



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 7, 2011

The Honorable James Rausch, Chairman
Senate Transportation Committee
Legislative Office Building
Concord, NH 03301

Re: House Bill 540 – biennial motor vehicle inspections

Dear Chairman Rausch and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (DES) regarding HB 540, which seeks to change the annual motor vehicle inspections, including the On Board Diagnostics (OBD II) emission inspection, to biennial. DES cannot support this bill as written. Reducing the frequency of the OBD II inspection will increase emissions from motor vehicles registered in the state. This could have a negative impact on New Hampshire businesses that may have to further reduce their emissions to offset the increase.

Motor vehicles account for half of the air pollution that causes the formation of ground level ozone. New Hampshire is required to have vehicle emissions inspection and maintenance (I/M) program, including OBD II, because portions of the state are not in compliance with federal air quality standards for ozone and because we are located in the Ozone Transport Region. The Clean Air Act (CAA) also requires states to submit an I/M State Implementation Plan (SIP) to the Environmental Protection Agency (EPA). The SIP submittal includes authorizing statutes and state administrative rules implementing the I/M program. Upon approval of the SIP by EPA the statutes and state rules become federally enforceable.

New Hampshire's currently approved I/M SIP establishes the program as a statewide annual inspection that includes a visual anti-tampering inspection for vehicles less than 20 years old, and an OBD II test for 1996 and newer vehicles. A change to the current program would require submittal of a SIP revision to EPA and the agency's subsequent approval of that revision. Changes to the I/M program prior to approval of a revised SIP could subject the state to federal sanctions, including loss of highway funds as provided under the CAA¹.

It is possible that air quality modeling could be developed to support EPA approval of a SIP revision. However, the department would be concerned by the timing of such an action and the impact it could have on industries and utilities that hold air emission permits. The CAA requires EPA to evaluate air quality standards periodically, and adjust them if the science indicates lower levels are necessary to protect human health and the environment. EPA has recently proposed a revision of the ozone standard downward to reflect current scientific data, and is scheduled to announce a new, lower standard this coming summer. The lower standard will trigger a re-evaluation of existing air pollution control programs, including I/M, to determine if they are adequate to ensure attainment of the revised standard. Should additional reductions be

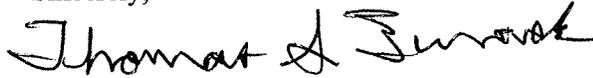
¹ CAA Section 110(m) and Section 179(a) and (b), <http://epa.gov/oar/caa/title1.html#ia>

necessary to comply with the new standard, the state would need to evaluate all options, including an annual I/M program, to achieve those reductions.

Motor vehicle I/M programs are a cost effective tool, and one of the few tools available to states, for reducing emissions from this sector. Annual I/M programs are more effective at reducing emissions than biennial programs. If the option for a more effective annual inspection program is statutorily prohibited, the burden of more stringent standards would fall on the business sector, including industries and utilities. Therefore, the department cannot support a change to a biennial state inspection at this time as this may impose an unfair burden on New Hampshire businesses that could also negatively impact jobs during this economic recovery. The existing I/M program helps achieve the appropriate level of emissions reductions from motor vehicles, which are a significant source of air pollution in New Hampshire.

Thank you again for the opportunity to comment on HB 540. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, robert.scott@des.nh.gov) or Rebecca Ohler, Transportation and Energy Programs Manager (271-6749, rebecca.ohler@des.nh.gov) of his staff.

Sincerely,



Thomas S. Burack
Commissioner

cc: HB 540 sponsors
John Barthelmes, Commissioner, DOS
Richard Bailey, Director, DMV