



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



**Robert R. Scott, Commissioner**

January 30, 2018

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

**Re: HB 1507, An Act** relative to state inspection of new motor vehicles.

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (NHDES) regarding HB 1507, which seeks to exempt new motor vehicles from inspection requirements for three years. NHDES opposes this bill.

Vehicle inspection programs, including New Hampshire's On Board Diagnostic (OBD) inspection, are a proven way to reduce emissions from motor vehicles. While newer vehicles are less likely to malfunction than older vehicles, they do still have malfunctions that result in excess pollution. The annual inspection is a way to ensure that all malfunctioning vehicles are repaired so they continue to operate at the emissions level to which they were initially certified. Early detection of malfunctions can also prevent more costly repairs. For example, if not detected early a bad spark plug can cause damage to the catalytic converter, which is very expensive to replace. In addition, most vehicles are still under the manufacturer's warranty for the first three years and any malfunction of pollution control systems are likely to be repaired under that warranty.

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, in the past, 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 submit an I/M State Implementation Plan (SIP) to the Environmental Protection Agency (EPA) outlining programs that will be implemented to meet and maintain air quality standards. New Hampshire's 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, one that was the result of extensive negotiations with EPA to implement a program less stringent than that typically required under the CAA, establishes the program as a statewide annual inspection that includes 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 of a revised SIP could subject the state to federal sanctions, including loss of highway funds as provided under the CAA<sup>1</sup>.

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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>

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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 exemption of certain model years from inspection would need to be offset by corresponding reductions from other sectors. It is NHDES' 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 the transportation sector. If three model years of vehicles are exempted from the annual inspection program, the burden of offsetting the additional emissions would fall on the business sector, including industries and utilities. Therefore, NHDES is concerned a change to the current inspection requirements could impose an unfair burden on New Hampshire businesses. 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 1507. Should you have further questions or need additional information please feel free to contact me ([Robert.Scott@des.nh.gov](mailto:Robert.Scott@des.nh.gov), 271-2958) or Rebecca Ohler, Administrator, Technical Services Bureau (271-6749, [rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov)).

Sincerely,



Robert R. Scott  
Commissioner

cc: Representatives Spillane, Seaworth, McGuire; Senators Reagan, French  
John Barthelmes, Commissioner, DOS  
Elizabeth Bielecki, Director, DMV