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GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

March 15, 2023

Senator Ben Chipman, Chair
Representative Lynne Williams, Chair
131st Legislature
Joint Standing Committee on Transportation
100 State House Station
Augusta, ME 04330

RE: LD 746 “An Act to Modernize the State’s Vehicle Inspection System by Requiring Inspections Biennially and Allowing for an Electronic Inspection Program, LD 900 An Act to Modernize the State Motor Vehicle Inspection System.”

Dear Senator Chipman, Representative Williams, and Members of the Committee,

The Maine Department of Environmental Protection wishes to convey the impacts these bills could have on Maine’s efforts to remain in compliance with the federal Clean Air Act.

The Clean Air Act Amendments of 1990 require all states located in the Ozone Transport Region, which includes the State of Maine, with Metropolitan Statistical Areas of 100,000 people or more to implement an annual “enhanced” motor vehicle emissions inspection and maintenance (I/M) program as an ozone control strategy. Cumberland County is the minimum area in Maine that is required to comply with this requirement.

In 1997, the Legislature passed an enhanced emissions testing program for Cumberland County only; this program was subsequently approved by the U.S. Environmental Protection Agency (EPA) and became part of the Maine State Implementation Plan (SIP). The SIP is the state’s plan for achieving, maintaining and enforcing the national ambient air quality standards. Maine, along with some other areas in the northeast are using an abbreviated emissions testing protocol commonly referred to as the Ozone Transport Region “low-enhanced” program¹, in lieu of a more involved tail pipe testing program.

Maine’s I/M program began in January 1999, and requires the following to be conducted at the time of the safety inspection:

- 1) a visual inspection of the catalytic converter on all 1983 and newer vehicles (required statewide);
- 2) a gas cap pressure test that checks the ability of the cap to limit the release of gasoline vapors on 1974 and newer vehicles (required in Cumberland County); and

¹ This abbreviated program was developed for specific areas in the northeast that are statutorily required to implement I/M programs.

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- 3) an on-board diagnostics (OBD) inspection of emissions controls on 1996 and newer vehicles (required in Cumberland County).

Today's motor vehicles depend on the proper operation of a wide range of integrated systems, including those related to emissions control. Maine's I/M program not only helps to reduce motor vehicle emissions, but also provides consumers with valuable maintenance information on many of their vehicle's most important components, including the ignition, fuel metering and air injection systems, helping to reduce fuel use and save money. The annual inspection and maintenance program is effective in identifying improperly operating and defective vehicle emission control components, some of which may still be replaced under warranty.

Reducing the motor vehicle emission inspection frequency from an annual to biennial, or longer basis, would result in some loss of program effectiveness, as polluting cars and trucks may operate for longer periods before proper maintenance. Since the Maine I/M program is incorporated in the Maine SIP and therefore federally enforceable, implementation of these bills as written could be considered "backsliding" by EPA, meaning there is a loss of emission reduction credit from our State Implementation Plan. In this event, EPA would require the State of Maine to find additional emission credits to "make up" for credits lost because of the less frequent inspection schedule.

The Department fully supports an electronic state inspection program. However, the current proposal would create issues if the electronic system was optional and not mandatory. As we seek to curb the tampering of vehicles and the stickering of non-legal vehicles, we realize that unscrupulous shops could opt out of the electronic program and continue to illegally sticker vehicles that do not meet the safety or emission requirements that are laid out in the inspection manual. Without an electronic program this will continue to be difficult or impossible to track.

Maine does not receive full "credit" from EPA for the I/M program because the Department cannot determine the emission control failure rate without an electronic reporting system for the inspection program. Since Cumberland County is our only enhanced inspection area of the state, an electronic inspection should at a minimum include all shops in Cumberland County as we modernize the inspection program.

Thank you for the opportunity to provide our comments, and we would be happy to attend the work session to answer any questions.



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