



February 28, 2023

Minnesota Senate Commerce and Consumer Protection Committee  
Room G-15 Minnesota State Capitol  
75 Rev Dr Martin Luther King Jr Boulevard  
St Paul, MN 55155

Re: Opposition to S.F. 1598

Dear Chair Klein and Members of the Committee:

I am Steven McMahon, Field Service Power Generation Area Manager, based at our Sales and Service branch in White Bear Lake. I write today on behalf of Cummins and our almost 2000 employees in Minnesota with manufacturing, corporate and distribution locations throughout the state, to express our opposition to SF 1598. If adopted, this bill will have a significant impact on our business and could pose serious safety, security, and environmental risks to Minnesotans.

While the bill excludes motor vehicles, that language should be expanded to also exempt all categories of nonroad and stationary equipment. As drafted, SF 1598's broad requirements would apply to Cummins' nonroad and off-highway engines included in farm equipment, construction equipment, locomotives, marine vessels, and stationary generators.

Cummins engines and powertrains are designed to meet the latest emissions and safety regulations, which are set by federal and state law. The engines are controlled by sophisticated computer systems with proprietary software that ensure our products perform in the manner they were designed, and the emissions meet the mandated regulations. Our employees work hard to support our customers to make sure their Cummins products are working correctly and meet the safety and emissions standards set for our products. Our customers rely on the expertise of our technicians to make the necessary repairs and service so their vehicles and equipment can get back to work.

Unfortunately, there are vendors in the market that attempt to sell products to reprogram our emissions and safety controls to change the way our engines perform. These alterations are in direct violation of the federal Clean Air Act, for which the vendors and consumers are liable for fines and penalties. The modifications also create liability issues for manufacturers such as Cummins, who remain responsible for safe and efficient operation of our products. Giving access to our software will allow vendors, hackers, and other ill-intended individuals the ability undermine manufacturers' innovation and intellectual property rights, increase the risk of unlawful tampering that runs afoul of applicable safety, security, and emission requirements, and pose potential corporate reputational risk due to damage from work done without our consent or knowledge. We do not believe that proprietary software, developed specifically for the safe operation of equipment that meets strict government regulations, should be tampered with.

Thank you for your time and consideration. If you would like to discuss SF 1598 and how it will impact our Minnesota operations, please feel free to contact me.

Sincerely,

**Steven McMahon**  
**Field Service Power Generation Area Manager**

Cummins Sales and Service  
1600 Burkle Road  
White Bear Lake, MN 55110  
Phone (651) 286-2203  
Cell (651) 206-4640  
john.haine@cummins.com