



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



**Thomas S. Burack, Commissioner**

January 28, 2015

The Honorable Steven Smith, Chairman  
House Transportation Committee  
Legislative Office Building  
Concord, NH 03301

**Re: House Bill 387-FN – biennial motor vehicle inspections**

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (DES) regarding HB 387-FN, which seeks to change the annual motor vehicle inspections, including the On Board Diagnostics (OBD) emission inspection, to biennial. 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. Therefore, DES cannot support this bill.

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, because portions of the state formerly 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 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 statutes and state rules become federally enforceable.

New Hampshire's currently approved I/M SIP was the result of extensive negotiations with EPA to implement a program less stringent than that required under the CAA. It established a statewide annual inspection program that includes a visual anti-tampering inspection for vehicles less than 20 years old, and an OBD test for 1996 and newer vehicles. Since the program was established, New Hampshire's air quality has improved and currently meets the applicable ozone standard. However, changing the requirement from annual to biennial OBD testing would result in emission-related component failures to go undetected for two years. This could have the unintended consequence of undermining our progress and bringing the state back into noncompliance with the standard. In addition, 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



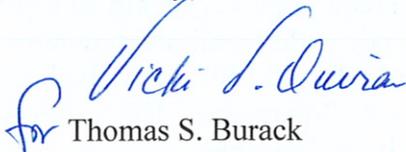
approval of a revised SIP could subject the state to federal sanctions, including loss of highway funds as provided under the CAA<sup>1</sup>.

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 the CAA any increase in emissions due to a change to biennial inspections would need to be offset by corresponding reductions from other sectors. Additionally, if the existing air quality standard is lowered, that would necessitate even more reduction from other sectors. The stationary source sector has borne the primary burden for reducing air pollution emissions in the state for many decades and 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 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 is concerned 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 387-FN. Should you have further questions or need additional information please feel free to contact Craig Wright, Director, Air Resources Division (271-1088, [craig.wright@des.nh.gov](mailto:craig.wright@des.nh.gov)) or Felice Janelle, Mobile Sources Section Supervisor (271-4848, [felice.janelle@des.nh.gov](mailto:felice.janelle@des.nh.gov)) of his staff.

Sincerely,

  
for Thomas S. Burack  
Commissioner

cc: HB 387-FN 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://uscode.house.gov/Chapter 85 Air Pollution Prevention and Control>