

# Proposed Association of Vancouver Island and Coastal Communities Resolutions – City of Nanaimo

## 1. Right to Repair

Whereas the longevity of items is decreasing because manufacturers are deliberately designing products to be disposable and;

Whereas citizens and businesses are deterred from repairing their belongings by companies that claim ownership over the intellectual property in their products, fail to provide parts or other aspects that make it hard to repair items;

Therefore be it resolved that UBCM ask the Province of BC to draft and enact Right to Repair legislation.

### Background:

Repair is an important aspect of the circular economy concerned with extending the longevity of items and reducing the need to replace items. The circular economy is a key part in addressing climate change: 45% of total greenhouse gas emissions is tied to the production and consumption of products and a circular economy could prevent up to two-thirds of greenhouse gas emissions. A circular economy also becomes increasingly important as resources become scarce and land degradation persists.

In a May 2019 online survey, 75% of Canadians said they would support 'Right to Repair' legislation (survey conducted by Innovative Research Group for OpenMedia and iFixIt). Additionally, a study done by US PIRG in the States suggests that repair could reduce household spending on electronics and appliances by 22%, the equivalent of 330 USD/year for a family.

Right to repair legislation has been passed in the European Union and introduced in Ontario, Quebec, and 20 states in the United States.

EU Right to Repair legislation falls under the EcoDesign Directive; in October 2019, the European Commission adopted 10 ecodesign implementing regulations setting out energy efficiency, repairability, durability, water consumption, and other requirements for household appliances, among other products. This initial legislation requires spare parts to be provided for 7-10 years after purchase in regards to refrigerating appliances, household washing machines and washer-dryers, and household dishwashers. Additionally, manufacturers have to ensure the availability of repair and professional maintenance information for professional repairers. In November 2020, the EU adopted the Circular Economy Action Plan, a main block of the European Green Deal. This plan includes additional right to repair legislation for 2021 that will include personal electronics such as computers and handheld devices. On January 1, 2021, France also adopted a Repair Index (Indice de réparabilité) that will require certain products sold in France to include a repairability rating on a scale from 1-10, with 10 indicating a device with the best repairability.

In Quebec, MNA Guy Ouellette introduced a private member's bill in April 2019 (Bill 197). The bill proposes an amendment to the provincial Consumer Protection Act in order to fight planned obsolescence and assert the right to repair goods.

The proposed amendment would establish a good sustainability rating system that would be displayed as a label on every household appliance available for sale or lease. The rating system would score products according to their mean time to first failure. The bill also prescribes that replacement parts, and repair manuals and tools be made available at a reasonable price for as long as the good is available on the market or for a reasonable length of time after the contract has ended, whichever is most beneficial to the consumer. The proposed amendment would establish that a merchant or manufacturer could not refuse a warranty on the grounds that the good was not repaired by the merchant / manufacturer / designated third person to perform the warranty if it was repaired by someone certified to do so. The bill would additionally instate a fine on those found to be deliberately engaging in the practice of planned obsolescence.

In Ontario, MPP Michael Coteau introduced a private member's bill in February 2019 (Bill 72). The bill proposed an amendment to the provincial Consumer Protection Act in respect to the repair of electronics. The proposed amendment would have required companies to provide consumers or repair shops what they need to repair an electronic product themselves. The amendment also stated companies could charge for this, but within reasonable limits. The bill failed in a voice vote in May 2019.

The Canadian Automotive Service Information Standard (CASIS) took effect in 2011 and requires automotive manufacturers supply mechanics with the knowledge and the tools to repair vehicles of all makes and models. Similar legislation, the Motor Vehicle Owners' Right to Repair Act, exists in the United States as well (first passed by Massachusetts in 2012).