



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2475		DATE: 3/26/2024	
COMMITTEE: Special Committee on Innovation and Technology			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: AMY ALLMON		PHONE NUMBER: 202-546-0983	
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ADDRESS: P.O. BOX 9090			
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EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/26/2024 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: DEANNA RHODES-WIDMER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JOE WIDMER		PHONE NUMBER: 816-536-7512	
BUSINESS/ORGANIZATION NAME: FREEDOM OF ROAD RIDERS		TITLE: LEGISLATIVE CO-ORDINATOR	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: TOD MOORE		PHONE NUMBER: 301-654-6664	
BUSINESS/ORGANIZATION NAME: AUTO CARE ASSOCIATION		TITLE: MANAGER, GRASSROOTS AND ADVOCACY	
ADDRESS: 7101 WISCONSIN AVE, SUITE 1300			
CITY: BETHESDA		STATE: MD	ZIP: 20814
EMAIL: tod.moore@autocare.org	ATTENDANCE: Written	SUBMIT DATE: 3/25/2024 4:49 PM	

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The Auto Care Association is a collective of independent repair shops, parts suppliers, distributors, and service providers across the U.S. The Auto Care Association represents over 3,000 member companies and affiliates, embodying the auto care industry—a sector that contributes over \$400 billion to the U.S. economy and employs more than 4.5 million professionals. In Missouri, the aftermarket employs 62,277 individuals, generates \$15.2 billion in economic activity, and provides \$3.6 billion in wages. Auto Care Association members share a unifying mission of promoting consumer choice and open access to repair, maintenance, and diagnostic information in the automotive aftermarket industry. The Auto Care Association supports House Bills 2475 and 2800, pertaining to the right to repair certain products, including farm machinery, construction equipment, and motorcycles. Among the Auto Care Association’s core issues is the right to repair, a principle that is not just a policy issue, but one that affects members personally. These bills are critical to ensure product owners and independent repair providers have the right to repair products effectively and affordably. While we support this legislation, as a proponent of the right to repair, the Auto Care Association strongly encourages the House to broaden them to include the auto aftermarket industry. Expanding this right is not only beneficial for vehicle owners, but essential for maintaining competition, innovation, and affordability within the auto care sector. Right to repair access guarantees auto repair shops accessibility and efficiency, as timely repair services are necessary for a robust supply chain and local economy. Consumers are also empowered with the freedom of controlling where and how their vehicles are repaired, allowing for more cost-effective and convenient decisions. By ensuring access to necessary repair information and tools, this would allow for lower repair costs, extended vehicle life, and small business support. As the Missouri General Assembly deliberates these bills, we urge you to support HB 2475 and HB 2800 and respectfully request that they be expanded to benefit the auto industry in Missouri.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: TONY SHEPERD		PHONE NUMBER: 636-240-5009	
REPRESENTING: ABATE FOR MISSOURI		TITLE: LOBBYIST	
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CITY: O'FALLON		STATE: MO	ZIP: 63366
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/26/2024 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: WILLIAM P D CADE		PHONE NUMBER:	
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CITY:		STATE:	ZIP:
EMAIL: williecade@gmail.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/25/2024 2:25 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: WILLIAM P D CADE		PHONE NUMBER:	
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ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: williecade@gmail.com		ATTENDANCE: Written	SUBMIT DATE: 3/25/2024 2:20 AM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: AUSTIN HOPPER		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
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CITY:		STATE: ZIP:
EMAIL: austinhopper33@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/20/2024 2:32 PM

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My biggest concern with regards to this is that we will begin to see dangerous things being done like deleting emissions systems if Bills like this are passed. People who own agricultural equipment regularly have trouble with emissions systems and that is both from user error and just mechanical/electrical failures. I think it is important for individuals to be able to repair their equipment on their own, but I believe that anything that would allow tampering with original OEM specifications need not be allowed to individuals as they absolutely will use them to their advantage and delete emissions systems and do other dangerous things in an effort to "save money". People are just not honest enough to be trusted with this type of software/electrical/mechanical capability as unfortunate as that is. There is already way too much tampering that goes on right now without mainstream access to intricate information so I can only imagine what it would be like if a bill like this gets passed. It sounds nice to have the "right to repair", but practically, it just isn't something that people can be trusted with.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: BRAD NOBBE		PHONE NUMBER: 618-779-5765	
BUSINESS/ORGANIZATION NAME: SYDENSTRICKER NOBBE PARTNERS		TITLE: VP, LEARNING & PRECISION AG	
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CITY: WENTZVILLE		STATE: MO	ZIP: 63385
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: CRAIG G MURRAY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: cmurray@heritagetractor.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/23/2024 1:02 PM
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Heritage Tractor strongly supports customers right to repair but we are firmly opposed to right to repair legislation.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DANIEL J. MUSTICO		PHONE NUMBER: 703-678-2990	
BUSINESS/ORGANIZATION NAME: OUTDOOR POWER EQUIPMENT INSTITUTE		TITLE: SVP, GOVERNMENT & MARKET AFFAIRS	
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Attached is testimony in opposition from the Outdoor Power Equipment Institute.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: DAVID KEDNEY		PHONE NUMBER: 314-412-8567
BUSINESS/ORGANIZATION NAME: LUBY EQUIPMENT SERVICES		TITLE: EXECUTIVE VICE PRESIDENT
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CITY: FENTON	STATE: MO	ZIP: 63026
EMAIL: dkedney@lubyequipment.com	ATTENDANCE: Written	SUBMIT DATE: 3/21/2024 8:19 AM

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Special Committee on Innovation and Technology CHAIR: Rep. Chad Perkins VICE CHAIR: Rep. John Voss HB 2475: RELATING TO RIGHT-TO-REPAIR Position: Luby Equipment Services, is a Missouri based and family-owned dealer of CASE Construction and Takeuchi Equipment, opposed to HB 2475. HB 2475 is a threat to the well-being of the heavy equipment industry in the State of Missouri. We urge the Committee to vote NO when considering this product right-to-repair legislation. Background: Luby Equipment Services is a locally owned and operated firm that has been serving Missouri since 1977. We have three dealerships state-wide to serve construction & heavy equipment needs of a wide variety of individual customers and businesses. We respect the long-standing tradition of equipment owners repairing their equipment and choosing their service providers. We work closely to ensure Missouri consumers have access to highly trained, well equipped technical and repair personnel, who are supported by significant investment in repair parts, facilities, and systems. HB 2475 is a lose/lose outcome for our company and our customers. The language defining "fair and reasonable terms" for obtaining a part or tool or documentation means: The net cost to an authorized repair provider for similar parts, documentation, or tools obtained from manufacturers, less any discounts, rebates, or other incentive programs. F&R Terms definition ensures two outcomes: 1) Our dealership loses: our dealership locations will no longer have an economic incentive to stock and inventory service parts for customer needs. Our service parts business revenue and profitability will be significantly diminished, and our overall business will suffer; 2) Our customers lose: because our economic incentive to inventory parts is diminished, the service levels, the expertise, and the timeliness of customer support when they need support will diminish. Service parts ultimately become a commodity, and no one has an incentive to provide great service to the end user customer. Further, if our company is to survive this change, the price of machines will have to rise. A lose/lose scenario. HB 2475 fails to anticipate execution and future technology of heavy-duty equipment: • remote dealer direct telematic connected machine – diagnostics. • "Smart machines" that provide sensing and control to-and-from attachments. • autonomous operated machinery and • alternative fuel sources (hydrogen, methane and electric) Industry is best equipped to solve the issue: • The heavy equipment industry has a long history of solving issues without legislative interference. Major suppliers in our industry make tools available to customers now and are committed to make information available in the future: • Documentation? Diagnostic Tools? Parts? Training on best practices for machinery maintenance and repair We very much appreciate your consideration, and we welcome the opportunity to create a solution that meets the needs of Missouri construction contractors. Please feel free to call upon us if we may provide input. Sincerely, David Kedney Executive Vice President 636-343-9970 www.lubyequipment.com



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ERIC WAREHAM		PHONE NUMBER: 816-561-5323	
BUSINESS/ORGANIZATION NAME: NORTH AMERICAN EQUIPMENT DEALERS ASSOCIATION		TITLE: VICE PRESIDENT OF GOVERNMENT AFFAIRS	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JACOB KNAEBEL		PHONE NUMBER: 573-893-4181	
REPRESENTING: MISSOURI CORN GROWERS ASSOCIATION		TITLE: LOBBYIST	
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CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: JASON ZAMKUS		PHONE NUMBER: 573-291-6180
REPRESENTING: MISSOURI CORN GROWERS ASSOCIATION		TITLE: LOBBYIST
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		ZIP: 65101
EMAIL: jzamkus@gmail.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/26/2024 12:47 PM
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WITNESS NAME: JEFFREY ABOUSSIE		PHONE NUMBER: 314-566-9933	
REPRESENTING: INTERNATIONAL UNION OF OPERATING ENGINEERS		TITLE: PRESIDENT OF REGIONAL STRATEGIES LLC	
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EMAIL: jeff@regionalstrategiesmo.com	ATTENDANCE: Written	SUBMIT DATE: 3/24/2024 5:42 PM	

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I am Jeff Aboussie, Lobbyist for the International Union of Operating Engineers Local 101&513. I want to go on record in opposition to HB 2475. This bill impacts the mechanics that work for the equipment dealer here in Missouri. These individuals go through years of training that is specific to the repair and upkeep for off road equip in the agriculture and construction industry. Not only is this bill harmful to their income but also provides the technical knowledge to properly repair these various type of equipment. By their years of continued training, it provides equipment to be maintained without error of an individual who may not know the proper manufacturers specifications. Allowing non-trained individuals to possibly error in these types of repairs costs more in the long run. I hope that this committee will look at the long term costs before allowing this bill to advance past this hearing.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: KARA		PHONE NUMBER: 240-457-0042	
BUSINESS/ORGANIZATION NAME: ENGINE TECHNOLOGY FORUM		TITLE: SENIOR DIRECTOR OF PUBLIC POLICY	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: KARA CORCHES		PHONE NUMBER: 573-634-3511	
REPRESENTING: MISSOURI CHAMBER OF COMMERCE AND INDUSTRY		TITLE: LOBBYIST	
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CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
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WITNESS NAME: KARA GUNDEL		PHONE NUMBER: 240-457-0042	
BUSINESS/ORGANIZATION NAME: ENGINE TECHNOLOGY FORUM		TITLE: SENIOR DIRECTOR OF PUBLIC POLICY	
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CITY: FREDERICK		STATE: MD	ZIP: 21703
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***Please see full comments emailed to all committee members that include charts and infographics. Thank you!! March 26, 2024 Dear Chairman Perkins, Vice Chair Voss, Ranking Chair Anderson and Honorable Members of the Missouri House Committee on Innovation and Technology: I am writing on behalf of the Engine Technology Forum (ETF) to express our opposition to Missouri HB 2475. As a matter of background, ETF is a national, not-for-profit educational organization based in the Maryland suburbs of Washington, D.C. We represent manufacturers of internal combustion engines – such as gasoline and diesel, equipment, and components, as well as petroleum and renewable biofuel producers. Through original research, education, and fact-based outreach, we seek to expand the broader understanding about the benefits and advancements in diesel engines, technologies, and fuels as well as their significance to our economy and how they help achieve clean air and climate goals. You can learn more about us on our website enginetechnologyforum.org. We are opposed to HB 2475 because it takes Missouri the wrong way for clean air and the wrong way for safety. It has the real potential to jeopardize Missouri's air quality by facilitating emissions controls tampering, a practice that is in clear violation of the Federal Clean Air Act. I. Introduction Diesel engines power nearly all farm tractors and machines thanks to their unique combination of efficiency, power, durability, and reliability. Over the last two decades, manufacturers of diesel engines and equipment have invested billions of dollars to reduce emissions to near zero levels and meet federal clean air requirements, as you can see in the attached chart. Across the country, all of us – including Missourians – benefit from these advanced technological innovations in the form of cleaner air. Why would someone knowingly modify or tamper with emissions controls? The act of tampering is linked most often to the desire to save time, money, and/or improve performance. • Improving performance might mean accessing the engine computer to adjust or disable engine speed limiters to enable tractors to travel at faster ground speeds, perhaps beyond the safe design of steering and braking systems. • Getting more power through tweaking the system to get higher fuel injection rates or pressures or adjustments in engine timing. • The motivation to save money can result in anything from the physical removal of particulate filters or catalysts to overtly overriding emissions computer control systems, thereby avoiding the need to fill up with diesel exhaust fluid – a critical component for assuring emissions compliance. Even those seeking to legitimately repair a machine or equipment could inadvertently alter engine and emissions control systems. The results are all the same, emissions control systems that ensure clean air compliance are violated and emissions increase. There are likely safety concerns as well. Right to repair legislation if enacted would likely contribute to the degradation of air quality in Missouri through higher emissions of particulate matter and nitrogen oxide emissions, a precursor to ozone formation. There is no simpler way to state this fact: tampering with emissions controls is

directly linked to higher emissions. Engine computers control, measure, and monitor on a real time basis tractor and machine fueling rates, air flows, exhaust pressures and temperatures, diesel exhaust fluid levels, and many other parameters that affect emissions and overall machine performance. As evidenced in a recent publication of data in Farm Equipment Dealer: Business and Trends report (referenced below), the problem is not uncommon. II. Diesel Powered Farm Equipment Achieves Near-zero Emissions Thanks to Advanced Emissions Control Systems Since 2014, manufacturers have met US EPA's stringent emissions requirements that have resulted in achieving near zero emissions from diesel engines in farm tractors and machines. (See chart at end.) This is accomplished by a highly integrated system of computers and controllers that control the combustion process and treat the exhaust emissions on a real-time basis through sophisticated systems like selective catalytic reduction (SCR) and diesel particulate filters. Since 2014, many farm tractors and machines utilize advanced SCR systems. These are active emissions scrubbers on the machine – one where in a specialized catalyst, exhaust gases are treated by carefully calibrated sprays of Diesel Exhaust Fluid (“DEF”; aqueous urea) resulting in a chemical reaction that virtually eliminates nitrogen oxide emissions. Because it is an active system, DEF fluid must be refilled periodically based on fuel consumption, and that costs money. On average, nationwide today's DEF costs about \$25 dollars for a 2.5-gallon jug. Row crop tractors can typically hold 4-6 gallons. Unfortunately, some creative individuals and repair shops have illegally accessed the engine computer and software and reprogramming to “trick” the engine into thinking that the SCR systems are dosing and operating properly, and diesel exhaust fluid levels are full, when in fact they are not operating at all or at very diminished levels. This is advertised as saving the operator the cost of refilling DEF fluid and avoiding expensive maintenance on particulate filters. SCR-equipped engines rely on routine end-user action (e.g., filling the DEF tank) to ensure proper operation of the SCR system. If the end-user doesn't take that action, the regulations require engine manufacturers to inhibit operation of the engine, going into a limp mode and then shutting it down until repaired. Sometimes called chipping, tuning, or ECU remapping, this service is offered to farmers by a variety of individuals and companies. Right to Repair legislation will further facilitate this practice by providing open access to engine emissions control software, which is why we are opposed. Making changes to engine control units (ECU's) – computers and their controllers – to enhance the performance or evade emission controls has become a significant issue across North America. Being sold as “boosting performance” for pennies on the dollar compared to the cost of buying higher-capacity equipment and saving money through bypassing maintenance on emissions control systems; this practice must look like an attractive proposition, but it's not. It may void the equipment's warranty insurance agreements and is illegal in the U.S. What HB2475 would do, if enacted, would be to enable the defeat of these systems, denigrate emissions performance and make agricultural, forestry and other equipment dirtier not cleaner, and increase emissions, not reduce them. Ultimately, a yes vote on HB 2475 is a vote against the health and safety of your constituents and the environment itself. III. The Incidence of Tampering with Emissions Controls in Off-Road Equipment is Well-Documented A recent survey of farm equipment dealers confirmed that the practice of emissions tampering is prevalent with farm equipment. Specifically, dealers were asked about their experience with seeing equipment in service or sale that exhibited signs of tampering. Nearly 100 dealerships responded to inquiries on the topic and results were published in the March 2024 Farm Equipment Dealer Business Outlook & Trends report. IV. Original Equipment Manufacturers (“OEMs”) Are Subject to A Wide Range of Federal Requirements in The Clean Air Act (CAA) That Govern The Building And Warranting Their Products For Emissions Performance Manufacturers have many CAA obligations to help ensure the integrity of Tier 4 emissions systems. Moreover, the CAA and regulations promulgated thereunder, requires equipment manufacturers to build-in base level tampering safeguards. Restricting access to the software that defines a machine's emissions performance is part of these base-level tampering safeguards. The open access and the information that HB 2475 would require may conflict with federal manufacturer obligations to help ensure that equipment and engine emissions systems remain compliant to Tier 4 standards during their entire useful life. (See 40 CFR 1039.240, 1039.245; see also 1039.101(g) (useful life requirements); 42 USC § 7525(a)(1) reference to testing to determine conformance to regulations prescribed under § 7521; § 7521(a)(1) requires regulations to prescribe a “useful life” over which vehicles/engines shall comply with emission standards) If HB 2475 is passed, manufacturers could be held liable for providing a “defeat device” to the market in the form of a service tool that allows end-users to circumvent certain engine/machine performance inhibitors related to emission controls. This is especially true for selective catalytic reduction (“SCR”) -equipped engines that rely on routine end-user action (e.g., filling the diesel exhaust fluid (“DEF”) tank) to ensure proper operation of the SCR system. If the end-user doesn't take that action, the regulations require engine manufacturers to inhibit operation of the engine. The bottom line is that if manufacturers provide customers the tool for overriding those inhibitors in the way that HB 2475 would require, that could be considered by the U.S. EPA as circumventing the regulatory requirements. V. Summary Modern diesel engines in farm and agricultural

equipment are more efficient, powerful, and productive than ever before, while also meeting the most stringent clean air emissions requirements that virtually eliminate emissions of nitrogen oxides and particulate matter thanks to the use of advanced engine and emissions control systems. Unfortunately, there is credible documentation by dealers indicating the incidence of tampering with these emissions controls is significant. The consequences for Missouri's air quality are concerning. As a result of the use of tampered equipment, emissions from the agricultural sector could be higher and worsen Missouri's ozone and particulate matter clean air compliance. At the Engine Technology Forum, we are working to do our part to encourage better stewardship of diesel technology by users, such as through the support of state legislation to tighten fines and penalties against the practice of "rolling coal" by pickup trucks. I have attached a flyer to this testimony that is part of our national campaign to discourage tampering and promote clean operation of diesel engines and equipment of all kinds. Right to Repair legislation that hands over the keys to access sophisticated emissions control systems and software, takes us the wrong way on environmental progress. A vote in support of this legislation is effectively saying it is okay for anyone to mess around with the computer controls and software on a tractor even if it might result in unintended consequences of higher emissions or unsafe operation. That is not what we want. For all these reasons and others, MO HB 2475 Right to Repair legislation should not be enacted because it takes Missouri the wrong way for clean air and the wrong way on safety. Thank you for considering these comments. We welcome the opportunity to answer questions and work further with the Committee. Kara Gundel Senior Director of Public Policy Engine Technology Forum 5300 Westview Drive #308 Frederick, MD 21703 kgundel@enginetechnologyforum.org www.enginetechnologyforum.org



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2475		DATE: 3/26/2024
COMMITTEE: Special Committee on Innovation and Technology		
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: MARK DILLON		PHONE NUMBER: 314-807-0632
BUSINESS/ORGANIZATION NAME: MC COY CONSTRUCTION AND FORESTRY		TITLE: GENERAL MANAGER
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CITY: FORISTELL		STATE: MO
		ZIP: 63026
EMAIL: markdillon@mccoycf.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/22/2024 4:03 PM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: PATRICIA HANZ		PHONE NUMBER: 312-929-1979	
BUSINESS/ORGANIZATION NAME: TRUCK & ENGINE MANUFACTURERS ASSOCIATION		TITLE:	
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EMAIL: phanz@emamail.org	ATTENDANCE: Written	SUBMIT DATE: 3/21/2024 11:14 AM	

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The Truck and Engine Manufacturers Association (EMA) opposes Missouri House Bill 2475 (HB 2475) for the reasons set forth below. EMA represents the world’s leading manufacturers of commercial vehicles as well as on- and off-road engines used in applications such as: trucks; buses; construction and farm equipment; locomotives; marine vessels; lawn and garden equipment; and stationary generators. Enacting “fair repair requirements” would create unnecessary confusion, complications, burdens, and risks for Missouri users and manufacturers alike; and will lead to significant adverse safety, environmental, and security impacts. While the legislation focuses on agricultural and construction equipment, and thus excludes motor vehicles, those vehicles and equipment are similarly complex and would face the same significant impacts. Manufacturers invest an enormous amount of time and resources developing products which both meet customer needs while complying with government regulations. – their investment should be recognized and protected. While the “fair repair requirements” might seem innocuous, in fact they would create significant adverse unintended consequences to the products manufactured by EMA’s members, as such requirements would provide unfettered access to change the microprocessors on engines, vehicles and equipment that control critical safety, emissions, and performance systems. Legislation enabling such access is potentially dangerous, and simply is not needed. Repair of the large, complex, and specialized products manufactured by EMA members requires highly trained and skilled personnel, who are qualified to properly use service and repair information. Allowing untrained individuals and the general public to have unfettered access to service information to is dangerous and unnecessary. Further, it will undermine the integrity of the equipment and allow for safety features on agricultural and construction 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. Tampering contributes substantial excess pollution that harms public health and air quality. The U.S. EPA has undertaken a National Compliance Initiative to respond to the numerous instances of engine tampering across the country , some of which include the use of software to alter or disable digitally controlled emission technologies. Further, a listing of those cases that have been resolved are also available on EPA’s website. In addition to safety and emissions concerns, allowing access to software that controls federally regulated systems also exposes owners and operators to both civil and criminal liability for tampering. The U.S. Department of Justice’s Energy and Natural Resources Division announced a consent decree and settlement of one such case, resulting in \$3.1 million in criminal fines and civil penalties for the sale of devices designed to delete emissions controls. Further, proposed repair legislation requiring access to proprietary information compromises

intellectual property as well as data privacy and consistently 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. Legislation to make those efforts easier is ill advised and unnecessary. EMA and its members support and have worked with regulatory agencies (including U.S. EPA) to develop programs to expand the availability of service and repair information already available to qualified independent service repair personnel. Those programs and regulations include needed safeguards and restrictions to mitigate the risk of the unfettered release of safety and emissions control tools and other proprietary information. Such regulations also provide the same set of requirements across the country, in contrast to legislation that would mandate special state-based requirements that, if enacted, would hurt Missouri businesses. For all of these reasons, EMA has serious concerns with the subject “fair repair requirements.” Such requirements otherwise will create enormous safety, environmental, and security risks and liability exposure for owners and the general public and will limit the availability – and/or increase the costs – of products sold in Missouri, as those products will be forced to have unique characteristics. Thank you for the opportunity to provide our comments. If you have any questions or need additional information, please do not hesitate to contact me at: phanz@emamail.org, (312) 929-1979.



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WITNESS NAME			
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WITNESS NAME: PAUL T. COMBS		PHONE NUMBER: 573-717-3040	
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WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-634-2246	
BUSINESS/ORGANIZATION NAME: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE: PRESIDENT/CEO	
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Associated Industries of Missouri opposes this bill that requires disclosure of intellectual property, allows consumers to modify equipment then reset the equipment so such modification may not be detected, allows consumers to override safety controls, harms the secondary consumers of modified products, and allows the government to engage in price fixing by setting the price that manufacturers may charge for repair parts.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BEN TRAVLOS		PHONE NUMBER: 573-893-1400	
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