

November 13, 2000

U.S. Environmental Protection Agency
Air Docket – Public Docket No. A-2000-16
Room M-1500 (6102)
Waterside Mall
401 M Street, SW
Washington, DC 20460

Re: Amendments to Vehicle Inspection Maintenance Program
Requirements Incorporating the Onboard Diagnostic Check

To Whom it May Concern:

The Northeast States for Coordinated Air Use Management (NESCAUM) appreciates the opportunity to comment on the Environmental Protection Agency's Notice of Proposed Rulemaking (NPRM) entitled *Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check*.

Over the past decade, environmental regulators and vehicle manufacturers have greatly reduced motor vehicle emissions through the implementation of new vehicle emission standards. While new vehicles will continue to get cleaner, the combination of longer vehicle useful lives and continued increases in vehicle miles traveled ensure that mobile sources will remain a dominant source of state emission inventories for the foreseeable future. Effective inspection and maintenance (I/M) programs are critical to ensure that the environmental benefits of advanced emission control technologies are achieved as vehicles age and emission control components deteriorate.

As vehicle technology has advanced so have the technologies used for inspection and maintenance. In recent years, great strides have been made in developing on-board diagnostics systems (OBD) that can detect component failures leading to excess emissions. Properly designed OBD-based inspections for 1996 and newer vehicles can be more convenient and more protective than tailpipe tests for those newer vehicles. The issue is not whether OBD should be integrated into traditional I/M programs, but rather how to realize the full potential of OBD testing in the resulting integrated I/M system.

The Northeast states believe that well designed and effectively initiated OBD inspection programs represent the future for post 1996 vehicle I/M. At the same time, the NESCAUM states share a deep appreciation of the challenges inherent in initiating or substantially altering I/M programs. We urge EPA to afford states with existing tailpipe programs the flexibility needed to successfully incorporate OBD into their I/M networks.

As EPA is aware, the establishment of tailpipe testing and the evolution from basic to enhanced programs has been extremely difficult for some states. Considerable public opposition to tailpipe testing has resulted in delays and cancellation of programs. Through this difficult process states have learned that without careful planning, changes in I/M programs may result in a loss of credibility of the program as a whole. In short, public credibility for both OBD and tailpipe programs is at stake. In order to accomplish a smooth integration of OBD with I/M programs, allowances for existing programs must be incorporated into EPA's final rule.

At the outset, EPA must acknowledge the existing contractual obligations for tailpipe testing maintained by states in the Northeast and throughout the nation. In our region, current contracts for emission testing extend as far as 2007.

In addition, it is critical that EPA and the states prepare and educate the public about differences between tailpipe testing and OBD technology. We encourage EPA to implement an outreach and education program in advance of and during the introduction of mandatory OBD testing.

Third, it is essential that states with existing tailpipe testing programs maintain the I/M network that has been established. OBD presents remarkable opportunities to diagnose emission-related defects and inform motorists of needed repairs. However OBD, like tailpipe testing, is itself only a diagnostic tool. To achieve its full benefits, OBD must be integrated into an I/M program that provides effective tests and repairs through quality controls, motorist compliance and state enforcement. Maintaining the existing infrastructure will allow for the continued tailpipe testing of 1995 and older vehicles and may provide some states with an implementation network for OBD. Furthermore, we encourage EPA to consider the relationship between OBD testing and manufacturer warranty and recall obligations.

Last, states need to be confident that the procedures EPA has in place to ensure that the OBD monitoring systems on each engine family properly identify malfunctioning vehicles. Recent experience with heavy-duty diesels has undermined confidence that certification testing alone assures in-use vehicles are emitting at or near certification standards. The 1998 enforcement action against engine manufacturers revealed that diesel engines were emitting NOx at three times the certification standard. The experience illustrated the need for in-use enforcement programs to ensure compliance with emissions standards. To this end, EPA should remain vigilant in its oversight of OBD certification of equipment design through end-of-line and CAP 2000 program testing.

We urge the Agency to consider our proposal for the introduction of mandatory OBD system checks and repairs outlined below.

Northeast States' Proposal for OBD Program Implementation

The proposal has five elements and would begin in 2002 and end in 2005 with full implementation of OBD for 1996 and newer cars in all I/M states. The elements of the proposal are summarized below in numbers 1 – 5 and then discussed in the section that follows.

A. Summary of the Proposal

1. Finalize the one year delay for OBD program implementation to January 1, 2002;
2. Begin mandatory OBD test and repair programs for 1996 and newer vehicles in January 1, 2002 in all I/M states that do not have existing tailpipe testing programs. In those states with existing tailpipe testing I/M programs allow a flexible OBD implementation period of up to three years;
3. Release, by January 2001, the MOBILE6 model. This will allow states implementing OBD ahead of the mandated date to claim appropriate credits for their programs, and allow existing programs to explore test options to comply with the OBD requirements starting January 1, 2002;
4. Design and implement a comprehensive outreach and education program to ensure a smooth transition to an OBD-base I/M program;
5. Finalize mandatory OBD testing and repair for all 1996 and newer vehicles in all I/M states by 2005.

B. Discussion of the Proposal

The NESCAUM states support EPA's proposal to extend the deadline for mandatory OBD checks and repair for one year to January 1, 2002. However, several issues need to be resolved before some states can move ahead with implementation of even partial mandatory programs and be assured that OBD programs will both improve environmental quality and simplify inspections for vehicle owners. We propose to use the year extension to:

1. Evaluate, design, and plan individual state programs;
2. Coordinate with EPA on the development of OBD implementation guidance;
3. Consider more protective warranties or funding mechanisms for repair of vehicles which fail the OBD check;
4. Develop protocols to integrate the OBD technology with existing tailpipe I/M programs on a state-by-state basis, and;
5. Continue to evaluate data from both tailpipe programs and OBD programs to aid the transition process.

States with existing tailpipe testing programs must be allowed to phase in the use of OBD technology. These states would continue to conduct tailpipe testing on 1995 and older cars as specified in their SIPs. During this transition period, states with existing programs may experiment with different implementation scenarios, exchange information, evaluate the effectiveness of OBD systems as vehicles age, develop public information programs, and prepare for comprehensive mandatory implementation of OBD programs. States will also continue to add to the database regarding failure rates, readiness status, and data link connector (DLC) location problems.

I/M states that do not currently have an approved, operational tailpipe testing program will be required to implement a mandatory OBD inspection and repair program starting January 1, 2002.

Mandatory repair of *all* OBD failing vehicles in all I/M states will be required by 2005. Any state can, of course, choose to require mandatory repair for OBD failing vehicles beforehand and EPA should grant the credit deserved for this approach.

NESCAUM states believe that release of the MOBILE6 model by January 2001 is essential to the success of OBD programs. The repeated delay in releasing MOBILE6 is unacceptable. NESCAUM urges EPA to meet a MOBILE6 release date of January 2001 at the latest, and at the time of release, provide EPA funded training to the states on use of the model. EPA should continue to evaluate data from operating OBD-based I/M programs, and from tailpipe testing-based I/M programs to more accurately assess the emission prevention and reduction potential associated with each program. EPA should continue to update MOBILE6 as necessary to reflect more accurate assessments.

The current EPA proposal to allow equal credit to states that substitute OBD scans and repairs for tailpipe testing is at best arbitrary and unfair. If the first release of MOBILE6 is not as accurate as is needed or desired, EPA will need to develop a modeling tool that allows states to accurately model the benefits from OBD testing. Such updates should be based on continued evaluation of both tailpipe testing program and OBD program benefits.

In addition, the MOBILE6 model does not allow states to take credit for I/M testing of 1996 and newer vehicles if they are not conducting OBD testing. This is because the MOBILE6 model was designed with the assumption that OBD tests would entirely replace tailpipe testing in 2001 for 1996 and newer vehicles. Therefore states that use the MOBILE6 model from January of 2001 to January of 2002 (during the one year delay in OBD implementation) will not receive credit for IM tailpipe testing of 1996 and newer cars. This is an issue for states that are going to conduct conformity modeling early in 2001 with the MOBILE6 model. It will also be an issue for states with tailpipe testing that undertake a flexible OBD implementation approach between 2002 and 2005.

As noted in the summary, implementation of a comprehensive outreach and education program is critical to the success of both stand-alone OBD programs and integration of OBD with existing tailpipe programs. The outreach effort should focus on: what OBD is; how OBD works; how the new generation of OBD (1996 and newer vehicles) differs from previous generations of OBD; what the impacts of OBD checks are on vehicle owners; how to respond to the malfunction indicator light (MIL); and why it is important to respond to the MIL in a timely manner. EPA and the states should utilize the next year to coordinate an outreach campaign. A unified message will be far more effective than a separate campaign in each state.

Conclusion

OBD represents a new generation of vehicle technology that promises to benefit air quality. The immediate identification of emission-related malfunctions that OBD provides for 1996 and newer vehicles as well as the diagnosis of vehicle component failures represent great advances in inspection and maintenance programs. However, the NESCAUM states have substantial concerns about making a shift from traditional I/M to OBD without a careful transition and effective public message. Without a thoughtful transition, both tailpipe testing and OBD could become of a source of extended controversy and lost potential that could jeopardize I/M programs. Thank you for considering our comments and we look forward to working with you to develop a program that will allow states to carefully integrate OBD with existing I/M programs.

Very truly yours,

Jason S. Grumet
Executive Director