

May 1, 2019

Hon. Bill Walker, Minister of Government and Consumer Services
College Park, 5th Floor
777 Bay St
Toronto, ON M7A 2J3

RE: Bill 72, Consumer Protection Amendment Act (Right to Repair Electronic Products), 2019

Dear Minister Walker

For more than a century, the Ontario Chamber of Commerce (OCC) has supported economic growth in Ontario by advocating for business priorities at Queen's Park on behalf of our diverse 60,000 members, including local chambers of commerce and boards of trades in over 135 communities across Ontario.

Individuals, businesses, hospitals, and governments across Ontario increasingly rely on electronic devices to transmit and store sensitive data, communicate, engage in commercial transactions, and securely access and deliver services. As the day-to-day usage of these electronic products grows, it is important that we continue to protect their safe and secure operation.

The OCC would like to raise concerns with a private member's bill introduced by Mr. Michael Coteau, Liberal MPP for Don Valley East – Bill 72, *Consumer Protection Amendment Act (Right to Repair Electronic Products), 2019*. If passed, Bill 72 would require original equipment manufacturers to provide consumers or consumer electronic repair businesses with repair information, replacement parts, software, and other tools. This poses several risks to both the consumers and manufacturers of electronic products in Ontario.

One of the main concerns is that Bill 72 would compromise the security of consumer data by putting technical product information in the hands of new entities, making it easier for criminals to carry out cyber-attacks. The implications are severe, especially considering that consumers include not only residents, but also governments, hospitals, banks, and other businesses.

Another concern is safety. Consumers need to be assured that their medical devices, appliances, laptops, and other electronic devices are being repaired correctly in order to minimize risks to their safety. Manufacturers are best suited to provide this assurance. For example, at present, products containing high-energy lithium ion batteries are only repaired by trained professionals who understand the hazards associated with breakage of these batteries

Furthermore, Bill 72 could force manufacturers to share proprietary information. Intellectual property protections are essential to maintaining a healthy and innovative technology industry in Ontario; without them, our competitiveness diminishes vis-à-vis other jurisdictions. In recent years, Ontario has begun to receive global recognition as a vibrant hub for innovation and technology. The proposed bill would damage this reputation.

Finally, one of the stated intentions of Bill 72 is to support a reduction in electronic waste. It will in fact have the opposite effect. Manufacturers are continuously innovating to improve the sustainability of their products across their lifespan, from design, to material sourcing, product performance, reuse, and responsible end-of-life-management. Removing protections to their intellectual property places such innovation at risk. In addition, Canadian electronic manufacturers directly take back approximately 6,000 tonnes of electronic products each year for reuse and refurbishment. Bill 72 would compromise the efficiency of existing end-of-life management programs for these products.

Ontario consumers are already free to access a wide range of affordable and convenient options to repair and refurbishment their electronic devices, including both through manufacturer-authorized and independent repair sources. Bill 72 is not only unnecessary, but it also puts the safety and security of Ontarians at risk.

We welcome the opportunity to discuss the issue further.

Sincerely,



Rocco Rossi

*President and CEO
Ontario Chamber of Commerce*

CC: Hon. Todd Smith, Minister of Economic Development, Job Creation and Trade

CC: Michael Coteau, MPP – Don Valley East