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VEHICLE EMISSIONS INSPECTION Public Act 234 of 1993

House Bill 4165 as enrolled
Sponsor: Rep. Mary C. Brown

House Bill 5016 as enrolled
Sponsor: Rep. Tom Alley

House Committees: Transportation (HB 4165); Conservation, Environment & Great Lakes Affairs (HB 5016)
Senate Committee: Natural Resources & Environmental Affairs

Second Analysis (3-1-94)

THE APPARENT PROBLEM:

The 1990 amendments to the federal Clean Air Act set new requirements for attaining air quality standards and for regulating sources of air pollution. Areas of a state that are designated ozone "nonattainment areas" by the U.S. Environmental Protection Agency (EPA) are required to achieve a 15 percent reduction in volatile organic compound (VOC) emissions by 1996. This may be accomplished in a variety of ways, including stationary source controls and vehicle inspection and maintenance (I/M) programs. "Moderate" nonattainment areas are required to implement, at a minimum, a basic I/M program. An enhanced I/M program is required for serious, severe or extreme nonattainment areas, but may be adopted for moderate areas to provide for credits toward meeting the 15 percent emissions reduction.

Michigan areas identified as moderate nonattainment areas include the metropolitan statistical areas of Grand Rapids and Muskegon, and the consolidated metropolitan statistical area of Detroit and Ann Arbor. The state currently operates a basic I/M program in Wayne, Oakland and Macomb Counties, which was created in 1980 in response to requirements of the Clean Air Act at that time and designed to fulfill the minimum requirements of the EPA. The EPA, however, has criticized the program for certain deficiencies, and the existing program would not meet current Clean Air Act criteria. Moreover, the state's existing I/M program does not extend to the western Michigan counties that constitute a nonattainment area. A state's failure to comply with the Clean Air Act by

November 15, 1993, will trigger industrial expansion sanctions as well as highway funding sanctions, and if air quality standards are not met in the moderate nonattainment areas by 1996 they could be reclassified as serious nonattainment areas and the state could be threatened by additional federal penalties.

THE CONTENT OF THE BILL:

The bills would create two new acts that would 1) establish a mandatory motor vehicle emissions inspection and maintenance program in Kent, Ottawa and Muskegon Counties that would have to be implemented by January 1, 1995 and 2) authorize the Department of Transportation to implement and administer a motor vehicle emissions testing program in up to seven different counties located in the Detroit-Ann Arbor metropolitan statistical area (i.e., in Wayne, Oakland and Macomb Counties, and possibly Washtenaw, St. Clair, Livingston and/or Monroe Counties), unless the EPA redesignated them as ozone attainment areas. Neither bill could take effect unless both were enacted.

House Bill 4165 would create the Motor Vehicle Emissions Inspection and Maintenance Program Act to establish a mandatory motor vehicle emissions inspection and maintenance program by January 1, 1995, in the counties of Kent, Ottawa and Muskegon. Under the bill, the Department of Transportation would have to establish a motor vehicle emissions inspection and maintenance program for these counties. However, those

counties that contained areas that would be in attainment of the national ambient air quality (NAAQ) standards for ozone if out-of-state emissions were not counted would be excluded from the program if the EPA determined--based on a study of the formation and transport of ozone--that the control of vehicle emissions in those areas would not contribute significantly to the attainment of the NAAQ standards as promulgated under the Clean Air Act.

Redesignation of nonattainment areas. The bill would require the Department of Natural Resources (DNR) to submit to the EPA an application requesting redesignation of the Grand Rapids and Muskegon ozone nonattainment areas (i.e., Kent, Ottawa and Muskegon Counties) by November 14, 1993. If the application were approved, implementation of the program would be suspended and it could be reimplemented only if required as a contingency measure included in a maintenance plan approved by the EPA as part of the redesignation as an ozone attainment area. The DOT could implement the contingency measure only if there were observation of an actual violation of the ozone NAAQ standard during the maintenance period. Implementation of an I/M program would have to be suspended if the EPA adjusted the classification of the Grand Rapids and Muskegon ozone nonattainment areas from moderate to transitional or marginal, or if the EPA determined that an I/M program was not applicable or not necessary for either of those areas to meet the requirements of the Clean Air Act.

Any area in Michigan subject to the bill's requirements that was redesignated by the EPA as being in attainment with the NAAQ ozone standards and had demonstrated maintenance of the standards without an I/M program would be exempt from the bill's provisions. If the approved maintenance plan for the area, however, included an I/M program as part of its contingency plan, the DOT would be required, in consultation with the DNR, to implement the required I/M program.

Judicial relief. The bill specifies that the state, either alone or in cooperation with other states, "should pursue judicial relief from the requirements or penalties imposed by the Clean Air Act or regulations promulgated under that act."

Testing requirements. Under the bill, the motor vehicle emissions inspection and maintenance

program would have to be designed to meet the performance standards for a motor vehicle emissions I/M program established by the EPA, and would have to include the following: biennial testing; a "test-only" network of inspection stations (stations that would be contractually or legally barred from engaging in automobile repair or service, parts sales, and sale and leasing activities, or referring vehicle owners to repair services); "transient mass-emission evaporative system, purge and pressure testing on 1981 and later model year vehicles using the IM240 driving cycle"; and "two-speed idle testing, antitampering, and pressure test on 1975 to 1980 vehicles". Equipment and test procedures would have to meet the requirements specified in EPA regulations and the test procedures, quality control requirements, and equipment specifications issued by the EPA.

Each motor vehicle subject to the bill would have to be inspected for emissions. A person could not operate a motor vehicle subject to the bill if his or her certificate of compliance had expired or if the person had not received a time extension or waiver and the vehicle failed to meet emission cut points established by the DOT or other emission control requirements established by the department. If a vehicle had not been tested within the previous 12 months, its prospective seller would have to have the vehicle tested and complete necessary repairs before offering the vehicle for sale. ("Cut point" would mean the level of pollutants emitted that was used in determining whether a particular make and model of motor vehicle passed or failed all or part of an inspection.)

Exempt vehicles. The following vehicles would be exempt from the proposed inspection requirements: motor vehicles exempted by DOT rules because of prohibitive inspection problems or inappropriateness for inspection; motor vehicles manufactured before the 1975 model year; vehicles that were licensed as historic vehicles; motor vehicles whose only fuel source was an alternative fuel; motorcycles; motor vehicles used for covert monitoring of inspection facilities; and new motor vehicles immediately after issuance of a vehicle's first title, until the year of the next biennial inspection for that vehicle model year.

Creation of special fund. The bill would establish the "Motor Vehicle Emissions Inspection and Maintenance Program Fund" and the "vehicle emissions inspection account" in the fund. The inspection account would have to be used for a

public education program conducted by the DOT; start-up costs to implement the I/M program; administration and oversight by the DOT; enforcement through the vehicle registration process by the Department of State; gasoline inspection and testing; and other activities related to the program.

Inspection fee. The bill would permit the DOT, in consultation with the Department of State, to establish an inspection fee not to exceed \$24, adjusted annually by the percent change in the Detroit consumer price index (CPI). The fee would have to be paid by the motor vehicle owner to the inspection station operator at the time of an initial inspection. By the 15th day of each month, each inspection station would have to remit the amount of the fee required for administration and oversight under the contractual agreement entered into with the DOT to the Department of Treasury for deposit in the I/M program fund.

Public inspection stations. Under the bill, the transportation department would have to contract with a private entity or entities for the design, construction, equipment, establishment, maintenance and operation of public inspection stations to conduct emissions inspections. During the contractor evaluation process, the department director would have to consider the public convenience of the inspection station; the unit cost per inspection; the degree of technical content of the proposal; the contractor's experience and probability of a successful performance; and the contractor's financial stability. The contract would have to provide for the following: minimum requirements for adequate staff, equipment, management and hours of operation of inspection stations; the submission of reports and documentation; and surveillance to ensure compliance with vehicular emissions standards, procedures and laws. There would have to be at least two inspection stations in each county subject to the bill, and the network of stations would have to be sufficient to assure short driving distances and to assure that waiting times did not exceed 15 minutes more than four times a month. A person could not be required to make an appointment for a vehicle inspection.

Certificates of compliance, waiver. A public inspection station would have to inspect and reinspect vehicles and issue a certificate of compliance if it were determined that the vehicle complied with DOT standards and criteria. If a

certificate of compliance were not issued, the inspection station would have to provide a written report describing the reason for rejection and, if appropriate, the repairs needed or likely to be needed to bring the vehicle into compliance with those standards and criteria. A certificate of waiver would have to be issued for a vehicle that failed an initial inspection and subsequent reinspection, if the actual cost of maintenance performed that was designed to bring the vehicle into compliance were at least \$300, adjusted each January by the Detroit CPI. Owners of 1981 and later model year vehicles also could apply for a certificate of waiver after failing an initial inspection and a subsequent reinspection even though that dollar limit had not been met.

The DOT would have to perform a complete, documented physical and functional diagnosis and inspection. If the diagnosis and inspection showed that no additional emission-related repairs were needed, or that the vehicle presented prohibitive inspection problems or was inappropriate for inspection, the department could issue a certificate of waiver. A temporary certificate of waiver, valid for up to 15 days, could be issued to allow time for necessary maintenance and reinspection; a temporary waiver could not be issued more than twice for the same vehicle.

Upon receiving documentation from the transportation department, the Department of State could suspend the registration of any vehicle not in compliance with the bill and rules promulgated under it and for which a certificate of compliance had not been obtained. The Department of State could not renew the registration of a vehicle subject to the bill unless the vehicle had been inspected and a certificate of compliance or a certificate of waiver had been issued.

Public education programs. The DOT would be required to implement continuing education programs designed to educate the general public about the inspection and maintenance program; institute procedures and mechanisms to protect the public from fraud and abuse by inspectors, mechanics, and others involved in the program; evaluate, inspect, and provide quality assurance for the program; and compile data and undertake studies to evaluate the cost, effectiveness, and benefits of the program.

Prohibitions, penalties. The bill would make it a misdemeanor for an employee, owner, or operator of a public inspection station to furnish information about the name or other description of a repair facility or other place where maintenance could be obtained. It also would be a misdemeanor to tamper with a vehicle that had been certified to comply with the bill and rules so that the vehicle no longer was in compliance. In addition, the bill would make it a misdemeanor to provide false information to a public inspection station or the DOT about estimated or actual repair costs or repairs needed to bring a vehicle into compliance.

A person who issued a certificate of compliance for a vehicle that had not been inspected and had not met emission cut points, who forged, counterfeited or altered an inspection certificate, or who knowingly possessed an unauthorized inspection certificate would be guilty of a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$1,000. Also, a person who drove a motor vehicle in violation of the bill or rules promulgated under it would be subject to a civil fine of up to \$500. Each violation would constitute a separate offense.

House Bill 5016 would create the Motor Vehicle Emissions Testing Program Act to authorize the transportation department to implement and administer in Wayne, Oakland and Macomb Counties (if the EPA did not redesignate them as ozone attainment areas) a decentralized motor vehicle emissions inspection test and repair program designed to meet the performance standards for a motor vehicle emissions testing program as established by the EPA. Under certain circumstances, the program could include Washtenaw, St. Clair, Livingston and/or Monroe Counties. The bill also would require the department, by January 1, 1996, to implement and administer in Wayne, Oakland and Macomb Counties a decentralized motor vehicle emissions inspection test and repair program in compliance with provisions of the Clean Air Act that were in effect before November 15, 1990.

Decentralized test and repair program. The transportation department could implement in Wayne, Oakland and Macomb Counties a decentralized test and repair program designed to meet EPA performance standards using bar 90 testing equipment or an equivalent system approved

by the EPA, only under one of the following conditions:

- * As a contingency measure included in the maintenance plan approved by the EPA as part of the redesignation as an ozone attainment area. The contingency measure would have to include authority to expand the program to Washtenaw County if other measures were not sufficient to meet the maintenance plan. The DOT could implement the contingency measure only if an actual violation of the ozone NAAQ standard during the maintenance period were observed.

- * If an application for redesignation as an ozone attainment area were approved by the EPA but a condition of that approval required implementing the program in order to comply with the Clean Air Act.

- * If an application for redesignation as an ozone attainment area were not approved by the EPA and the program were required to meet the requirements of the Clean Air Act. The program could be expanded to include Washtenaw County and, if necessary to meet the basic emissions I/M program requirements of the Clean Air Act, the department could expand the program to St. Clair, Livingston and/or Monroe Counties if other measures were not sufficient to meet Clean Air Act requirements. The DOT could exercise this contingency only if the department notified the legislature that this event had occurred and that the contingency would be implemented after a period of 45 days, and the legislature failed to amend these requirements within the 45-day period.

Equipment and test procedures would have to meet the requirements specified in EPA regulations and would have to follow test procedures, quality control requirements, and equipment specifications issued by the EPA.

Vehicle emissions testing program fund. The bill would establish the Motor Vehicle Emissions Testing Program Fund and the motor vehicle emissions inspection account within the fund. The inspection account would have to be used for a public education program conducted by the DOT; start-up costs to implement the emissions testing program; administration and oversight by the DOT and an independent third-party organization; enforcement through the vehicle registration process by the Department of State; gasoline inspection and

testing; and other activities related to the emissions testing program. Money remaining in the Vehicle Emissions Inspection and Maintenance Fund created by the Vehicle Emissions Inspection and Maintenance Act, which would be repealed, would have to be transferred to the proposed fund.

Certificates of compliance, waiver. Upon receiving documentation from the DOT, the Department of State could suspend the registration of any vehicle not in compliance with the bill and rules promulgated under it and for which a certificate of compliance had not been obtained. The Department of State could not renew the registration of a vehicle subject to the bill unless the vehicle had been inspected and a certificate of compliance or a certificate of waiver had been issued. Certificates would be valid for one test cycle (a 12-month period corresponding with a vehicle's registration expiration date). If not exempted by the bill or rules, a person could not drive a motor vehicle registered in an area required to have a vehicle emission and maintenance program without a valid certificate of compliance or certificate of waiver.

Exempt vehicles. The following vehicles would be exempt from the bill's inspection requirements: motor vehicles exempted by DOT rules because of prohibitive inspection problems or inappropriateness for inspection; motor vehicles manufactured before the 1975 model year; vehicles that were licensed as historic vehicles; motor vehicles whose only fuel source was an alternative fuel; motorcycles; motor vehicles used for covert monitoring of inspection facilities; and new motor vehicles immediately after issuance of a vehicle's first title, until the next annual inspection for that vehicle model year.

Inspection fee. A testing station could charge a fee of up to \$13, but not less than \$3. Of the fee charged, \$3 would have to be remitted to the Department of Treasury and used by the DOT for administration and oversight. Of the \$3, the DOT would have to use \$1 to reimburse the independent third party organization under contract to the Department. By the 15th day of each month, each testing station would have to remit the amount of the fee required for administration and oversight to the Department of Treasury for deposit in the Motor Vehicle Emissions Testing Program Fund. A testing station could not make a separate charge for issuing a certificate of compliance, notice of failure, or certificate of waiver.

Inspection requirements. A testing station would have to provide one free reinspection of a vehicle, if that vehicle failed a previous inspection performed by that station and if the vehicle were presented for reinspection within 90 days of the previous inspection. A testing station that performed repairs to bring into compliance a vehicle that failed an inspection at another station within the previous 90 days, would have to provide a free reinspection and a certificate of compliance, if the vehicle passed the reinspection.

A testing station would have to inspect and reinspect vehicles and issue a certificate of compliance if it were determined that the vehicle complied with DOT standards and criteria. If a certificate of compliance were not issued, the testing station would have to provide a written report describing the reason for rejection. A certificate of waiver would have to be issued for a vehicle that failed an initial inspection and subsequent reinspection if the actual cost of maintenance performed that was designed to bring the vehicle into compliance were at least \$200, adjusted each January by the Detroit CPI. The secretary of state could issue a temporary certificate of waiver, valid for up to 14 days, to the owner of a motor vehicle to allow time for necessary maintenance and reinspection, and could charge the fee permitted for a temporary registration under the Michigan Vehicle Code.

Licensing requirement. The bill would prohibit a person from engaging in the business of inspecting motor vehicles unless the person were a motor vehicle repair facility registered under the Motor Vehicle Service and Repair Act and had received a license to operate a testing station from the DOT. To be licensed, a facility would have to meet various requirements specified in the bill and pay to the DOT a \$50 fee. A testing station would have to display its identification as an official emission testing station and the price charged for an inspection. The bill also would prohibit a person from performing inspections under the bill, unless he or she had received approval from the DOT as an emission inspector. The bill specifies particular requirements for approval as an emission inspector, including passing an examination designed to test the person's competency to perform inspections, and the grounds for denying, suspending, or revoking a person's approval as an emission inspector. The bill also specifies requirements for fleet testing stations, and would allow a fleet owner or lessee to perform

inspections under the bill if the owner or lessee received from the DOT a permit to operate a fleet testing station. Each fleet testing station would have to remit \$1 for each vehicle inspected to the Department of Treasury for deposit in the Motor Vehicle Emissions Testing Program Fund.

Unless the person were licensed as a fleet testing station, a person who owned a motor vehicle required to be inspected under the bill would have to have the vehicle inspected and obtain a certificate of compliance or waiver only at a testing station licensed under the bill.

Departmental responsibilities. The Department of Transportation would be required to contract with a third-party organization to establish a random inspection system for testing stations, and would require a testing station annually to submit to the DOT evidence of certification of its testing equipment and emission inspections by the third-party organization. The DOT also would have to institute procedures and mechanisms to protect the public from fraud and abuse by inspectors, mechanics, and others involved in the inspection and maintenance program; provide quality assurance for the program through certification of competency by a third party to ensure proper and accurate emission inspection results; and compile data and undertake studies necessary to evaluate the cost, effectiveness, and benefits of the motor vehicle inspection program.

Penalty provisions. The bill would make it a misdemeanor for an employee, owner, or operator of a public inspection station to furnish information, except that provided by the state or otherwise required by the bill, about the name or other description of a repair facility or other place where maintenance could be obtained. It also would be a misdemeanor to tamper with a vehicle that had been certified to comply with the bill and rules so that the vehicle no longer was in compliance; or to provide false information to a public inspection station or the DOT about estimated or actual repair costs or repairs needed to bring a vehicle into compliance.

The bill would make it a misdemeanor, punishable by up to one year in prison or a maximum fine of \$1,000, for a testing station or fleet testing station to issue a certificate of compliance for a vehicle that had not been inspected and did not meet or exceed DOT emission standards, or for a person to forge,

counterfeit, or alter an inspection certificate or knowingly to possess an unauthorized inspection certificate. Also, a person who drove a motor vehicle in violation of the bill or rules promulgated under it would be subject to a civil fine of up to \$500. Each violation would constitute a separate offense.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, if a state failed to 1) submit a state implementation plan (SIP) to the Environmental Protection Agency by November 15, 1993, 2) implement certain air pollution control measures, or 3) get its SIP approved by the EPA, federal sanctions under the 1990 amendments to the federal Clean Air Act could be imposed. In the event any of these occurred, an 18-month clock for the imposition of a two-for-one mandate for industrial emissions would be triggered. The emission offset means that in affected areas, the offset sanction will require new or modified sources of emissions to obtain reductions from other sources at a ratio of two to one. After an additional six months (24 months after initial noncompliance), the state would incur sanctions on federal highway funds. (The highway funding sanction would not apply to projects in the nonattainment area that are for safety purposes. The exemption for safety would be determined on a case-by-case basis by the U.S. Secretary of Transportation.) Michigan receives approximately \$500 million in federal highway funding annually.

Costs from House Bill 4165 would include those for administration and oversight by the Department of Transportation, start-up costs, costs for a public education program and Department of State enforcement costs. The inspection fee of up to \$24 that would have to be paid at the inspection site would support program costs. There are approximately 500,000 cars in Kent, Ottawa and Muskegon Counties that would be subject to the program outlined in the bill. Assuming a biennial program and a \$24 fee, revenue could amount to \$6 million annually. (This revenue projection does not include amounts that would be realized from delinquency charges.)

If, pursuant to House Bill 5016, the Department of Transportation had to implement a new program, revenue from earmarking \$3 of the up to \$13 proposed testing station fee for administration and oversight (\$2), and reimbursement of the

independent third party organization (\$1) would generate \$6.9 million annually. If the program were expanded to include the counties of Washtenaw, St. Clair, Livingston, and Monroe, revenue would increase by approximately \$1.3 million. The \$50 fee for a license to operate a testing station would generate approximately \$70,000. (The current Auto Emissions and Inspection Program administered by the Department of State includes an appropriation of \$2.3 million and 53.0 FTE positions; the program is funded by general fund revenue.) (1-14-94)

ARGUMENTS:

For:

The bills would enable Michigan to take steps necessary to avoid EPA sanctions for failure to comply with the Clean Air Act (CAA). Under the CAA, certain states must put in place vehicle emissions inspection and maintenance programs that will be more likely to reduce "ground level ozone" pollutants, which occur when vehicle emissions chemically react to heat and sunlight, than existing auto emissions programs. The CAA calls for a 15 percent reduction in levels of air pollution in certain areas designated as "non-attainment" areas (that is, regions whose air pollution levels exceed CAA standards); thus, the EPA requires states to adopt measures that will help them to meet this goal. As it is expected that the goal for a 15 percent reduction in air pollution levels produced by both mobile and stationary sources cannot be met in the affected areas in western Michigan based on current data, an enhanced vehicle emissions program will have to be implemented there; and despite recent findings suggesting improvement in southeastern Michigan counties, an enhanced program could be needed in that region, too. The threat of numerous federal economic sanctions should itself be reason enough for the state to adopt these measures. But more importantly, the potential harm posed to the state's environment and its citizens by smog produced by vehicle emissions demands that action be taken to reduce what is a primary source of this pollution--namely, toxic vehicle emissions caused when emission control devices on cars and trucks are poorly maintained, neglected, modified or otherwise tampered with.

For:

House Bill 4165 would provide for the implementation of an enhanced I/M program in the western Michigan counties covered by a nonattainment area. However, because of studies

showing that much of the air pollution in the three western Michigan counties that would be affected by this requirement is transported over Lake Michigan from other regions, the bill specifies that the program would not have to be implemented in areas where the EPA determined that having such a program would do little to bring them into attainment with CAA requirements. The enhanced program, assuming it was implemented in these counties, would allow that area to earn credits toward the required 15 percent reduction in VOC emissions. Further, because enhanced programs are considered more efficient than basic programs, biennial rather than annual testing would be required, which represents greater convenience to vehicle owners. A test-only network of inspection stations also would diminish the potential for fraudulent test-and-repair stations.

For:

House Bill 4165 contains a provision specifying that the state should pursue judicial relief from requirements or penalties imposed under the CAA or regulations promulgated under it. This provision gives Michigan the ability to protect itself from onerous action that might be taken by the EPA if the state fails to meet the standards set forth in the CAA regarding reduction of VOCs. Furthermore, having the ability to seek judicial relief would put pressure on the EPA to hold all states having nonattainment areas to the same standards. Reportedly, the EPA has backed away from the threat of imposing sanctions on California despite its failure to adopt enhanced VEIM programs in regions suffering severe air pollution problems. California has been battered by a weak economy and faces severe budget constraints, compounded by the recent Los Angeles earthquake, and state officials claim it can't afford to adopt the enhanced programs. But some people have suggested that the EPA may be influenced to hold California to different standards than other states simply for political reasons.

Response:

House Bill 5016 should contain this provision, too.

For:

House Bill 5016 would accommodate the situation in southeastern Michigan where redesignation as an ozone attainment area is anticipated but not a certainty. Although that part of the state already has a vehicle inspection program in place, the existing program does not sufficiently reduce ozone-forming pollutants to continue without modifications

if redesignation efforts are not successful. Also, the state cannot even apply for redesignation unless legislation satisfactory to the EPA has been enacted. While the bill would allow the Department of State-run existing program to continue, it also would enable the transportation department to respond to the EPA's decision on redesignation by authorizing the department to implement a program meeting EPA standards if 1) the program were included as a contingency measure as part of redesignation and were implemented in the event of an emissions violation; 2) a condition of redesignation required the program; or 3) redesignation were not approved.

Against:

Enhanced programs clearly are superior in terms of efficiency, convenience and consumer protections. More importantly, perhaps, enhanced programs earn credits toward the VOC emissions reduction requirement. If an enhanced program would be good for western Michigan it also would be good for southeastern Michigan. House Bill 5016, however, proposes only a basic program for southeastern Michigan that would do nothing to earn credits for a 15 percent reduction in emissions, which means other measures would have to be enacted to meet that requirement.

Response:

Southeastern Michigan evidently meets the EPA's standards for air quality and is a good candidate for redesignation. It therefore would seem unwise to implement a program with considerably different equipment and administrative requirements than the program already in place there. Western Michigan, on the other hand, has no existing program and does not appear to be a viable candidate for redesignation. Moreover, moving from a decentralized testing program to a centralized, "test-only" program in southeastern counties could financially cripple many of the Detroit area's hundreds of service stations and auto repair shops that currently provide both inspections and repairs. Before any such change is made, additional data is needed to determine whether or not air pollution in this region has stabilized at lower levels.

Against:

House Bill 4165 would provide for certificates of waiver to be issued if it would cost at least \$300 to bring a vehicle into compliance. House Bill 5016, however, specifies a repair limit of \$200. This difference effectively would subject more vehicle owners in western Michigan to the maintenance

requirements, which amounts to discrimination against that part of the state.

Response:

A \$200 repair limit would fail to meet EPA criteria for an enhanced I/M program, which is what House Bill 4165 proposes.

Against:

Simply adopting an enhanced VEIM program in some counties or maintaining an existing program in others will not guarantee that they or the state will meet the 15 percent reduction in air pollution levels required to be met by 1996 under the Clean Air Act. Will the state be sanctioned later by the federal government if, after complying with EPA requirements, it fails to meet the reduction goals established in the CAA? Furthermore, as economic growth increases and population centers expand into the suburbs and countryside, this growth brings with it an increase in "vehicle miles traveled." This or any state intent on encouraging economic growth, no matter what the cost, cannot expect to contain or reduce air pollution in future years simply by "monitoring" the sources of that pollution; they also must encourage, perhaps even require, their citizens to change their lifestyles (i.e., limit their use of automobiles).

The state would have a much better chance of meeting the 15 percent reduction in air pollution levels by 1996 if more people simply used public transportation or car-pooled to get somewhere rather than driving alone. Of course it would help if federal, state and local governments shifted their budget priorities to put more emphasis on public transportation expenditures and encouraged people to use such a system. Unfortunately, the proposed federal budget for fiscal year 1994-95 would reduce subsidies for public transportation by 25 percent, which would seem to work against what the EPA says it hopes to accomplish (to reduce air pollution levels) by requiring states to adopt more stringent vehicle inspection programs.