218 farms are 10-50 acres. Another 98 farms operate from 50-100 acres, with 122 farms operating 100-500 acres, and the largest nine Rhode Island farms operating from 500 to over 3000 acres. All of these farms are cultivating their fields with equipment, and many farmers have more than one tractor or piece of equipment. The farms that do not cultivate themselves rely on those farmers who also "custom farm", meaning they work for hire on farms needing larger equipment to cultivate and harvest.

**H 6141** is asking for the right to maintain, diagnose, and repair machinery that results in the machine being *returned to its original specifications.* It specifically excludes some of the biggest concerns the large manufacturers warn this legislation will cause, prohibiting any activities that result in the machine being modified **outside** of the original equipment manufacturer specifications. In **Section 6-58-2.13 Definitions** of the proposed legislation, it states "*Repair does not include performing any activities that result in the machine being modified outside of the original equipment manufacturer specifications.*" While we respect the need for manufacturers to defend their intellectual capital, the more recent inability to purchase manuals and computer software has hurt both farmers as well as local non-manufacturer affiliated repair shops. The reality is that those "hacking" equipment to make the changes manufacturers have concerns about can and will do so even without this legislation.

Rhode Island Farm Bureau asks that the following language be inserted into the bill: **The Agricultural Right-To-Repair Act applies with respect to equipment sold or in use on or after the effective date of this act.**

Rhode Island Farm Bureau asks that the committee support **H 6141** and give Rhode Island's farmers the right to fix their own equipment or select the repair facility of their choice. Owners should have the right to determine where their property is repaired, not to be told there is only ONE option.



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