



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



**Robert R. Scott, Commissioner**

January 30, 2023

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

**Re: HB 646-FN, An Act** eliminating the vehicle inspection mandate for non-commercial vehicles.

Dear Chairman Walsh and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (DES) regarding HB 646-FN, which seeks to eliminate the annual motor vehicles inspection requirement for other than commercial vehicles. NHDES opposes this bill.

Vehicle inspection programs, including New Hampshire's On Board Diagnostic (OBD) inspection which is conducted as part of the annual safety inspection, are a proven way to reduce emissions from motor vehicles. In addition to ensuring motor vehicles are safe, the annual OBD inspection ensures 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 over half of the air pollution that causes the formation of ground level ozone. Motor vehicle emissions inspection and maintenance (I/M) programs are a cost-effective tool, and one of the few tools available to states for reducing emissions from the transportation sector. New Hampshire is required to have I/M programs, including the OBD inspection, because portions of the state have exceeded federal air quality standards for ozone in the past and because we are located in the federally established Ozone Transport Region. The federal Clean Air Act requires that states submit an Inspection and Maintenance State Implementation Plan (I/M 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. These statutes and state rules, which have been submitted to and approved by EPA, are federally enforceable even if New Hampshire were to repeal them.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

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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 required under the Clean Air Act (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 Clean Air Act<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 elimination of the inspection program for non-commercial vehicles would need to be offset by corresponding reductions from other sectors. Therefore, should the annual emissions inspection requirement be eliminated for non-commercial light-duty vehicles, the burden of offsetting any resulting additional emissions would fall on the business sector, including local industries. NHDES feels that the existing I/M program achieves an appropriate level of emissions reductions from motor vehicles rather than burdening the commercial sector with achieving further emissions reductions.

Thank you again for the opportunity to comment on HB 646-FN. Should you have questions or need additional information, please feel free to contact me or Rebecca Ohler, Administrator, Technical Services Bureau, Air Resources Division (603-271-6749, [rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov)).

Sincerely,



Robert R. Scott  
Commissioner

cc: Sponsors of HB 646-FN: Representatives Santonastaso, Coulon, Yokela, and Mannion

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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>