



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 1, 2024

The Honorable Denise Ricciardi
Chair, Senate Transportation Committee
Legislative Office Building
Concord, NH 03301

Re: HB 1403, An Act relative to temporary waivers for vehicle emission control equipment.

Dear Chair Ricciardi and Members of the Committee:

Thank you for the opportunity to comment on behalf of the New Hampshire Department of Environmental Services (NHDES) regarding HB 1403 relative to temporary waivers for vehicle emission control equipment. NHDES takes no position on this bill but provides information for consideration by the General Court.

Motor vehicles in New Hampshire are the largest source of the air pollution that causes the formation of ground level ozone, a respiratory irritant, and the largest source of greenhouse gas emissions that contribute to climate change in New Hampshire. Vehicle inspection programs, including New Hampshire's OBD inspection pursuant to RSA 266:59b, are a proven way to reduce emissions from motor vehicles. New Hampshire is required to have its vehicle emissions inspection and maintenance (I/M) program, including OBD testing and repair, because portions of the state have exceeded federal air quality standards for ozone and because we are in the federally designated Ozone Transport Region.

HB 1403 proposes to revise RSA 266:59-b,V relative to motor vehicle inspections by extending the 60-day temporary waiver period that permits the operation of a vehicle that fails the federally required On Board Diagnostics (OBD) test but passes all other inspection requirements to 120 days.

Division of Motor Vehicle rules already provide for economic hardship time extensions beyond the 60-day temporary waiver on a case-by-case basis. Administrative Rule Saf-C 3222.08 enables a person who cannot make the necessary repairs due to economic hardship to apply to the division for an economic hardship waiver. The waiver is valid until the end of the inspection period (1 year) for which it is issued. Such extensions are for a single inspection cycle and a vehicle must pass a subsequent OBD inspection before an additional waiver may be issued. The hardship extensions were initiated in 2007 and amended in 2019. A total of 47 economic hardship time extensions were provided in 2022 and 35 of the time extensions were used.

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The federal Clean Air Act (CAA) requires states to submit State Implementation Plans (SIP) to the Environmental Protection Agency (EPA) defining programs and associated administrative rules that will be implemented to bring states in compliance with federal air quality standards. New Hampshire's federally approved vehicle Inspection and Maintenance (I/M) SIP includes the authorizing statutes and state administrative rules for the current I/M program. Therefore, the current state statute and state rules are federally enforceable and any revisions that change a requirement of the approved program will require submittal and approval of a revised SIP.

The timeline for EPA to review and act upon proposed changes to an approved SIP is generally 18 to 24 months from the date of submittal. Should New Hampshire change the program requirements prior to EPA approval of a revised SIP the state could be subject to federal sanctions, up to and including loss of highway funds as provided under the CAA¹. Additionally, approval of such a change cannot be guaranteed.

Air quality modeling would need to be developed to support any proposed SIP revision. Because of anti-backsliding provisions of the CAA any increase in emissions due to changes to this statute and associated administrative rules may need to be offset by corresponding reductions from other sectors. The burden of offsetting the additional emissions would most likely fall on the business sector, including industries and utilities.

Thank you again for the opportunity to comment on HB 1403. Should you have questions or need additional information please feel free to contact Jessica Wilcox, Mobile Sources Supervisor (603-271-5552, jessica.wilcox@des.nh.gov) or Rebecca Ohler, Administrator, Technical Services Bureau (603-271-6749, rebecca.ohler@des.nh.gov) with NHDES' Air Resources Division.

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 1403: Representatives Coulon, Phillips, Berezny, Granger, Brouillard

¹ CAA Section 110(m) and Section 179(a) and (b), <http://epa.gov/oar/caa/title1.html#ia>