

From: [Elizabeth Jones](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, December 17, 2020 2:14:47 PM

From: sunset@sunset.texas.govOn Behalf Of Texas Sunset Commission
Sent: Thursday, December 17, 2020 1:56:00 PM (UTC-06:00) Central Time (US & Canada)
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: Jessica

Last Name: Andrews

Title:

Organization you are affiliated with: ARA

Email: jessica@a-r-a.org

City: Manassas

State: Virginia

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

December 17, 2020

Texas Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

Re: Regulation of Used Automotive Parts Recyclers

Dear Chairman Cyrier and Members of the Commission:

The Automotive Recyclers Association (ARA) represents the interests of over 4,500 professional automotive recyclers across the United States and in 17 countries internationally. ARA is dedicated to the efficient removal and reutilization of genuine original equipment manufacturer (OEM) automotive parts. On behalf of its members in Texas, ARA would like to express opposition to Recommendation 5.1 of the Commission's review of the Texas Department of Licensing and Regulation (TDLR) which would transfer regulation of Used Automotive Parts Recyclers (UAPR) in the state from TDLR to the Department of Motor Vehicles (TxDMV).

Licensed Used Automotive Parts Recyclers in Texas and throughout the country adhere to a multitude of stringent environmental and safety regulations. It is critical that state agencies with oversight of UAPRs truly understand the automotive recycling industry in order to appropriately regulate it. Based on the feedback from ARA members operating in Texas, ARA strongly believes that TDLR should retain oversight of our industry and that there is no need for a transfer of regulatory oversight.

In 2009 ARA affiliate chapter organization, the Texas Automotive Recyclers Association (TARA), went to the state legislature and asked that regulation of the industry be moved from the Texas Department of Transportation to

TDLR in order to ensure meaningful regulation. This was a move that ARA supported and continues to support, as the member experience with TDLR has been a positive one for over a decade. Furthermore, ARA believes that appropriate regulation of the industry by TDLR has resulted in identifying illegitimate businesses that pose a threat to all licensed, law-abiding recyclers.

Additionally, ARA opposes the consolidation of the Used Automotive Parts Recycler license with the salvage dealer license. A professional Used Automotive Parts Recycler's work goes well beyond that of a salvage dealer, as illustrated by the table below, courtesy of the Texas Automotive Recyclers Association.

UAPR's primary business is the dismantling vehicles and selling safe automotive parts. Salvage dealer's primary business is the buying, selling or rebuilding vehicles.

UAPR are dismantling facilities that are required to meet environmental requirements established by the U.S. Environmental Protection Agency (EPA)

and the Texas Commission on Environmental Quality (TCEQ). Salvage dealers do not have the facilities to operate a dismantling operation meeting federal and state environmental requirements. For instance, salvage dealers do not have facilities or training in properly handling hazardous fluids.

UAPR are required to have a Stormwater permit required by the EPA and issued by the TCEQ. Salvage dealers are not required to have a Stormwater permit.

UAPR have tracking systems to appropriately handle recalls of unsafe automotive parts such as Takata airbags. Salvage dealers do not have tracking systems in place or experience with handling recalls of unsafe automotive parts.

UAPR are trained and experienced in selling safe used automotive parts with warranty and accountability of ownership. Salvage dealers are not trained or experienced in the selling of used automotive parts and do not provide warranty and accountability of used automotive parts.

These two business models are not the same and it is not appropriate to consolidate them into a single license.

ARA urges members of the Commission to reconsider the reasons behind Recommendation 5.1 and strongly consider the comments coming from the state's UAPRs, comments that do not support a transfer of regulatory oversight from TDLR.

Thank you for your consideration and I am happy to answer any questions you may have.

Sincerely,

Sandy Blalock
Executive Director

Any Alternative or New Recommendations on This Agency:

December 17, 2020

Texas Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

Re: Regulation of Used Automotive Parts Recyclers

Dear Chairman Cyrier and Members of the Commission:

The Automotive Recyclers Association (ARA) represents the interests of over

4,500 professional automotive recyclers across the United States and in 17 countries internationally. ARA is dedicated to the efficient removal and reutilization of genuine original equipment manufacturer (OEM) automotive parts. On behalf of its members in Texas, ARA would like to express opposition to Recommendation 5.1 of the Commission's review of the Texas Department of Licensing and Regulation (TDLR) which would transfer regulation of Used Automotive Parts Recyclers (UAPR) in the state from TDLR to the Department of Motor Vehicles (TxDMV).

Licensed Used Automotive Parts Recyclers in Texas and throughout the country adhere to a multitude of stringent environmental and safety regulations. It is critical that state agencies with oversight of UAPRs truly understand the automotive recycling industry in order to appropriately regulate it. Based on the feedback from ARA members operating in Texas, ARA strongly believes that TDLR should retain oversight of our industry and that there is no need for a transfer of regulatory oversight.

In 2009 ARA affiliate chapter organization, the Texas Automotive Recyclers Association (TARA), went to the state legislature and asked that regulation of the industry be moved from the Texas Department of Transportation to TDLR in order to ensure meaningful regulation. This was a move that ARA supported and continues to support, as the member experience with TDLR has been a positive one for over a decade. Furthermore, ARA believes that appropriate regulation of the industry by TDLR has resulted in identifying illegitimate businesses that pose a threat to all licensed, law-abiding recyclers.

Additionally, ARA opposes the consolidation of the Used Automotive Parts Recycler license with the salvage dealer license. A professional Used Automotive Parts Recycler's work goes well beyond that of a salvage dealer, as illustrated by the table below, courtesy of the Texas Automotive Recyclers Association.

UAPR's primary business is the dismantling vehicles and selling safe automotive parts. Salvage dealer's primary business is the buying, selling or rebuilding vehicles.

UAPR are dismantling facilities that are required to meet environmental requirements established by the U.S. Environmental Protection Agency (EPA)

and the Texas Commission on Environmental Quality (TCEQ). Salvage dealers do not have the facilities to operate a dismantling operation meeting federal and state environmental requirements. For instance, salvage dealers do not have facilities or training in properly handling hazardous fluids.

UAPR are required to have a Stormwater permit required by the EPA and issued by the TCEQ. Salvage dealers are not required to have a Stormwater permit.

UAPR have tracking systems to appropriately handle recalls of unsafe automotive parts such as Takata airbags. Salvage dealers do not have tracking systems in place or experience with handling recalls of unsafe automotive parts.

UAPR are trained and experienced in selling safe used automotive parts with warranty and accountability of ownership. Salvage dealers are not trained or experienced in the selling of used automotive parts and do not provide warranty and accountability of used automotive parts.

These two business models are not the same and it is not appropriate to consolidate them into a single license.

ARA urges members of the Commission to reconsider the reasons behind Recommendation 5.1 and strongly consider the comments coming from the state's UAPRs, comments that do not support a transfer of regulatory oversight from TDLR.

Thank you for your consideration and I am happy to answer any questions you may have.

Sincerely,

Sandy Blalock
Executive Director

My Comment Will Be Made Public: I agree