



**KEYSTONE
AGRICULTURAL
PRODUCERS**
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Innovation, Science and Economic Development Canada

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Right to Repair Consultation

Keystone Agricultural Producers (KAP) is Manitoba's general farm policy organization, providing a unified voice for producers on issues that affect agriculture. KAP represents and promotes the interests of all Manitoba producers and 19 commodity associations. Farmers rely on a diverse set of technology for their farming operation. Whether a farmer relies on a cell phone, truck, tractor, or combine for his operation, the need remains the same: if equipment breaks, a farmer requires access to timely, accessible, affordable repair options. KAP supports the Government of Canada's consultation to better understand the right to repair and ways to move it forward. The comments below provide our view on a future right to repair policy.

In your view, which home appliances and consumer electronics should be in scope in federal repairability policy? Why?

Farmers rely on a wide range of machinery and electronics for their operation. This technology has—over the years—become more complex, computerized, and sophisticated. These advances have supported farmers in producing more agricultural product, both efficiently and effectively. But current technology also presents barriers for farmers wanting to repair their own equipment or use a 3rd party. Given the different variety of technology on a farm, farmers require a repairability policy that is broad and inclusive. Trucks, dishwashers, fridges, tractors, combines, ATVs, cell phones, and computers are a small portion of the equipment farmers rely on every day. A restrictive policy that excludes certain electronics or machines would disadvantage farmers. Farmers spend significant money on their farm equipment purchases and a broad right to repair policy would complement these large investments.

What are your views on a preferred approach to right to repair in Canada? Why?

One preferred approach to the right to repair requires collaboration between the federal and provincial governments. The right to repair covers both provincial and federal jurisdiction; and in the past few years, provincial MLAs have shown interest in introducing right to repair legislation (e.g., Quebec, Manitoba, and Ontario). But provincial right to repair legislation relies closely on federal legislation. To avoid misunderstanding or overlap, the provinces and Ottawa must work closely together to understand this complex legal environment involving copyright and consumer protection.¹

The right to repair in Canada requires an educated-farmer base to ensure its success and progression. Farmers realize the challenges involved when repairing their own farm machinery: restrictive technological protection measures, expensive repair manuals, and proprietary repair tools. The passage of right to repair legislation in Canada would provide farmers an easier pathway for repairing their own equipment, depending on the text of the legislation.

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¹ Rosborough, D. (2022). Toward a Canadian Right to Repair: Opportunities and Challenges. Berkeley Technology Law Journal, 37(4), 1198-1224.

But farmers also require the awareness about how the right to repair affects them. Education is key. Through education, farmers will better understand how the right to repair legislation affects the reparability of farm machinery. The federal government can play an important role in educating farmers about right to repair changes; what it means for their equipment; and how can farmers take advantage of legislative changes. Farmers—like all consumers—would benefit from educational material. Accessible, clear, and concise information provided to farmers can limit any misunderstanding about the right to repair while allowing farmers to take full advantage of policy changes.

Whether you are primarily a manufacturer, repairer or consumer, what considerations do you have related to the reparability, interoperability and durability of home appliances or consumer electronics?

Farmers want freedom when it comes to purchasing and repairing farm equipment. Instead, farmers encounter issues with interoperability and copyright restrictions. For example, the short line industry has encountered barriers with using their equipment with certain agricultural machines. Due to the manufacturer's digital locks and keys, 3rd party headers and swathers may not work with certain brands. Neither safety concerns nor environmental concerns can support a manufacturer's resistance to the right to repair and interoperability. Many federal, provincial, and municipal laws address environmental and safety issues. Today, farmers work in an environment that limits competition. Competition is good for the marketplace. Competition benefits farmers. Competition and innovation go together. Copyright restrictions rooted in questionable reasoning have limited the freedom to repair while restricting competition. Farmers want the ability to repair their own equipment without having to always rely on the dealership for all repairs, particularly for code errors that require a simple reset. Government needs to consider the right to repair in a larger context (e.g., political, social, legal, cultural, etc.) to ensure a useable right to repair policy.

Are there any considerations that have been missed or elements that should be explored further when addressing this topic?

Passing bill C-244 in its original form, along with with bill C-294, represents a good first step for the right to repair. But we have concerns that amendments made by the Standing Committee on Industry and Technology have restricted the scope to the right to repair. Critics have commented these amendments would encourage companies to alter their products effectively limiting the right to repair.² Furthermore, the proposed amendments create unclarity—rather than clarity. Unclarity leads to not only confusion among consumers and manufacturers but also delays within the courts while government officials try to interpret and clarify the law. A right to repair policy needs to be inclusive, not exclusive. Even if the original form of bill C-244 were to pass, questions may arise about the effectiveness of the legislation. Companies may change how a machine functions by adjusting TPMs, which leads to further questions about the definitions of repair, diagnosis and maintenance.³

The path towards the right to repair has taken a few decades. For Canada, the most significant milestone along this pathway would be the future passage of federal right to repair legislation. When farmers look at other jurisdictions, they see the right to repair being advanced at a faster pace. Not only in the European Union but also in the United States (e.g., California, New York, and Colorado) has passed right to repair legislation. These countries can influence Canada about where the right to repair should go. But Canada has its own unique needs—highlighting the importance of creating a right to repair

² <https://policyoptions.irpp.org/magazines/may-2023/right-to-repair-fail/>

³ Rosbourough, D. (2022). Toward a Canadian Right to Repair: Opportunities and Challenges. Berkeley Technology Law Journal, 37(4), 1198-1224.

policy that works for consumers, particularly farmers. The Government of Canada can take a leadership role and advance an effective right to repair policy. By learning from other jurisdictions and listening to feedback from the agricultural sector during this consultation, government can create a right to repair policy that works. An effective policy benefits not just farmers—who are innovative, independent, curious, hard-working individuals—but also the national economy and the rural communities across Canada.

Thank you for providing the opportunity to comment on the federal right to repair consultation. If you have any questions about this document, please contact KAP policy manager, Neil Van Overloop, at neil.vanoverloop@kap.ca.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Mahoney". The signature is written in black ink and is positioned above the typed name and title.

Brenna Mahoney
General Manager, Keystone Agricultural Producers Inc.