



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 23, 2021

The Honorable Thomas Walsh
Chairman, House Transportation Committee
Legislative Office Building
Concord, NH 03301

Re: HB 522, An Act relative to motor vehicle inspections of new vehicles.

Dear Chairman Walsh 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 522, which seeks to change the annual motor vehicle inspection requirement for certain vehicles to a biennial requirement. NHDES takes no position on this bill, but provides information for consideration by the General Court relative to the emissions portion of the annual inspection. NHDES does not address safety issues in our comments.

HB 522 proposes to revise RSA 266:1, II to read, in part, “Any *new* vehicle *that is under warranty and owned by a natural person...*”. NHDES is unable to completely determine the potential impact of this change; in part, because it is not clear what is meant by “under warranty”, which could be limited to the manufacturer’s new vehicle warranty, or could be interpreted to include any warranty such as an extended warranty. Some warranties may not cover everything that could cause a vehicle to fail inspection. The department recommends that this term be more clearly defined.

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 may result in excess pollution. Should a vehicle fail the OBD test while under warranty the manufacturer would have to pay for the repair. If that vehicle is not required to pass an OBD test until after the warranty period and the consumer does not voluntarily initiate repairs, even if a manufacturer defect, then the consumer would have to pay for the repair. The annual inspection ensures that all identified 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 costlier repairs. For example, if not detected early, a bad spark plug can cause damage to the catalytic converter, which is very expensive to replace.

Motor vehicles in New Hampshire account for half of the air pollution that causes the formation of ground level ozone and are also the single largest source of greenhouse gas emissions that

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contribute to climate change. New Hampshire is required to have 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 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. 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 establishes the program as a statewide annual inspection that includes an OBD test for vehicles less than 20 years old. 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, if not rectified, subject the state to federal sanctions, up to and including loss of highway funds as provided under the CAA¹.

Air quality modeling would need to be developed to support EPA approval of a SIP revision. Because of anti-backsliding provisions of the CAA any increase in emissions due to exemption of certain vehicles from inspection may need to be offset by corresponding reductions from other sectors. If vehicles under warranty are inspected once every two years instead of annually, the burden of offsetting the additional emissions, if necessary, would most likely fall on the business sector, including industries and utilities.

Thank you again for the opportunity to comment on HB 522. Should you have further questions or need additional information please feel free to contact Timothy White, Mobile Sources Supervisor (271-5552, timothy.white@des.nh.gov) or Rebecca Ohler, Administrator, Technical Services Bureau (271-6749, rebecca.ohler@des.nh.gov) both within NHDES' Air Resources Division.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of HB 522: Representatives Torosian, Conley, Janigian, Cordelli, Lekas, Spillane
Robert L. Quinn, Commissioner, DOS
Elizabeth Bielecki, Director, DMV

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