

**Vehicle Emissions Inspection and Maintenance Program  
Policy Review Group**

**Final Report**

**October 26, 2001**

**Convener: Commonwealth of Pennsylvania**

**Mark S. Schweiker, Governor**  
**David E. Hess, Secretary, Department of Environmental Protection**  
**Brad Mallory, Secretary, Department of Transportation**

# Vehicle Emissions Inspection and Maintenance Program Policy Review Group Final Report

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## **Introduction**

### Purpose

The Pennsylvania Department of Environmental Protection (DEP) and Pennsylvania Department of Transportation (PENNDOT) convened the Vehicle Emissions Inspection and Maintenance Program Policy Review Group for the following purpose:

1. Evaluate emissions reductions achieved under the Vehicle Emissions Inspection and Maintenance Program.
2. Make recommendations that include changes to the program as a result of on-board diagnostic system checks or other emerging technologies relating to vehicle emissions.
3. Complete its work in order that the agencies can report to the General Assembly regarding the results of the policy review group's study and evaluation of the program by October 1, 2001.

With respect to task one of its purpose, rather than focus its attention on the existing emissions inspection and maintenance program, the policy review group looked to the future of emissions inspection in the Commonwealth, particularly, the implementation of onboard diagnostics (OBDII). The policy review group recognizes that implementation of OBDII provides benefits to motorists, public, the environment and the Commonwealth. Changes to the Pennsylvania emissions inspection and maintenance (I/M) program must meet three criteria:

1. Emissions are at or below levels consistent with the State Implementation Plan (SIP) for light duty gasoline vehicles;
2. Meet or exceed the United States Environmental Protection Agency (EPA) I/M performance standards; and
3. Allow Pennsylvania's Transportation Improvement Programs and long range transportation plans to meet EPA Transportation Conformity requirements.

### Participants

The review group included eight participants:

Peter Bauer, Pennsylvania Automotive Association  
Denise Chamberlain, Pennsylvania Department of Environmental Protection  
Mike Kerker, Armstrong World Industries  
John Kulik, Alliance of Automotive Service Providers  
Ted Leonard, Pennsylvania AAA Federation  
Betty Serian, Pennsylvania Department of Transportation  
Marcia Spink, U.S. Environmental Protection Agency-Region 3  
Kevin Stewart, American Lung Association of Pennsylvania

## Process

The Vehicle Emissions Inspection and Maintenance Program Policy Review Group began its deliberations on April 24, 2001. The April meeting clarified the purpose and process and gave the participants an introduction to the data they would need to complete their work. The May 21-22 meeting continued the data presentations and introduced PENNDOT's proposed schedule for implementing onboard diagnostic testing. The June 26-27 meeting focused on this proposal and on other proposed recommendations. The policy review group held meetings on July 16-17, August 21 and September 19, 2001. Members discussed a report of the National Research Council, crafted further recommendations and planned additional meetings. The group completed its work and this report at a meeting on October 11, 2001.

In the midst its July 16-17 meeting, the policy review group received the Executive Summary of the National Research Council's (NRC) report "Evaluating Vehicle Emissions Inspection and Maintenance Programs". The report raises important questions related to existing tailpipe programs across the country and related to the prospects for an onboard diagnostic program. While the report does have its limitations, the report also highlights concerns of the NRC, which have prompted the policy review group to move forward with more caution with regard to further revisions and expansion of the existing Pennsylvania emissions testing program. In light of the report, and its limitations, the policy review group makes its recommendations.

The policy review group set out to determine whether, when, where and how to implement an onboard diagnostic light duty vehicle emission program. In making this determination the group reviewed extensive information about:

- Air quality in Pennsylvania
- Air quality improvement strategies being undertaken or planned by the Commonwealth
- Work of the Pennsylvania Ozone Stakeholder groups
- Implications of transportation infrastructure planning (i.e., conformity)
- Operational, environmental and implementation considerations for the implementation of OBDII
- The federal regulatory framework for OBDII
- Diesel vehicle emission reduction efforts
- The newly convened I/M Working Group
- The State of Colorado OBDII study
- Fleet turnover
- Emission forecasts for vehicles with and without OBDII
- Information about the effectiveness of remote sensing and other data.

The above information was received from representatives of the EPA, DEP, PENNDOT, automobile service industry, automotive training organizations and OBDII vendors.

In addition to reviewing relevant information, the group used its meetings to give members of the public an opportunity to offer their opinions and ask questions.

## Context

Ground-level ozone is a serious and persistent public health concern in Pennsylvania. Many areas across the Commonwealth have measured exceedances of the eight-hour national ambient air quality standard. The Philadelphia area continues to violate the one-hour standard and during the summer of 2001, two areas of particular concern to the policy review group, Lancaster and the Allentown/Bethlehem area, violated the one-hour standard for the first time in many years.

While Pennsylvania receives ozone and ozone precursors from upwind states, it also sends ozone and ozone precursors downwind. Vehicles as well cross county and interstate boundaries. Pennsylvania needs to be a good neighbor and do its fair share in reducing its emissions.

The federal Clean Air Act establishes a framework for states to reduce emissions. States retain the primary responsibility for meeting and maintaining clean air standards and prepare SIPs to describe their strategies. The Clean Air Act and Amendments of 1990 also set additional requirements for some measures, including vehicle emission I/M programs and transportation infrastructure planning (transportation conformity). The EPA subsequently has developed detailed regulations for both of these areas.

Three federal I/M requirements were of particular relevance to the policy review group:

- There are 25 Pennsylvania counties in which I/M is required, but not all areas need to have the same program. Programs are based on local air quality needs or on the effect they may have on neighboring areas.
- Programs must meet the federal performance standards for their type of area, which is projected by using the EPA-approved vehicle emissions model (currently MOBILE 5). Using a performance standard rather than requiring certain program designs provides states with the flexibility to design programs with the elements most suitable for their areas.
- OBDII checks are required to be used in I/M programs according to the regulations issued on April 5, 2001.

The Clean Air Act establishes mandatory sanctions should states fail to implement their required SIPs. These include economic development sanctions (requiring new or expanding stationary sources in nonattainment areas to offset twice the emissions being added) and withholding of federal transportation funds. Finally, the Act provides third parties with the opportunity to enforce provisions of the Act in federal court, including the ability to enforce provisions of SIPs once they are approved. Therefore, it is important to work with EPA toward submittal of an approvable SIP revision.

Pennsylvania's legally binding SIP for its enhanced vehicle emissions program was approved by EPA on June 8, 1999 as meeting the statutory and regulatory obligations. The SIP includes the existing programs in Philadelphia and Pittsburgh, as well as tailpipe-testing programs in 16 additional counties. In addition, Pennsylvania depends on its I/M programs for significant emission reductions in the Philadelphia and Pittsburgh areas.

In January 2000, the Southcentral and Lehigh Valley/Reading Pennsylvania Ozone Stakeholder Working Groups included implementation of the PA97 (idle test) I/M program in their recommendations.

The transportation conformity process requires transportation (highway and transit) plans in nonattainment areas to help improve air quality. Transportation plans must be consistent with SIPs, or if there is no SIP for an area, meet other air quality analysis tests. Again, these projections are accomplished with a vehicle emissions model. Areas have included the approved SIP I/M program in their conformity analyses (that is, assuming tailpipe testing is implemented) and in their planning for future years, in accordance with federal regulations.

## **Recommendations**

### **A. Onboard Diagnostic Emissions Inspection**

The policy review group engaged in extensive discussion about the schedule for implementing OBDII emissions inspection as applied to 1996 and newer vehicles. (Throughout this report, the term “vehicle” is defined to be light duty gasoline vehicles, light duty trucks 1 and light duty trucks 2 registered for use on a public roadway in the affected area, except for those vehicles not required to be inspected in accordance with Chapter 177 as in effect on July 2001.)

The policy review group recommends that the Commonwealth apply for and EPA grant a one-year extension of the original implementation date in EPA’s April 5, 2001 OBDII Final Rule. This extension is warranted to allow adequate time for the Commonwealth to train inspectors, determine equipment needs, work with the anticipated 3600 private certified emissions inspection stations to secure equipment, make internal and analyzer-based software modifications to accommodate OBDII requirements, and perform a through public information and education effort.

The policy review group recognizes that the schedule for implementation (described below) is extended beyond that provided for in the federal regulation. The Commonwealth recognizes that any changes to the currently approved SIP must be made to incorporate the new directions advanced by the policy review group. The Commonwealth recognizes that it will need to work with EPA to address the requirements and timelines articulated in federal enhanced I/M regulations.

In light of the NRC report, the policy review group recommends that the Commonwealth begin a pilot program in the following locations to characterize the functionality of onboard diagnostic emissions inspection:

- Central Pennsylvania (Berks, Cumberland, Dauphin, Lancaster, Lebanon and York Counties);
- Lehigh Valley (Lehigh and Northampton Counties);

- Philadelphia Area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties); and
- Pittsburgh Area (Allegheny, Beaver, Washington and Westmoreland Counties).

The pilot should fulfill three major objectives:

1. Acceptance by motorists, the public at large, testing locations and personnel, repair locations and personnel, and elected/appointed officials;
2. Testing and demonstrating OBDII equipment, including OBDII readers;
  - a. With PA 97 and PA 97 with the acceleration simulation mode (existing Pittsburgh and Philadelphia area emissions programs, respectively)
  - b. Stand Alone
  - c. Communications between inspection station equipment and the vehicle inspection information database (VIID)
3. Collecting data in at least six areas for functionality and implementation purposes;
  - a. OBDII malfunction indicator light on/off vs. reader result
  - b. Elapsed time to perform stand alone OBDII test
  - c. Practical application
  - d. Readiness codes - set/unset
  - e. Preconditioning
  - f. Emissions-related repairs: type, frequency, durability and cost

The evaluation should be developed and implemented in cooperation with the I/M Working Group.

To the extent practical, the pilot should take place in all 17 I/M counties with a minimum of two locations in each county. The pilot sites should be distributed by vehicle population. PENNDOT should establish a formal agreement with the stations. Motorists would participate voluntarily, receive the test results, and any needed repairs would be encouraged.

Finally, the pilot should be structured so that approximately 24,000 vehicles or a one- percent sample of OBDII vehicles in the 17 counties are tested in the pilot phase.

Once the pilot is complete, the policy review group recommends that the policy review group reconvene by October 1, 2002 to discuss the findings of the pilot and to make appropriate changes, and that the Commonwealth should implement the following schedule for OBDII emissions testing:

Begin not later than March 1, 2003

- Pittsburgh Area (Allegheny, Beaver, Washington and Westmoreland Counties)
- The Lehigh Valley (Lehigh and Northampton Counties)

Begin not later than June 1, 2003

- Central Pennsylvania (Berks, Cumberland, Dauphin, Lancaster, Lebanon and York Counties)

Begin not later than September 1, 2003

- Philadelphia Area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

The policy review group members generated criteria for establishing a schedule, including:

- Air quality concerns
- Fairness across counties
- Public acceptance
- Practical implementation concerns
- Political feasibility

More specifically, the discussion included these comments:

- Limiting rollout to six counties at any one time will allow the Commonwealth to account for equipment requirements, training needs, media requirements and Commonwealth oversight.
- Three phases permits a schedule with no phase to include more than six counties.
- Beginning with the Pittsburgh area and Lehigh Valley Counties for phase one represents a balance of conversion of an existing program to OBDII while commencing with a program in areas which have previously had a testing program.
- Selecting Berks, Cumberland, Dauphin, Lancaster, Lebanon, and York Counties for phase two represents an intensive effort to implement an I/M program in areas never before subject to emissions requirements.
- This rationale leaves Philadelphia area counties for the third phase and represents the addition of OBDII to an already two-tiered system of testing.
- The Commonwealth can achieve important emission reductions by adopting a schedule that brings as many areas as possible into the program by the next ozone season.
- Implementing OBDII in the early portion of the 2003 ozone season improves the prospects for air quality attainment and maintenance in the Pittsburgh area counties.

The existing vehicle emissions inspection and maintenance programs for pre-1996 vehicles in the Pittsburgh and Philadelphia area counties should continue in their current form except as described in Sections B and C, below.

*Dissent: American Lung Association of Pennsylvania (ALAPA)*

*From the perspective of public health, the current proposal to postpone full-scale implementation of the OBDII-based I/M program until mid-2003 is of serious concern. The Commonwealth's history of failure to implement the required I/M program in the Central Pennsylvania and Lehigh Valley counties (Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, and York) does not inspire confidence that the policy review group's recommendations will in fact be executed under a future Pennsylvania government. Given that the current proposed schedule is on the order of a year later than that the Commonwealth originally proposed, the Commonwealth should be able to make better use of the additional time in order to effect implementation in the 17 counties prior to the ozone season of 2003. While ALAPA continues to prefer that OBDII-based I/M implementation be scheduled to*

*bring air quality benefits to Pennsylvania in time for the ozone season of 2002, if the Commonwealth ultimately elects to move forward with full-scale implementation in 2003, then ALAPA recommends the following:*

*The policy review group should not wait to reconvene only when the pilot program is complete, but the Commonwealth should establish a process to collect and analyze data from the pilot as it is produced, and the policy review group should reconvene as soon as sufficient information is developed by the Commonwealth upon which significant decisions as to the manner of implementation of the OBDII program can begin to be made. (For example, should it become clear to the Commonwealth by May, 2002 that, say, the software that has been developed is appropriate for future use, then there is no need for evaluation to be postponed until the fall, but those responsible for all facets of the program dependent upon that software – suppliers, programmers, trainers – could be given a go-ahead to proceed with what they can accomplish insofar as that piece of the puzzle is known.)*

*As for the following implementation schedule, the dates should be regarded as deadlines, not as recommended start dates. If implementation of the program can commence prior to the deadlines, then the Commonwealth should ensure that it occurs:*

*Begin by Feb. 1, 2003*

- *Pittsburgh Area (Allegheny, Beaver, Washington and Westmoreland Counties)*
- *The Lehigh Valley (Lehigh and Northampton Counties)*

*Begin by Mar. 10, 2003*

- *Central Pennsylvania (Berks, Cumberland, Dauphin, Lancaster, Lebanon and York Counties)*

*Begin by April 21, 2003*

- *Philadelphia Area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)*

*In the 17 counties taken together, as measured by the rate of testing and repair of vehicles:*

- *Attain at least 85% operational status by May 31, 2003*
- *Attain at least 95% operational status by June 30, 2003*

*However, in light of the NRC report's findings, ALAPA recognizes the urgent need to address the issue of a minority of vehicles producing the preponderance of total excess emissions. Moreover, since it is clear that the great majority of vehicles with excess emissions are those which are not OBDII-equipped, such vehicles in the Central Pennsylvania and Lehigh Valley counties would not be subject to inspection under the proposed OBDII-only I/M program. It is ALAPA's finding that, up to the closing years of this decade, the most direct way to identify and diagnose emissions problems, repair them, and verify repair effectiveness, among the pre-1996 vehicle fleet is to implement an effective tailpipe-testing based I/M program. Therefore, ALAPA recommends that the Commonwealth move forward with the recommendations of the*

*Southcentral and Lehigh Valley/Reading Pennsylvania Ozone Stakeholder Working Groups that clearly called for implementation of the PA 97+ decentralized two-speed idle tailpipe I/M program. The program should be implemented for all subject vehicles, both pre-1996 and newer, during 2002. Transition to OBDII-based testing for 1996 and newer vehicles would occur according to the schedule ALAPA outlines above. The eight Lehigh Valley and Central Pennsylvania counties would follow the same criteria as those in the Pittsburgh area counties for the phase-out of the tailpipe-testing program (discussed in Section C).*

*Furthermore, the implementation of this tailpipe component as part of the I/M program in the eight Lehigh Valley and Central Pennsylvania counties would provide the following advantages:*

- 1. It lays the foundation for creating eventually a total program identical to that operating in Pittsburgh area counties, making administration issues similar and establishing geographical parity.*
- 2. It puts in place a program with which the Commonwealth has much experience, that has clear and familiar air quality benefits, and has a natural sunset feature as OBDII-equipped vehicles become more prevalent.*
- 3. Since the ozone air quality problem in the eight-county Lehigh Valley and Central Pennsylvania areas is at least as severe as that in the four-county Pittsburgh area, if not more so, this I/M program at least does the common sense thing of implementing a program that is commensurate.*
- 4. It establishes an infrastructure that would have the potential to serve as a repair/verification network for whatever program the Commonwealth might develop to reduce air pollution from gross emitters, or more fully to utilize remote sensing technology.*
- 5. It provides a useful set of baseline data on actual emissions for 1996-and-newer vehicles in the eight-county Lehigh Valley and Central Pennsylvania areas.*

#### *Dissent: Petroleum Retailers & Auto Repair Association*

*The Petroleum Retailers & Auto Repair Association dissents with respect to the recommendation that Western Pennsylvania implement OBDII testing prior to other areas of the Commonwealth. It is not fair that Southwest Pennsylvania, which has achieved attainment status, be required to adopt a new test while other areas such as Central Pennsylvania, which have some counties in nonattainment, will not have to begin any testing at all by this report's starting date for Southwest Pennsylvania.*

## **B. Transition from Annual to Biennial Emissions Inspection**

As motorists buy newer vehicles, the proportion of the fleet made up of 1996 and newer vehicles will increase. Upon the implementation of OBDII testing, this will bring more vehicles into the OBDII inspection program and reduce the number of vehicles needing tailpipe testing. As the proportion of 1996 and newer vehicles increases, it may be possible to satisfy SIP requirements, emissions program performance standards and transportation conformity requirements with a biennial emission-testing program. Current estimates suggest that transition to biennial testing in the Pittsburgh and Philadelphia area counties may be possible in 2005 and in the Central Pennsylvania and Lehigh Valley area counties may be possible in 2007.

For the Pittsburgh and Philadelphia area counties (Allegheny, Beaver, Bucks, Chester, Delaware, Montgomery, Philadelphia, Washington and Westmoreland), the policy review group recommends that PENNDOT move to a program of biennial emissions testing in an area in place of annual testing when the percentage of subject pre-1996 vehicles is certified by the PENNDOT Secretary to be under 40% in the area and provided emissions are at or below levels consistent with the SIP requirements, emissions program performance standards and transportation conformity requirements.

For the Central Pennsylvania and Lehigh Valley area counties (Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton and York), the policy review group recommends that the Commonwealth move to a program of biennial emissions testing in an area in place of annual testing when the percentage of pre-1996 vehicles is certified by the Secretary to be under 40% in the area and provided emissions are at or below levels consistent with the SIP requirements, emissions program performance standards and transportation conformity requirements.

### **C. Phase-out of Tailpipe Testing in Pittsburgh and Philadelphia Areas**

As the proportion of 1996 and newer vehicles continues to grow in the Pittsburgh and Philadelphia areas, it may be possible to satisfy SIP requirements, emissions program performance standards and transportation conformity requirements without testing pre-1996 vehicles. Current estimates suggest that it may be possible to suspend tailpipe testing in the Pittsburgh and Philadelphia areas about 2009.

The policy review group recommends that PENNDOT phase out tailpipe emissions testing in an area when the percentage of subject pre-1996 vehicles is certified by the PENNDOT Secretary to be under 20% in the area and provided emissions are at or below levels consistent with the SIP requirements, emissions program performance standards and transportation conformity requirements.

The policy review group recognizes a possibility of the need for retaining some tailpipe inspection capacity. The capacity could be used for repair verification or to function as the network for a possible gross-emitter detection and repair program, such as one based on remote sensing technology, that may be appropriate to have in place at a later date.

### **D. Gross Emitters**

In light of the NRC report's findings, the policy review group recognizes the need to address the issue of a small percentage of vehicles producing the preponderance of total excess emissions. Moreover, it is clear that the great majority of these vehicles with high excess emissions are those that are not OBDII-equipped, and therefore would not be subject to OBDII testing. Therefore, the Commonwealth should develop a program for identifying pre-1996 gross emitters and informing the owner of the excess emissions. At the same time, the Commonwealth should conduct a campaign to inform the public about the gross emitter program.

## **E. Gas-Cap Pressure Check and Anti-Tampering Tests**

The policy review group learned that OBDII emissions inspection accounts for the credits associated with the evaporative tests that are currently part of tailpipe-testing programs in the Philadelphia and Pittsburgh areas. Once OBDII checks are implemented on 1996 and newer vehicles, only gas cap pressure checks will be required. Anti-tampering inspections will no longer be needed since OBDII sensors monitor the presence and performance of emissions components inspected as part of the anti-tampering program.

1. Philadelphia and Pittsburgh areas (Allegheny, Beaver, Bucks, Chester, Delaware, Montgomery, Philadelphia, Washington and Westmoreland Counties). The policy review group recommends that when OBDII testing begins, PENNDOT implement the following:
  - Pre-model-year-1996 vehicles: continue the gas cap pressure check and anti-tampering tests as currently performed along with the tailpipe-testing program.
  - 1996 and newer model year vehicles: continue gas cap pressure check as currently performed.
2. Central Pennsylvania and Lehigh Valley areas (Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton and York Counties). The policy review group recommends when OBDII testing begins:
  - Pre-model-year-1996 vehicles: perform the gas cap pressure check and anti-tampering test.
  - 1996 and newer model year vehicles: perform gas cap pressure check in conjunction with OBDII tests.
3. In all counties other than Allegheny, Beaver, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Washington, Westmoreland and York Counties, the policy review group recommends that the Commonwealth include anti-tampering inspections in the annual safety inspection to verify that the emissions control system is present and has not been disabled, changed or altered.
4. Anti-tampering tests should be a requirement for the 5,000-mile emissions inspection exemption when OBDII is implemented.
5. Every vehicle should receive an annual anti-tampering test, whether as part of an OBDII test or visual safety inspection.

### Supplement: American Lung Association of Pennsylvania (ALAPA):

*Given the emphasis the NRC report places on evaporative emissions, ALAPA recommends that the Commonwealth implement the gas cap pressure check for all vehicles in the 17 Allegheny-York counties and in the eight Blair-Mercer counties (see Section H) during 2002, and in the remaining 42 counties by the end of 2003.*

## **F. Remote Sensing**

In reviewing the capabilities of current remote emissions sensing technology and applications, the policy review concluded that remote sensing is appropriate for use by the Commonwealth's current emissions validation program. The policy review group recommends continuing remote sensing for validation purposes and utilizing remote sensing where it best fits with the needs of the program, helps meet the clean air goals in general and where it provides benefits for the citizens of the Commonwealth. In addition, the group recommends considering remote sensing for educational purposes.

## **G. Waivers**

Policy review group members recognize that more data on emissions repair cost and frequency must to be collected before an accurate emissions repair cost can be established. The review group also recognizes that some emissions repairs are difficult to diagnose and resolve, requiring some vehicle owners to visit vehicle repair facilities more than once before the original emissions problem is conclusively repaired. Further, the review group recognizes that many motorists who receive a waiver (signifying that all necessary emissions-related repairs have not been completed) continue to operate their vehicles without full appreciation of the consequences that doing so may pose to them and their vehicles.

Consequently, the review group recommends that the Commonwealth aggressively enforce, through regulatory authority, the entry of repair cost data by vehicle inspection facilities and initiate a repair effectiveness reporting process.

Additionally, the review group recommends that the Commonwealth initiate a program to educate motorists who receive a waiver that they and their vehicles remain at risk until their emissions system is repaired.

The Commonwealth should, as a practical matter, implement a waiver threshold at a level higher than the average cost of repair (based on repair cost data, as it becomes available) consistent with federal requirements. The Commonwealth should continue to take appropriate measures to address the needs of those of limited means.

## **H. Blair, Cambria, Centre, Erie, Lackawanna, Luzerne, Lycoming and Mercer Counties**

The policy review group recognizes that the Commonwealth has petitioned EPA to remove the above counties from the Ozone Transport Region (OTR). EPA has referred this to the Ozone Transport Commission (OTC) for consideration, but the OTC is reluctant to take action. Rather than removing these counties from the OTR altogether, EPA and the Commonwealth have discussed exempting the eight counties from the OTR enhanced inspection and maintenance requirement. A stronger case may now be made to do so, given that the Nitrogen-oxides SIP Call (NO<sub>x</sub> SIP Call) has survived legal challenges and must be implemented.

Consequently, all but one member of the policy review group recommend that the Commonwealth request an EPA waiver of the enhanced inspection and maintenance requirement, which currently applies to the eight counties by virtue of their being in the OTR and meeting population and population density thresholds set by the Clean Air Act and the EPA.

This recommendation requires further discussion with EPA given that downwind areas (the Boston and Providence metropolitan areas) are now in nonattainment.

*Dissent: American Lung Association of Pennsylvania (ALAPA)*

*ALAPA regrets that the Commonwealth's longstanding failure to implement enhanced inspection and maintenance in every area of the Commonwealth identified for such implementation under the Clean Air Act Amendments of 1990 has already resulted and will continue to result in years of needlessly high ozone levels and concomitant adverse health consequences among the affected populations. Furthermore, it is important to note that the NOx SIP Call has not yet been implemented and the Federal Court has asked EPA to review aspects of the rule. Therefore, ALAPA opposes a request by the Commonwealth seeking exemption of these eight counties from the OTR enhanced inspection and maintenance requirement. Rather, ALAPA believes that the implementation of an OBDII emissions inspection and maintenance program for 1996 and newer light duty vehicles, begun as soon as practicable after the establishment of OBDII programs in the other 17 counties, is a reasonable approach to improving air quality in these counties.*

**I. Public Information/Education**

The policy review group recommends that the Commonwealth work in consultation with the I/M Working Group to implement an aggressive public education program to provide information regarding the piloting and eventual use of OBDII testing and other enhanced I/M program elements. The policy review group also recommends a targeted and specific information and education program designed and delivered for the testing and repair industry regarding the piloting and eventual use of OBDII testing and other program elements.

**J. Heavy Duty Diesel Vehicles**

The group discussed the current state of heavy-duty diesel vehicles (HDDV) testing. The group supports the current federal rules for reducing HDDV emissions and supports the HDDV rules proposed by the Pennsylvania Environmental Quality Board on September 1, 2001. The group encourages the Commonwealth to expand alternative fuel incentives for cleaner heavy-duty vehicles and explore other financial incentives for cleaner diesel vehicles and fuel.

**K. Evaluation of I/M Programs in Pennsylvania**

The policy review group recommends that the Commonwealth evaluate the effectiveness of I/M programs. An evaluation would explore five questions:

- What are the results of the tests in the garage?
- What is happening to cars on the road?
- How effectively are vehicles being repaired?
- What is the durability of repairs?
- What are the costs of the program?

## **L. Establishment of an Interim Review Process**

Due to the rapid pace of technology development, the uncertainty of fleet make-up projections (as evidenced by the data available now versus that which was used by the Pennsylvania Ozone Stakeholder Groups), and the status of external regulatory drivers, the policy review group recommends that the Commonwealth conduct, beginning by December 2003, an emissions inspection policy review process, with a group of key stakeholders and with input from the I/M Working Group(s), to review pertinent information, and if appropriate, revise the following of the preceding recommendations:

- Transition from Annual to Biennial Emissions Inspection – Review fleet turnover and monitor the implementation of OBDII in order to determine whether, and if so when, a transition from annual to biennial testing is appropriate. (Section B of this report)
- Phase-out of Tailpipe Testing in Pittsburgh and Philadelphia Areas – Review fleet turnover and monitor the implementation of OBDII in order to determine when it may be possible no longer to require tailpipe testing in the Pittsburgh and Philadelphia areas. (Section C)
- Gross Emitters (Section D)
- Gas Cap Pressure Check and Anti-Tampering Tests – Review and consider expanding the gas cap pressure check across the state. (Section E)
- Remote Sensing – Review the identification of gross emitters in the context of appropriate technologies, including remote sensing. (Section F)
- Waivers (Section G)
- Blair, Cambria, Centre, Erie, Lackawanna, Luzerne, Lycoming, and Mercer Counties (Section H)
- Public Information/Education (Section I)
- Heavy Duty Diesel Vehicles (Section J)
- Evaluation of I/M Programs in Pennsylvania (Section K)

### Attendees And Interested Parties

The following is a list of those who were present for at least one of the policy review group's meetings. Seven meetings were held at PENNDOT's Riverfront Office, 1101 South Front Street, Harrisburg, PA, one each month from April through October, 2001.

	First Name	Last Name	Organization
1.	Stephanie	Abrams	WHP TV
2.	Ken	Bach	PRARA
3.	Will	Barto	A-Team Auto Service
4.	Ken	Bech	Bech Auto
5.	Leslie	Beck	WCOM
6.	Lynn	Benka-Davies	Rep. Italo Cappabianca
7.	Jim	Boyd	Parsons
8.	Eric	Bugaile	PA House Trans. Comm.
9.	Cindy	Cashman	PENNDOT
10.	Neil	Cashman	Pennsylvania State Senate
11.	Jennifer	Casinelli	American Lung Association of Pennsylvania
12.	James	Casorio (D)	Pennsylvania House of Representatives
13.	Leila	Cook	USEPA National Vehicle and Fuel Emissions Laboratory/OAR
14.	Charles	DeSalvo	SPX Service Solutions
15.	Jim	Dinnocenzo	WCOM
16.	Mike	Eckard	Allegheny Energy
17.	Rich	Fellinger	Media News/York Dispatch
18.	Michael	Fiorentino	Clean Air Council
19.	Tom	Fudali	Snap-on Diagnostics
20.	Edward	Gardetto	USEPA National Vehicle and Fuel Emissions Laboratory/OAR
21.	Pete	Gertz	PENNDOT
22.	Greg	Geske	ESP
23.	Paul	Gnazzo	PENNDOT
24.	Joe	Hainthaler	York Daily Record
25.	Lawrence	Harvey	AASP
26.	Wick	Havens	PA DEP
27.	Colleen	Healey	AAA Mid-Atlantic
28.	David E.	Hess	DEP
29.	Beth	Horne-Beachy	Pennsylvania House of Representatives
30.	Jan	Jarrett	PennFuture
31.	Francis	Jackson	
32.	Larry	Jones	PENNDOT
33.	Bob	Kaiser	Michael Baker Jr., Inc.
34.	John P.	Kashmuir	Pennsylvania Automotive
35.	Bob	Koch	Community College Allegheny County
36.	John P.	Kushnerick	Motor / PA Automotive & Insider News
37.	David	LaTome	Manning??
38.	Ellen	Lyon	Patriot News
39.	Nathan	Mains	American Lung Association of Pennsylvania
40.	Nancy	Maricondi	Petroleum Retailers &Auto Repair Association

**Attendees And Interested Parties (continued)**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
41. Bob	Mason	ASPIRE
42. Keith	McCall (D)	Pennsylvania House of Representatives
43. Charles	McPhedran	Pennfuture
44. Anthony	Melio (D)	Pennsylvania House of Representatives
45. John	Micek	Calkins Newspapers
46. Jim	Moore	ASPIRE
47. John P.	Munafo	PENNDOT
48. Bob	Mustin	Pennsylvania House of Representatives
49. Kurt	Myers	PENNDOT
50. Larry	Myers	Allegheny Energy
51. J. Michael	Nelms	Sun Equipment
52. Joan	Nissley	PENNDOT
53. Ed	Parkinson	EMCO PSI
54. Nancy	Parks	Sierra Club
55. Paul	Parsells	Pennsylvania House of Representatives
56. Joe	Petrarca (D)	Pennsylvania House of Representatives
57. Brian	Rehn	EPA -Region 3
58. Len	Rickert	EMCO PSI
59. Tony	Rigano	Senate of Pennsylvania
60. Nancy	Sacunas	Sacunas & Salni
61. Jim	Salvaggio	DEP
62. Susan	Shanaman	
63. Phoebe	Shefter	Winsor Associates
64. Arleen	Shulman	DEP
65. Marilyn	Skolnick	Transportation Chair, Pennsylvania Sierra Club
66. Megan	Smith	Wcom
67. Ernie	Spitler	ProtectAir
68. Stan	Stephenson	Automotive Journal
69. George	Strawley	AP Harrisburg
70. Eric	Thumma	DEP
71. Adam	Thurston	Clean Air Council
72. Abigail	Thurston	Malady & Wooden Public Affairs
73. Brian	Trowbridge	DEP
74. Peter	Trufahnestock	PENNFUTURE
75. Ron	Turner	AASP PA
76. Megan	Vicino	Michael Baker Jr. Inc.
77. Skip	Wagner	Dauphin Co. Tech
78. Barry	Williams	PENNDOT
79. Ann	Witkonis	LB & FC
80. Pat	Wood	Wm. J. Green
81. Amanda	Yanek	Greenlee Partners
82. Ted	Young	SPX Corporation
83. J. Thomas	Zech	AASP PA

## **OPERATING AGREEMENTS**

### **Pennsylvania Vehicle Emissions Inspection and Maintenance Program Policy Review Group**

#### **PURPOSE**

The Policy Review Group will:

1. Evaluate emission reductions achieved in all regions of the Commonwealth under the Vehicle Emissions Inspection and Maintenance Program.
2. Make recommendations for implementing an Enhanced Vehicle Emissions Inspection and Maintenance Program in all regions of the Commonwealth where needed, using the best available technology that include changes to the program as a result of on-board diagnostic system checks or other emerging technologies relating to vehicle emissions.
3. Make recommendations that incorporate the emission reduction targets identified by Southeast, Southwest, Southcentral and Lehigh Valley/Reading Pennsylvania Ozone Stakeholder Working Groups into an approvable State Implementation Plan Revision.
4. Complete its work in order that the agencies can report to the General Assembly regarding the results of the Policy Review Group's study and evaluation of the program by October 1, 2001.

#### **ROLES**

##### Review Group Members

The members will:

- engage in a thoughtful, thorough deliberation;
- advocate for his/her interests;
- share relevant information with the other members;
- keep constituencies informed;
- keep the group informed about constituent perspectives;
- work to identify promising options;
- openly discuss and evaluate those options; and
- refrain from disagreeing with the review group's recommendations and reports if objections to such recommendations and reports were not made during the review group's deliberative process.

##### Facilitators

Facilitators from RESOLVE, working with the group, will design work session agendas and conduct the meetings. The facilitators will remain impartial; they are responsible to the whole group and not to one member or interest. The facilitators will enforce discussion guidelines that are accepted by the group. The facilitators will ensure that important information is available to the participants in advance of each meeting.

## Public Input

The policy review group meetings are open to the public. Members of the public who attend the meetings will be welcome as observers. Given the very limited time for full deliberation, the group will limit public comment.

A review group member may call upon an audience member not otherwise represented at the table for input, with member agreement as to how much time would be permitted for this input. This privilege will not be used by members to "parade" speakers at the review group meetings. A member who wishes to hear from a member of the public whose interest is represented by a group member must first seek the approval of that group member before the member of the public speaks.

The agencies may conduct additional public involvement processes as they explore changes to the auto emission program; therefore, the policy review group may include public involvement recommendations among its advice to the agencies.

## **DELIBERATION**

To enhance creativity during meetings, individuals are not expected to restrict themselves to the prior positions held by their organizations, agencies or constituencies. The goal of the meetings is to have frank and open discussion of the topics in question and the options to address the topics. Therefore, ideas raised in the process, prior to the group's final report, are for discussion purposes only and should not be construed to reflect the position of a group member or to prematurely commit the group.

Review group members have committed and are expected to attend the May, June, and July meetings. Member use of alternates, therefore, should be attributable to rare circumstances only. Notice of an alternate's attendance should be provided as far in advance as possible.

The group will submit a single report to the agencies that lists unanimous recommendations and other items of advice. In cases where the advice or recommendations are not unanimous, the report will document the advice or recommendations of individual members or groups of members and include these in the review group's final report along with a list of those group members who issued them. These alternatives will be set off in the text by prominent subheadings.

## **COMMUNICATION WITH OTHER GROUPS, INDIVIDUALS AND THE MEDIA**

Policy review group members wish to maintain an environment that promotes open, frank and constructive discussion. Policy review group members recognize that such an environment must be built on mutual respect and trust, and each commit to avoid actions that would damage that trust. All meetings are open to the public and the press, and all members are free to comment publicly on the group's progress and the issues being discussed. However, in making public comments, each member agrees to speak only for herself or himself; to avoid characterizing the position or comments of other members; and to always be thoughtful of the impact that specific public statements may have on the group and its ability to complete its work.

No one will speak for the policy review group as a whole without the consensus of the group.

## DISCUSSION GUIDELINES

The following guidelines encourage productive deliberation. Members will commit to best efforts at following them and will give the facilitators the authority to enforce them:

OPENNESS	<ul style="list-style-type: none"><li>• To other points of view</li><li>• To outcome</li><li>• To all representatives</li></ul>
LISTENING	<ul style="list-style-type: none"><li>• Focus on each speaker rather than prepare your response</li><li>• No interruptions</li></ul>
FAIRNESS	<ul style="list-style-type: none"><li>• Speak briefly</li><li>• Everyone participates</li></ul>
RESPECT	<ul style="list-style-type: none"><li>• Disagree without being disagreeable</li><li>• No personal attacks</li></ul>
COMMITMENT	<ul style="list-style-type: none"><li>• Prepare for each session</li><li>• Attend each session</li><li>• Begin and end on time</li><li>• Get up to speed if didn't attend</li></ul>