

September 26, 2024

Innovation, Science and Economic Development Canada  
Right to Repair Consultation  
Via Email [isrighttorepair-ledroitaleparationsi@ised-isde.gc.ca](mailto:isrighttorepair-ledroitaleparationsi@ised-isde.gc.ca)

The Ontario Federation of Agriculture (OFA) is pleased to provide comments regarding Innovation, Science and Economic Development Canada's Right to Repair consultation. We also look forward to participating in the Agriculture and Agri-Food Canada roundtable discussions focused on interoperability and repairability of farm equipment.

OFA has a strong voice for our more than 38,000 members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with, for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

The format of our comments will follow the questions of interest in the consultation.

A Canadian approach to repairability for home appliances and consumer electronics must take into account considerations from manufacturers, repairers, and consumers. Additionally, repairability is a shared responsibility in Canada given provincial and territorial responsibility for consumer protection legislation.

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

Canada is a net importer of electronic goods at the heart of the right to repair issue. This makes it necessary for the federal government to ensure legislation is compatible with, and any consequential negotiations with, other jurisdictions are in compliance with international trade agreements.

The Ontario Federation of Agriculture supports the amendment to the 'refusal to deal' provision of Canada's *Competition Act* to authorize the Tribunal to order a supplier to provide the means to diagnose or repair a product in certain circumstances. Internal to Canada, ensuring consumers have the right to repair electronic goods and components is a shared responsibility with provincial and territorial governments.

For example, Ontario's *Farm Implements Act* addresses some elements of repairability to protect purchasers of farm equipment, related to emergency repairs and service standards to supply parts. Federal legislation should also address planned obsolescence, interoperability, and any

associated issues with warranties, to ensure new and used electronic goods can move freely between jurisdictions.

While these types of legislation aim to ensure some level of repairability, consumers need the right to access third party services. Provincial and territorial consumer protection legislation should address the authorized circumvention of Technological Protection Measures (TPM) to ensure a competitive and timely process to repair goods.

Home appliances and consumer electronics are comprised of a variety of different products, each with distinct considerations. A repairability policy may be more appropriate for a range of products.

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

While the Ontario Federation of Agriculture has no position on which types of home appliances and consumer electronics should be included in a repairability policy, we recognize that Canadian electrical and electronic equipment waste approaches 1 million tonnes per year. All types of home appliances and consumer electronics include difficult to disassemble and prohibitively expensive to repair products. From a waste management perspective, all home appliances and consumer electronics warrant inclusion in a federal right to repair policy and diverted from waste streams.

The repairability, interoperability and durability of home appliances or consumer electronics can be complicated and affects industry, repairers and consumers differently.

**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?**

**What further actions could the Government of Canada undertake to strengthen the repairability, interoperability and durability of home appliances or consumer electronics?**

The consultation highlighted that the shortage of skilled labour and certified repairers limits access to viable repair options, more so for consumers in rural or remote regions. This is a key concern for the repairability of farm equipment as is the ability to use replacement parts that are not Original Equipment Manufacture (OEM) parts. It is critical throughout all farm production seasons to have access to timely repairs and diagnosis, so third-party service and interoperability can be the difference between a successful harvest and disaster.

A Canadian approach for home appliances and consumer electronics would take into account considerations from manufacturers, repairers, and consumers.

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

The right to repair is fundamental to preserving the balance between Original Equipment Manufacture (OEM) and consumer rights. While OEMs have the right to protect their proprietary interests, technological protection measures should not prevent consumers or their preferred service centres from diagnosis and repair. Right to repair legislation is not meant to protect

consumers that modify products. Modifications that circumvent safety and environmental protection measures should continue to nullify warranties.

Electronics, electronic equipment and electronic components are heavily reliant on computers and smart technologies. More sophisticated goods and services collect usage and performance data, accessible by the OEM or their authorized dealer, with limited or no access by the consumer. In the case of large agricultural equipment, with multiple computer systems, government should consider stand-alone legislation needed to obligate OEMs to allow affordable access to diagnostic and repair information, and address systemic issues around data ownership.

Repairability is a shared responsibility in Canada given provincial and territorial responsibility for consumer protection legislation. Policy measures focused on durability, repairability and interoperability will need to take into account multiple, additional considerations, including but not limited to: safety, product design cycle, skilled labour, affordability, consumer preferences, and the uniqueness and diversity of home appliances and consumer electronics.

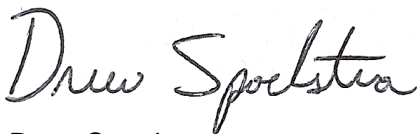
**What considerations do you have in relation to a federal policy approach for Canada?**

**Are there any considerations that have been missed or elements that should be explored further when addressing this topic?**

While many OEMs have begun to make diagnostic equipment and service manuals available, several OEMs provide these supports on a subscription basis and/or at costs that are prohibitive. Canadians want affordable and timely options to diagnose and repair or have a preferred third-party service their electronic equipment, devices, and components. We do not want the right to modify, circumvent safety and environmental protocols, or infringe on OEM proprietary interests.

This is important legislation for Canadian rights and consumer protection. We look forward to the focused roundtable discussions on the interoperability and repairability of agricultural equipment.

Sincerely,



Drew Spoelstra  
President

cc: OFA Board of Directors