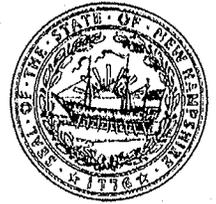


The State of New Hampshire  
**Department of Environmental Services**

**Thomas S. Burack, Commissioner**

*Celebrating 25 years of protecting  
New Hampshire's environment.*



January 17, 2012

The Honorable Sherman Packard, Chairman  
House Transportation Committee  
Legislative Office Building  
Concord, NH 03301

**Re: House Bill 1693 – biennial motor vehicle inspections**

Dear Chairman Packard and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (DES) regarding HB 1693, which seeks to change the annual motor vehicle inspections, including the On Board Diagnostics (OBD) emission inspection, to biennial. DES has concerns with this bill as written. Reducing the frequency of the OBD 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 in motor vehicle emissions.

In New Hampshire motor vehicles account for half of the air pollution that causes the formation of ground level ozone. New Hampshire is required to have a vehicle emissions inspection and maintenance (I/M) program, including OBD, because portions of the state have exceeded federal air quality standards for ozone and because we are located in the Ozone Transport Region. The federal Clean Air Act (CAA) requires states to submit an I/M State Implementation Plan (SIP) to the Environmental Protection Agency (EPA) outlining programs that will be implemented to bring states in line with air quality standards. The I/M SIP submittal includes authorizing statutes and state administrative rules implementing the I/M program. Upon approval of the SIP by EPA, the state rules become federally enforceable. Importantly, the EPA SIP approval process could take in excess of one year and is highly dependent on the public comment and other input EPA might receive.

New Hampshire's currently approved I/M SIP, one that was the result of extensive negotiations with EPA to implement a program that was less stringent than that required under the CAA, 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 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

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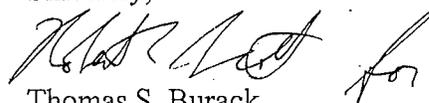
of a revised SIP could subject the state to federal sanctions, including loss of highway funds as provided under the CAA<sup>1</sup>.

It is possible that air quality modeling could be developed to support EPA approval of a SIP revision. However, because of anti-backsliding provisions of CAA section 164, any increase in emissions due to a change to biennial inspections would need to be offset by corresponding reductions from other sectors. It is the department's opinion that the stationary source sector has borne the primary burden for reducing air pollution emissions in the state for many decades and that it is entirely appropriate for the mobile source sector to do its part to reduce emissions.

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 annual inspection program were statutorily replaced in New Hampshire by biennial testing, the burden of more stringent standards would fall on the business sector, including industries and utilities. Therefore, the department is concerned that a change to a biennial state inspection 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 1693. 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](mailto:robert.scott@des.nh.gov)) or Rebecca Ohler, Transportation and Energy Programs Manager (271-6749, [rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov)) of his staff.

Sincerely,



Thomas S. Burack  
Commissioner

cc: HB 1693 sponsors  
John Barthelmes, Commissioner, DOS  
Richard Bailey, Director, DMV

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