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Testimony of Mark Ourada
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Before the Ohio House Committee on Technology and Innovation

In Opposition to HB301
Right to Repair Legislation

Chair Claggett and committee members, my name is Mark Ourada, and I am Director of Government Affairs for the National Electrical Manufacturers Association.

NEMA represents over 300 leading manufacturers in the *Electroindustry*. Collectively, the Electroindustry members contribute a full 1% of U.S. GDP, and employ more than 2.2 million American jobs covering every state and generating over 197 billion in labor income. The electroindustry supports 128 thousand jobs, providing over \$10.5 billion in labor income to Ohio residents alone.

A significant concern to our members is that HB301 does not exempt Business to Business (B2B) and Business to Government (B2G) transactions. NEMA sees an exemption of these transactions as appropriate, given the expected sophistication of these parties compared to the Business to Consumer interactions that we believe to be the attention of this legislation.

A second major concern to our members is that HB301 has the requirement for an OEM to provide various parts and information to *any* independent repair provider. Manufacturers want to ensure that their products are serviced by professionals who understand the intricacies of their products and have spent time procuring the knowledge necessary to safely repair them and return them to consumers without compromising their standards of quality AND privacy, as well as without undermining the safety and security of their products. Authorized repair networks not only include training requirements but also have the technical skills and test instruments to verify that repair parts meet all necessary performance and safety specifications.

The third item of concern is that only citing 'trade secrets' in the bill language does not properly protect an OEM's intellectual property. NEMA sees a need to expand this language to include copyrights and trademarks, and even the words "intellectual property." The lack of contractual intellectual-property

protections for Original Equipment Manufacturers (OEM) is of great concern. NEMA companies invest enormous amounts of time and resources into the intellectual property of their products. Treating ANY independent repair provider equally the same as vetted and qualified repair facilities not only puts consumer data and privacy at risk, but also the inventive work of manufacturers.

NEMA member companies put a priority on the security of the user's information when manufacturing their products. Our concern is that this legislation undermines the privacy and security OEMs prioritize for their customers. With the Internet of Things (IOT), more consumer products are internet connected and susceptible to hacking. One of many examples is today's central lighting control equipment--computer panels that control lighting features throughout homes.

With IOT, the Internet of Things, becoming more pervasive across a wide range of products, it is likely that opening the firmware that controls product functions will compromise proprietary information.

Being a former legislator myself, I am keenly aware of the ever-present potential for 'unintended consequences.' Given the broad definition of "Digital Electronic Device" in this legislation, it may very well include such items as light-up sneakers that have circuit boards imbedded in the shoe. I would encourage this committee to take a closer look at this broad a definition.

Thank you for your time and attention. I am keenly aware of the balancing you face, having sat in the same chair, and NEMA is ready to lend our expertise as you strive to balance consumers' needs with those of manufacturers.

Thank for your time Mr. Chair and Committee Members.