



American Hakko Products, Inc.

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August 16, 2024

Via: <https://respond.Better Business Bureau.org/letter/>

Better Business Bureau  
Serving Los Angeles and Silicon Valley  
1112 S. Bascon Ave.  
San Jose, CA 95128  
Attention: Natalie G

Re: Complaint ID 22062518 (Submitted 7/29/2024)

Dear Natalie G:

This is in response to your letter dated July 31, 2024.

As instructed in your letter, we will avoid any information that personally identifies the complaining party. Instead, we will refer to him as simply the "Claimant".

Since as early as July 2021, the Claimant began submitting many demands for documentation and other information relating to various products sold by American Hakko Products, Inc. ("AHP"). Since Claimant's statement submitted to the Better Business Bureau is couched in terms of legal obligations established by the California Right to Repair Act, which became effective July 1, 2024, we will limit our discussion relating to dealings with the Claimant to the period from and after July 1, 2024. In order to ensure that the Better Business Bureau has a full understanding of the rights asserted by the Claimant, we will begin with a summary of legal obligations created by the Right to Repair Act.

#### **What is required under the California Right to Repair Act?**

The California Right to Repair Act (the "Act" or "SB244") requires manufacturers of certain "electronic or appliance products" to make available to owners of such products (and to those who service and repair such products) "sufficient documentation and functional parts and tools" to maintain and repair those products. As noted earlier, the Act became effective July 1, 2024.

SB244 defines the documentation, parts and tools that a manufacturer must make available for products covered by the Act as follows:

"Documentation" means any electronic or appliance product manual, diagram, reporting output, service code description, schematic, or similar information that is provided by a manufacturer to an authorized repair provider, or that is for use by the manufacturer if the

manufacturer does not have any authorized repair providers, for purposes of effecting the services of diagnosis, maintenance, or repair of the electronic or appliance product.

“Part” means any replacement part or assembly of parts, either new or used, made available by a manufacturer of an electronic or appliance product to an authorized repair provider to facilitate the maintenance or repair of a product sold by the manufacturer.

“Tool” means any software program, hardware implement, or other apparatus made available by a manufacturer of an electronic or appliance product to an authorized repair provider for the diagnosis, maintenance, or repair of the product, including software or other mechanisms that provision, program, pair a part, provide or calibrate functionality, or perform any other function required to repair the product or part back to fully functional condition, including any updates.

### What products are covered by SB244?

The “electronic or appliance products” covered by the Act are defined as a product, manufactured for the first time, and ***first sold or used in California, on or after July 1, 2021***, and described in subdivision (h), (i), (j), or (k) of Section 9801 of the Business and Professions Code. These subdivisions of Section 9801 cover (h) an “electronic set,” (i) “appliance or “major home appliance,” (j) “antenna” or (k) “rotator.” AHP does not sell any antenna or rotator products, so the only AHP products that can possibly fall within the scope of SB244 are either an “electronic set” or an “appliance,” the full definitions of which are set forth below:

(h) “Electronic set” includes, but is not limited to, any television, radio, audio or video recorder or playback equipment, video camera, video game, video monitor, computer system, photocopier, or facsimile machine *normally used or sold for personal, family, household, or home office use*. [Emphasis added.]

(i) “Appliance” or “major home appliance” includes, but is not limited to, any refrigerator, freezer, range, microwave oven, washer, dryer, dishwasher, trash compactor, or room air-conditioner *normally used or sold for personal, family, household, or home office use*, or for use in private motor vehicles. [Emphasis added.]

As is evident from the above, AHP’s products are not subject to the Act unless they are “***normally used or sold for personal, family, household, or home office use***”.

### What products are expressly excluded from the scope of SB244?

In addition to defining what products are subject to its provisions, the Right to Repair Act goes further and expressly ***excludes*** from the definition of an “electronic or appliance product” any “equipment” defined in Chapter 28 (commencing with Section 22900) of Division 8 of the Business and Professions Code. The definition of “equipment” in Section 22900 of the Business and Professions Code is as follows:

“Equipment” means all-terrain vehicles and other machinery, equipment, implements, or attachments used for, or in connection with, any of the following purposes:

(A) Lawn, garden, golf course, landscaping, or grounds maintenance.

(B) Planting, cultivating, irrigating, harvesting, and producing agricultural or forestry products.

(C) Raising, feeding, or tending to, or harvesting products from, livestock and any other activity in connection with those activities.

(D) Industrial, construction, maintenance, mining, or utility activities or applications, including, but not limited to, material handling equipment.

Thus, expressly excluded from the scope of SB244 is any “*equipment...used for, or in connection with...industrial, construction [or] maintenance...applications.*”

### What does American Hakko market and sell?

AHP markets and sells soldering stations. Those soldering stations comprise “equipment” used predominantly for *industrial, construction or maintenance* applications. That is, they are normally purchased by manufacturers and other businesses that use soldering stations to manufacture, repair or maintain electronic products. By their nature, they are not the type of item “normally used or sold for personal, family, household, or home office use.” Indeed, the Act gives the following specific examples of products within its scope:

televisions, radios, audio or video recorders, video cameras, video games, computer systems, photocopiers, or facsimile machines

refrigerators, freezers, ranges, microwave ovens, washers, dryers, dishwashers, trash compactors, or room air-conditioners

While the Right to Repair Act states that the cited examples are not exhaustive, they do nonetheless strongly suggest that soldering stations are not like the televisions, radios, refrigerators, dishwashers, and similar items normally found in a home that the Act was intended to regulate.

Of course, there may be a handful of hobbyists or other home tinkerers who buy soldering stations for non-industrial purposes, but such occasional purchasers do not transform AHP’s soldering stations into non-industrial equipment. Indeed, it should be noted that the *Claimant himself is a professional repair service provider* who presumably uses soldering stations to repair electrical or electronic products. Claimant is not using AHP’s soldering stations for personal, family, household, or home office use.

### Demands Made by the Claimant after July 1, 2024

Below we identify the two formal requests submitted by the Claimant for documents and information after July 1, 2024 (the effective date of SB244) and discuss how AHP responded to each request. These are the only two formal requests submitted by the Claimant to AHP pursuant to the California Right to Repair Act. So that the Bureau has a more complete understanding of the interactions between the Claimant and AHP, we are also attaching as Exhibit A hereto a detailed chronology of communications between AHP and the Claimant after July 1, 2024.

#### Request made July 1, 2024

By email dated July 1, 2024, the Claimant requested documents and information relating to the following products:

Hakko FM-203 Soldering Station  
Hakko FM-204/205 Soldering Station  
Hakko FX-951 Soldering Station  
Hakko FM-202 Soldering Station

Each of soldering stations was first manufactured and sold well before July 1, 2021, the demarcation line for determining the products subject to the California Right to Repair Act. For this reason, AHP responded (through legal counsel) to the Claimant<sup>1</sup> on July 11, 2024, as follows:

You have requested information regarding the following four products:

Hakko FM-203 Soldering Station  
Hakko FM-204/205 Soldering Station  
Hakko FX-951 Soldering Station  
Hakko FM-202 Soldering Station

Each of these stations was manufactured and sold prior to July 1, 2021.  
For this reason, none of them are within the scope of the California Right to Repair law.

#### Request made July 11, 2024

Unable to rebut the rationale for denying access to documents for the initial four products, within a few hours after receiving the denial communication, the Claimant requested documents for the following two soldering stations:

FX 971  
FX-972

These two soldering stations were, in fact, first manufactured and sold after July 1, 2021, and so satisfied the “date of first sale” requirement of SB244. However, neither soldering station is normally used or sold for personal, family, household, or home office use. Based on this fact, AHP declined Claimant’s second request with the following message sent via email on July 29, 2024:

In response to your request for documents relating to Hakko’s FX-971 and FX-972 stations, please be advised that neither the FX-971 nor the FX-972 are normally used or sold for personal, family, household, or home office use. For this reason, they are both beyond the scope of the California Right to Repair Act, and we decline the request.

#### **What is AHP willing to make available to the Claimant?**

To date, the Claimant has failed to make a request for documents and information with respect to a product that falls within the scope of the California Right to Repair Act. Even though AHP has fully complied with the Act, AHP is willing to provide the Claimant with documents and

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<sup>1</sup> AHP also exchanged emails with the Claimant making available to him access to certain repair manuals containing information on how to repair these products. Those repair manuals encompassed most of the documents and information that would be required under SB244, if the identified products were within the scope of the Act.

information that should enable the Claimant to repair AHP products. Specifically, AHP is willing make available the following:

1. Firmware for all AHP products first manufactured and sold on or after July 1, 2021.
2. Service manuals for all AHP products first manufactured and sold on or after July 1, 2021.
3. A list of parts (and prices) for all AHP products first manufactured and sold on or after July 1, 2021.
4. Identification of the tools normally used by AHP to repair and/or service AHP products first manufactured and sold on or after July 1, 2021.<sup>2</sup>
5. To the extent maintained by AHP, AHP is willing to make available service manuals, parts lists and tools lists for AHP products manufactured and sold before July 1, 2021.

It should be noted that the service manuals that AHP is prepared to release are the same manuals that AHP itself uses to repair the soldering stations that it markets. AHP does not possess and therefore does not rely upon schematics to repair products. Making such service manuals available should, therefore, place the Claimant in the same position as AHP when it comes to repairing and servicing the soldering stations marketed by AHP.

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We hope this letter makes it clear that AHP fully complied with the California Right to Repair Act and that AHP is prepared to make available firmware, service manuals and parts for all products first sold after July 1, 2021, whether or not those products are subject to the Act. To the extent available, AHP is also willing to make firmware, service manuals and parts available even for products not within the scope of the Act because they were first sold in California before July 1, 2021. Making these things available to the Claimant should place him in the same position as AHP when making repairs to AHP products.

If useful, we would welcome an opportunity to address any questions that the Better Business Bureau may have.

Very truly yours,

  
Hitoshi Fujiwara  
President

<sup>2</sup> The parts and tools are usually listed in the applicable service manual. If not, AHP will identify such parts and the pricing for such parts. For tools, AHP is prepared, upon request, to identify vendors or other sources that can supply such tools.