

**Beyond Plastics**  
**Environment New York**  
**Green Education and Legal Fund**  
**New York Environmental Law and Justice Project**  
**New York Public Interest Research Group (NYPIRG)**  
**U.S. Public Interest Research Group (USPIRG)**  
**Sierra Club Atlantic Chapter**

December 21, 2022

Governor Kathy Hochul  
Executive Chamber  
Capitol, Second Floor  
Albany, New York 12234

**Re: Advance New York's Climate Action Plan by Enacting the Digital Fair Repair Act S.4104-A (Breslin)/A.7006-B (Fahy)**

Dear Governor Hochul:

Our organizations urge you to further the state's ambitious climate plans as embodied in the just-approved final Community Leadership and Climate Protection Act ("CLCPA") Scoping Plan by approving the Digital Fair Repair Act.

The Digital Fair Repair Act would amend the General Business Law to require Original Equipment Manufacturers (OEMs) to make diagnostic and repair information, available parts and tools for digital electronic devices available to product owners and independent repair providers on a fair and reasonable basis. Access to parts, tools and repair information would allow do-it-yourselfers and independent repair shops to make the repairs that keep electronics running instead of being discarded. Cellphones, laptops, tablets and desktop computers are among the types of products that would be covered. Medical devices, home appliances, emergency response communication equipment, farm equipment, automakers and car dealers are excluded from coverage.

While the bill's sponsors point out the money- and time-saving virtues of this legislation for consumers and businesses, we write to highlight its climate, waste reduction and environmental benefits. The ability to quickly, locally and inexpensively repair digital products will result in longer useful lives for these products. Longer useful product life will reduce the mining of raw materials, the energy-intensive production of metals, the transporting of those materials and products over long distances, and the extensive packaging used in shipping and marketing new products. The net result will contribute to meeting the CLCPA goals by yielding a reduction in greenhouse gas emissions and a reduction in the landfilling or combustion of repairable products as a "solid waste" -- well before the end of their useful lives.

The climate and environmental benefits are why the Climate Action Council urged enactment of Right to Repair legislation in the just-released final Scoping Plan.<sup>1</sup>

Among the “Components of the Strategy” in the section on “Waste Reduction, Reuse and Recycling” the final Scoping Plan includes this action item:

- Right to Repair: The State should enact legislation to support “Right to Repair” and other legislation that requires manufacturers of products sold in New York to provide information to consumers and third-party technicians about how to repair damaged products.<sup>2</sup>

This legislation will also advance the state’s longstanding statutory solid waste hierarchy, which prioritizes waste reduction as a top-tier goal.<sup>3</sup> Further, the bill would require manufacturers to bear some responsibility for their products and reduce the environmental footprint created by planned obsolescence and avoidable waste. Your approval would also add an important plank on the path to a circular economy, furthering Extended Producer Responsibility/Product Stewardship principles, also embraced by the Climate Action Council in the final Scoping Plan.

**Advancing the Scoping Plan will require enormous effort and coordination by all levels of government, businesses and individual New Yorkers. The Legislature has teed up a significant climate action item by delivering a strong, first-in-nation right to repair bill to your desk. We urge you to approve this legislation as effective climate and solid waste policy in New York.**

Sincerely,

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<sup>1</sup> *New York State Climate Action Council Scoping Plan*, 2022, New York State Climate Action Council. Accessed at <https://climate.ny.gov/-/media/project/climate/files/NYS-Climate-Action-Council-Final-Scoping-Plan-2022.pdf>.

<sup>2</sup> *Id.* at p. 326.

<sup>3</sup> *See, e.g.*, Environmental Conservation Law § 27-0106, State Solid Waste Management Policy.