



Regulatory Announcement

Proposed Flexibility Amendments to Inspection/Maintenance Program Requirements

The U.S. Environmental Protection Agency (EPA) is proposing revisions to the motor vehicle Inspection and Maintenance (I/M) requirements to incorporate recent policy decisions and statutory requirements. This proposed rule will also provide states the additional flexibility necessary to design and implement programs best suited to local needs.

Background

The 1990 Clean Air Act Amendments (CAA) required certain nonattainment areas across the country to implement either basic or enhanced vehicle I/M programs, depending upon the severity of the area's air quality problem. The CAA also required that Metropolitan Statistical Areas with 1990 populations over 100,000 within an Ozone Transport Region (OTR) implement enhanced I/M regardless of their air quality designation. EPA, in turn, was required to develop minimum performance and administrative requirements to be met by areas required to implement I/M, whether basic or enhanced.

On November 5, 1992, EPA issued its original rule establishing minimum performance and administrative requirements for states developing air quality implementation plans for I/M. For enhanced I/M areas, this rule included a performance standard that assumed IM240 tailpipe emission testing as well as evaporative system purge and pressure testing. This performance standard was amended in 1995 and 1996 such that the current I/M rule requires enhanced I/M programs to produce the

same or better emission reductions as would be achieved by one of *three* possible enhanced I/M performance standards: high enhanced, low enhanced, and OTR low enhanced.

As a result of the original presumption of IM240 and evaporative system testing, some of the I/M rule's remaining test procedure and related requirements are too prescriptive and might possibly exclude valid, alternative test methodologies. EPA is therefore proposing to revise these requirements to ensure that innovative approaches will not conflict with dated requirements.

The flexibility that would result from this rule would apply to any state required to implement I/M.

The current I/M rule also retains the 1992 requirement that enhanced I/M programs provide motorists that fail the inspection with computer-generated information based on particular portions of the test. This requirement was again based upon the presumption that all enhanced I/M programs would include IM240 tailpipe testing. However, when the National Highway System Designation Act was passed in 1995, one of the provisions specifically barred EPA from requiring IM240 in enhanced I/M programs. In place of the IM240, a wide-range of alternative I/M tests have been approved for use in enhanced I/M programs. These tests do not produce the detailed diagnostic information originally envisioned in 1992, and we therefore propose changing this requirement to better accommodate these alternative testing strategies.

EPA believes that revisions are needed to bring the I/M rule up to date by: (1) incorporating changes in policy; (2) revising provisions to make them consistent with the National Highway Systems Designation Act of 1995; and (3) providing states additional flexibility to tailor their I/M programs to better meet current and future needs. Among these are the need to maximize program efficiency and customer convenience by capitalizing on newer vehicle testing options, such as on-board diagnostic (OBD) system testing, and the need to accommodate an in-use fleet which is in the process of turning over to newer, cleaner, and more durable vehicle technologies. It is necessary to remove certain restrictions in the current rule that would impede that transition.

Key Elements of the Proposed Rule

Key elements of the proposed rule include:

- Amending performance standard requirements to provide enhanced I/M areas greater flexibility to meet the performance standard.

- Revising certain test procedures, standards and equipment requirements to better accommodate alternative test types and design, including but not limited to OBD-based approaches.
- Revising the requirements for consumer protection and improving repair effectiveness to limit the current requirements to provide diagnostic information to those programs and test types capable of producing such information, reliably and practically.
- Expanding the options for complying with the on-road testing requirement to accommodate more recent variations, such as clean screening and non-tailpipe based roadside tests by removing current language that suggests that the on-road test must be a tailpipe test.
- Removing the current provision establishing the decentralized test-and-repair discount in response to the National Highway System Designation Act of 1995. And extending the definition of decentralized test-only to allow testing stations that engage in a full range of sales not directly related to automotive sales or services to still be considered test-only.

The flexibility that would result from this rule change would apply to any state required to implement I/M, but only states that choose to utilize the options for additional flexibilities would be affected by the proposed change. Modifications to a state's I/M program as a result of this proposed rule change may require a SIP revision, if a state's plan has been submitted and approved.

For More Information

Additional documents on I/M programs are available electronically from the EPA Internet server at:

<http://www.epa.gov/oms/im.htm>

For further information on this proposed rule, please contact David Sosnowski at:

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