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February 11, 2011

The Honorable Joe Balyeat
Chairman
Business, Labor, and Economic Affairs Committee
Montana Senate, PO Box 200500
Helena, MT 59620-0500

Dear Chairman Balyeat:

I am writing to express the Automotive Recyclers Association's (ARA) concern about Montana SB 264 that allows unlicensed and untrained individuals to dismantle and dispose of automobiles and ask that you oppose the bill.

The Automotive Recyclers Association (ARA), is the leading international trade association of professional automotive recyclers. ARA represents 4,500 automotive recycling facilities in the United States and fourteen other countries around the world. We proudly represent an industry dedicated to the environmentally efficient removal and reuse of automotive parts and the recycling of inoperable motor vehicles.

In 1994, ARA established the certified automobile recyclers program (CAR). CAR is set of standards for general business, environmental and safety procedures. CAR is one of the cornerstones of ARA's efforts to recognize and encourage extraordinary environmental and safety practices.

In 2002, ARA partnered with the U.S. Environmental Protection Agency to develop an environmental compliance center for automobile recyclers called ECAR. The ECAR Center is a "one-stop shop" for all automotive dismantling and recycling operations and provides comprehensive and up-to-date environmental compliance assistance. Its mission is to help reduce potential impacts on the environment from the automotive recycling sector through better availability of information regarding various forms of best management practices, pollution control and prevention and compliance with environmental regulations.

Our members go to great lengths and cost to properly dismantle vehicles. They carefully remove, accurately store and properly reuse or dispose of hazardous materials from vehicles to minimize environmental pollution. This includes acquiring proper storm water permits and removing and recycling mercury switches. Montana SB 264

undermines these efforts in Montana. It also sets a bad precedent for other states by allowing unlicensed and untrained individuals to handle and dispose of environmentally-harmful waste-stream products and hazardous materials which should be regulated by both the state and federal authorities.

On behalf of ARA members across the country, I ask that you oppose SB 264. If you have any questions, please contact me at (571) 208-0428 or michael@ara.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Wilson". The signature is written in a cursive, flowing style.

Michael E. Wilson
Chief Executive Officer



February 9, 2011

To: Senate Business, Labor, & Economic Affairs
RE: SB 264
From: Jim Carlson 

Chairman Balyeat and members of the committee.

My name is Jim Carlson. I supervise the Sanitarians and Junk Vehicle Program in Missoula County. I have been involved with the Junk Vehicle Program since 1974. I am speaking on behalf of the City and County of Missoula as well as MEHA which is the professional association of the Registered Sanitarians of Montana, and AMPHO which is the Association of Montana Public Health Officers.

Senate Bill 264 would create a new exemption to allow someone to dismantle up to three vehicles at a time without getting a wrecking vehicle license. We are in opposition to this bill for three reasons:

1. Not requiring a license for dismantling, parting out and recycling vehicles would mean that these small facilities would not be subject to the requirements of MCA 75-10-512 which requires each facility to keep records of each vehicle together with the name and address of the person from which it was obtained, certificate of title, or sheriff's sale certificate, or notarized bill of sale and other information. This information must be available to the County and the Department of Justice. The purpose of this requirement is to help insure that recycled and parted out vehicles are legally obtained and not stolen. This requirement has helped keep vehicle theft by chop shops and recyclers in Montana at a minimum.
2. The wrecking facility license requirement law has helped keep small operators out of residential backyard settings and encouraged legitimate business facilities in commercial and industrial settings. By allowing small facilities to recycle without license, people will start doing this in back yards and residential settings where the operation is not visible from the street but is visible to adjacent neighbors. This has the effect of making neighbors mad and frustrated and can have a significant effect on property values.
3. Facilities that purchase, crush and ship junk vehicles out of state, such as Pacific Steel, pay more money if the fluids have been removed. Fluids include gasoline, engine and transmission oils, radiator fluid and air conditioning fluids. It has been our experience that when backyard recyclers try to get top dollar for vehicles by removing fluids, they often do not dispose of vehicle fluids in a legal or acceptable manor. This leads to contamination of aquifers, surface water and property.

Montana has a group of existing businessmen that do a great job of recycling vehicles in a legal, non-invasive and sustainable manor. They have made the investment and run their business to do it right. Please don't create an unneeded loophole for others to do it wrong.