

Testimony of the Truck and Engine Manufacturers Association

**By
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House Bill 712

**Public Hearing of the House Economic Matters Committee
Maryland General Assembly**

February 22, 2023

Chair Wilson, Vice Chair Crosby and Members of the Committee:

The Truck and Engine Manufacturers Association (EMA) opposes Maryland House Bill 712 (HB 712). EMA represents the world's leading manufacturers of commercial vehicles as well as on- and off-road engines used in several applications, including: trucks; buses; construction and farm equipment; locomotives; marine vessels; lawn and garden equipment; and stationary generators.

HB 712, an act concerning "Farm Equipment Repair," simply goes too far. Among other things, it will create unnecessary confusion, complications, burdens, and risks for Maryland users and manufacturers alike; and will lead to significant adverse safety, environmental, and security impacts.

The bill's definition of "farm equipment" would apply to many of the engines and equipment manufactured by EMA's members. It specifically excludes "vehicles," as defined in Maryland statute (*see § 11-176*), yet proposes to include similarly complex farm and agricultural equipment that would face the same significant impacts.

As currently written, the bill would allow anyone – whether trained or not – to access and change the microprocessors on engines and equipment that control critical safety, emissions, and performance systems. Thus creating significant adverse unintended consequences to the products manufactured by EMA's members. Such legislation simply is not needed for engines or equipment, and creates a solution in search of a problem.

The correct use of service information, such as diagnostic and repair tools, on the complex machinery manufactured by EMA members requires highly trained and skilled personnel. Allowing unfettered access to service information to untrained individuals will undermine the integrity of the equipment and allow for safety features on heavy farm equipment – such as braking systems and electronic stability (anti-rollover) controls – to be altered and compromised. Unfettered access also will increase the likelihood that untrained personnel will intentionally or unintentionally, and illegally, alter or disable federally mandated emission control systems. Such illegal tampering is increasingly occurring today, especially on off-highway equipment and trucks

(including farm equipment), and the U.S. EPA has undertaken a National Compliance Initiative¹ to respond to the numerous instances of tampering² across the country, some of which include the use of software to alter or disable digitally controlled emission technologies. Tampering contributes substantial excess pollution that harms public health and air quality.

Further, the bill fails to contain meaningful safeguards or restrictions that would prevent or mitigate the risk of cybersecurity incidents. Widespread and unfettered access to service information increases the opportunity for hackers to improperly obtain or tamper with such information – creating enormous cybersecurity risks. Today’s legislation will simply make those efforts easier.

Lastly, we note that the State of New York recently recognized the significant adverse unintended consequences that would be created in including heavy machinery in so-called right to repair legislation. New York Assembly bill A.7006B/S.4104A, which was signed into law in 2022, is similar in scope to HB 712 and excludes all engines, vehicles, and equipment (*see Sec. 4(a)-(c)*).

For all of these reasons, EMA asks you to vote no on HB 712. The legislation otherwise will create enormous safety, environmental, and security risks and liability exposure for owners and the general public. Finally, the bill will limit the availability – and/or increase the costs – of farming equipment sold in Maryland, as those products will be forced to have unique characteristics.

Thank you for the opportunity to provide our comments. I would be happy to answer any questions following the hearing at: tsutton@emamail.org, (312) 929-1976.

¹ U.S. EPA National Compliance Initiative: <https://www.epa.gov/enforcement/national-compliance-initiative-stopping-aftermarket-defeat-devices-vehicles-and-engines>

² U.S. EPA Clean Air Act Vehicle and Engine Enforcement Case Resolutions: <https://www.epa.gov/enforcement/clean-air-act-vehicle-and-engine-enforcement-case-resolutions>