

June 17, 2021

The Honorable Frank Pallone, Jr.  
Chairman  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

Chairman Pallone and Ranking Member McMorris Rodgers:

We write to you representing a diverse group of interests aligned in our support of consumer access to affordable third-party repair and aftermarket parts. The Federal Trade Commission (FTC) Nixing the Fix report to Congress, published May 6, concluded that “there is scant evidence to support manufacturers’ justifications for repair restrictions” and announced that the FTC “stands ready to work with legislators... to ensure that consumers have choices when they need to repair products.” The report also found that the “burden of repair restrictions” on consumers “may fall more heavily on communities of color and lower-income communities.” There is also a growing problem in rural communities, both due to gaps in access to branded repair services and the aggressive use of repair restrictions in farm equipment. **We urge Congress to promptly hold hearings on this report and the impact of repair restrictions on consumers.**

The FTC said that original equipment manufacturers (OEMs) presented no rebuttal to the claim that “repair restrictions increase the price consumers pay for repairs.” In fact, evidence presented to the FTC shows that independent repair and aftermarket parts can be delivered “at a fraction” of the cost without sacrificing safety or security.

As consumers face continuing economic uncertainties brought on by the pandemic, which “has exacerbated the effects of repair restrictions on consumers,” it is imperative that Congress examine the anti-competitive practices of OEMs, which raise both unfair competition and consumer abuse concerns. The report, and its “particular emphasis on [repair restrictions] imposed by mobile phone and car manufacturers,” comes at a time when repair in both industries has never been more costly or consequential. Americans need functioning smartphones and computers as they work and educate from home, and need drivable cars as they schedule doctor and vaccination appointments - all on a pandemic-tightened budget.

The time to act is now. The tactics used to restrict repair are varied - from refusing to sell necessary tools to competing repair shops to locking out independent repair with

software to using wireless telematics systems to steer consumers to an OEM-approved shop. But the result is the same: consumers pay more and have fewer choices as repair restrictions grow. We stand ready to assist you as you examine these important issues.

Sincerely, the undersigned,

American Economic Liberties Project  
American Property Casualty Insurance Association  
Auto Care Association  
Automotive Body Parts Association  
Certified Automotive Parts Association (CAPA)  
Color Of Change  
Consumer Access to Repair (CAR) Coalition  
Consumer Federation of America  
Consumer Reports  
Electronic Frontier Foundation

Family Farm Action Alliance  
iFixit  
Lincoln Network  
National Association of Mutual Insurance Companies  
National Farmers Union  
Niskanen Center  
Public Citizen  
Public Knowledge  
Securepairs.org  
The Repair Association  
U.S. PIRG

cc: Members of the Committee on Energy & Commerce

June 17, 2021

The Honorable Maria Cantwell  
Chairwoman  
Committee on Commerce, Science, and  
Transportation  
United States Senate  
Washington, DC 20510

The Honorable Roger Wicker  
Ranking Member  
Committee on Commerce, Science, and  
Transportation  
United States Senate  
Washington, DC 20510

Chairwoman Cantwell and Ranking Member Wicker:

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Insurance Companies  
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Public Citizen  
Public Knowledge  
Securepairs.org  
The Repair Association  
U.S. PIRG

cc: Members of the Committee on Commerce, Science, and Transportation