

Texas Metals Advisory Committee (TMAC)

Meeting Notes

October 6, 2022

1. Call to Order

The regular meeting of the Texas Metals Advisory Committee was called to order at 2:04 p.m. on October 6, 2022, via conference call.

2. Roll Call

Arnold Gachman	Chairman	Metals Recycling Representative
Carlos Breeden	Member	Metals Recycling Representative
David Bayouth	Member	Metals Recycling Representative
David Sowell	Member	Metals Recycling Representative
Jim Shapiro	Member	Metals Recycling Representative
Kevin Haynes	Member	Metals Recycling Representative
Raul Flores	Member	Metals Recycling Representative
Jason Hester	Assistant Chief	Texas Department of Public Safety
Pablo Luna	Service Director	Texas Department of Public Safety
Chris Sims	Service Director	Texas Department of Public Safety
Sherry Zgabay	Service Director	Texas Department of Public Safety
Lisa Cargill	Deputy Manager	Texas Department of Public Safety
Christopher Lyons	Deputy Manager	Texas Department of Public Safety
Chris Hanson	Captain	Texas Department of Public Safety
Jeremy LeCrone	RSD Manager	Texas Department of Public Safety
Steve Moninger	Senior Policy Analyst	Texas Department of Public Safety
Leslie Stevens	Personnel Admin Specialist	Texas Department of Public Safety

3. Minutes from June 23, 2021

The minutes of the previous meeting were unanimously approved as distributed.

4. Reports from Regulatory Services Division

Assistant Chief Jason Hester referred the committee to the Metal Recycling Advisory Committee Statistics report, stating that after COVID RSD had begun performing inspections again. Sherry Zgabay informed the committee that the report reflected comparisons between calendar years 2021 and 2022. However, the 2022 statistics were only reporting through August, and since the 2022 year had not yet completed, the reported numbers would change. She also explained that there was a new penalty schedule and many violations now had fines attached to them.

Assistant Chief Jason Hester reminded the committee that the legislative year would soon begin and DPS would be available as a resource witness only, therefore unable to testify for or against any issue. He continued stating that one such issue expected to be discussed was involving catalytic converters. He stated that if

someone were to be stopped with catalytic converters, and if they were not a Metals Recycling Entity, nor able to prove ownership of the catalytic converter, they would be arrested. Jim Shapiro asked for clarification regarding if one of his employees were to transport on his behalf if they would also be arrested. Assistant Chief Hester stated Law Enforcement agencies were asking that if someone is working for an MRE, they would have some sort of license or documentation to that effect.

Assistant Chief Jason Hester reminded the committee that MRE training would be due in 2023 and asked if they saw a benefit in requiring training. Jim Shapiro commented that new MRE's need the training, but that renewal did not seem to be needed, as it is just repetitive. David Bayouth agreed with this assessment. Chairman Gachman stated he felt that new MREs and new employees being trained was sufficient.

5. Industry Reports/Information

a. Metal Recycling Entities

Jim Shapiro reported to the committee that a large theft ring had been operating in the Austin area and was moving toward Houston. This theft ring had been cutting holes in the roofs of MREs and going into the facilities to rob them. He stated they had hit eleven or twelve in the area over the past three to four months. He reminded the committee that a similar group had done the same thing in the Dallas area a few years prior, and it turned into a major issue. Assistant Chief Jason Hester asked if Austin Police Department (APD) had gotten involved. Jim replied that they did not come to his facility when he was robbed, but rather just took a report over the phone.

b. Industry Member

Arnold Gachman stated that he wanted to discuss the composition of the committee and its vacancies. Assistant Chief Hester stated that there was currently one application in the background check process that should be completed by the next meeting, expected to take place in June or July 2023.

6. Discussion and Possible Recommendation Items

Steve Moninger began discussion of this agenda item, stating that changes were being proposed to rule §36.5. He stated that subsections (8) and (9) were being added to address the transport of catalytic converters and those who may be permitted, registered, or licensed by another state. He stated that this rule would go before the Public Safety Commission on October 13, 2022.

On a unanimous vote the committee approved the amendments to rule §36.5, as presented.

7. Future agenda items

There were no agenda items to add at this time.

8. Date of next meeting- To Be Determined

It was agreed that the committee would wait for the Legislative Session to end before scheduling another meeting, estimated for June or July 2023.

9. Adjourn

Meeting adjourned at 12:48pm