

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, May 9, 2018 12:42 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: DEPARTMENT PUBLIC SAFETY DPS

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

Dear Sunset Advisory Commission,

We are writing you in response to the Sunset Advisory Commission Staff Report published by the Texas Department of Public Safety for the 2018–2019, 86th Legislature. Notably, the conclusions and recommendations regarding the alcohol ignition interlock device (IID) program on pages 55-56 are not supported by research evidence. The report states “Since the [IID] devices are fully regulated, regulating the vendors is an unnecessary burden on these businesses.” (p. 55) and recommends to “Discontinue regulation of ignition interlock device vendors” (recommendation 5.3, p. 55).

As a leading independent road safety research institute and recognized authority on ignition interlock programs worldwide, we are writing you because the conclusion drawn in this report could not be further from the truth. We strongly urge you to reconsider this recommendation and the evidence in support of our position is summarized below. We hope that you will take the time to review the following information in our brief to reconsider the recommendation of the Commission.

In our capacity as President & CEO and Chief Operating Officer (COO) of the Traffic Injury Research Foundation (TIRF, www.tirf.ca), we have accumulated 35 years’ experience working with IID program administrators and industry leaders across the United States as well as internationally. We are an independent, scientific research institute, based in Canada, with a separate US office. We operate as a registered charity in Canada, and our US office is a registered 501(c)3. We receive funding from governments through research project contracts as well as from associations and industry. We have consulted with governments around the world (including the Netherlands, Australia, United Kingdom, Belgium, Norway and France in addition to the US and Canada) about IID programs. Perhaps most importantly, during the past ten years, we have delivered technical assistance to improve the implementation and delivery of IID programs in more than 35

states in the US with funding from the National Highway Traffic Safety Administration (NHTSA) through a cooperative agreement. Also, the Association of Ignition Interlock Program Administrators (AIIPA) hires TIRF to provide strategic advice to AIIPA.

Based on our expertise consulting with governments, conducting evaluations of ignition interlock programs on behalf of governments in Minnesota, Colorado, Nova Scotia (Canada) and the United Kingdom, as well as technical assistance across most US states, TIRF is a recognized world leader in this field. In addition, we have hosted an international symposia series on ignition interlocks since 2000 in more than half a dozen countries around the world.

One of the most important lessons drawn from more than 35 years of experience is that a prerequisite to an effective IID program that offers the best guarantee to protect the public is a high-quality interlock device embedded in a strong program that is well-regulated. In other words, a well-regulated device is a necessary but insufficient condition to protect the public. The importance of program regulation was in fact the theme of the 2016 International Alcohol Ignition Interlock Symposium, which is testament to the consensus regarding the importance of this issue in the field. This recognized evidence-based best practice led to the creation of a resource by TIRF to help states with the development of a vendor oversight plan (the report is available at: http://tirf.ca/wp-content/uploads/2016/08/NHTSA_Tech_Assistance_VendorReport_4_web.pdf). NHTSA provided funding for this through its cooperative agreement with TIRF and input from governments and industry representatives was gathered to inform the development of this report (please refer to the acknowledgements section).

Based on our knowledge and expertise about IID programs we can definitely state that there is no doubt about the need to regulate vendors in this industry to guarantee protection of the public. The benefits of vendor oversight are many, including:

- streamlining program management;
- eliminating non-compliance with service center rules regarding service delivery to clients and calibration of IIDs to avoid false positive or false negative readings on devices that are no longer within the acceptable calibration range;
- facilitating background checks of service center employees;
- clarifying agency roles and responsibilities;
- enhancing data collection;
- improving service delivery;
- increasing participation as a result of client satisfaction; and,
- facilitating program evaluation.

Several states have used this report to implement vendor oversight plans which are a top priority of states across the US. Today, there is a trend across the country to either implement vendor oversight (in jurisdictions where it does not yet exist) or to strengthen vendor oversight (in jurisdictions that already have some form of it in place). To illustrate this trend, in the past 18 months, TIRF has delivered technical assistance in NHTSA region 7 (December 2016), region 2 (August 2017), region 5 (December 2017), region 10 (January 2018), Alaska (May 2018) and Michigan (ongoing).

The agenda for these meetings is created based on the interest of participants (all participants have an opportunity to provide their input during preparatory conference calls or email) and each time, vendor oversight was a priority topic discussed at these meetings.

Not only can we definitively state that the facts demonstrate the value of vendor oversight, but based on our continued work to provide technical assistance, we can also attest to the fact that a consensus exists among industry leaders that vendor oversight is necessary, not only for the protection of the public but for the sustainability of the industry as well.

In this regard, vendor oversight has essentially helped to ensure there is a level playing field, thereby creating the environment for high-quality delivery of services to a client-base of offenders who may not necessarily want the best device – their desire to be non-compliant can become a motivation to select vendors who deliver sub-quality services as it enables them to circumvent program rules. This erodes the effectiveness of the IID program and can ultimately become a severe threat to the safety of the public.

In conclusion, we highly recommend that you reconsider the findings from the Sunset Advisory Commission Staff Report and urge you to abandon the idea of discontinuing regulation of IID vendors in Texas. We sincerely hope

that the information we have provided will help to make this decision but remain available, should you require more information. Please do not hesitate to contact us if you have follow-up questions about our brief.

Sincerely,

Robyn Robertson
President and CEO, TIRF
Secretary of the Board, TIRF USA, Inc.

and

Dr. Ward Vanlaar
COO, TIRF

Any Alternative or New Recommendations on This Agency: We recommend to reconsider the findings from the Sunset Advisory Commission Staff Report regarding IID vendor oversight. In particular, we highly recommend to abandon the idea of discontinuing regulation of IID vendors in Texas.

My Comment Will Be Made Public: I agree