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Right to Repair: A Movement Triumphant?

By Karen Hoffman Lent and Kenneth Schwartz

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On July 8, 2026, the Federal Trade Commission (FTC) and five states (Arizona, Illinois, Michigan, Minnesota, and Wisconsin) announced that they had reached a settlement with farm equipment manufacturer Deere & Company (Deere) (*Press Release, Fed. Trade Comm'n, FTC and State Partners Secure Proposed Order Against Deere & Co. Ending Unlawful Repair Restrictions* (July 8, 2026)).

The settlement requires Deere to provide owners of Deere equipment and independent repair providers the same access to repair diagnostic tools, software, and other resources that it gives to authorized dealers for an initial ten-year term (*Stipulated Order for Permanent Injunction and Monetary Relief, FTC v. Deere & Co.*, No. 3:25-cv-50017 (N.D. Ill. July 8, 2026)).

Earlier this year, Judge Iain D Johnston in the U.S. District Court for the Northern District of Illinois preliminarily approved a settlement between Deere and a putative class of farmers making similar allegations, providing $99 million to affected farmers. The FTC settlement is more expansive, extending into the future and providing mechanisms to ensure compliance.

The proposed FTC settlement requires Deere to provide the tools on fair and reasonable terms, taking into account factors such as cost to owners and independent shops, prices charged by comparable manufacturers, and inflation.

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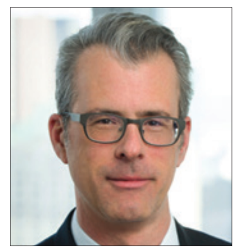

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Deere must also provide resources regarding electronic fault codes, reprogramming tools, tools to address emissions-related shutdowns, and other technical manuals available to authorized dealers. And it must make future repair resources available to owners and other providers and instruct its authorized dealers to promote those resources without impairing their use.

The *Deere* settlement is an example of a multi-year institutional priority shift that brings together enforcement priorities from the Biden and Trump administrations and state governments all across the country. Enforcers and state legislatures alike seem keen to use right to repair initiatives to further their antitrust goals, leading to increased risks and considerations for equipment manufacturers.

Consistency Across Administrations

The settlement resolved the FTC's January 2025 lawsuit against Deere. In her statement upon the filing of the lawsuit, former FTC Chair Khan asserted that "changes in technology and more prevalent use of software" have allowed companies to leverage ever greater power over customers to restrict the availability of repairs (*Statement of Chair Lina M. Khan Regarding the FTC's Enforcement Action Against Deere & Co.* (Jan. 15, 2025)). Khan referenced the unanimously adopted 2021 FTC policy statement that publicly declared the agency's commitment to increasing enforcement around repair restrictions that violate antitrust laws.

The 2021 policy statement offered a clear signal that the FTC was going to closely scrutinize the practices of equipment manufacturers in the area of repair restrictions and devote more institutional resources to the matter (Policy Statement of the Federal Trade Commission

on Repair Restrictions Imposed by Manufacturers and Sellers (July 21, 2021)). This policy statement remains in effect, and the FTC under Chair Ferguson does not seem to have deviated greatly from this prioritization, albeit imbuing it with more of a populist focus.

At the time of the lawsuit's filing, Commissioner Ferguson issued a dissenting statement on procedural grounds, highlighting the potential political motivations of filing in the last days of the Biden administration, the lack of concrete evidence in the complaint, and the potential for resolving negotiations between the FTC and Deere via a settlement (*Dissenting Statement of Commissioner Andrew N. Ferguson Regarding FTC v. Deere & Co.* (Jan. 15, 2025)).

Despite those objections, however, Chair Ferguson agreed with the FTC's prioritization of farmers and the issue of competition within agricultural markets.

Reflecting this interest in agriculture, upon the resolution of the lawsuit this July, FTC Chair Andrew Ferguson touted the settlement as a resolution of the concerns stated in his dissent in 2025 (*Statement of Chairman Andrew N. Ferguson Regarding the Settlement with Deere & Co.* (July 8, 2026)).

He further stated that the FTC chose to settle the lawsuit rather than pursue "further costly litigation" because it provides a solution to farmers now rather than in the indefinite future, framing the settlement in populist, historically-grounded terms.

The settlement also reflects the second Trump administration's antitrust focus on "America First" populist economic issues that target the high cost of living for Americans, particularly in the agricultural sector. FTC Commissioner Mark Meador remarked in March 2026 that under the America First Antitrust approach, antitrust law should target "forms of coercion that suppress rivalry, unduly restrict alternatives, or deny individuals the ability to use and enjoy their property" (*Mark R. Meador, Comm'r, Fed. Trade Comm'n, Keynote Address at the Bull Moose Institute: America First Antitrust Enforcement* (Mar. 19, 2026)).

The Department of Justice in particular has also taken steps to target high prices in the meatpacking industry and increase competition in agricultural inputs (*Julie Tomascik , DOJ investigating meatpackers over beef price inflation, Texas Farm Bureau* (May 7, 2026), Justice Department and USDA Coordinate to Protect Competition in Agricultural Inputs (September 29, 2025)).

An element of the settlement that could reflect a new FTC approach is the behavioral remedy. The settlement imposes detailed and stringent reporting requirements, with required supporting documentation and evidence describing Deere's progress in providing repair resources to shops and owners.

The reports also must contain justification for pricing for these resources. Deere must also report to the FTC whenever it releases a new tool to more than 50% of authorized dealers.

The FTC could potentially use this remedy structure as a template, replicating it in consumer electronics, automotive, or other industries that distribute diagnostic tools and software through authorized dealers. It remains to be seen how stringently the FTC will be overseeing these compliance measures, though if this behavioral remedy proves successful, the FTC could look to similar measures in the future for other conduct or even merger cases.

Growing Interest in the Right to Repair

Other developments confirm that the right to repair movement has gained some momentum under the second Trump administration. On June 29 of this year, Trump signed an executive order directing the

Environmental Protection Agency (EPA) to issue new guidance allowing car owners to conduct emission repairs themselves (Exec. Order No. 14,212, 91 Fed. Reg. 28,101 (June 29, 2026)).

The order also directed the EPA to deprioritize civil enforcement against car owners who choose to fix their own vehicles.

Though this order was relatively limited, only applying to car owners and only directly affecting repairs related to emissions, the order signaled that the administration is willing to prioritize repair-related initiatives, at least in the automotive sector. It also showed that the administration may use repair-related tools to advance broader policy goals.

Specifically in the area of farm equipment, the EPA issued new guidance in February of this year clarifying the terms of the Clean Air Act (CAA) to limit the restrictions around emission control systems to allow the override of emission controls for the purpose of repairing the equipment (*EPA Advances Farmers' Right to Repair Their Own Equipment, Saving Repair Costs and Productivity* (Feb. 2, 2026)).

Though the guidance does not change the terms of the CAA, the guidance offers a signal that the EPA under the Trump administration will prioritize the ability of farmers to override emissions controls on their equipment over strict enforcement of the CAA.

Congress also continues to contemplate legislation that addresses right to repair for farm equipment. In October 2025, members of the House and Senate introduced a bicameral bill to make parts, software, and other tools available for repairing farm equipment on fair and reasonable terms for owners and independent repair providers (the Freedom for Agricultural Repair and Maintenance Act, or FARM Act). The bill remains in committee in both houses.

Beyond the federal government and federal enforcement, states are testing right-to-repair initiatives through legislation and enforcement litigation. All 50 states have introduced or debated bills addressing the right to repair, but only six have enacted them (*Jay D. Jerde, Right to Repair: What the Deere Settlements Mean for Farmers, State Bar of Wisconsin* (July 15, 2026)).

Five of those states limit their laws to consumer electronics and some even explicitly exclude agricultural technology. This year alone, more than 50 right-to-repair bills were introduced in 22 states (Eric Berger, 'Preserve the stuff we own': how right-to-repair laws are surging across the US, The Guardian (Aug. 17, 2026)). Connecticut's right to repair law came into effect on July 1, 2026, while Texas will also enact its right to repair law in September 2026.

There is clearly current and increasing interest in state-level action on the right to repair, but the gap between legislative proposals and enacted laws suggests that the policy route may be more limited for advocates.

Even so, the FTC and Trump administration's seemingly positive stance towards right to repair initiatives may embolden advocates to seek more private or public enforcement against equipment manufacturers. Those efforts could force additional settlements or produce stronger precedent extending into more areas of equipment manufacture.

The litigation or enforcement risk could be greater for manufacturers that use diagnostic software that is distributed through networks of authorized sellers, and increased state interest in right to repair issues also signals a potential increase in enforcement and litigation risk at the state level.

Takeaways

Though the right to repair movement is not new, it has seen new developments rooted in different principles under the Trump administration.

There have been a number of actions that reflect a continued shift in the Trump administration's approach to the right to repair that continues to reinforce its importance to institutional priorities, including the FTC settlement with Deere, Trump's new executive order on automobile repair, and increased attention from state legislatures.

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