

## Washington HB 1392

## OPPOSITION TESTIMONY

March 23, 2023

Washington State Legislature  
Senate Environment, Energy & Technology Committee

Dear Chairman Nguyen, Vice Chair Lovelett and Ranking Member MacEwen,

NetChoice respectfully asks you to **oppose** HB 1392 as it would:

- Threaten consumer security and safety,
- Raise privacy and cybersecurity concerns, and
- Undermine intellectual property rights and hamper innovation

HB 1392 would mandate manufacturers of cell phones, laptops, tablets and other digital electronic products to provide owners and independent repair businesses with access to certain parts, tools, and specifications. We are concerned that giving repair information to third parties regardless of whether they've been trained, certified or vetted could create data security and safety risks for consumers. It may also place sensitive information in the hands of malicious hackers. In an era of sophisticated cyberattacks and unprecedented data leaks, the government should not be making it easier for criminals to access personal data.

Beyond the safety and security concerns, right to repair legislation such as HB 1392 raises concerns related to intellectual property rights. A significant amount of research and development (R&D) spending goes into creating a new piece of technology – intellectual property the company wishes to protect under the law. Right to repair legislation would force companies to make their intellectual property publicly available and affordable. Not only would this affect their intellectual property rights, but it also would affect investment in R&D, leading to less innovation.

### **HB 1392 threatens consumer security and safety**

Manufacturers offer authorized repair networks to assure consumers their products are serviced by properly trained and vetted repair professionals. This includes having the necessary skills to safely and reliably repair electronic products. Some types of repairs can be extremely dangerous, especially when performed in a home environment. It is particularly important that products containing high-energy lithium ion batteries are repaired only by trained professionals who

understand the hazards associated with these batteries. In fact, due to the high energy density and flammable characteristics of lithium ion batteries, many jurisdictions have adopted laws restricting the use, storage, and transport of batteries. Even with the correct tools, consumers and independent repair providers have limited knowledge of these sophisticated safety features.

### **HB 1392 raises serious privacy and cybersecurity concerns**

Personal devices such as phones and computers include sensitive personal data. Thus, the security of these products is of the utmost importance to the consumers that rely on them. Opening any device to repair by third parties increases its vulnerability to malware or spyware. Consumers, public schools, hospitals, banks, industrial manufacturers, and businesses of all sizes need reasonable assurance that those they trust to repair their connected products will do so safely, securely, and correctly. Enabling anyone to have the digital and physical keys to these products cannot be the solution. The government should be focused on protecting consumers and ensuring repairs are done responsibly and correctly, not adding more risk.

### **HB 1392 undermines intellectual property rights**

The protection of intellectual property is a legitimate and important aspect of sustaining any industry. HB 1392 would require manufacturers to grant access to those programs without the protections afforded by an authorized repair relationship. Mandates to provide unvetted and unauthorized repair shops with access to proprietary information without contractual safeguards would undercut and discourage R&D investments. Ultimately, such a system could influence how manufacturers design their products, leading to more standardization and less innovation.

Consumers have more options for repairing their devices than ever before. The market is responding to consumer needs and more authorized repair providers are now offering services. Based upon the concerns outlined above, we urge the Committee to allow the market to work before tying it up with prescriptive red tape.

Thank you again for the opportunity to testify.

Sincerely,

Name

Amy Bos

**NetChoice**

*NetChoice is a trade association that works to make the internet safe for free enterprise and free expression.*