



Alberta Grains

September 26, 2024

Innovation, Science and Economic Development Canada
C.D. Howe Building
235 Queen Street
Ottawa, ON K1A 0H5
Via Email: jsrighttorepair-ledroitaleparationsi@ised-isde.gc.ca

Re: A Right to Repair consultation for Home Appliances and Consumer Electronics

To whom it may concern,

Alberta Grains is a farmer funded and directed organization that represents the interests of over 18,000 wheat and barley farmers across Alberta. We work within our mandate under the *Alberta Marketing of Agricultural Products Act* to direct funds toward the long-term economic sustainability of Alberta's wheat and barley farmers through investments in research, agronomy, grower extension, market development and government policy advocacy.

Please find included here Alberta Grain's response to Innovation, Science and Economic Development Canada's, [A Right to Repair consultation for Home Appliances and Consumer Electronics](#). Alberta Grains has long advocated for the need to ensure that farm machinery **is included** in Right to Repair legislation as proposed in Bill C-244 which reflects amendments to section 41 of *the Copyright Act*.

In the digital era of farming, the shift toward a monopolistic environment for repair services is resulting in farmers being unable to address repair issues with their machinery promptly. The current legislative environment results in inefficiencies, loss of competitiveness and revenues, and additional risks to farmers during the short Canadian growing season.

Modernized repairability policies, represent a first step in helping to break the monopolization of repair services and allow Canadian farmers the right to repair their machinery, putting them on equal footing with farmers in other jurisdictions.

Our enclosed submission reflects this position. WE thank you for your consideration. Please direct any follow up questions to Shannon Sereda, Director, Government Relations, Policy and Markets, at Alberta Grains. She can be reached at ssereda@albertagrains.com or 587-899-5299.

Sincerely,

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

In the Canadian prairies, producers face one of the shortest growing seasons in the world, making timely repairs of farm equipment imperative to a successful harvest. Any delay during harvest poses a significant risk to crop yield and, consequently, to farmers' financial stability. For perspective – in one day a farmer can harvest multiple millions of dollars' worth of crops.

Ensuring farmers can access affordable tools and repair options will lower costs, break monopolies, and foster innovation. Right to repair is essential not only for farmers' financial sustainability but also for supporting their role in achieving broader economic and environmental goals. Creating a competitive market for equipment repair will give farmers choice - 1) to either safely conduct repairs themselves, 2) through a qualified third party or 3) through the equipment dealerships should they choose thus reducing both risk and cost. Farmers and other skilled individuals in Canada's rural economy are ready and able to safely contribute to a competitive market for repair.

Bills C-244 and C-294 should compel manufacturers to provide the necessary "tools"—manuals, parts, software, and diagnostics—not just to dealers but also to farmers and third parties. This would help lower repair costs, end monopolies in the repair market, and ensure that equipment remains affordable to maintain throughout its life. A 10-year requirement for manufacturers to offer replacement tools, similar to the current rule for parts, would ensure that repairs remain feasible over time.

In Canada, Bills C-244, *An Act to Amend the Copyright Act (diagnose, maintenance and repair)*, and C-294, *An Act to amend the Copyright Act (interoperability)*, are an important first step toward helping to break the monopolization of repair services toward allowing Canadian farmers the right to repair machinery, putting them on equal footing with farmers in other jurisdiction. To restore the competitive market for repairs of farm machinery – enabling legislative changes like these are required at the federal level to enact the changes through modernization of provincial legislation, such as Alberta's *Farm Implement and Dealership Act (FIDA)*.

The United States and the European Union have taken significant steps toward modernized right-to-repair legislation in agriculture, fostering a competitive environment for third-party repairs, data ownership and interoperability. John Deere, which previously opposed the notion of allowing farmers to conduct their own repairs, has signed a memorandum of understanding with the American Farm Bureau Federation in January of 2023. This agreement grants U.S. farmers and independent repair shops access to John Deere diagnostic codes, repair manuals, and software which ensures farmers can have the right to repair their own farm equipment.

European Union Regulation No. 167/2013, was introduced to ensure non-discriminatory access to vehicle repair information and to promote competition in the market for repair and maintenance services. The regulation requires manufacturers to provide easy access to tools, repair information, and training materials through their websites. Key sections emphasize the importance of allowing third-party manufacturers to access technical information, including details about onboard diagnostic systems, to develop aftermarket products and maintain effective competition. The regulation also outlines the necessity of standardized formats for retrieving technical information and mandates that manufacturers ensure reasonable access for small and medium-sized enterprises. Additionally, the regulation allows manufacturers to provide access to communication protocols for tractors and towed equipment via

consortium websites. The regulation could help guide Canada's modernization efforts to foster competitive markets for vehicle repairs and innovation.

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

Canadian farmers want to ensure the inclusion of farm equipment in all federal repairability policy. Modern farming equipment is rapidly advancing, with high-tech automated systems and complex software that are vital for the competitiveness of the Canadian grain sector. However, due to repair restrictions, studies show that farmers are increasingly relying on less efficient equipment they can repair themselves.

When equipment fails, farmers are often dependent on a single point of service - the OEM dealer. Given that there are typically few centralized dealers serving large areas, it can take hours to days before an OEM technician can diagnose and repair the problem (which can be further exacerbated by supply chain disruptions).

The integration of computer systems with mechanical systems often results in repair options being limited to dealerships. If a computer system detects a problem - whether from a breakdown or a sensor failure, mechanical functions are blocked or limited to prevent damage to the equipment. Unfortunately, the diagnostic messages provided can be unclear, and the ability to restore functionality can be controlled through Technological Protection Measures (TPMs), which restricts access to critical software.

TPMs are designed into equipment so that critical portions of the computer systems can only be accessed and modified through the use of proprietary software that is either not available for sale, or available for sale at prices that are unreasonable to the average farm. Additionally, computer systems on farm equipment may also use non-standard connectors to interface with laptops, further complicating repairs. By controlling who can access the computer systems that resides behind TPMs on farm equipment, manufacturers also control who can service and repair equipment, resulting in both owners (farmers) and third-party vendors being unable to have reasonable access to both the proprietary software and technical documentation required to conduct repairs.

The computer systems on farm equipment may also require that the installation of new parts be registered to that specific piece of farm equipment, limiting a farmer's options in repair parts. This use of TPMs causes complete dependence on equipment dealerships to conduct a significant proportion of diagnosis and repair of farm equipment. This monopolistic environment for farm equipment repairs has been created through the design choices of equipment manufacturers; by developing TPMs that limit access to computer systems that are required for repairing the machinery.

Farmers, being "price takers", have the ability to remain profitable if they can manage their costs. Consequently, many farmers have invested in their repair skills to reduce repair costs. However, TPMs hinder these efforts, compelling farms to purchase repair services from a dealer. A federal repairability policy would create a more competitive repair market, allowing farmers the choice to repair equipment themselves, use qualified third party or go through the equipment dealerships – ultimately reducing both risk and cost.

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

Current federal legislation, particularly the *Copyright Act*, restricts repairability by enforcing Technological Protection Measures (TPMs) on farm equipment. These TPMs limit access to critical systems, granting OEM dealerships exclusive rights to conduct repairs.

As a result, farmers face repair monopolies, with limited ability to either diagnose or repair their equipment themselves or use localized third-party services that are often faster and more cost-effective.

In contrast, farmers in the United States and the European Union benefit from more modern regulations that foster competition in the repair market. This has placed Canadian farmers at a competitive disadvantage, as they face stricter regulatory environments that limit repair options and increase costs. Without intervention, Canadian farmers will continue to incur higher repair-related expenses and risks to crop yield due to operational delays.

Farmers are price takers who cannot pass repair costs to consumers, and delays in repairs can impact final crop quality, affecting their profitability. The increased costs and risks further pressure farm margins and risk the viability of the family farm. Therefore, farmers should have the right to repair their equipment or seek affordable, qualified third party repair services without being forced to rely solely on OEM dealerships. Another major concern is the significant distances farmers may live from OEM dealerships, which increases repair wait times and costs. Expanding repair options closer to their operation would reduce delays and lower costs associated with compensating dealers for time/mileage expenses for repairs.

Telematics data is increasingly essential for managing modern machinery, including farm equipment and personal automobiles. Access to this data, free from restrictive TPMs, is critical for reducing downtime and ensuring cost-effective operations. As highlighted by the Automotive Industries Association of Canada in a 2022 letter, farmers must have full rights to all data generated by their equipment.

To ensure the sustainability and competitiveness of Canadian agriculture, it is vital to reform current legislation to allow farmers greater autonomy over their equipment repairs. This includes full access to telematics data and the ability to choose repair services. By fostering a more competitive repair market, we can reduce costs, minimize downtime, and support the long-term viability of family farms in Canada.

What are your views on a preferred approach to further advancing repairability policy in Canada? Why?

Section 41 of Canada's *Copyright Act* prevents the circumvention of TPMs, which restricts access to the systems needed for equipment repair. Manufacturers are designing equipment with critical computer systems locked behind TPMs, making it illegal to repair equipment without using proprietary software. Unfortunately, this software is often either unavailable or priced at levels that are not economically feasible for most farmers, and third-party repair shops are unable to access it.

Allowing the circumvention of TPMs for repair purposes, as proposed in Bill C-244, would change this dynamic. This amendment would create competitive pressure on manufacturers to offer their software at reasonable prices and allow third-party repair services to remain viable, especially in rural areas where repair options are limited.

Bill C-244 aims to amend the *Copyright Act* to permit TPM circumvention solely for the diagnosis, maintenance, or repair of products. This targeted approach addresses copyright laws that currently prevent Canadians from repairing and maintaining items they legally own. It would also enable farmers to access and distribute the software necessary for diagnosing issues with their equipment, effectively supporting their right to repair.

Support for Bill C-244 is essential, as it represents a critical first step toward ensuring farmers—and Canadians more broadly—have the right to repair their own equipment. This bill must pass without exemptions for agricultural manufacturers to guarantee that farmers are not disadvantaged by copyright restrictions. Expanding repairability will also increase competition, reduce repair costs, and help advance sustainable practices across multiple sectors.

What considerations do you have in relation to a federal policy approach for Canada?

Alberta Grains has heard countless farmers express frustration that they are beholden to repair monopolies. Farmers invest millions to use equipment that enhances productivity on-farm. However, repairing these pieces of farm equipment can lead to cost overruns and other negative consequences to operations. Due to these issues, farmers would prefer less advanced equipment that they could fix faster.

One of the main considerations are costs, as they operate in an environment of small margins. Farmers need their equipment to operate on a timely schedule and must pay whatever price to get it fixed. Increasing the number of individuals who can repair farm equipment would not only reduce repair costs, but could create more job opportunities for individuals within rural areas. As farmers have to absorb these costs, this can lead to a competitive disadvantage for Canadian producers and harm the viability of family farms.

One of the unique circumstance's farmers face is the short growing season they must operate within. There are small windows for crop seeding and harvesting, and the inability to operate during this window affects crop quality and quantity. This impacts farmer bottom-lines, which means that farmers rely heavily on farm equipment working without issues. However, this is an unavoidable risk, and farmers will inevitably have to repair their equipment at inopportune times. However, due to a lack of certified technicians and supply chain constraints, farmers are placed in a difficult predicament. Amending Right-to-Repair is a question of operational efficiency for farms, as this amendment would improve repair response time and mitigate operational risks.

Bill C-244 needs to pass without any exemptions for agricultural manufacturers as right-to-repair will have lasting impacts to efficiency, costs savings and job creation in rural areas. Furthermore, it is vital that the provinces are supported to implement the changes that come from the passing of Bills C-244 and C-294. In Alberta, for these pieces of legislation to truly impact farmers, the province's *Farm Implement and Dealership Act* (FIDA) would need to be subsequently amended. Only through comprehensive federal and provincial collaboration can the full benefits of right-to-repair legislation be realized, ensuring that farmers across Canada have the tools and support they need to sustain their operations.