

A Brief History of PA's Emission Inspection Program

In 1990, Congress set the requirement for an enhanced program in the Clean Air Act Amendments. This centralized testing plan was considered inconvenient to motorists and unresponsive to Pennsylvania's needs. The citizens and industry overwhelmingly rejected this program in 1994.

In October 1995, the Commonwealth announced Pennsylvania's decentralized Vehicle Emissions Inspection and Maintenance Program. This decentralized program was designed to be a "customer-focused" process that was affordable, convenient to motorists, and meet Pennsylvania's regional clean air goals.

In 1997, the Commonwealth initiated an enhanced auto emissions testing program that was designed and implemented to improve the air quality in nine counties in the Philadelphia and Pittsburgh regions. The service industry played a key role in making the deployment of the emissions program a success.

In November 1999, an expanded emissions program was to be implemented in the South Central and Lehigh Valley areas. The Commonwealth did not proceed at that time because the programs in Philadelphia and Pittsburgh were relatively new and stakeholder groups had not yet been given an opportunity to guide the overall air-quality improvement plan for the South Central and Lehigh Valley areas.

In January 2000, the Stakeholders Groups made their recommendations. They suggested an emissions program similar to the program already in place in the Pittsburgh region. It was announced in March 2000, that a program would be implemented in the South Central and Lehigh Valley areas in the summer of 2001.

In January 2001, faced with technology advances and other factors, PENNDOT and DEP announced the creation of a Vehicle Emissions Inspection Policy Review Group to determine the impact of the changes on state plans for an expanded vehicle emissions-inspection program. One of the key technology developments is the presence in new cars of on-board diagnostic technology. On-board diagnostics have the potential to be used for emissions tests that are both cheaper and easier.

On October 18, 2002, the United States District Court for the Eastern District of Pennsylvania ordered the Commonwealth to fully implement the original final emissions inspection cutpoints or the newly developed alternative final cutpoints in emissions analyzers in the five County Philadelphia area (Bucks, Chester, Delaware, Montgomery and Philadelphia) by September 1, 2003. Cutpoints are the standards used to determine if a vehicle passes or fails the required annual emissions inspection. The Pittsburgh 4-county area is not impacted by the courts ruling since the standards mandated by the court only affect the test type used in the Philadelphia region. The original final cutpoints were not implemented because of concerns over "false failures" and the high failure rates that would follow. As a result, Pennsylvania asked EPA to investigate alternative final cutpoints, which they did, and made them available for use. PENNDOT implemented the alternative final cutpoints developed and supplied by EPA on Sept. 1, 2003.

In the State Implementation Plan (SIP) and implementing state regulations, the Commonwealth had certified that enhanced I/M would occur in 25 counties, the five counties in and around Philadelphia and four counties in and around Pittsburgh by October 1, 1997, and the remaining sixteen counties by November of 1999. The program was not implemented in the remaining sixteen counties. In 2001, Citizens for Pennsylvania's Future (PennFuture) filed a citizen suit against Pennsylvania for ongoing violations of emission standards and limitations under the Clean Air Act. The specific claim against the Commonwealth was that it had not moved forward with the enhanced vehicle inspection and maintenance program (I/M) required under the Pennsylvania SIP. A similar suit by the Clean Air Council was filed in the United States District Court for the Middle District of Pennsylvania and the litigation was then consolidated. On December 18, 2002, the United States District Court for the Eastern District of Pennsylvania ordered the parties to conclude any fact discovery relevant on the remedy by February 15, 2003, to confer on an appropriate remedy and to file a joint proposed order or separate memoranda no later than February 28, 2003. Extensions were granted by mutual agreement.

In May 2003, PENNDOT and DEP announced an agreement to settle the pending lawsuits over Pennsylvania's program for automobile emissions testing. The changes called for in this settlement agreement were to bring the state's emissions testing program into compliance with federal air quality standards and remove the threat of federal sanctions, while having a minimal effect on most of the state's drivers. As of June 30, 2004, all 25 counties will have fully implemented a vehicle emission testing program. The SIP was approved by EPA on October 6, 2005.