



**Written Testimony of Daniel B. Fisher, Senior Vice President
Associated Equipment Distributors
Before House Economic Matters Committee**

Hearing on the Consumer Protection – Right to Repair – Farm Equipment Act (HB 562)

Chair Wilson, Vice Chair Crosby and Committee Members, Associated Equipment Distributors (AED) appreciates the opportunity to offer this testimony in conjunction with the Economic Matters Committee on HB 562 (“the Consumer Protection – Right to Repair – Farm Equipment Act”).

AED is the international trade association representing companies that sell, rent and service construction, farm, energy, forestry and industrial equipment. Our members, which are predominantly small-medium-sized, independent, family-owned businesses, employ workers across Maryland, providing well-paying jobs and serving as a positive force within communities throughout state. Attached please find a list of AED member companies and locations in Maryland.

AED and our Maryland-based members have significant concerns with HB 562 as currently drafted.

Unfortunately, a primary basis for applying so-called “right to repair” legislation to the equipment industry is based on a false narrative that customers are unable to fix their machinery. To the contrary, equipment manufacturers and distributors make available diagnostic tools, repair information and parts. However, consumers do not have the ability to modify the complex environmental and safety protections on the equipment, and for reasons outlined below, lawmakers should refrain from mandating this type of unfettered access.

A right to repair mandate applied to the farm equipment industry will be detrimental to safety and environmental compliance. Indeed, given that customers already can repair their equipment, the primary reason someone would want further access is to override emission controls and safety mechanisms to increase performance. This is not fixing equipment; this is modifying it.

The equipment industry has invested significant time and resources to meet the Environmental Protection Administration’s (EPA) Tier 4 diesel emissions standards. These specifications, applicable to engines used in farm equipment, have resulted in a significant reduction in emissions. Unfortunately, right to repair threatens these gains as the public would have the ability to circumvent environmental protections on machinery to boost performance.

Furthermore, modern farm equipment has numerous safety features to protect both equipment operators and the public, the latter who oftentimes are driving or walking past construction sites and other areas while machinery is in use. Granting access to override safety features poses undue risk on operators and bystanders in the vicinity while equipment is in use.

It is also important for policymakers to recognize a key difference between equipment sold by AED members and other products, such as consumer electronics. Heavy machinery, such as farm equipment, has a significantly longer life cycle that may be jeopardized by granting unfettered access to source code. In fact, equipment will oftentimes be sold to a customer, traded-in when the customers purchase a new machine, and subsequently, either resold or rented. Modifications to equipment can jeopardize its durability, which in turn can also have a negative environmental impact as machinery may need to be discarded and is deemed unusable prematurely.

Because of the nature of the used equipment sales, rental, and trade-in markets, allowing for modification of safety and environmental features also would subject AED members to significant, unnecessary legal liability issues due to an end-user’s ability to tamper with machinery source code.

In conclusion, end-users of machinery have the information and parts they need to repair and fix their equipment. The only reason for greater access contemplated by right to repair policies is to circumvent safety and emissions standards or to access proprietary intellectual property.

Thank you for the Committee’s consideration of my testimony.

Daniel B. Fisher, Esq.
Senior Vice President
Associated Equipment Distributors
dfisher@aednet.org
202-897-8799

AED’s Maryland Dealer Locations

| | |
|---|--------------------|
| Carter Machinery Company, Inc. | Myersville |
| Carter Machinery Company, Inc. | Baltimore |
| Carter Machinery Company, Inc. | La Plata |
| Carter Machinery Company, Inc. | Salisbury |
| Carter Machinery Company, Inc. | Abingdon |
| Carter Machinery Company, Inc. | Upper Marlboro |
| Carter Machinery Company, Inc. | Annapolis Junction |
| Carter Machinery Company, Inc. | Baltimore |
| Carter Machinery Engine Power | Elkridge |
| Carter Machinery Engine Power | Ocean City |
| Carter Machinery. Parts Distribution Center | Baltimore |
| Correlli, Inc. | Dundalk |
| Crownstone Equipment | Frederick |
| Crownstone Equipment | Hagerstown |
| Elliott & Frantz Inc. | Jessup |
| Equipment Corporation of America | Upper Marlboro |
| EquipmentShare | Baltimore |
| GT Mid Atlantic, LLC | Upper Marlboro |
| GT Mid Atlantic, LLC | Frederick |
| GT Mid Atlantic, LLC | Baltimore |
| GT Mid Atlantic, LLC | Aberdeen |
| Jesco Inc. | Waldorf |
| Jesco Inc. | Delmar |
| Jesco Inc. | Baltimore |
| Jesco Inc. | Frederick |
| Jesco Inc. | Forestville |
| Komatsu America Corp. | Baltimore |
| Liebherr Equipment Source | Hanover |
| Link-Belt Mid-Atlantic Const. Equip | Frederick |

| | |
|--------------------------------------|-------------|
| MGX Equipment Services | Dundalk |
| Mid-Atlantic Waste Systems | Clinton |
| Mid-Atlantic Waste Systems | Easton |
| Valley Supply & Equipment Co., Inc. | Baltimore |
| Valley Supply & Equipment Co., Inc. | Hagerstown |
| Washington Air Compressor Rental Co. | Rockville |
| Washington Air Compressor Rental Co. | Frederick |
| Washington Air Compressor Rental Co. | Hyattsville |