



MDEXPO

Orlando, FL • October 29-31, 2023

Right to Repair

What you need to know and do

Nathan Proctor - Public
Interest Research Group (PIRG)



About me and my organization

- Senior Right to Repair Campaign Director for PIRG
- Oversees all of the Public Interest Network's Right to Repair work
- Co-author, *Hospital Repair Restrictions* and 12 other reports on repair topics.
- Work published by and covered in NY Times, NPR, NBC News, Marketwatch, CBS Sunday Morning, and more



That's me, testifying in front of Congress on Right to Repair in 2022.

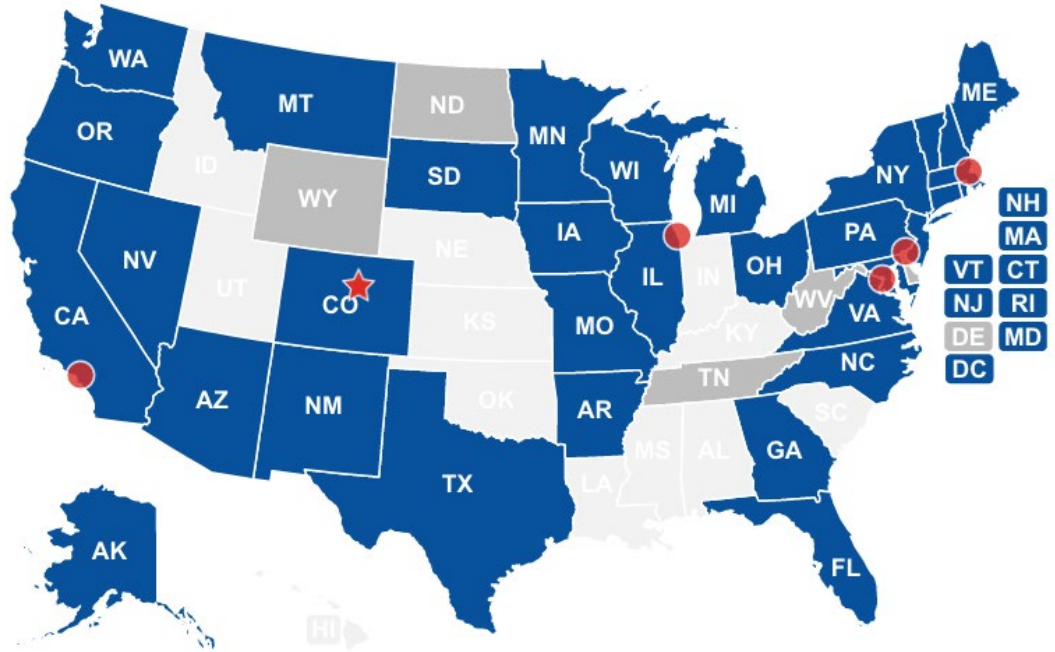


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PIRG

PIRG is an advocate for the public interest. We speak out for a healthier, safer world in which we're freer to pursue our own individual well-being and the common good.



On average, Americans dispose of

416,000

Phones Every Day

Image: Fairphone / Close the



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Wasting the planet, as well as money and time

- When you can't repair things, and toss them, that causes damaging **electronic waste**.
- When you can't repair things, and have to buy new things, that **wastes money**.
- When you can't repair things, and have to pay for “manufacturer-approved” servicing, they can **charge whatever they want**.
- When you can't repair things, and have to wait for those few “manufacturer-approved” servicers to get all the way down the list to you, that **wastes time**.

**Consumers can save big
by repairing electronics**



\$49.6 BILLION
PER YEAR IN AMERICA

Repair could reduce household spending on electronics and appliances by 22 percent, which would save an average family approximately \$380 per year.

Right to Repair laws would save U.S. farmers **\$4.2 BILLION PER YEAR**



Farmers have to go to the dealership for many tractor fixes, leading to inflated repair costs and downtime that can cause crop losses. Right to Repair, which would provide farmers with access to necessary repair materials, would save U.S. farmers \$4.2 billion a year.



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Machine running properly

Mechanical or software failure occurs

Emissions or safety control codes engaged

Software key authorizes repair and clears error codes

WHAT DOES IT TAKE TO REPAIR FARM EQUIPMENT?

Steps in red require software tools

only available to manufacturer-authorized technicians

or rely on a prior step that does.

Immobilizer activates, putting machine into "limp mode"

Necessary mechanical or software repairs made

Diagnostic tools help identify problem

Software key entered to access diagnostic tools



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Colorado

Scope: Powered wheelchairs
Effective date: January 1, 2023

Scope: Farm Equipment - “primarily designed for use in a farm or range operation, including tractors, trailers, combines, sprayers, tillage implements, and balers.”
Effective date: January 1, 2024

California

Scope: All appliances and electronics, except video game consoles and alarm systems, made after July 1, 2021.

Effective date: July 1, 2024



New York

Scope: Any product first sold and used in New York on or after July 1, 2023, with a value over \$10 (adjusted annually) that depends on digital electronics, except motor vehicles, medical devices, off-road and farm equipment, home appliances, and video game consoles.

Effective date: January 2024 (one year after official enactment)

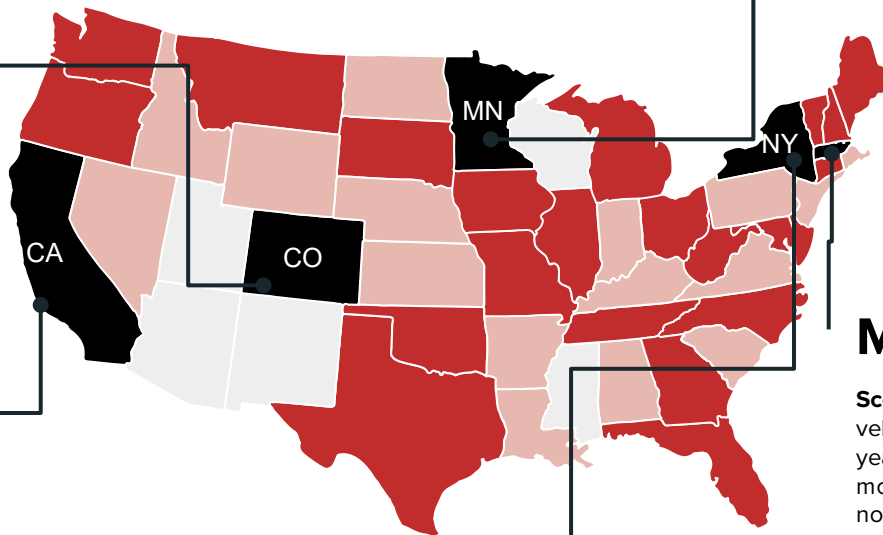
Minnesota

Scope: Any hardware product made after July 1, 2021, that depends on embedded digital electronics, except farm equipment, video game consoles, motor vehicles, medical devices, and specialized cybersecurity tools.
Effective date: July 1, 2024

Massachusetts

Scope: Motor vehicles, including heavy-duty vehicles but excluding motorcycles, model year 2002 and later. All new motor vehicles model year 2015 and later must also have a non-proprietary interface for diagnostic and repair information.

Effective date: January 1, 2013



COVID pushed us to do a lot more on medical

- Biomedics raised the alarm to us about conditions regarding devices
 - OEM servicers had travel restrictions
 - Additional equipment pressed into service, couldn't get PM kits or other materials
 - Conditions in the hospital were dire
- We surveyed 222 biomedics and HTMs about conditions as part of our report on these issues "Hospital Repair Restrictions"





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of respondents reported to have equipment in their facilities which could not be used due to restrictions on spare parts and service information



claimed they had been denied service information for "critical equipment (defibrillators, ventilators, anesthesia machines, imaging equipment, etc.),"



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How important is Right to Repair to repair to your work?

Critical: Right to Repair a top issue facing field	148	67.0%
Very important: Issues around repair restrictions are a persistent problem	56	25.3%
Somewhat important: Right to Repair would improve efficiency and/or provide other benefits	16	7.3%
Somewhat unimportant: Right to Repair provides only slight benefits	1	0.5%
Not important	0	0.0%



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Nearly 70 percent of more than 200 medical repair professionals surveyed say that their hospital has had to “delay a patient procedure because [they] were waiting on a manufacturer service representative to fix a device.”

70%



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engadget

Public interest group tells medical equipment makers to release their repair manuals

The PIRG says that open-sourcing repair documentation could be the difference between life and death.



Daniel Cooper, @danielwcooper

March 19, 2020



engadget



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Ventilator companies are opening up critical repair documents to the public

After being called out by the US Public Interest Research Group.



Christine Fisher, @cfisherwrites

April 23, 2020

The PIRG says it [delivered 43,000 petitions](#) calling for the release of ventilator repair information, and iFixit partnered with the PIRG to [catalog ventilator service manuals](#). While manufacturers didn't say whether they modified their policies in response to those petitions, they have made changes. [GE is sharing technical reference manuals](#) and service applications without requiring the usual four-day in-person training. Fisher & Paykal are responding to PDF requests, and other companies, [like Medtronic](#), are sharing similar documents in new web portals.



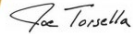
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We write to you today in our capacity as top fiscal officers in each of our respective states. As you know, there is a nationwide [shortage](#) of ventilators in rotation to serve the estimates of patients that are anticipated to need them as a result of COVID-19 complications. For that

As you know, the U.S. Public Interest Research Group recently delivered a [petition](#) with 43,000 signatures to ventilator manufacturers, asking them to release repair information.

In these unprecedented circumstances, every American has been asked to make a sacrifice by not leaving their homes, shuttering businesses, and limiting travel to essential needs only. We are asking manufacturers to take these circumstances into consideration and release all repair information needed for hospitals to put these life-saving ventilators into their supply.



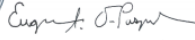
Joseph M. Torsella
Pennsylvania State Treasurer



Colleen C. Davis
Delaware State Treasurer



John B. McCuskey
West Virginia State Auditor



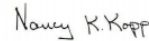
Eugene A. DePasquale
Pennsylvania Auditor General



David Young
Colorado State Treasurer



Seth Magaziner
Rhode Island State Treasurer



Nancy K. Kopp
Maryland State Treasurer



Michael Frerichs
Illinois State Treasurer



Deborah B. Goldberg
Massachusetts State Treasurer



Fiona Ma
California State Treasurer



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“This is urgent business. It’s common sense... Let's get the message out from sea to shining sea: that everyone should have the right to repair what they own in the middle of a pandemic.” -- Sen. Ron Wyden



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What have we accomplished for medical devices?

- Won a copyright exemption under section 1201 of the DMCA for medical device repair.
- Manufacturers eased repair restrictions during COVID ... and the sky didn't fall.
- Introduced legislation in Congress, roughly a dozen other states.
- Protected device servicing as part of the "remanufacturing" debate.



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Leading groups and networks totalling 254 hospitals signed this letter:

U.S. PIRG



May 9, 2022

Chairman Frank Pallone
House Energy & Commerce Committee
2107 Rayburn HOB

Ranking Member Cathy McMorris
House Energy & Commerce Committee
1035 Longworth HOB

Chairwoman Anna G. Eshoo
Subcommittee on Health
272 Cannon HOB

Ranking Member Brett Guthrie
Subcommittee on Health
2434 Rayburn HOB

Re: Public interest and healthcare organizations oppose H.R.7253 and changes to definition of medical device remanufacturing



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CA coalition:



Sutter Health



Dignity Health™

French Hospital Medical Center



Cedars Sinai



CALIFORNIA HOSPITAL ASSOCIATION



Washington Hospital Healthcare System

*Providing Leadership in
Health Policy and Advocacy*



Millions spent to defeat bill in CA

COMPANY	PAID	LOBBY FIRM	FOR INTERESTS	MATCHING BILLS	STARTING	ENDING	FILED ON
ADVANCED MEDICAL TECHNOLOGY ASSOCIATION (ADVAMED)	\$21,249.99	SLOAT HIGGINS JENSEN AND ASSOCIATES, LLC <small>FILER</small>	SB 605; GOVERNOR'S OFFICE RE: COVID-19 HEALTH ORDER GUIDANCE	SB 605	Oct 2021	— Dec 2021	Jul 31, 2021
ADVANCED MEDICAL TECHNOLOGY ASSOCIATION (ADVAMED) <small>FILER</small>	\$21,249.99	Sloat Higgins Jensen & Associates LLC	Legislature: SB 605. Governors Office: COVID-19 health order guidance.	SB 605	Oct 2021	— Dec 2021	Jan 31, 2022
ADVANCED MEDICAL TECHNOLOGY ASSOCIATION (ADVAMED)	\$42,499.98	SLOAT HIGGINS JENSEN AND ASSOCIATES, LLC <small>FILER</small>	AB 13, AB 70, AB 71, AB 370, AB 457, AB 593, AB 652, AB 1252, AB 1278, AB 1371, AB 1400, AB 1436; SB 289, SB 502, SB 605, SB 613, SB 717	SB 605	Apr 2021	— Jun 2021	Jul 31, 2021
ADVANCED MEDICAL TECHNOLOGY ASSOCIATION (ADVAMED)	\$42,499.98	Sloat Higgins Jensen & Associates LLC	Legislature: AB 13; AB 70; AB 71; AB 370; AB 457; AB 593; AB 652; AB 1252; AB 1278; AB 1371; AB 1400; AB 1436; SB 289; SB 502; SB 605; SB 613; SB 717. Governors Office: SB 605.	SB 605	Apr 2021	— Jun 2021	Jul 30, 2021




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Forbes

FORBES > BUSINESS > POLICY

New Medical ‘Right To Repair’ Legislation Endangers Patients

Sally Pipes Contributor 

I cover health policy as President of the Pacific Research Institute



AdvaMed
Advanced Medical Technology Association

[Our Work](#)

[Industry Updates](#)

[Member Center](#)

[Events](#)

The “Right to Repair” is Wrong for Patients

Proper servicing of complex, life-saving and life-sustaining medical devices is vital to their safe and effective functioning and the safety of patients and device users.

[← Key Issues](#)



From consumer electronics to farm equipment to medical devices, the “right to repair” is in the news as

Patient Safety: *First. Second.* *Always.*

Why Should You Care About Repair? →



Sample messaging from “safe repair project”

Independent
Organizations

NOT REGULATED





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How can you help?

- Check out the MDSC: <https://mdsc.mypagecloud.com/>
 - aims to be a collaborative approach recognizing that we need to come together.
- Get involved. Sign our letter:
- Reach out to us:
 - Nproctor@pirg.org





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Please scan QR code
to submit a survey
for this session.

Thank You!