Memorandum of Support

May 4, 2022

A.7006 (Fahy)/S.4104 (Breslin)

Purpose: The “Digital Fair Repair Act” would require original equipment manufacturers (OEM) of digital electronic equipment to provide diagnostic and repair information to independent repair providers and consumers if such information is also available to OEM authorized repair providers.

Statement of Support: Before the 1970s, most appliances lasted much longer than they do now, and if they broke, they were made so they could be repaired. Around 1970, appliances began to be designed in ways that made repair difficult; components were often soldered to a circuit board which meant that failure of a small part required the entire circuit board to be replaced, at much higher cost. Replacement parts are sometimes only available for 3-5 years, and OEMs restrict access to the diagnostic and repair tools and replacement parts needed to fix products to only the manufacturer or its authorized service provider. This often leads to higher repair costs and frustrated consumers.

Additionally, despite laws that prohibit the disposal or incineration of electronic waste in New York, e-waste is ending up in our landfills at an alarming rate. For example, Americans throw away 416,000 cell phones every day.¹ “E-waste accounts for 70% of the toxic components in our garbage,”² such as heavy metals and plastics. To fight back against obsolescence by design, the European Union now requires that manufacturers make replacement parts available for at least 10 years and new appliances be able to be taken apart using common tools. In the U.S., right to repair bills have been introduced in 40 states since 2018. A.7006/S.4104 would protect consumers from inflated repair prices and the constant need to replace electronic devices by requiring OEMs to make non-proprietary diagnostic and repair information, parts and tools available to consumers and independent repair providers so device owners can have the option to fix their electronic products at reasonable cost. It does not apply to motor vehicle equipment or medical devices. The Digital Fair Repair Act follows the legislative model of the hard-won Automobile Right to Repair.

By making this information available to certified independent repair technicians, this bill could improve the safety of products and stop the enormous amount of e-waste discarded in landfills. Given the urgent need to reduce greenhouse gas emissions that exacerbate climate change, using scarce materials saved from producing so many new digital products to manufacture wind turbines, solar panels and batteries is more sustainable and will reduce the strain on e-waste programs throughout New York State. The Digital Fair Repair Act might also encourage manufacturers to factor repair into their designs once again – the push for a circular economy that is sustainable for our wallets and our planet.

Sierra Club Atlantic Chapter Urges Your Support of A.7006/S.4104

¹ https://uspirg.org/feature/usp/right-repair
² https://debugger.medium.com/these-are-5-of-the-most-wasteful-electronics-in-existence-5cf06dceae