

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: July 21, 2021 Open FTC Meeting; Proposed Policy Statement on Repair Restrictions
Imposed by Manufacturers and Sellers

Dear Chair Khan,

The Automotive Service Association (ASA) is the largest and oldest independent automotive repair association in the U.S. ASA is writing in support of a new policy statement by the Federal Trade Commission (FTC) that addresses the issue of vehicle data access for vehicle owners and consumers. The Automotive Service Association was pleased to see the issue of vehicle data access addressed in the May 2021 “Nixing the Fix” report and believes the issues sought, by the FTC, to be addressed in the report covered critical areas for automotive repair. For independent repair shops, having access to vehicle telematics data is becoming increasingly important as vehicles reach more technologically advanced levels. It is essential for third-party repair shops to have access to the vehicle data they need to effectively and safely repair the automobiles that are brought to their businesses by consumers. Independent repair shops repair approximately 80% of post warranty vehicles.

ASA has been involved in the “right to repair” issue for over 20 years. In the fall of 2002, ASA joined automakers in signing a voluntary agreement that assured non-emissions service information and training would be provided to independent repair shops in addition to the emissions service information required by the Clean Air Amendments of 1990 and subsequent U.S. Environmental Protection Agency regulations. ASA is concerned over the possibility of a fifty-state data access regulatory structure that would create a patchwork of rules. A fifty-state regulatory system for vehicle data access would increase risks to consumers by making it difficult to structure training for technicians especially where multi-shop organizations cross state lines—resulting in a problem to run a small business as efficiently as possible with potential increased costs being passed on to the consumer.

To date, the automakers have not provided a path for independent automotive repair businesses to access the data necessary to repair vehicles equipped with telematics technologies. The establishment of a new policy statement by the FTC would be a significant step forward for the automotive repair industry. It would ensure that there is a cohesive federal policy that does not restrict the competitiveness of third-party repairers such as auto shops. The right legal framework should enable independent repair shops to access the vehicle generated data that they need to safely and securely repair the vehicle. This framework would enable competitiveness within the industry and preserve the consumer’s right to choose where they repair their vehicle.

With the changes in vehicle technologies, including those that are part of recent public policy proposals to convert the U.S. fleet to electric vehicles, this is an essential time to address the

issue of vehicle data access. Historically, vehicle data has been accessed through a physical “on-board-diagnostic” (OBD-II) port. The vast majority of vehicles include this port to fulfill requirements of the Clean Air Act Amendments of 1990. However, with the advent of electric vehicles that have no emissions data, a growing number of automakers are transitioning to a wireless access model, which restricts the access of the consumer and third-party repair shops. Additionally, some vehicle manufacturers have considered a two-tiered port system, which would provide emissions data for free yet restrict other important vehicle data.

The Automotive Service Association wants to be a part of this policy process, and looks forward to working with the FTC to find a solution that works for all sectors of the automobile industry, including independent repair shops. The right of the consumer to choose where they repair their vehicles and thousands of small businesses across the U.S. to have access to the data to keep their shops open are too important to be left unaddressed by federal regulation.

If you have any questions, please do not hesitate to contact Bob Redding at rlredding@reddingfirm.com

Thank you.

Sincerely,

Raymond A Fisher, III
President