

MAINE STATE LEGISLATURE

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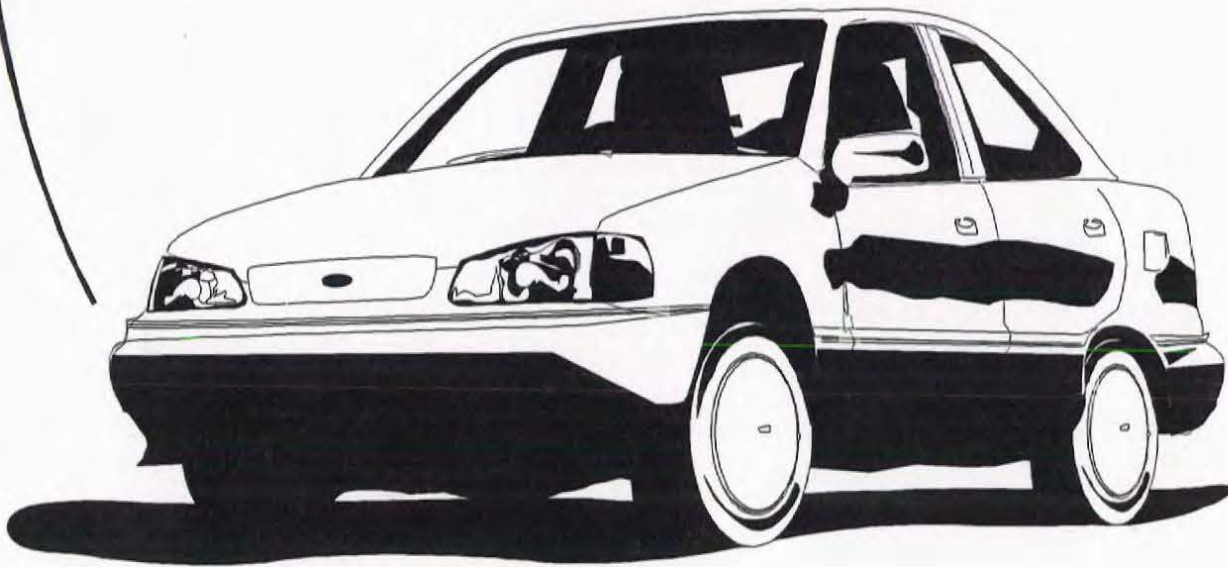


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A Report to
the Joint Standing Committee on
Natural Resources

Motor Vehicle Emissions Inspection Program

January 1998



Prepared by:
Maine Department of Environmental Protection



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

EDWARD O. SULLIVAN
COMMISSIONER

January 5, 1998

Committee Chairpersons: Sen. Treat, Rep. Rowe; and
Members of the Joint Standing Committee on Natural Resources

RE: Motor Vehicle Inspection and Maintenance Study

Dear Sen. Treat, Rep. Rowe and Members of the Joint Standing Committee on Natural Resources:

An enacted resolve (L.D. 1651) from last year's legislative session, directed the Department to '**study and make recommendations on the establishment of a Motor Vehicle Inspection Program to meet the requirements of the Federal Clean Air Act**'. I've enclosed a copy of our report and recommendations; which also includes an appendix with additional related information.

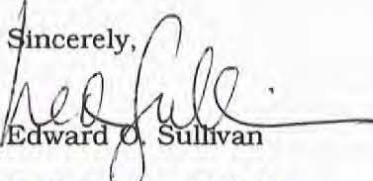
The report is a culmination of over a one year of work by my staff. They have collected data, reviewed alternatives, worked with stakeholders, hired experts to assist their efforts, and sought public input throughout the last few months. In addition, my staff spent a considerable amount of time and effort in developing educational materials for radio, television, and other media to raise awareness of Maine's air pollution problems...specifically for Maine's ozone problem.

As you know, the last time the Department went forward with a motor vehicle emission testing (Cartest), the program lasted two months before the outcry was so severe that the Governor and legislature agreed to terminate the program. There were many lessons learned from that experience, and the program options we recommend reflect our experiences, as well as those of others. **The proposals that we are recommending are not Cartest.**

After he was elected in 1994, Governor King was successful in persuading the Environmental Protection Agency to develop rules that give rural states like Maine the option to develop a motor vehicle emission inspection program that is not onerous and one that could be associated with the annual safety inspection test. This time Maine has a wider range of options from which to propose a program. In our report, we make recommendations that are not costly, not intrusive, with modest environmental benefit (at first...more substantial gains in the future), and finally a program that meets the minimum federal motor vehicle emissions testing requirement....thereby avoiding any possible sanctions.

I look forward to discussing a range of options with you and selecting a pathway which will continue our efforts to achieve clean air in Maine through common sense strategies.

Sincerely,


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EXECUTIVE SUMMARY

In June 1997 LD 1651 was enacted, which directs the Department to submit a report to the legislature that includes two proposals for a motor vehicle inspection and maintenance program. The proposals must cover geographical coverage, network type, test frequency, model year coverage, vehicle type coverage, exhaust emission type, emission standards and emission control device inspections. One of the proposals has to include statewide coverage with the annual state inspection program and one proposal has to include the coverage of diesel trucks.

The bill also calls for information concerning: fees; repair costs; time frames for implementation; an education plan; a pilot study; recommendations for an alternative strategy; public input; a ranking of the proposals; a description of environmental benefits; estimates of costs to vehicle owners and station owners; and, finally, a recommendation on reimbursement to owners who incurred costs under the former CarTest program.

Maine's requirements for the motor vehicle emissions inspections testing (I/M) program originates from the Clean Air Act Amendments (CAAA). The CAAA requires all states within the Ozone Transport Region, which includes Maine to develop an I/M program in Metropolitan Statistical Areas greater than 100,000 in population. Cumberland County is the only area in Maine in which this requirement applies. The CAAA also authorizes EPA to impose sanctions, most notably the withholding of all or part of federal highway dollars, in the event a state fails to adopt a program by January of 1995. EPA issued an eighteen month sanctions warning letter in June of 1997. The letter states that EPA will start to impose sanctions by December 1998, if Maine fails to adopt an I/M program.

Rules that were published by EPA in 1995 allows some states (including Maine) to adopt an I/M program that includes non-emission testing program components such as gas cap pressure checks and visual checks of a vehicle's emission control system. Other emission reduction credits from other volatile organic compound control strate-

gies are required to supplement a state's I/M program if the state chooses this option.

An I/M program is primarily an ozone control strategy. Maine still has seven counties in "nonattainment" of the federal ozone standard. Although it must be noted that Maine is actively seeking attainment status for four of those counties, thus leaving York, Cumberland, and Sagadahoc Counties in "nonattainment". Ozone is formed when air emissions of Volatile Organic Compounds (VOC's) and nitrogen oxides (NOx) combine under the presence of heat and sunlight to form ground level ozone. Ozone is an odorless gas that causes impairment of the body's respiratory functions when levels exceeds existing air quality standards. Children, the elderly, asthmatics, and other people with heart or lung ailments are at greatest risk when ozone levels exceed air quality standards. Maine's monitoring program has identified vehicle emissions as a major contributor to ozone formation in southern Maine, and has identified in-state and out-of-state contributions to Maine's ozone problem.

For the past several years, the Department collected information, identified and evaluated issues and discussed the pros and cons of I/M program options with stakeholders, experts, EPA, the public, and other state agencies. Based on all of the data and opinions collected, the Department recommends the following I/M program as the leading contender for consideration:

1. statewide program conducted during annual safety inspections;
2. gas cap pressure check on all vehicles 1974 and newer;
3. catalytic converter visual checks on all vehicles 1983 and newer;
4. Onboard Diagnostic computer checks on 1996 and newer vehicles;
5. the increased fees for the work done \$3 to \$6; and
6. that it will be a sticker denial enforcement system;

The second option is the same as above, except the scope is limited to Cumberland County. More details on this option and other information required by LD 1651 can be found in this report. *In considering options, a statewide versus Cumberland County program must be flagged by the legislature for public comment.*

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FEDERAL REQUIREMENTS

- **Clean Air Act**
- **Low OTR Enhanced Regulations**
- **Sanctions**

FEDERAL REQUIREMENTS

Clean Air Act

Members of the Ozone Transport Region

Connecticut
Delaware
Maine
Maryland
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
District of Columbia

The Clean Air Act requires that any area in the Ozone Transport Region which has a Metropolitan Statistical Area (MSA) with a population over 100,000 must implement by January 1995 an enhanced motor vehicle inspection and maintenance (I/M) program to control the production of ground level ozone. The only MSA in Maine with a population over 100,000 is the Greater Portland MSA. EPA has confirmed that Cumberland County represents the minimum area in Maine required by federal law to implement an I/M program. See Option 1 Cumberland County, page 21, for more information.

In 1994 the Environmental Protection Agency (EPA) defined an enhanced motor vehicle program as I/M 240, the "treadmill" test. Maine implemented the I/M 240 test with its CarTest program in June of 1994 at centralized locations in Maine's most southerly seven counties. After implementation and eventual termination of the "treadmill" test, Governor Angus King urged EPA to provide Maine more flexibility in meeting the federal requirement.

Low OTR Enhanced Regulation

In response to Governor King's request, EPA revised its rule in 1995 by redefining a "Low" enhanced program for certain qualifying areas. This program allows for the testing of idling vehicle's tailpipe exhaust at decentralized locations such as safety inspection stations.

Governor King again urged EPA in 1995 to consider Maine's unique geographic location and the impact on Maine from transported air pollution. EPA responded by allowing certain MSAs in a handful of states (Vermont, New York, Pennsylvania, and Maine) located in the Ozone Transport Region (OTR) to implement an "OTR Low" enhanced program. This program provides the state with even more flexibility by allowing visual inspections of a vehicle's air pollution control equipment, such as the catalytic converter, in lieu of exhaust testing. This program could also be conducted at decentralized locations such as the safety inspection stations.

Municipalities Subject to I/M Program Requirement (Cumberland County)

Baldwin
Bridgton
Brunswick
Cape Elizabeth
Casco
Cumberland
Falmouth
Freeport
Gorham
Gray
Harspswell
Harrison
Naples
New Gloucester
North Yarmouth
Portland
Pownell
Raymond
Scarborough
Sebeco
South portland
Standish
Westbrook
Windham
Yarmouth

One condition for "OTR Low" enhanced program is that the state must come up with emission reductions equal to the more stringent "Low" enhanced program. In Maine, the state is able to take credit for the emission reductions achieved through the use of reformulated gasoline to make up the difference. Maine opted into the federal reformulated gas program to satisfy a separate provision of the Clean Air Act which requires a 15% reduction of Maine-generated hydrocarbons.

Sanctions

The Clean Air Act also gave EPA the authority to impose sanctions upon any state that did not comply with the enhanced motor vehicle inspection program. Specifically, EPA has the authority to impose the following sanctions:

- Take away all or part of federal highway monies
- Impose more stringent controls on industrial growth
- Take away all or part of air pollution grant monies
- Develop and run an I/M program for the state

On June 6, 1997, Maine received a "sanctions" letter, a copy of which is in the Appendix, notifying the Department of full disapproval of Maine's enhanced I/M plan. The letter starts an eighteen month period before any non-discretionary sanctions would result automatically. The state must submit and EPA approve an enhanced I/M plan within 18 months of the date of this letter (December 6, 1998) in order to avoid sanctions.

Potential EPA Sanctions

- Loss of federal highway funding
- More restrictions on industrial growth
- Loss of federal grant money
- Loss of state control of I/M program

MAINE'S OZONE PROBLEM

- **Status of ozone air pollution**
- **Causes of ozone air pollution**
- **Origin of ozone pollution transport**
- **Contribution from vehicles**

MAINE'S OZONE PROBLEM

Status of Ozone Air Pollution

Counties in "attainment" of the federal O₃ standard

Aroostook
Franklin
Hancock
Oxford
Penobscot
Piscataquis
Somerset
Waldo
Washington

Counties under consideration for "attainment" of the federal O₃ standard

Kennebec
Androscoggin
Knox
Lincoln

Counties in "nonattainment" of the federal O₃ standard

York
Cumberland
Sagadahoc
Androscoggin
Kennebec
Knox
Lincoln

Each summer, ground-level ozone pollution reaches unhealthy levels in Maine. During the summer of 1997, there were three days when ground-level ozone in the air exceeded the federal standard for ozone (which occurred in Maine's coastal areas) and twenty days that exceeded the state health guidelines (which occurred throughout the state). Ozone at ground level is bad for human health, and is unrelated to the hole in the earth's protective, upper atmospheric ozone layer.

York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln Counties are designated by the federal Environmental Protection Agency as "non-attainment" for ground-level ozone because they routinely exceed the federal health-based limits for ozone in the air. Hundreds of people visit hospital emergency rooms each summer in Maine because high ozone levels make it difficult for them to breathe. Air toxics and particulate matter are also of concern in some localized areas of Maine.

Even though temperature trends over the last 17 years indicate a rise in average daily temperature during the summer months of June, July and August, the number of days in Maine that have exceeded the federal ozone standard for the same time period has continued to decline.

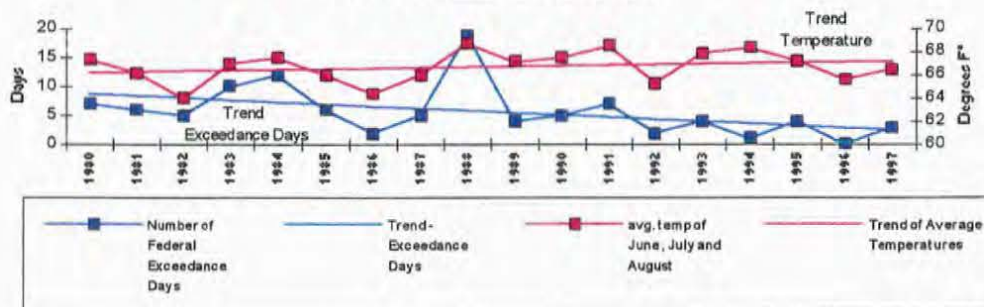
The graph below shows that temperatures are going up while bad ozone days are declining, thus implying that emission reductions have played a part in lowering the number of ozone smog days in Maine.



Health Effects
of Ozone

- Damaged lung tissue
- Respiratory illness
- Reduced lung function
- Eye irritation
- Chest tightness, headache, & nausea
- Shortness of breath
- Increased cardio-respiratory deaths
- Intensification of asthma symptoms
- Reduced resistance to infection
- Reduced immune system response
- Reduced athletic performance

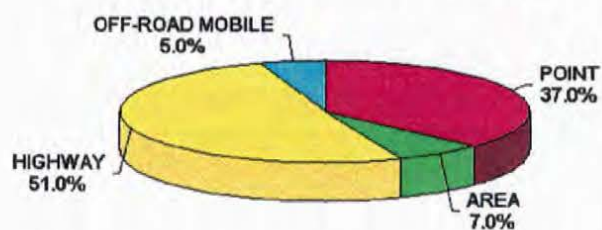
Comparison of Average June, July and August Temperatures to the Number of Federal Exceedances 1980 through 1997



Causes of Ozone Air Pollution

Ground level ozone does not come directly from sources of air pollution. It forms in the atmosphere when the pollutants, nitrogen oxides (NO_x) and volatile organic compounds (VOCs), combine in the presence of heat and sunlight.

Maine NO_x Emissions, 1995

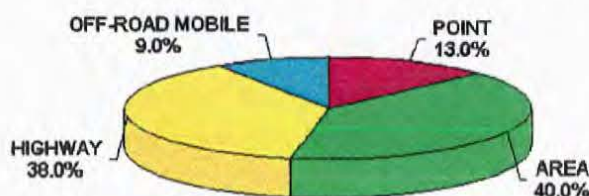


Human Made Tons per summer weekday

The NO_x and VOCs come from a number of different sources including cars and trucks, which emit the largest proportion. Other sources of these ozone-forming pollutants include electric power utilities that burn fossil fuels, manufacturing facilities, and smaller sources like print shops. Research in

atmospheric science indicates that not all VOCs react the same. The speed and degree of reaction depends on the specific chemical. Violations measured in Maine were during periods where naturally occurring VOCs from vegetation played an insignificant role in the ozone formation compared to cars and trucks indicating that VOCs derived from mobile sources are much more reactive in the vicinity where they are made.

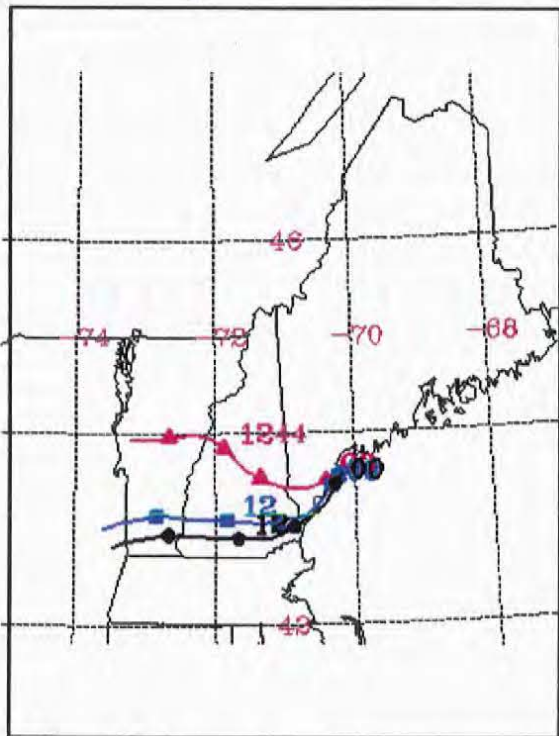
Maine VOC Emissions, 1995



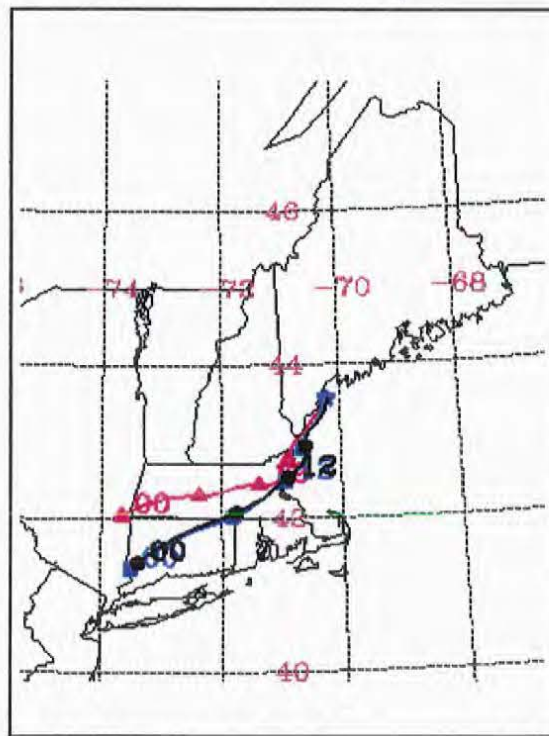
Human Made Tons per summer weekday

Origin of Ozone Pollution Transport

The amount of air pollution coming into Maine from other states varies dramatically with time, depending on weather patterns and the amount of pollution being generated. The Department of Environmental Protection operates air quality monitors throughout the state that determine the origin of Maine's air pollution. During some episodes of elevated ozone, pollution can be traced primarily to out-of-state sources, while in-state sources are the main culprit during other episodes. Sometimes Maine sources will add the final ingredient to up-wind pollution to complete the ozone formation. The most serious ozone episode during the summer of 1997 was traceable to close range sources, primarily cars.



Pollution from "Home"



Pollution from "Away"

Contribution from Vehicles

Air Pollution from Vehicles

- VOC
- NO_x
- CO
- Air toxics

Reasons Why Vehicles are Significant Contributors to O₃ Formation

- Number of miles driven has risen sharply
- Emission control systems malfunction or wear out
- Vehicles are not maintained

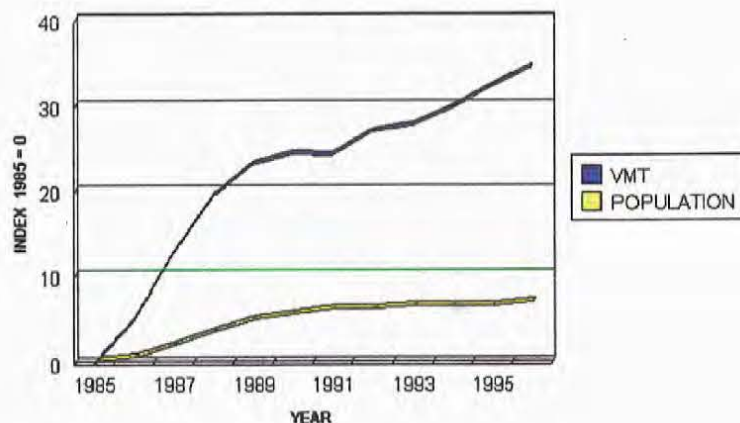
Existing federal and state regulations have substantially reduced smokestack emissions from industrial point sources, leaving mobile sources as the single, largest source category of ozone forming emissions and air toxics found in urban areas.

Cars emit several types of pollution. Among these are *volatile organic compounds (VOCs)* and *nitrogen oxides (NO_x)*, which are the two ingredients in the formation of ground-level ozone, better known as "smog." Vehicle exhaust also contains carbon monoxide and various toxic air pollutants.

Automobile pollution control systems are becoming more sophisticated, and as a result cars are running cleaner than in days past. However, pollution controls wear out with time, or malfunction; and some car owners, who mistakenly believe that emission control systems hinder vehicle performance, have disabled or removed their emissions control devices. In addition, some car owners do not maintain their vehicles due to real or perceived short-term costs and a lack of information about long-term cost savings associated with good vehicle maintenance. Without good maintenance, cars cannot run as cleanly as they were designed to.

As portrayed by the graph below, cars are also polluting more due to an increase in the number of miles being driven by the public. Nationwide, vehicle miles traveled have doubled over the past 20 years.

Vehicle Miles Traveled, 1986-1996



DATA COLLECTION & ANALYSIS

- **Processes used**
- **Meetings with EPA**
- **Emission Testing Advisory Group**
- **Market research and education plan**
- **Technical training workgroup**
- **Intra-agency workgroup**
- **Public meetings**
- **Investigation of other state programs**

Options Evaluated by ETAG

IM 240

Dynamometer testing (treadmill), expensive, former Cartest program.

RG 240

Repair grade 240, dynamometer testing, less expensive than IM 240 but still costly.

ASM

Acceleration Simulation Mode, dynamometer testing.

Basic Idle

Older test method using 4 or 5 gas analyzers. Also known as tail pipe sniff test.

Comprehensive Tampering Check

Look for tampering on catalytic converter, exhaust gas recirculator (EGR), positive crankcase valve (PCV), missing gas caps, inlet restrictor, air pumps, and evaporative canister system. This was discussed at length but was ruled out in favor of the other test method due to the time involved to inspect and intrusive nature.

Functional Test

Test the operation of the components, like the catalytic converter and the EGR. There are either no readily available techniques or the methodology was times taking

DATA COLLECTION & ANALYSIS Processes Used

Prior to developing options for a vehicle inspection and maintenance program, many hours of staff time were used to gather and analyze information. Issues were identified and analyzed using group techniques, market research, public forums and other methodologies, which are described in more detail below.

■ Meetings with EPA

Numerous meetings and phone calls were held with EPA to learn about the new federal requirements, to resolve state agency concerns and to detail a stakeholder process.

■ Emission Testing Advisory Group

In November 1996 a stakeholder group, known as the Emission Testing Advisory Group (ETAG), was formed to identify the options for vehicle emissions testing in Maine and to identify the criteria for a successful program. (A membership list of ETAG is included in the Appendix.) After meeting four times on alternative program designs, the stakeholder group agreed upon testing elements of gas cap pressure test, catalytic converter visual inspection and the OBD test, as described in the Department's proposal. The group recommended that the test, if adopted, be conducted statewide, as an "add on" to the existing safety inspection program. The group also recommended that the enforcement mechanism be "sticker based," and not registration denial.

Several test methods were reviewed by ETAG. Any test that included a dynamometer was quickly dismissed by the group due to the high cost in a decentralized setting.

■ Market Research & Education Plan

The Department contracted with Commonwealth Marketing in Portland to conduct market research in order to determine public reactions and concerns pertaining to a motor vehicle inspection program designed to reduce air pollution. Existing survey data and focus groups were used in order to obtain public input regarding what infor-

Program Criteria for Success

- Adequate public outreach
- Program based on good science
- Excellent customer service
- Unburdensome program administration
- Minimal fiscal impact
- Equitable program scope
- Federal compliance
- Realized environmental benefits

Major Findings from Market Research

- Vehicle pollution not recognized
- Public distrust of auto technicians
- Program should be statewide

mation needs to be communicated and how best to communicate it. Their report is included in the Appendix. Commonwealth recommended broad based constituency building that targets a number of different constituency groups, including the driving public. According to Commonwealth, the public needs to be provided with the facts about air quality in Maine and the region, couched in terms to address the Mainer's sense of fairness.

Commonwealth also recommended a phased in public education plan to increase public awareness of the significance of mobile source contributions to air pollution. The education plan is needed in order to implement a successful vehicle emission control program that preserves air quality and protects human health. The three phases of the plan include:

1. constituency building;
2. public awareness; and
3. program implementation.

Attached to the education plan is a budget that provides for three levels of funding ranging up to \$379,700.

■ Technical Training Workgroup

A technical training workgroup was chartered to design a training plan for automotive technicians. After meeting three times, the workgroup recommended Automotive Service Excellence Level 1 certification for automotive technicians involved with either testing or repairs.

■ Intra-Agency Workgroup

Six meetings were held with the Department of Public Safety, the Bureau of Motor Vehicles, and the Department of Transportation. The purpose of these meetings was to identify and resolve any implementation issues.

■ Public Meetings

Seven public meetings were held in Presque Isle, Bangor, Augusta, Lewiston and Portland in early December 1997. A total of 109 interested members of the public attended the meetings including 12 legislators. Sixty percent of those attending were automotive technicians. Public reactions to the proposals were recorded by staff and are

Major Findings from Public Meetings

- Statewide coverage preferred
- Fees should be set, not market driven
- Fees should fairly compensate auto technician
- Public education is important
- Qualified auto technicians are needed
- Smoking vehicles need to be addressed

summarized in the Appendix.

■ Investigation of Other State Programs

Staff interviewed personnel in other states to study the design and implementation of their motor vehicle inspection and maintenance programs.

New Hampshire. Federal law requires New Hampshire, given its status of nonattainment areas, to implement an idle test or equivalent program in the southern part of the state. New Hampshire is currently evaluating its options on how it will meet the federal requirements.

Massachusetts. Massachusetts currently has a statewide, decentralized, idle test with annual inspection. This test will be replaced in 1999 with a treadmill-type test. The new test will also include visual checks for the catalyst, air pump, ERG, gas cap and evaporative disabled checks, as well as purge and pressure evaporative tests.

Vermont. Vermont has implemented a statewide decentralized program with three phased in components that are an extension to their existing annual safety inspection program. The first component is a visual check of the catalytic converter, which began in 1997. The second component, which is a gas cap pressure test will begin in 1998. In 1999, the onboard diagnostic system of vehicles will be checked.

Connecticut. As of January 1998, Connecticut has a statewide, centralized, contractor-run, test only program, which includes an annual pre-conditioned idle test for 1968-1980 model year vehicles, and a biennial treadmill-type test and gas cap check for 1981 and late model year vehicles.

Rhode Island. Rhode Island currently has an annual, statewide, decentralized, test and repair idle program. A decentralized, enhanced program will be implemented possibly in 2000 following the outcome of a pilot study that was initiated in 1997. The pilot program will examine different I/M test procedures, repair industry readiness, and economic and design issues, as well as remote sensing.

Summary of State Programs

NH	undetermined
MA	decentralized; treadmill test; statewide
VT	decentralized, catalytic converter; gas cap, OBD; statewide
CT	centralized, treadmill test
RI	pilot project

PROGRAM OPTION EVALUATION

- Introduction
- Option 1 Cumberland County
- Option 2 Statewide
- What is proposed to be tested
- How much will testing cost
- What are the test fee options
- How much will repairs cost
- Impact to safety inspection facilities
- Low income impact analysis
- Air quality and consumer benefits
- Diesel testing
- Project XL
- Fee reimbursement
- Credit options

PROGRAM OPTION EVALUATION

Introduction

ETAG believes that the program elements for each option:

- meet federal requirements
- are equitable to the public
- have minimal fiscal impact
- are not burdensome

The Department is presenting two proposals which differ only in terms of geographic scope. *Option 1 applies to Cumberland County, whereas Option 2 applies statewide.* The Legislative Resolve requires at least two proposals for a motor vehicle inspection and maintenance program which includes the following elements:

Geographic Coverage *Option 1* Cumberland County
 Option 2 Statewide

Network Type Decentralized testing
 at Safety Inspection Stations

Test Frequency Annual testing

Model Year 1974 & newer for gas cap
 1983 & newer for cat. converter
 1996 & newer for OBD II

Vehicle Coverage All passenger vehicles and
 light duty trucks
 up to 10,000 GVWR

Exhaust Emission Test Type none

Emission Standards none

Control Device Inspections cat. converter
 gas cap
 OBD II

Schedule 1999 Start of gas cap & catalytic
 converter inspection & repair
 OBD inspection only
 2000/01 Start of OBD repair

Enforcement Sticker denial

Diesel testing Statewide, roadside "SNAP" test

The Department is proposing an option that reflects the recommendations of ETAG. Options related to the use of dynamometers or idle testing of emissions were dismissed because of the high cost of implementation in a decentralized setting. ETAG agreed to the testing elements described under the Department's options and that the program be added to the State's existing safety inspection program. ETAG also recommended sticker denial for an enforcement mechanism.

OPTION 1 Cumberland County

The Portland MSA has a population of 221,095.

Federal rules require that the program cover all counties in the subject MSA. For Maine this would include York and Cumberland counties.

EXCEPT THAT largely rural counties having a population density less than 200 persons per square mile based on 1990 Census. Therefore, York County can be excluded.

Requiring the program only in Cumberland County would minimize the impact of subjecting Maines' citizens to vehicle testing, while still meeting the federal requirements.

However, the existing safety inspection program currently allows drivers to get their vehicles inspected anywhere in the state. If the proposed testing program was limited to Cumberland County, a vehicle registration in Cumberland County would have to be "marked" as subject to the testing program so that safety inspection stations outside of Cumberland County could identify these cars as subject to the additional testing requirements. It is uncertain as whether the stations outside of Cumberland County would "gear-up" for testing Cumberland County vehicles.

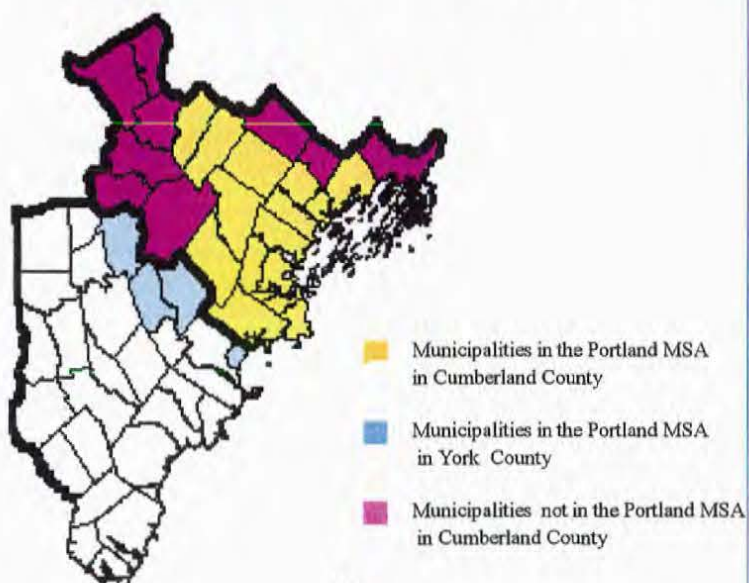
Cumberland County has a population of 243,135.

Cumberland county has a population density of 275 persons/sq mile.

York County has a population density of 162 persons/sq mile.

Benefits of a Cumberland County only program:

- Meets minimal requirements of law
- Saves time and cost in areas where not required



OPTION 2

Statewide

The Legislature also asked the Department to include an option for a statewide vehicle testing program.

During the last Car Test program, there was a lot of public outcry that the program was only being implemented in the seven southern counties. Many people thought that this was unfair. A common comment at the time was, "If the program was good for southern Maine, it should be good for all of Maine."

The seven county program created a border. For example, if your car was registered in Waterville you were subject to testing, but if you lived in the neighboring town of Fairfield, you were not subject.

To avoid testing some people falsely registered their cars outside the test area, removing valuable excise money from municipalities in the test area.

Another concern is that many vehicles in the testing area may travel into the area where testing is required.

Benefits of a statewide program:

- Use existing safety inspection infrastructure (over 2,500 in the state)
- Eliminates border jumping (vehicle registered outside of county to avoid being subject to the program)
- Reduced air pollution, including air toxics, across state for everyone
- Everyone in the state will benefit from cars which comply
- Less cumbersome to enforce

OBD II Systems Monitors

- Comprehensive Component
- Catalyst
- EGR & EVAP System
- Fuel Systems
- Misfire
- Oxygen Sensor
- Secondary AIR System

What is proposed to be tested?

Catalytic Converter. The catalytic converter which removes pollutants from the exhaust is located underneath the vehicle between the engine and the muffler. A visual inspection of the catalytic converter makes sure that it is present and properly connected. This inspection is currently included in the annual safety inspection of 1983 and subsequent model year vehicles. Vehicles failing this component of the existing safety inspection program will continue to need to make repairs.

Gas cap. The Department proposes to pressure test the gas cap, which is an important part of the vehicle's evaporative emissions control system, to determine if it is working properly. Gas caps that fail are proposed to be replaced.

On-Board Diagnostics System. The On-Board Diagnostic (OBD) system is a built-in computer which monitors emission control devices and other major aspects of the vehicle's operations on 1996 and newer models. If any of these devices fail, the malfunction indicator ("check engine") light comes on.

The Clean Air Act requires vehicle emission control devices associated with the OBD to be checked as part of an emissions inspection program. A vehicle will fail OBD if:

- 1) its OBD connector is missing, has been tampered with, or otherwise inoperable;
- 2) if the MIL ("check engine" light) is not lit and should be; or
- 3) if the MIL is lit and malfunctions are identified.

The Department proposes that vehicles failing the OBD section of the test, but passing both the gas cap and visual inspection of the catalytic converter, would not be required to make repairs until year 2000. If the federal rules later change the mandatory repair date to 2001, the State will also change the repair date to 2001.



**SAFETY
INSPECTION
ISSUE**

Maine auto technicians have expressed their concern to the Department that the existing fee of \$6 does not adequately cover the time needed to administer the safety inspection. A proper inspection should take about 20 minutes.

How much will testing cost?

If the program is attached to the existing safety program, an additional fee may need to be added to compensate the safety inspection garage for the additional work.

At a workshop conducted at Central Maine Technical College, a master mechanic was timed to determine how much time the following elements took to perform:

<u>Element</u>	<u>Time</u>
Catalytic Converter	Already Done
Gas Cap	up to 5 minutes
On Board Diagnostics	Up to 5 minutes

At a shop rate of between \$35 - \$40 per hour, 5 minutes of time would equate to about \$3.

What are the test fee options?

Market driven fee. The station would be allowed to establish a fee that was based on competition.

Market driven fee with maximum. The Legislature would establish a maximum charge for the test but the station could charge less.

Flat fee. The Legislature would establish a fixed fee as it does with the safety inspection.

Dual fee. A two-tiered fee structure could be established. The test for 1996 and newer vehicles could be charged a separate fee to reflect the additional OBD inspection costs, while a second (lower) fee for 1995 and older cars could be charge a lower rate to reflect only the catalytic converter and gas cap check.

How much will repairs cost?

Catalytic Converter. *Vehicles are already subject to repairs as part of the safety inspection program.* The catalytic converter is not only an important emission control device it is also a important part of the exhaust system. The cost of replacement can range from \$80 to \$500 dollars. Most vehicles can use an after market converter, which are generally cheaper.

Gas Cap. Gas caps are relatively inexpensive. The cost for replacement varies from \$6 to \$20 dollars.

On Board Diagnostics. The cost of repairs on OBD have not been developed at this time. EPA gave Colorado State University a grant to investigate costs associated to the repair of OBD II vehicles. Repairs could be as simple as a disconnected sensor to replacement of the vehicle engine.

Impact to Safety Inspection Facilities

Catalytic converterter testing equipment. Since a visual inspection of the catalytic converter is already part of the existing safety inspection program, no additional equipment is needed for this element of the program.

Gas cap testing equipment. This equipment will cost approximately \$500-800. As more companies compete in sales of this equipment, the cost should come down.

OBD testing equipment. A scan tool is necessary to check the OBD systems on the 1996 and newer vehicles. Many repair shops already have scan tools suitable for this purpose, but for those that don't, a scan tool capable of checking OBD systems willcost approximately \$1200- 2000. Facilities that work on 1996 and newer vehicles will need this equipment to make repairs whether or not there is a inspection program.



Low Income Impact Analysis

California Low Income Program

In California a program was designed to offer financial assistance to eligible low-income vehicle owners in order to assist with vehicle repairs and to ensure compliance with passing emission standards. The program is offered to individuals based on a maximum income level of 175% of the federal poverty level. A minimum of \$20 million is allocated each year to subsidize repairs. The program is funded through revenues generated by a smog impact fee that is charged to all new vehicles. Eligible individuals contribute a copayment equivalent to the repair cost limit, either in cash, or in emissions-related repairs.

The Department's proposal will impact the low income groups in the short term through increased test fees and repair costs. However, the impact is expected to be minimal. Since it only takes a few minutes to test the gas cap using relatively inexpensive testing equipment, and since a visual inspection of the catalytic converter is already included in the existing safety inspection program, any increase in the test fee due to these testing components is expected to be minimal.

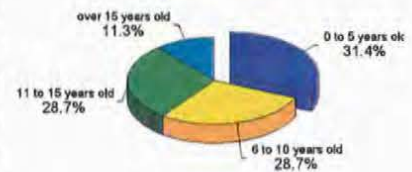
The OBD component may increase the safety inspection fee \$3-4, but the Department assumes that the low income group will not be affected for some time in the future, since most low income drivers would be less likely to buy the newer, more expensive vehicles. In addition, the OBD system and many component repairs of new vehicles are covered by warranties for a period of time after purchase.

As indicated in the previous section of this report, the cost to replace a gas cap will range from \$6 to \$20, but the cost of gas caps on vehicles owned by the low income is probably at the low end of the range. The "one-time" cost (assuming the useful life of a gas cap is 10 years) should not be a burden on those with low income.

The cost to install a missing catalytic converter ranges widely. However, since visual checks of the catalytic converter is already a part of the existing safety inspection program, no new impact is expected.

Needed repairs detected by OBD will range widely, but no one will be subject to repair costs until 2000 or 2001. In 1999 some owners will be advised that their vehicle did not pass OBD. All will have a full year to repair their vehicle.

Currently, only about 30% of the registered vehicles in Maine are from 0 to 5 years old. Assuming that this same statistic will apply in 2001, 30% of the vehicles will be subject to OBD repairs. Therefore, the Department expects a minimal number of low income would be impacted in the start of the program.

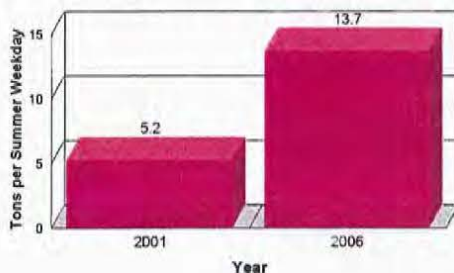


Age distribution
of motor vehicles in Maine

Air Quality and Consumer Benefits

Federal regulations require a minimal 1.7% reduction for VOCs and a 1.3% reduction for NO_x. The Department's proposed program will achieve these reductions.

On Board Diagnostics VOC Reductions



In 2006 or later when the Maine fleet consists mostly of 1996 and newer model year vehicles, use of the onboard diagnostic computer to test vehicle emission control systems has the potential to reduce all emissions up to 25%. The onboard diagnostic system will also benefit consumers in that vehicle in use deterioration will decrease. In other words, the newer vehicles are expected to last longer. The onboard diagnostic computer is expected to aid automotive technicians in identifying malfunctions and needed repairs, thus minimizing repair costs.

Air toxic emissions will be reduced as a result of this program. Air sampling at a number of different sites in both attainment and nonattainment areas has revealed that levels of 1,3 butadiene, a highly toxic compound attributed to automobile emissions, are significantly higher than the levels considered safe by the Department of Human Services. Such compounds will be reduced through the proposed mobile source emission controls.

Consumers will benefit from the proposed program in a number of different ways. The proposal will serve as a vehicle for distributing warranty information, thus helping to prevent consumers from unnecessarily paying for repairs that are covered under warranty. The program will provide information on vehicle maintenance that will result in fuel economy and savings, and prolonged life of the vehicle.

Program Benefits

- An immediate 1.5% reduction of car and truck emissions
- OBD benefits starting in the year 2000 or 2001...up to 25% additional reductions of car and truck emissions
- Reduced air toxic emissions

Diesel Testing

Emissions from diesel trucks concern Maine citizens, who have complained to the Department over the years about large amounts of black smoke from diesel trucks. The soot that comes from diesel trucks has been linked to health problems.

The Department, in collaboration with the trucking community and other northeastern states, proposes to address this problem through the following actions:

Education. Develop an educational campaign aimed at drivers and auto technicians can help to increase awareness about the causes and effects of the sooty, black smoke.

Emissions Standards. Work with other states to develop a regional diesel emissions standard. Regional standards are important in order to establish an equal playing field for interstate trucking throughout the northeast.

Roadside Testing. Test both in-state and out of state vehicles which show an excessive amount of black smoke. The Department proposes to test vehicles in conjunction with Maine State Police weigh station stops. The "snap acceleration test" used, which measures the opacity of the emissions coming from the trucks' exhaust, takes six to seven minutes to conduct and has been accepted by most in the trucking community.

Annual testing was dismissed due to the expense of testing equipment which would have to be purchased at each safety inspection station.

This program is proposed to be phased in over two years. Trucks not meeting the standard in 1999 will be given information about the benefits of repairing their vehicle. Repairs and a possible fine for repeat offenders will not be initiated until 2000.

The NESCAUM states are working on a reciprocity agreement that would give violators time to obtain repairs. If a vehicle was stopped and ticketed in one state, the driver would not get other tickets, so long as repairs are made within a specified timeframe.

What is opacity?

Opacity is the relative density of the exhaust smoke. An opacity of zero percent is similar to looking through a clean window pane. At one hundred percent you cannot see any thing through the smoke, all the light has been blocked.



NESCAUM

Northeast States for
Coordinated Air Use
Management

Maine
Massachusetts
New Hampshire
Connecticut
Vermont
Rhode Island
New York
New Jersey

Proposed Standards

40% 1991 and newer
55% 1974-1990
70% 1973 and older

Causes of Black Smoke from Trucks

- ✓ restricted air filter
- ✓ improper injection timing
- ✓ clogged, worn or mismatched fuel injectors
- ✓ faulty fuel injection pump
- ✓ defective or maladjusted puff limiter
- ✓ low air box pressure
- ✓ improperly adjusted valve lash or governor
- ✓ air manifold leaks
- ✓ malfunctioning turbocharger
- ✓ malfunctioning aftercoolers
- ✓ maladjusted fuel rack
- ✓ defective air fuel controller
- ✓ poor fuel quality
- ✓ improper driving gear
- ✓ air manifold leaks

Project XL

Project XL, which stands for eXcellence and Leadership, is a national EPA program defined by three key elements:

- nger environmental performance

- Meaningful stakeholder involvement
- Regulatory flexibility

The purpose of the program is to challenge the regulated community to find cleaner, cheaper ways of protecting the environment.

The Department approached EPA with a request to allow any potential Maine Project XL to either replace or supplement a portion of the requirement for a motor vehicle inspection requirement.

EPA responded in a letter, a copy of which is in the Appendix, that while the XL program is able to offer flexibility from federal rules, policy and guidance, it does not allow EPA to operate beyond the limits of their statutory authority. For example, a proposal to eliminate an I/M program entirely would contradict a statutory requirement of the Clean Air Act. EPA's "OTR Low-Enhanced Program" represents EPA's design for the most streamlined program while meeting the Clean Air Act requirements.

Fee Reimbursement

The Legislature directed the Department to examine options to reimburse Maine drivers who incurred the cost of an inspection under the former CarTest program. In response, the Department calculated the amount paid by citizens for testing under the old CarTest program.

■Mandatory test	26,215 vehicles	\$629,160
■Voluntary Testing	21,931 vehicles	\$307,034
■Total Testing Cost	48,146 vehicles	\$936,194

Vehicles that were tested can be identified through registration data from the Bureau of Motor Vehicles.

Costs incurred through repairs is not as easy to identify. The now defunct Systems Control, the contractor of the former CarTest program, kept all of the returned repair data forms. As part of the contract, they were to administer repair compliance and gather data on these repairs. When the state shut the program down, the Department only had data on the average repair cost. The average repair cost of vehicles that were repaired and returned for retesting was \$179.02. Since only 684 of 7,617 failed vehicles returned to the stations, complete data is not available to estimate either the total cost of repairs or the repair benefit from improved gasoline mileage and performance.

Credit Options

Reimbursement of Test Fee. Reimburse the \$936,194 spent on test fees from general fund surplus.

No Future Test Fee. Provide vouchers to cover future testing costs for a specified period. However, since the proposed testing program is decentralized, the administrative costs of handling such vouchers may be exorbitant. Station owners are independent operators and should not be expected to absorb these costs.

Deferred Testing. Allow the 48,146 vehicle owners to forgo the new test requirements for a period of time.

RECOMMENDATIONS

- Network
- Geographic coverage
- Testing Elements
- Repair of failing vehicles
- Phase-in OBD inspection
- Identification of gross polluters
- Enforcement
- Auto technician certification
- Test fee
- Repair cost limit
- Diesel truck testing
- Public education
- Schedule
- Ranking of Options

Recommendations

Network. Administered through the existing safety inspection program.

Geographic coverage. Administered statewide. This issue should be flagged for public comment.

Testing elements. Include the following:

- visual inspection of catalytic converter for 1983 and later cars;
- gas cap pressure check on 1974 and later cars; and
- on board diagnostics check on 1996 and later cars

Repair of failing vehicles. The program should allow:

- repair of catalytic converter: ongoing;
- repair of gas cap: 1999; and
- repair for OBD failures: 2000 or 2001 if EPA allows

Phase-in OBD inspection. The program should allow for the following OBD inspection schedule:

- in 1999: visual check of OBD light, no repair required;
- in 2000: OBD scan of major fault codes, no repair required; and
- in 2001: OBD scan of major fault codes, repairs required

Identification of gross polluters. The program should include a provision to require State Police to site and require repair of vehicles which emit continuous visible pollutants for more than five seconds.

Enforcement. The program should be enforced through "sticker denial" of the safety inspection sticker.

Auto technician certification. No certification should be required prior to the requirement for repair of the OBD failures (2001). A task force should be created to recommend the level of certification and training needed for either inspection and/or repair of OBD failures.

Test fee. The program should be funded through a flat fee, \$3.00 to \$6.00, added to the safety inspection fee. The fee should be commensurate with the time needed to conduct the test and recover costs for any additional testing equipment. The fee should be established at a minimal amount in 1999 and be raised in 2000 when OBD scans are required. An administrative fee (e.g. \$0.50) over and above the \$3.00 to \$6.00 test fee should be charged to cover the additional costs to the Department of Public Safety, public education, and mechanics training.

Fee reimbursement. The Department does not recommend a fee reimbursement for those individuals who incurred test fee and repair costs during the implementation of the former CarTest program.

Repair cost limit. The Department recommends no repair cost limit until 2001. EPA allows for a \$450 repair cost limit adjusted for the Consumer Price Index. By 2001 the Department estimates this limit will exceed \$600 and should be calculated at that time.

Diesel truck testing. The program should include a statewide diesel truck component which tests diesel truck opacity at periodic roadside checks. The program should commence in 1999 with no enforcement and required repairs until 2000.

Public education. Commonwealth Marketing recommends a public education component as part of a successful motor vehicle inspection program.

Schedule. The Department proposes to begin a public education program in July of 1998 in order to provide adequate time for the distribution of consumer information on the program. The gas cap pressure testing component and a visual check for mil light illumination would begin in July of 1999. OBD testing and repairs related to the mil light illumination will not be required until 2000 or 2001 (See Phase in OBD inspection).

Ranking of Options

Criteria for Program Evaluation	OPTION 1 Cumberland County	OPTION 2 Statewide
Maximum environmental benefits		✓
Minimal fiscal impact	✓	
Ease of enforceability		✓
Equitable program scope		✓
Minimize border issue		✓
Meet federal requirements	✓	✓
Minimal overall impact on citizens and safety inspection program	✓	✓
Ease of administration	✓	
Customer service	✓	✓
TOTAL	5	7

Assumptions: Each criteria is assumed equal.
 Each ✓ gets one point.
 The option which receives the most points
 is the leading option.

APPENDIX

- EPA sanction letter
- Resolve
- Market research
and public education plan
- Project XL letter
- ETAG roster
- Public comments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

June 6, 1997

OFFICE OF THE
REGIONAL ADMINISTRATOR

Governor Angus S. King, Jr.
State of Maine
State House, Station No. 1
Augusta, ME 04333

Dear Governor King:

EPA has finalized a number of changes to the federal enhanced vehicle inspection and maintenance program (I/M) regulations. These changes allow states to adopt and implement enhanced I/M programs more tailored to their specific environmental and economic needs. They also allow certain areas in the Ozone Transport Region such as Portland, Maine, even greater flexibility in meeting their obligations under the Clean Air Act. These changes were made in response to urging from states.

Ensuring that motor vehicles are effectively inspected and maintained can bring about the needed reductions in smog, while also reducing the respiratory and other health problems citizens experience from this form of air pollution. We believe that enhanced I/M programs are among the most cost-effective strategies that can be used to achieve clean air and public health protection. I know we share a mutual goal to implement an I/M program that makes both economic and environmental sense for the people of Maine as quickly as possible.

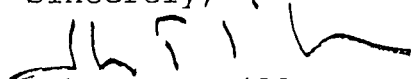
As you know, on November 3, 1994, EPA conditionally approved Maine's originally designed and adopted test-only enhanced motor vehicle I/M program as a revision to the Maine State Implementation Plan (SIP). The final rulemaking stated that if the state did not submit necessary material by September 1, 1995, EPA would consider that the conditions had not been met.

Because we have not received the needed additional material to complete the State plan, I am required under the Clean Air Act to inform you that EPA's November 3, 1994 conditional approval of the Maine enhanced I/M SIP is no longer effective, and we are notifying you of full disapproval of Maine's enhanced I/M plan today. This disapproval action is necessary to ensure that we meet the requirements of the Clean Air Act that call for state I/M plans to meet clean air standards. It starts an 18-month period before any sanctions would result. The state must submit and EPA must approve an enhanced I/M plan within 18 months from the date of this letter in order to avoid sanctions, as required

under the law. During the past several months, we have been working with Commissioner Sullivan and Deputy Commissioner Morgan through a stakeholder process to assist in the design of an I/M program for Maine. We are pleased that the legislature has recently passed legislation which will authorize the Department to design an I/M program. The I/M program designed by the Department, in consultation with the legislature's Natural Resources Committee, and with public involvement, could be passed by the entire legislature in the winter of 1998. We are very pleased with these efforts. We hope they will bear fruit in advance of sanctions and stand ready to assist toward that end in any way possible.

Again, EPA remains committed to working with Maine for the timely implementation of an enhanced I/M program designed to provide for both healthy air quality and sustainable development, goals I know we share for the citizens of Maine.

Sincerely,



John P. DeVillars
Regional Administrator

cc: Edward O. Sullivan, DEP, Commissioner
James Brooks, DEP- BAQC, Chief
John G. Melrose, DOT, Commissioner

APPROVED

CHAPTER

JUN 1-1 '97

157

BY GOVERNOR

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-SEVEN

H.P. 1174 - L.D. 1651

Resolve, Directing the Department of Environmental
Protection to Study and Make Recommendations on the
Establishment of a Motor Vehicle Inspection and Maintenance
Program to Meet the Requirements of the Federal Clean Air
Act

Sec. 1. Study. Resolved: That the Commissioner of Environmental Protection shall study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State; and be it further

Sec. 2. Recommendations; report. Resolved: That the commissioner shall submit a report of the commissioner's findings and recommendations to the Legislature by January 5, 1998.

The report must include at least 2 proposals for a motor vehicle inspection and maintenance program. The proposals must include the following.

1. Each proposal must address the following elements: geographic coverage, network type, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards and emission control device inspections.

2. One of the proposals must include the following program components: statewide coverage and testing of light duty motor vehicles at the time of the existing annual safety inspection.

3. One proposal must include coverage of heavy duty diesel-powered vehicles. In developing a proposal for testing these vehicles, the commissioner shall consider both roadside testing and annual testing at the time of inspection.

4. Each of the proposals must include recommendations for addressing the needs of low-income vehicle owners for whom the

inspection fee and repair costs may pose an unreasonable economic burden.

5. Each of the proposals must specify a time frame for implementation that provides adequate time for public education and a pilot program.

In addition to the proposals for a motor vehicle inspection and maintenance program, the report must include a recommendation as to whether an alternative strategy or program can be used, alone or in conjunction with a motor vehicle inspection and maintenance program, to achieve compliance with federal requirements through the United States Environmental Protection Agency's Project XL program, defined at 60 Federal Register, 27,282(1995). In studying the Project XL program, the commissioner shall consider, but is not limited to, strategies to reduce vehicle miles traveled in passenger cars and trucks.

In developing the proposals, the commissioner shall solicit input from the public. The Commissioner of Public Safety and the Secretary of State shall work with the commissioner in developing the proposals.

In the report, the commissioner shall rank the proposals and provide a justification for the rankings, including a description of environmental benefits and estimated costs to vehicle owners and station owners.

The commissioner shall also make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program pursuant to the Maine Revised Statutes, Title 38, former chapter 28; and be it further

Sec. 3. Interim updates. Resolved: That the commissioner shall meet with the Joint Standing Committee on Natural Resources or a subcommittee appointed by the chairs at least twice between July 1, 1997 and December 1, 1997 to update and consult with the committee on the progress of the study; and be it further

Sec. 4. Legislation. Resolved: That the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to a motor vehicle inspection and maintenance program or a Project XL program during the Second Regular Session of the 118th Legislature.



Commonwealth Marketing & Development

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Air Emissions Testing Program Draft Public Education Plan

Presented to:

Maine Department of Environmental Protection

October, 1997

Introduction

To assist the Maine Department of Environmental Protection in designing and implementing a public information program, Commonwealth Marketing & Development conducted a series of focus groups throughout the state in September 1997. The purpose of the research was to determine public reactions to a motor vehicle inspection program designed to reduce air pollution, to identify concerns and to obtain public input regarding what information needs to be communicated and how best to communicate it.

The results of this research mirrors polls conducted in several northeastern states. Each of the groups lacked specific information about the extent to which motor vehicles are a source of air pollution and what benefits are to be expected from any proposed testing. In a 1994 Connecticut survey, only 27% of respondents thought that air pollution from trucks and cars was "very serious". In fact, there was "a clear drop-off in the number feeling that pollution from vehicles is very serious (from 47% to 27%)".¹ Similar results were garnered from surveys in Pennsylvania and Washington, D.C.

This lack of knowledge and awareness of the problem is thought to be due to the facts that (1) air pollution is generally invisible, and (2) most people are not experiencing acute problems as a result of air pollution. In addition, mobile source pollution, as opposed to point-source or stationary polluters, is much harder to identify as "the source" of air quality problems. Here in Maine the research differs somewhat from more urban areas. In a Gallup Organization study in Washington DC, 77% of respondents recognized automobiles as the biggest contributors to air pollution in the area. In Baltimore, MD, 50% named automobiles as the primary source.² This discrepancy indicates an even greater need for public education and enhanced awareness.

Based upon this primary and secondary research, Commonwealth has developed a public education plan for building support and educating the public about air pollution in Maine, causes, effects, and the need for auto emission testing and implementation of a statewide testing program.

Today's heightened awareness of environmental issues and great strides in reducing pollution in general are evidence of successful educational efforts in recent decades. It demonstrates that responsible citizens, given *factual information* about environmental issues and *reasonable, responsible alternatives*, will change behaviors to preserve the environment.

¹ Institute for Social Inquiry, University of Connecticut, "Connecticut Residents' Attitudes Toward Air Pollution and Clean Air Measures", August 1994.

² The Gallup Organization, "A Study of Pennsylvania Residents' and Employers' Attitudes and Awareness of Air Quality in Pennsylvania", prepared for The Pennsylvania Departments of Transportation and Environmental Resources, August 1994.

The campaign outlined in the following document is designed to provide factual information which will prompt Maine people to take action to support an enhanced motor vehicle inspection program. This educational program is designed to:

- Increase public awareness of the ozone problem and the significant contribution mobile sources make to that problem and to the issue of air toxins;
- Cultivate general acceptance of the need for a motor vehicle emission control program to help minimize vehicle emissions; and
- Promote measures that minimize vehicle emissions, primarily the vehicle inspection program to be developed by the Maine Department of Environmental Protection.

Background

Reactions to the quality of Maine's air are mixed. Overall, Mainers believe their air quality is better than that of major metropolitan areas outside of Maine. When the current air quality is compared to prior years, the response tends to be mixed depending upon an individual's perspective and locale. Many people, especially those near paper mills, feel that air quality has improved. However, those with conditions that affect breathing, such as asthma, are more likely to comment that they notice a deterioration in air quality.

The recent research throughout Maine suggests there are a number of consensus issues that should be included and/or addressed in developing the inspection educational program:

- The concepts of trust, fairness, and responsibility undergird public opinion regarding air pollution and motor vehicle inspection programs.
- Personal motor vehicles are not generally considered to be a major factor in contributing to Maine's air pollution.
- People base their perceptions on what they see, smell or have been exposed to in the media, (i.e. the impact of acid rain from out-of-state industries on Maine's environment).
- The public does not appear to have any single core set of knowledge regarding the sources of Maine's air pollution. The public needs to have more specifics regarding the nature of the environmental hazard created by motor vehicles and how significant that problem is compared to the other sources of pollution.
- People are hard pressed to perceive any real benefits in terms of reducing air pollution from the proposed program alone. Any public education program must identify the benefits that will be derived from participating in this program, now and in the future.

Background...Continued

- The focus group participants agree that any program should be statewide. Education should point out statewide participation in the program.
- The program should be part of the annual motor vehicle inspection. This was viewed as the most convenient means of conducting inspections.
- The groups agreed that there should be a set fee for the inspection rather than allowing it to be market driven.

Situational Analysis

There are a number of **challenges** to overcome through education in order to gain public support and cooperation with a new auto-emissions testing program. They include:

- Negative perceptions left behind by the previous emissions control program.
- Distrust of Government agencies.
- The public's obsession with driving and resistance to changing driving habits.
- "Selling" a statewide program when only Cumberland County is required to reduce emissions.
- Lack of evidence of immediate benefit from program.
- Fear of inconvenience and increased costs for car maintenance.
- Belief that most pollution comes from out-of-state sources.
- The reluctance of the Legislature to change the cost of the current inspection program.

There are also basic **strengths** which can be built upon with an effective educational program to overcome these challenges:

- Mainers value clean air.
- The new inspection program offers minimal inconvenience/cost.
- Rules changes result in an increased flexibility in meeting EPA requirements.
- The new inspection program is fair to the entire state.
- People are more familiar with air pollution issues, such as ozone alerts and the increase in childhood asthma, than they were in 1995.
- Litigation considered against Mid-west polluters supports the position that big polluters are also being held accountable.
- Mainers' keen sense of fairness suggests that it rings hollow to complain about out-of-state pollution sources while refusing to "do our part" to reduce pollution.
- There are demonstrable long-term benefits to compliance with the program.
- There is data to prove mobile sources are the #1 cause of air pollution in Maine.
- This is a new, Maine-grown program.

Educational Strategies

Successful launch of an emissions reduction program in Maine will be dependent on broad based support from a number of constituency groups, including the driving public. To reach a broad constituency, multiple educational strategies and phases will be used.

A popular expression in Maine, often applied to government initiatives, is "If it ain't broke, don't fix it". Mainers must be convinced that when it comes to air quality, something is about to "break". One of the key elements of the educational strategy is to "increase Mainers' air pollution IQ" and provide them with the facts about air quality in Maine and the region. A vast majority of Maine people place a high value on the natural environment. Given convincing facts and reasonable responses, they will take appropriate action to preserve it.

In addition to increasing the public's "air pollution IQ", the public information program will appeal to Mainers' sense of fairness. Taking modest steps in Maine to reduce mobile source air pollution and comply with the EPA regulations puts Mainers on firm moral ground as they request out-of-state sources reduce their emissions. Stated another way, what right do we have to ask others to make big changes if we're not even willing to take some small steps in Maine?

Key Messages & Themes

Repetition and frequency are central to the success of any public education program. Several key messages or themes will be repeated throughout this program to increase both awareness and knowledge. Proposed key messages include:

- 1) Get the facts about air pollution. Did you know the automobile is the single largest source of air pollution in Maine?
- 2) The road to clean air starts with us. This PSA line was well-received and can continue to emphasize that everyone is being asked - in state and out - to help solve the problem.
- 3) The new inspection program will be convenient, reliable, and affordable. This message must differentiate the new inspection program from the previous testing program.
- 4) This modest, inspection program will bring long-term benefits. There will be real benefits which can be explained, e.g. "It's a small price to pay for cleaner air down the road." The benefits should be segmented for different audiences, e.g. health, global, environmental.
- 5) It's only fair that we do our part. Link fairness issue to commonly held belief that air pollution comes "from away". As mentioned above, if we expect Midwest polluters and others to comply with clean air standards, we must do our part locally.

Program Phases & Communication Activities

The educational strategies and key messages will be communicated in three phases: Constituency Building; Public Awareness; and Program Implementation.

Phase I - Constituency Building

November 1997 - June 1998

Prior to the education program's implementation, a relationship building informational campaign should be undertaken to boost awareness of the issue and strengthen the positioning points with key target audiences. The goal is to enlist the support of these groups. This phase would present a basic description of the problem and use the research results to introduce the proposed three point inspection plan along with its long-term benefits.

Phase I Target Audiences:

Legislature
Mechanics/Inspection Stations
Automotive Industry (Dealers, Associations)
Inspection Stations
Physicians, Hospitals
Media

Phase I Constituency Building Activities:

- ☐ Host workshop or educational meeting with legislators to provide them with information tools to bring back to their constituents.
- ☐ Visit with editorial boards of key media outlets to explain the program and its long term benefits.
- ☐ Work with the DOT and Maine State Police to educate potential inspectors about the program.
- ☐ Host regional meetings with industry leaders and the public to explain the benefits of the program and test key themes.
- ☐ Form partnerships with medical establishment to communicate health effects of pollution and long-term benefits of pollution reduction.

Phase II - Public Awareness Campaign

Launch July, 1998

An aggressive campaign for public outreach and education about air quality issues should be launched to heighten awareness of mobile source emissions. Maine people should recognize the threat of air pollution to health and quality of life in Maine and think about it every time they start their cars.

Phase II Target Audiences:

Driving Public
Young People
Driving Schools

Phase II-Public Awareness Initiatives:

- ☐ Television/Print/Radio Advertising
- ☐ Public Information Television Program (e.g. MaineWatch)
- ☐ Consider having the Governor do a TV program and public service messages in support of the program.
- ☐ Distribute Information at Toll Booths
- ☐ Public Clean Air Fair
- ☐ Internet Information Site "Clear the Air"
- ☐ Driver's Education Curriculum
- ☐ Distribute information in Elementary, Middle, & High Schools

Phase III- Program Implementation

To begin when inspection program starts

Information about who is required to get inspection (fairness), where to go (convenience), who will do the inspection and what the qualifications of the inspectors are (trust) should be distributed prior to implementation.

Phase III Target Audiences:

Vehicle Owners

Phase III - Implementation Activities:

- ☐ Change TV message to one which gives program details.
- ☐ Distribute clean air flyer with re-registration at Town Offices
- ☐ Distribute Bumper Stickers at Inspection - A positive message (e.g., This is a clean machine'') will provide recognition of the car owner's compliance in a humorous, inclusive way.

Budget A Costs & Timetable

Tools/Activities	Personnel Responsible	Budget A	Itemized Costs
Government Relations Clean Air Workshop	DEP Staff	\$ 500	Invitations Refreshments
Media Relations	DEP Staff		In-house
Clean Air Flyer	Contractor	\$5,000	100,000 PCs. 2Color
Bumper Stickers	Contractor	\$25,000	10,000 PCs. 1 Color
Posters	Contractor	\$ 2,500	2,000 PCS. 2 Color
Information Packets for Key Publics Media Government Stakcholder Groups (AAA, etc.)	Contractor	\$6,000	1000 sets with: Folder 1 Color Brochure Q&A Flyer Information Sheets
Mailing to Inspection Stations Letter	DEP Staff	\$ 250	Printing 1 Page First Class Postage
Advertising Production Television, Radio, Print	Contractor	\$10,000	Copywriting Filming (2):30 spots Recording (3):30 spots Design (1) Print Ad
Advertising Placcment (Phase II) Television Radio Print	Contractor	\$23,000 \$17,000 \$23,612	766 GRPs @ \$30 cpp 772 GRPs @ \$22 cpp 6 full pages avg. \$30 cpi
Television Placement (Phase III)	Contractor	\$23,000	766 GRPs / 2 flights
Total Budget		\$135,862	

Budget B Costs & Timetable

Tools/Activities	Personnel Responsible	Budget B	Itemized Costs
Government Relations Clean Air Workshop	DEP Staff	\$1,000	Invitations Keynote Speaker
Media Relations	DEP Staff		In-house
Clean Air Flyer	Contractor	\$12,000	250,000 Pcs. 2Color
Bumper Stickers	Contractor	\$50,000	25,000 Pcs. 2-Color
Posters	Contractor	\$3,500	5,000 Pcs 2-Color
Information Packets for Key Publics Media Government Stakeholder Groups (AAA, etc.)	Contractor	\$6,000	1000 Pcs. each: Folder 2 Color Brochure Q&A Flyer Information Sheets
Mailing to Inspection Stations Letter	DEP Staff	\$ 500	Printing 1 Page 1st Class Postage Flyer
Advertising Production Television, Radio, Print	Contractor	\$20,000	Copywriting Filming(3):30 Spots Recording (4) :30 Spots Design (1) Print Ad
Advertising Placement (Phase II) Television Radio Print	Contractor	\$35,000 \$46,200 \$23,612	1,166 GRPs @ \$30cpp 2,310 GRPs @ \$20cpp 6 full pages
Television Placement (Phase III)	Contractor	\$35,000	1,166 GRPs/ 3 flights
Total Budget		\$232,812	

Budget C Costs & Timetable

Tools/Activities	Personnel Responsible	Budget C	Itemized Costs
Government Relations Clean Air Workshop	DEP Staff	\$1,500	Invitations Keynote Speaker Luncheon
Media Relations	DEP Staff		In-house
Clean Air Flyer	Contractor	\$20,000	400,000 Pcs. 2Color
Bumper Stickers	Contractor	\$100,000	75,000 Pcs. 2-Color
Posters	Contractor	\$5,000	5,000 Pcs 3 color
Information Packets for Key Publics Media Government Stakeholder Groups (AAA, etc.)	Contractor	\$6,000	1000 Pcs. each: Folder 2 Color Brochure Q&A Flyer Information Sheets
Mailing to Inspection Stations Letter	DEP Staff	\$1,000	Printing 1 Page 1st Class Postage Flyer, Inserts
Advertising Production Television, Radio, Print	Contractor	\$20,000	Copywriting Filming(3):30 Spots Recording (4) :30 Spots Design (1) Print As
Advertising Placement (Phase II) Television Radio Print	Contractor	\$80,000 \$46,200 \$30,000	2,666 GRPs @ \$30 cpp 2,310 GRPs @ \$20cpp 8 full pages
Television Placement (Phase III)	Contractor	\$70,000	2,333 GRPs / 5 flights
Total Budget		\$379,700	

Budget Costs By Fiscal Year

Budget A Detail per Fiscal Year

Pre-Appropriation Budget Items

Information Packets	\$6,000
Flyer	\$5,000
Clean Air Workshop	\$ 500
Posters	\$2,500
<i>P/A Total:</i>	<i>\$14,000</i>

FY1 July 1, 1998 - June 30, 1999

Mailing to Inspection Stations	\$ 250
Advertising Production	\$10,000
Advertising Placement	\$63,612
<i>FY1 Total:</i>	<i>\$73,862</i>

FY2 July 1, 1999 - June 30, 2000

Phase III Advertising	\$23,000
Bumper Stickers	\$25,000
<i>FY2 Total:</i>	<i>\$48,000</i>

\$135,862 Total

Budget B Detail per Fiscal Year

Pre-Appropriation Budget Items

Information Packets	\$ 6,000
Flyer	\$12,000
Clean Air Workshop	\$ 1,000
<i>P/A Total:</i>	<i>\$19,000</i>

FY1 July 1, 1998 - June 30, 1999

Mailing to Inspection Stations	\$ 500
Advertising Production	\$ 20,000
Advertising Placement	\$104,812
Posters	\$ 3,500
Bumper Stickers	\$ 50,000
<i>FY1 Total:</i>	<i>\$178,812</i>

FY2 July 1, 1999 - June 30, 2000

Phase III Advertising	\$35,000
<i>FY2 Total:</i>	<i>\$35,000</i>

\$232,812 Total

Budget C Detail per Fiscal Year

Pre-Appropriation Budget Items

Information Packets	\$ 6,000
Flyer	\$20,000
Clean Air Workshop	\$ 1,500
Posters	\$5,000
<i>P/A Total:</i>	<i>\$32,500</i>

FY1 July 1, 1998 - June 30, 1999

Mailing to Inspection Stations	\$1,000
Advertising Production	\$20,000
Advertising Placement	\$156,200
<i>FY1 Total:</i>	<i>\$177,200</i>

FY2 July 1, 1999 - June 30, 2000

Phase III Advertising	\$70,000
Bumper Stickers	\$100,000
<i>FY2 Total:</i>	<i>\$170,000</i>

\$379,700 Total



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

April 17, 1997

Senator Sharon Treat and Representative Steven Rowe, Co-chairs
Joint Standing Committee on Natural Resources
State House
Augusta, Maine 04333

Dear Senator Treat and Representative Rowe:

This letter is being written to outline EPA's position on L.D. 1651, entitled "Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance (I/M) Program to Meet the Requirements of the Federal Clean Air Act." We are pleased to have the opportunity to provide these comments.

We support this resolve, which recognizes that the State of Maine is obligated to implement an enhanced vehicle I/M program under the Clean Air Act (CAA) in the Portland area. Maine's repeal of its previously designed I/M program resulted in EPA's disapproval of that portion of the Maine State Implementation Plan. The Clean Air Act sets forth ramifications for those areas which do not meet their obligations to protect the public health.

Through substantial revision to EPA's I/M regulations, we have offered the State tremendous flexibility toward implementing an I/M program which, we believe, will be publicly acceptable. Many of the revisions to those rules were drawn from our collective experience of implementing I/M in Maine. The rule was designed to be as nonintrusive as possible, resulting in air quality benefits while potentially utilizing the existing safety inspection stations in the State. EPA's "OTR Low-Enhanced" I/M program, which was promulgated on July 25, 1996 (61 Fed. Reg. 39032), represents EPA's design for the most streamlined I/M program possible, while still meeting the Act's requirements that an I/M program be implemented in the ozone transport region (OTR).

Our second comment relates to the language in the resolve about EPA's Project XL. Project XL offers potential project sponsors the opportunity to develop and implement alternative strategies that produce superior environmental performance, replace specific regulatory requirements and promote greater accountability to stakeholders. The XL program is able to offer flexibility from



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the Agency's regulations, policy and guidance. However, we cannot operate beyond the limits of our statutory authority. Therefore, we could not entertain a proposal that conflicts with statutory requirements, rather than EPA regulations. A proposal to eliminate an I/M program entirely from an area within the OTR would contradict a statutory requirement of the Clean Air Act. Again, EPA's "OTR Low-Enhanced" I/M program, which was promulgated on July 25, 1996 (61 Fed. Reg. 39032), represents EPA's design for the most streamlined I/M program possible, while still meeting the Act's requirements that an I/M program be implemented in the OTR. A proposal to do away with I/M in the OTR or to further reduce the efficacy of the OTR Low-Enhanced I/M program would not be a promising XL project. In short, this language can be eliminated from the resolve.

Any environmentally beneficial project currently under discussion, such as the strategies to reduce vehicle miles traveled put forward under the leadership of the Portland Council of Governments should go forward independent of the XL program. Projects such as these, and those under the Clean Cities initiative, will provide emission reductions necessary for attaining the current air quality standard in Maine, and will be beneficial toward meeting the more stringent air quality standards EPA proposed last November. EPA is prepared to work with Maine to explore options in implementing the Clean Air Act's I/M requirement, and to work with the State toward the adoption and implementation of any other environmentally sound strategies.

Lastly, I should point out that the State of Vermont, previously under Clean Air Act sanctions for its failure to meet its I/M obligations, designed and started implementing an I/M program beginning January 1, 1997. Vermont took advantage of the flexibility offered under this "OTR low enhanced" I/M rule, and has implemented its program throughout the State. I urge you, too, to build upon the good work of Commissioner Sullivan and Deputy Commissioner Morgan and that of the Emission Testing Advisory Group, to propose an I/M program that works for Maine.

If you or your staff have any questions, please contact Bob Judge of my staff at (617) 565-4874.

Sincerely,


John P. DeVillars
Regional Administrator

cc: James Brooks, ME DEP-BAQC
Edward O. Sullivan, Commissioner, ME DEP

ROSTER OF PARTICIPANTS

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³Observer

⁴Observer

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⁵Staff

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¹²Alternate

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¹⁴Alternate

¹⁵Alternate

¹⁶For distribution only

¹⁷Observer

¹⁸Observer

Comments Received at Public Meetings

Geographic Scope

Presque Isle

Will Maine be come a dumping ground for cars that fail out of State programs?
It appears to be overkill to require statewide especially given the underfunding of State Police / DEP
Making the program Cumberland County only could lead to other strategies becoming statewide.

Bangor

Are we one state or two?
Better Statewide
Need Justification to go statewide
Pay back not enough to justify cost
Regulation should not be harder than Federal minimum
Has to be statewide
Vehicles go in and out of fixed boundaries
County program difficult to enforce

Lewiston

St. John and Allagash should not be bothered.
No program unless we go back to conventional gas.
Statewide would cut down the cost.
Copy New Hampshire Program.

Augusta

To work the program has to be statewide to avoid border jumping.
Cumberland County people have relatives outside with mailing addressed that they can use.
Cannot support statewide if no air quality problem statewide.
Unfair to discriminate against people in section of state
Cumberland could be pilot to work out bugs

Portland

If need to do absolute (smallest area) minimum ;limit to Cumberland County, but think wrong attitude
Need to be proactive - take responsibility
Statewide easier to enforce

If limited to Cumberland, not capturing cars in Cumberland that are not registered there.

Remote sensing statewide

Statewide many cars at mall or Turnpike not registered in Cumberland

Program inexpensive - people in attainment are driving cars in nonattainment

Hard sell to rest of state in only Cumberland

Opposed to program - costly with no benefit

For fairness needs to be statewide

Statewide - personal responsibility !!!

How to prevent border jumping if only in Cumberland County?

FEES

Need basic fee increase in order for tech to support program, otherwise tech are subsidizing program

Should be market driven

\$20.00 fee for both fees if not market driven, which is preferred

Everyone will need new scan equipment

Tiered fee structure -market approach would work with limit

\$20.00 may be low

Fee must be fair to garages

State average hourly rate □ \$40.00

High enough to compensate but set

Adjust fee according to area

State should have no hand in fee set

\$6.00 is under priced

Not getting thorough job

Separate fees: If one fee do it electronically

State should not fix prices

Legislature should not set fee

But if do, reasonable

Let market take course

Fee should reflect economic conditions in area of state

State set minimum

Let do for free

State should regulate fee for comfort of consumer

Uniformity important

Projected cost for Diesel Testing

Look at Potential costs to consumer - related

Same fee across board, but increased to reflect actual costs

Set fee at \$29.95

Scan tool □ \$2000.00 & software/yr

No fee to pay for education

Most shops charge full fee to hook up to scan
Put CAP on what charge for OBD
\$100.00 - \$150.00 to diagnose problem
Getting scanner to run can be a problem
Scan equipment can be expensive
Need dedicated tool to read (OBDS)
If \$5 Garages won't do it
Don't leave fee setting to garages - they will charge maximum
Fee needs to be standard wherever charged
Current safety inspection fee is underpriced
Should be set rate for X hours of service set by Legislature.
Will the set fee undercut current business
Offset by subsequent business
Fee must reflect investment cost & hourly rate
Legislation for fee increase did not go anywhere
Repair costs vary around the state
Call it a service not fee
What about \$450.00 waiver
Agrees that there should be no waiver for polluting vehicles

Certification

Average technician not qualified to hook up scanner
How much certification required
Don't need certification if volume low
Support certification
Why require ASE L1
L1 is 90% exhaust analysis - not part of this program
Independents need to cover own training costs/while dealers hide cost in cars
In favor of certification
ASE A-8 more appropriate certification
Certification program might help
Mechanics need to upgrade skills or there will be resistance
Minimum of what FEDs required
Certification of mechanics is same as licensing of facility
Doing this will raise bar of technicians
Little information on what is a good mechanic
Older generation of mechanics may not be in a position for certification
Certification not needed for CAT/CAP inspections
Many will be forced to go to school - \$\$\$\$
Snap on technology for training
State needs to provide basic training for program
Shops doing inspection need to be qualified for repairs
Some certification inspection facilities not qualified

Against State Subsidies

Need to keep repair cost at a minimum value to consumer

Need qualified technicians

Either as a certification or something state tailored

Technical Aspects of the Program

Program elements don't seem to do that much - CO going up any other states doing gas cap

Scan tool investment/maintenance costly

Need to look at tailpipe emissions that's where problem is

Why not check OBD I in cars that have it

What's to prevent a failed vehicle from getting a sticker from elsewhere

Rarely see missing catalytic

Cheaper to have after market parts then re configure

Test air pumps

OBD more costly to repair

OBD fault codes provided to consumer

Is tampering significant - if so why are others punished

Regulate type of equipment for testing used

Push to 1985 for catalytic converter

1983-84 difficult to repair and maintain

Simple to test catalytic with Pyrometer when running on HI idle

How do you determine if inspector authorized to place different stickers

How do you prevent someone from going out of county for sticker

What enforcement for tampered vehicles

Do not want to lose customers because of inspection - will not do it

Need to keep gas caps in stock?

Program needs to user friendly/affordable

Overlooking catalytic function test us temp sticks/cooking thermometer

Functioning of O₂ Sensor & catalytic most critical

Should focus on older vehicles which are more polluting than 1996 & newer subject to OBD

Have state buy all scan tools & gas cap testers

Cost more to tamper than repair OBD II

Checking gas cap is minimal compared to OBDI Check for Evaporation system for 1989 & newer

Cost limit for repairs?

Other Comments:

Piggy-backing on underfunded state police program ludicrous

Has there been a reduction in drift

Will program result in attainment

Clear cut trees will eliminate O₃
Portion of inspection fee goes to Council for Education
Exempt test equipment from tax
Education on warranty is a consumer benefit
Will there be any trading of credits
Sooner happens, sooner reductions
Work bugs out - phase in
Geographic distances may make it difficult for people to buy in
Need to look more into RFG problems
Can this be administered by state police without added level of bureaucracy
Sport utility vehicles more pollution than smaller
Needing repair vehicles
Luxury tax on newer cars
Educate consumer on warranty information
FAME low interest loans for equipment
OBD regular part of service- why buy tool
How many smoking cars pulled off road.
Are the proposed elements enough to satisfy Federal requirements
Need promotion
Have sticker run out on the 15th of month-to avoid panic
Are people who failed go through process & charged twice
Manufacturers say no tune-ups needed for 100,000 miles yet maintenance required
CA charging range of test fee - only half of stations have signed on
Will this program lead to elimination of low price cars for low income 7 years down the road
Will there be a repair limit
Mechanics need refresher courses
What are losses from charcoal canister - how much recovered
What are the actual reductions from program
Emphasize strategies for high mileage cars
What % of different vehicles contribute
Will this replace RFG
Why is RFG not required statewide understood that RFG replaced IM
Is RFG bad for health
Are the feds blackmailing us
Cost of repairs identified by IM exorbitant
Distrust in mechanic ability
Detroit has convinced us these new, smaller cars more efficient when their not
Can we look at other voluntary strategies to get down and compare to above data
Garages charge by hour even if less time taken
We do have a choice as to what to do - vote down
Not fair if low income paid \$450.00 and not pass test
Program appears unfair - doesn't do anything, yet state in forefront
Problem not that bad in ME
Average person will not know about it until after the fact

How do we circumvent mandate

ME is small part of total pollution problem- need to do what makes common sense
what's taking EPA so long to approve VT program

Current process much better than 3 years ago

Need equity for low-mileage, low income people

Some mechanics are gouging people for repairs

Require O₂ sensor replacement for reductions

What prevents eventual transport to County

Is there an exception for low mileage vehicles

If you have \$ you can pollute to a larger extent while low income has smaller, more
efficient cars - recreational. More polluting vehicles not addressed

Trying to get people to maintain vehicle for standards designed to meet

Widening turnpike will increase pollution

Public awareness is important.