

May 24, 2006

The Honorable Joe Barton, Chair
House Energy and Commerce Committee

The Honorable Cliff Stearns, Chair
Commerce, Trade, and Consumer
Protection Subcommittee

U. S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

RE: EMA Opposition to HR 2048

Dear Chairmen Barton and Stearns:

The Engine Manufacturers Association (EMA) is the international trade association representing the manufacturers of internal combustion engines. Our 30 member companies design, manufacture, and market engines used in a variety of applications including heavy-duty trucks and buses, construction and farming equipment, marine applications, grounds care and utility equipment, and stationary applications. Importantly, our members that produce heavy-duty engines and vehicles for the on-highway market would be impacted by the provisions contained in HR 2048 – the Motor Vehicle Owners Right to Repair Act of 2005.

EMA opposes passage of HR 2048 for the following reasons:

- The structure of the heavy-duty vehicle industry is very different than the light-duty automotive sector and cannot adapt readily to the service information requirements of the legislation. Heavy-duty vehicles are characteristically highly diverse with many configurations, and manufacturers often are not vertically integrated. Engine, transmission, cab, and trailer are manufactured by separate entities that are responsible for service information on their components and not the entire vehicle. This results in a significantly large number of unique configurations and calibrations that cannot be effectively managed under the one size fits all approach required in the legislation.
- The industry has established practices which makes service and diagnostic information available to qualified entities. Manufacturers already have a system for voluntarily supplying diagnostic repair information for a fee, so there is no critical need to alter current industry practice through a regulation.
- Heavy-duty vehicles are more complex and require highly trained mechanics and service providers. There is no value in requiring manufacturers to supply all service information to the general public, vehicle owners, or unqualified service providers. Doing so will result in

poor quality service, increase the incidence of faulty repairs, and may result in harm to the vehicle. Development and mass distribution of the information for every engine and vehicle configuration would be a significant and costly burden on the industry with insignificant benefits to the public.

- Because of the unique and diverse engine management and control systems required for heavy-duty engines, engine manufacturers must generally include proprietary information in their service and diagnostic systems. The provisions to protect this information in the legislation are not adequate.
- Engine manufacturers are concerned that the requirements to release service information to any owner or service provider will result in increased tampering. The information required to be disclosed provides owners and service providers with the information needed to reconfigure engine systems, with the result being inadvertent or deliberate tampering. Since the engine and emissions control systems are inextricably linked, it is virtually impossible to separate such information.
- Engine manufacturers are responsible for emissions warranty, in-use compliance, and defect reporting and recall throughout the useful life of the engine. Nothing in the legislation relieves engine manufacturers from their responsibilities and liabilities in these areas because of changes made to engine systems through the use of service information that HR 2048 requires be made widely available.

EMA agrees with previous testimony from the Federal Trade Commission and Better Business Bureau that the best way to address this issue is through a voluntary, non-regulatory approach. There is no evidence that there is any issue with service information practices for the heavy-duty industry, and in fact, the proposed legislation will create significant problems for engine manufacturers.

EMA asks that you oppose the bill when it comes before the Commerce, Trade, and Consumer Protection Subcommittee.

Respectively submitted,

Jed R. Mandel

Jed R. Mandel
President

CC: Members, Commerce, Trade,
and Consumer Protection Subcommittee