

Testimony of

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Secretary
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before the
House Transportation Committee,
Subcommittee on Transportation Safety

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Thank you, Mr. Chairman and members of the subcommittee, for the opportunity to testify before you today. I have come here to offer information to you to aid in your deliberations regarding the future of the exhaust emission testing program here in Pennsylvania. This is an issue that you will soon see directly affect at least 6.2 million citizens in the Commonwealth. It is a health issue that clearly affects everyone in Pennsylvania and many people beyond our borders as well. This one program can and will have the greatest impact on the air quality of our future.

As the Environmental Protection Agency representative has already stated, there are a number of significant changes that must take place in Pennsylvania as a result of the Clean Air Act Amendments signed into law by President Bush on November 15, 1990. These amendments clearly mandate expansion and enhancement of the current tail pipe testing program operated by the Department of Transportation.

Currently, PennDOT operates a decentralized test program in the five county Philadelphia area and portions of the Allentown-Bethlehem-Easton and Pittsburgh regions. A total of 3.2 million vehicles in all or parts of 11 counties are tested annually at private garages. Under the provisions of the legislation signed by President Bush, the program boundaries will be required to cover all portions of 33 counties in the state at a minimum. Figure 1 shows the existing and newly required areas for testing.

Additionally, the new federal law requires an upgrade of many of the current Pennsylvania test program features. Some are specified in the statute (such as the new waiver limits for repairs), while other features are left for EPA to prescribe in guidance. Both types of changes will require legislative, regulatory and operational changes for Pennsylvania. The Department has investigated a variety of program details and under the federal Act has strict requirements to deliver a specific operational program, but cannot effectively proceed without EPA input at this time. Allow me to explain this apparent conundrum.

Section 182(a)(2)(B)(ii) of the Clean Air Act (CAA), as amended in 1990, states that "[w]ithin 12 months after the date of enactment of the Clean Air Act Amendments of 1990 [i.e., by November 15, 1991], the [EPA] Administrator shall review, revise, update, and republish in the Federal Register the guidance for the states for motor vehicle inspection and maintenance programs required by this Act." 42 U.S.C. Section 7511a(a)(2)(B)(ii). The Act specifies features that must be addressed by the guidance for "enhanced" inspection and maintenance, CAA section 182(c)(3), 42 U.S.C. section 7511a(c)(3).

The Act further requires Pennsylvania, as part of the Northeast Ozone Transport Region, to implement an enhanced I/M program in all of 33 counties in the state, as I mentioned earlier. This will put some 6.2 million vehicles into the testing program. Such an extensive new program clearly represents a significant undertaking which must be designed as effectively as possible to accomplish our clean air goals. The program must additionally gain public support as citizen compliance is key to program success. However, Pennsylvania government is at an impasse because EPA has failed to issue program guidance by the statutory deadline of November 15, 1991.

Regional Administrator Erikson has been most helpful in providing information, meeting with me, my staff and DER personnel. However, formal guidance is called for in the act and has yet to be delivered. Governor Casey, just last week wrote to EPA Administrator Reilly in this regard. In a letter dated February 19, 1992, the Governor asked that EPA officials accelerate their efforts to provide the required guidance in order that Pennsylvania may initiate an acceptable exhaust testing program. I feel that without such guidance, the Commonwealth should be cautious in proceeding with implementation efforts which may later be found inadequate by the EPA.

For these reasons, the Department has not established a position regarding many of the issues you, Mr. Chairman, asked about in your invitation to me regarding this hearing. I would, however, like to offer information to you that might aid in your evaluation of program features. I believe you have a number of witnesses scheduled that will be able to relate their own experiences with a centralized vs. decentralized inspection program. I can relate two points in this regard from our experience:

1. In studying our situation, I would say that the sophisticated equipment requirements at least initially described by EPA will call for significantly greater equipment system investments by test operators than has previously been the case. Estimates in the range of

\$140,000 for one lane's equipment have been brought to us by EPA.

2. Based upon our experience with service station operators during the initiation of the existing program, investments of this magnitude by a significant number of private garage facilities does not seem to be assured.

We have investigated test costs and have received information from EPA describing the expected expenses incurred in operating a centralized, high technology testing facility. This analysis and most other similar work indicates a per vehicle test cost of approximately \$20. California, which is currently operating a sophisticated test program through private garages (a decentralized system), reported average test costs of \$48.

In reviewing the issue of centralized versus decentralized testing, the committee should consider the following:

1. What is the potential that we will be able to provide a decentralized network to offer emissions testing for all the required vehicles based upon voluntary station participation?
2. Should EPA require the separation of repair and testing facilities, will there be any incentive for private garages to enter the test program?
3. Will consumer comfort (and thus compliance) be increased when offered an independent, state operated test?
4. Will EPA's credits for the improved system performance yielded by a centralized system allow for biennial rather than annual testing, thus decreasing the impact on the Pennsylvania motorists? Figure 2 shows some of the differences in effectiveness calculated by EPA for programs operating in either mode.

There are numerous other factors to consider in this decision. Many will be brought out by the other witnesses scheduled to testify here today. The Department has begun preparations for a number of program types, but we await EPA guidance in determining the best option before we can commit to any one direction.

Should a centralized program be initiated for the expanded I/M program, there are a number of options which may be considered in an effort to offset the impact on currently operating facilities. Some of these include:

1. Allowing testing of older vehicles at existing stations for a phase-in period.
2. Initiating the centralized program outside the existing test areas first, and later installing centralized facilities in the current program areas.

3. Assuring the continuation of decentralized safety inspection through legislative provisions and divorcing the two inspections with a biennial emissions test tied to a registration denial program as suggested in the federal law.

No matter what the program type, centralized or decentralized, there are certain program features which the federal statute requires. We know that a more sophisticated tail pipe test is required to adequately measure emissions from today's, high-tech vehicles. Some provisions for loaded cycle testing must be made if the Commonwealth program is to address the problem vehicles known to be on the roads today. Additionally, program features such as evaporative control checks (purge and pressure) and anti-tampering checks will need to be made. Figures 3 and 4 graphically represent the benefits of the enhanced test program.

The federal law also calls for an increase in the current Pennsylvania \$25 and \$50 waiver limits. The law signed by President Bush now mandates a \$450 repair limit before any waiver could be issued. Of course the federal warranty would preclude many motorists from having to bear this cost, but the positive impact on the repair business to stations which might no longer be involved in testing should be considered. Even at that, the cost effectiveness of such a program is clearly superior to that of other mobile or stationary source control strategies as can be seen from figures 5 and 6.

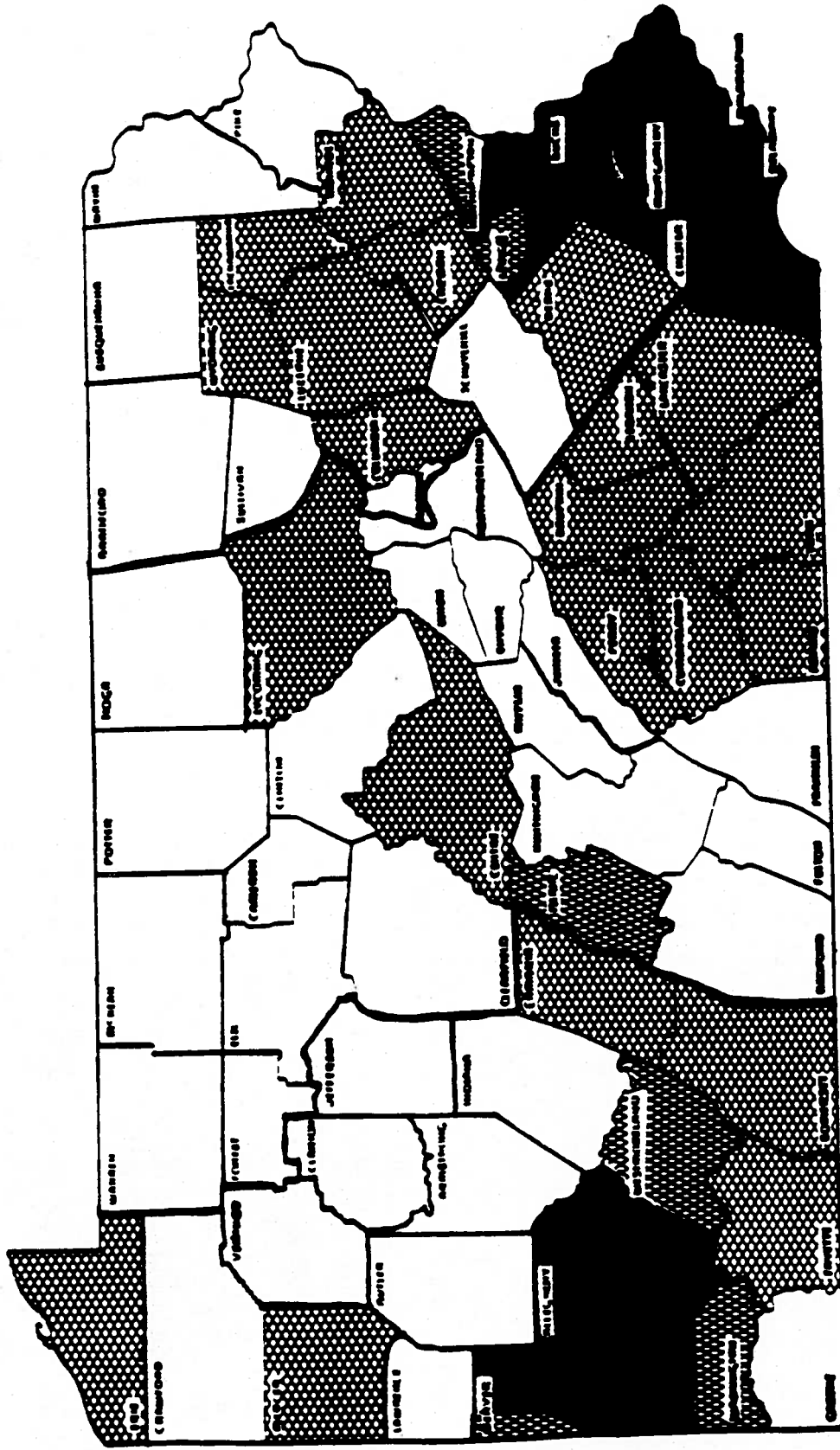
All of these vehicle emissions inspection program measures are necessary today for two main reasons. First, we must address our environmental conditions and the enhanced I/M program is shown to be one of the most cost-effective means of doing so (see again figure 6). Perhaps equally important to keep in mind are the provisions in the law that the president signed late in 1990. Specifically, the sanction provisions in the Act could have a severe impact on Pennsylvania. These sanctions may take one of two forms, either highway funding suspension or a requirement that new pollution sources must be "offset" by other reductions at a two for one rate. No matter which sanction is applied first, the other follows six months later if the state's shortcoming has not been corrected.

In addition, the automatic sanction provisions of the CAA are such that the EPA's current inaction on guidance will not forestall the potential for forced actions against the state through the courts. As you know, Pennsylvania suffered sanctions of this nature prior to the implementation of our current I/M program. Our experience has proven to us that verbal assurances by EPA staff regarding missed deadlines will do little to offset efforts by citizen groups and others in taking such legal action that would cripple the

Commonwealth. Either of the two required sanctions, interruption of federal highway funds (estimated to average more than \$900 million each year over the next six federal fiscal years), or implementation of the two for one offset provisions on new sources will devastate Pennsylvania's economic vitality. Beyond the direct sanction impact, the extended effect of either or both sanction provisions will be ruinous to jobs in Pennsylvania.

This committee, based upon the information it receives may be able to initiate action that will allow Pennsylvania to meet our clean air goals. The information you are able to gather from EPA, other states and our own agencies will position you to direct the establishment of an emissions inspection program. We look forward to working with you to frame out an effective program that will cost effectively control this pollution problem and allow further progress in the state for all business and personal concerns without suffering undue hardship on either business, industry or the individual vehicle owner.

INSPECTION/MAINTENANCE

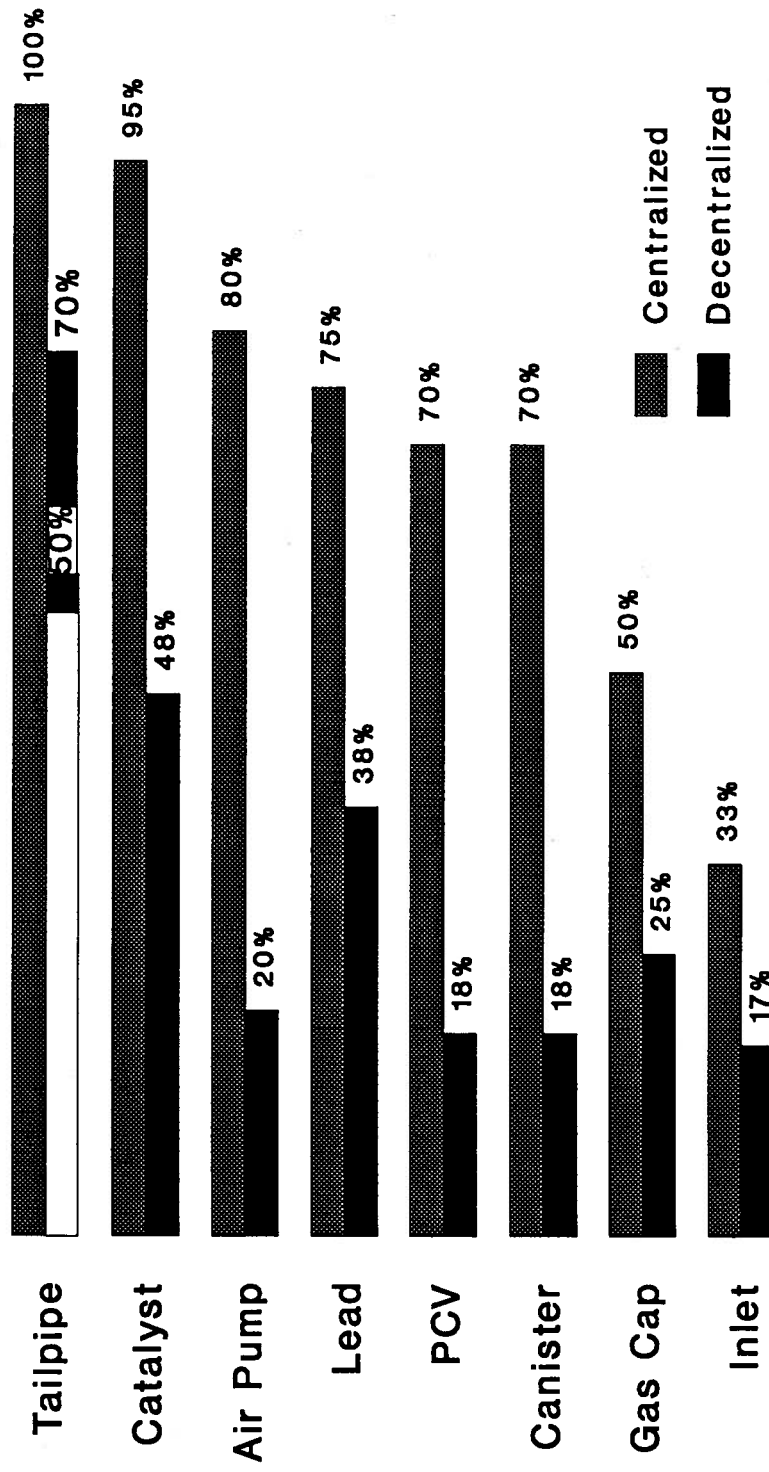


Current I/M Areas (some ZIP codes in certain counties are exempted)

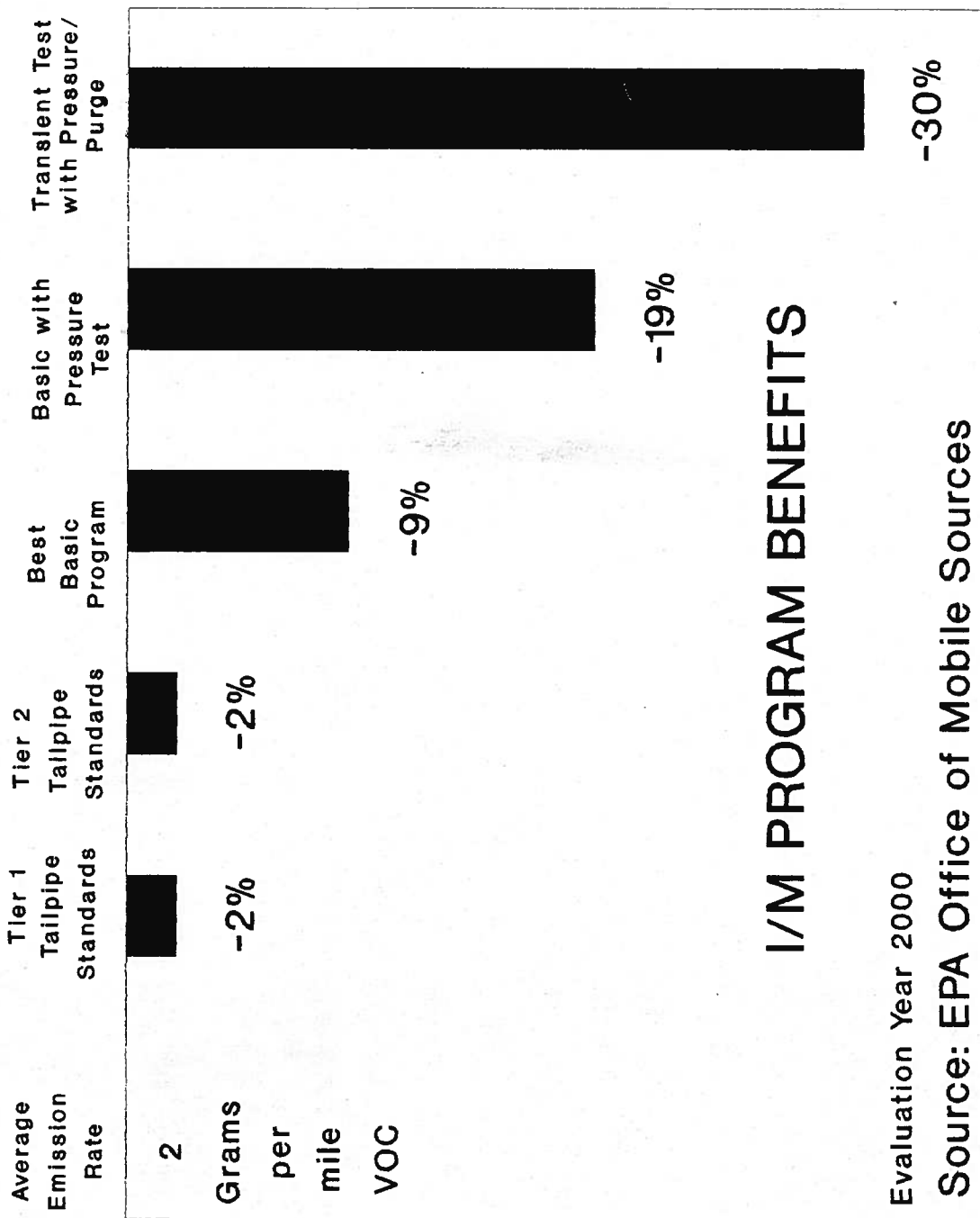
Proposed Enhancement Areas (no ZIP code exemptions; all areas of affected counties are included)

FIGURE 1

PROPOSED INSPECTION EFFECTIVENESS



Source: EPA Office of Mobile Sources

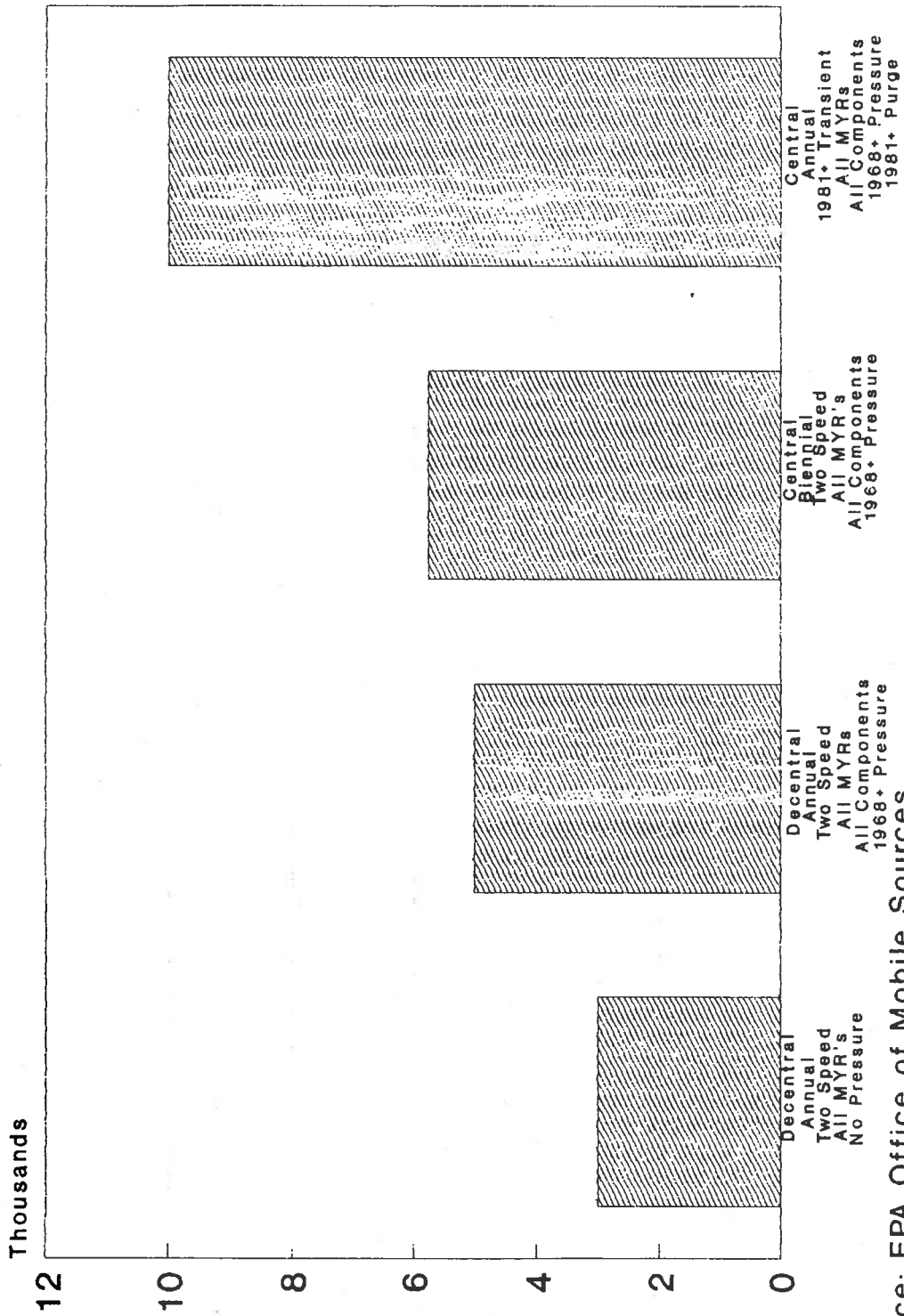


Enhanced Inspection/Maintenance

FIGURE 3

VOC PERFORMANCE STANDARDS 2005

Tons per Year per Million Vehicles



Source: EPA Office of Mobile Sources

I/M PROGRAM COST EFFECTIVENESS

Source: EPA Office of Mobile Sources

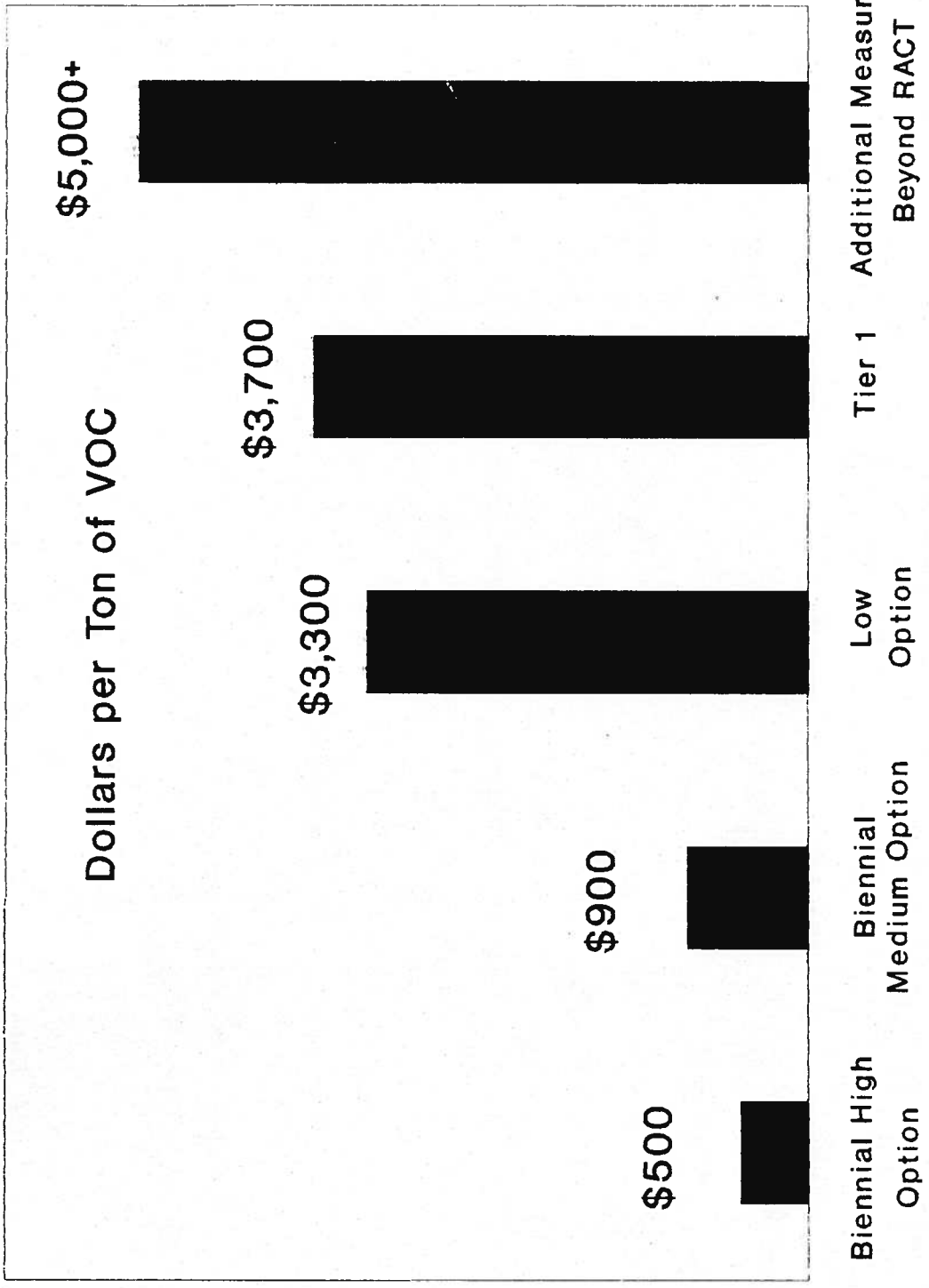
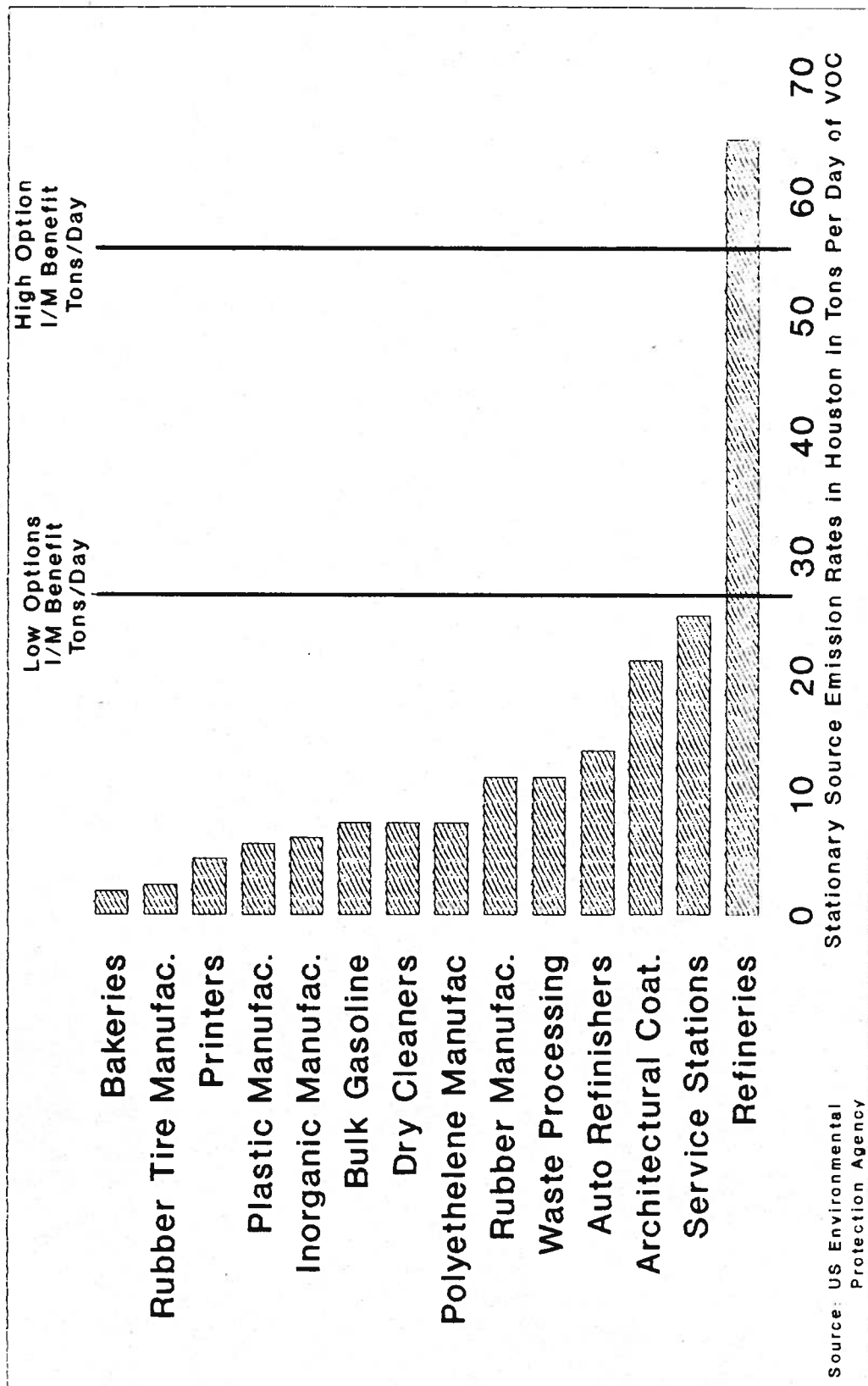


FIGURE 5



Enhanced Inspection/Maintenance Options