

February 2, 2024

Henry Liu  
Director, Bureau of Competition  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Director Liu:

I am writing on behalf of the North Dakota Farmers Union (NDFU), the state's largest general farm organization, representing more than 70,000 farm, ranch and member families. NDFU supports the petition urging Section 5 Rulemaking Addressing Consumers' Right to Repair. While the digitization of farming equipment has brought numerous benefits to farmers, it has also introduced significant challenges in terms of repair accessibility.

Farmers and ranchers heavily depend on agricultural equipment such as tractors and combines to perform essential tasks. The integration of advanced technologies in these machines has helped farmers and ranchers improve productivity and efficiency. However, manufacturers have imposed limitations on farmers' and ranchers' access to repair services.<sup>1</sup>

Restrictions on repairs, including the requirement for specific software and tools, has made it increasingly challenging for farmers and ranchers to address issues with their equipment. Major farm equipment manufacturers hinder repairs by withholding essential software and tools, limiting farmers' and independent mechanics' abilities to make repairs. This can stifle competition, drive up the cost of repairs, and lead to long wait times during the critical planting and harvest seasons.<sup>2</sup>

In light of these challenges, NDFU supports the Federal Trade Commission's pursuit of rulemaking under its Section 5 authority to give farmers and independent mechanics access to the software, tools, and information necessary to repair modern equipment.<sup>3</sup> By addressing the right-to-repair issues faced by farmers, we can enhance economic sustainability, promote fair competition, and ensure that rural communities have equitable access to repair solutions.

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<sup>1</sup> Flowers, B. (1 Sep 2022). "Focus: Fewer U.S. tractor Dealerships raise costs for farmers as sector consolidates" *Reuters* Retrieved from: <https://www.reuters.com/markets/us/fewer-us-tractor-dealerships-raise-costs-farmers-sector-consolidates-2022-09-01/>

<sup>2</sup> Fern's Insider. (13 Apr 2023). "Lack of right-to-repair may cost farmers more than \$3 billion, says survey" *Successful Farming*. Retrieved from: <https://www.agriculture.com/news/business/lack-of-right-to-repair-may-cost-farmers-more-than-3-billion-says-survey>

<sup>3</sup> North Dakota Farmers Union (16 Dec, 2023) *2024 Program of Policy & Action*. Retrieved from: <https://ndfu.org/wp-content/uploads/2024/01/2024-PA.pdf>

Thank you for considering our comments on this crucial matter. We trust that the Federal Trade Commission will take the necessary steps to safeguard the rights of consumers and promote a fair and competitive environment for the benefit of all stakeholders in the agricultural sector.

Sincerely,

NORTH DAKOTA FARMERS UNION

A rectangular box containing a handwritten signature in black ink that reads "Mark Watne".

Mark Watne  
President

