



# APPLES TO ORANGES

## UNDERSTANDING THE IMPORTANT DIFFERENCES BETWEEN AUTOMOBILES AND FARM & CONSTRUCTION EQUIPMENT

**F**arm and construction equipment are significantly different from automobiles in many respects, including size, complexity and intended use. Despite these differences, farm and construction equipment can already be repaired by owners and third parties who possess adequate skills, facilities and tools. The idea that this equipment needs protection through “Right to Repair” legislation is simply not true. Let’s review some of the key points.

**SALES VOLUME** - The number of consumer automobiles sold in 2018 reached 17.3 million (“U.S. Auto Sales Put up a Big Number; but Show Signs of Strain,” January 3, 2019, by Neal E. Boudette, New York Times). Conversely, in 2018, there were only an estimated 4,849 self-propelled combines and 235,856 farm tractors sold (AEM United States Ag Tractor and Combine Report, December 2018). The disparity between these data points demonstrates the vast differences between automotive and farm/construction equipment markets. Simply put, you are comparing a common consumer product with specialized production machines!

**VARIED AND SOPHISTICATED TECHNOLOGY** - Generally speaking, the core functionality of an automobile is to go forward, backward or stop. Farm and construction equipment, on the other hand, utilizes a wide array of systems and technology which function together for sophisticated and unique production applications. This equipment is often very large and is intended to move tons of material; plant and harvest thousands of acres of crop; demolish buildings; precisely apply fertilizer, herbicide, insecticide and other ag products; and more. Many of these machines are also capable of traveling automatically cross country with GPS referenced guidance (steering) systems. These impressive capabilities enable high levels of productivity that, if modified or improperly repaired, could create hazards to workers and bystanders.

**DIAGNOSTICS, SERVICE AND REPAIR INFORMATION** - Most new farm and construction equipment is equipped with telematic technology that enables users, owners and third parties to manage fleets; determine the maintenance or repairs needed to optimize production and minimize downtime; and quickly diagnose unforeseen issues. The users/owners of farm and construction equipment have very different needs than automobile owners. Equipment manufacturers and dealers empower customers to choose how their farm and construction equipment will be managed maintained and repaired by providing the tools and information needed to safely and correctly diagnose and repair their own equipment. The ag and construction equipment industries remain highly competitive and any OEM that does not satisfy these customer requirements will quickly be replaced on the jobsite. This contrasts with a recent study of the automotive industry, which revealed that OEMs in the automobile sector have not included advanced connectivity features – even if that technology would increase safety and support – because consumers are unwilling to pay for it (“2019 Deloitte Global Automotive Consumer Study,” page 12).

**EPA MANDATES** - Under existing EPA regulations, it is illegal to manufacture, sell or install a component which is intended or designed to bypass, defeat or render inoperative emission controls. Proponents pushing this legislation seek unfettered access to modify the software that governs on-board technology in sophisticated farm and construction equipment for primarily commercial reasons. The intent of these proponents is usually to alter the performance of the equipment for a fee. The ramifications to durability and reliability are poorly understood and the impact to follow on owners is unknown and may put the safety and security of users at risk. “Right to Repair” modifications may also enable tampering with engine controls (also called “chipping” or “tuning”), which is illegal under the Clean Air Act, and recently cost one company \$6.25 million for excess emissions due to these actions. While the equipment industry supports customers repairing their own equipment, we do not support breaking environmental laws.!

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