



Senator Delores Kelley,
Chair Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen St., Annapolis, MD 21401 – 1991

Dear Chair Kelley, Vice-Chair Feldman and Members of the Senate Finance Committee,

My name is Andrew Bray and I am the Vice President of Government Relations for the National Association of Landscape Professionals (NALP). I appear today to express our industry's opposition to SB 412, on behalf of the landscape industry. We are also members of the "Coalition Opposed to Illegal Tampering" which has expressed its opposition to this legislation as well.

NALP is the national trade organization representing the \$98 billion landscape industry employing over 1.4 million employees in the United States. Member companies specialize in lawn care, landscape maintenance, tree care, irrigation and water management. Landscape professionals throughout Maryland work daily performing essential services to homes and businesses to maintain their landscapes, sustain the environment and enhance and maintain healthy and safe green spaces.

First, we would like to explain the commitment between the landscape industry and equipment manufactures to make lawful and proper repairs. Manufacturers of lawn & garden equipment (e.g. lawn mowers, snow throwers, blowers, trimmers, chain saws) are dedicated to supporting landscape professionals and their equipment needs, reducing downtime and maximizing productivity. The landscape industry has a commitment from equipment manufactures to provide end users with information and tools needed to maintain, diagnose, and repair their equipment and to support landscape professionals right to repair.

Diagnostic and repair information and tools have been made available to end users at fair and reasonable terms. Manufacturers are committed to provide reasonable access to the following, where applicable and needed to maintain, diagnose, and repair the equipment:

- Manuals (Operator, Parts, Service);
- Product Guides;
- Product Service Demonstrations, Seminars, or Clinics;
- Fleet Management Information;
- On-Board Diagnostics via diagnostics port or wireless interface;
- Electronic Field Diagnostic Service Tools;

Today's landscape machinery utilizes cutting-edge technology to maximize productivity and minimize machine downtime. It's vital to landscape equipment owners and operators that major repairs be completed safely and in compliance with on-board operating safety, machine performance and emissions standards. Safety and Clean Air standards are of particular concern if SB 412 were to pass.

Safety is the number one most important issue for landscape professionals and SB 412 would serve to increase the risk for potential adverse safety impacts within the industry. Working on or operating equipment that has been modified (many times in unknown ways) poses a serious threat to the safety of employees within the landscape industry as well as the customers and properties they service.

The US Clean Air Act requires equipment manufacturers to build in base level tampering safeguards. Restricting access to the software that defines the machines emissions performance is part of these base level tampering safeguards put in place to meet the requirements of the act. Simply put, providing easy access to the software file for reprogramming, or "flashing", a controller makes it much easier to tamper with the emissions systems. Due to these facts, we believe that the proposed language in the bill allowing for third party access to the software is a direct contradiction of the US Clean Air Act.

Thank you for providing me the opportunity to address the Committee today, for the reasons stated herein the landscape industry respectfully requests you to oppose SB 412.