

Rulemaking Action Item

Vehicle Inspection Program

Jan. 10, 2025
Environmental Quality Commission

Agenda

- Rule Topics Overview/Background
- Need for Rulemaking
- Proposed Rules
- Rulemaking Process
- Questions
- Motion for Adoption

Requests

- DEQ requests that the Environmental Quality Commission:
 - Adopt the proposed rules as part of chapter 340 of the Oregon Administrative Rules; and
 - Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and
 - Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

Rule Topics

- Formalize exemption for four newest model years
- Amend reciprocity for vehicles temporarily located out of state
- Formalize Remote Onboard Diagnostic Testing

Background: Four Year Exemption

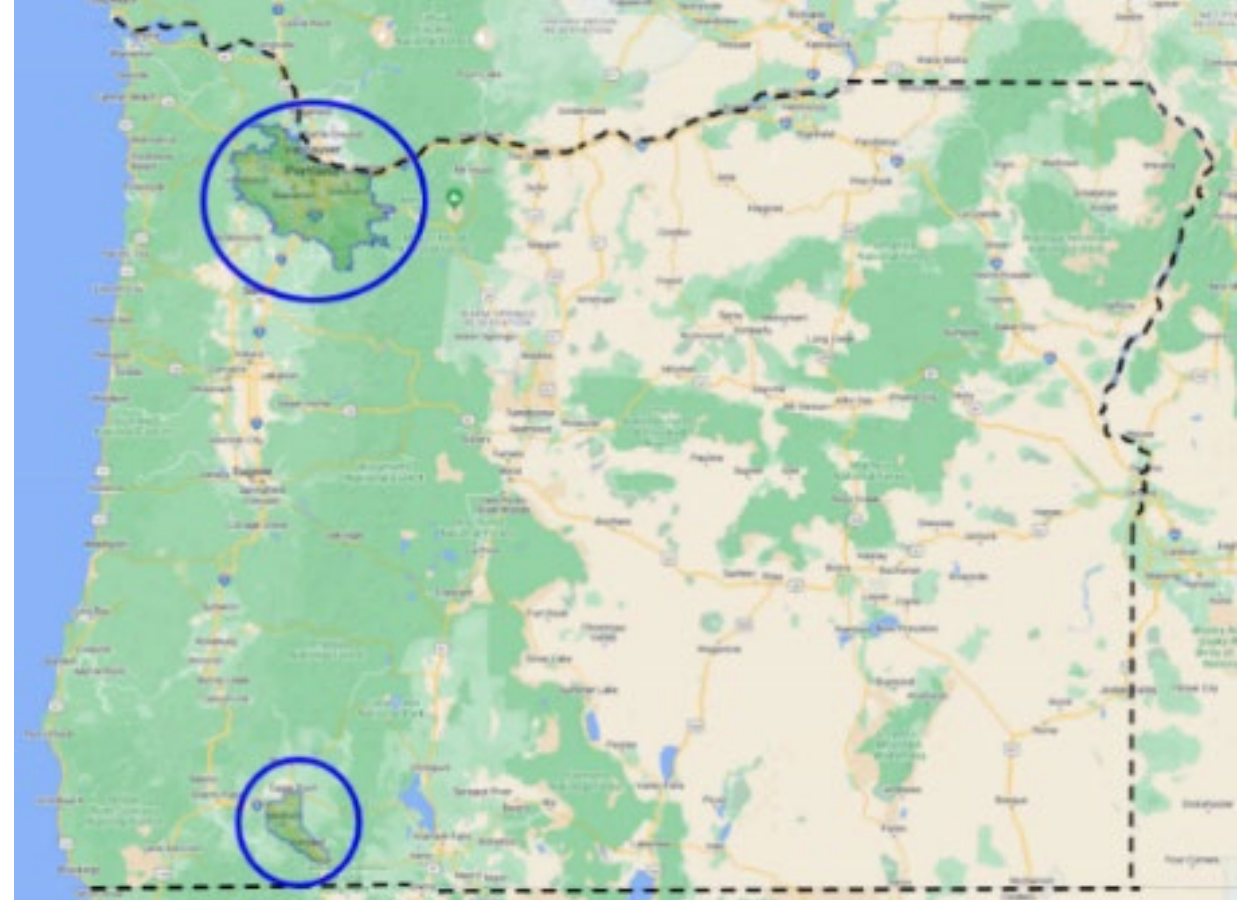
- Emissions standards are enforced through registration of vehicles
- Ineligible to renew if an emissions compliance certificate is not obtained
- New model year vehicles do not need their first test until four years have passed since it was released

Proposed Rule: Four Year Exemption

- Codifying exemption practice into rule for transparency
- Typical registrations are bi-annual
- New model year vehicles have a four-year registration period
 - Established under ORS 803.415(10)(a)

Background: Reciprocity

- Oregon Vehicle Inspection Program carries out its emission testing program through seven Clean Air Stations, six in Portland and one in Medford
- Vehicles registered within the two testing boundaries must pass an emissions test to be registered with ODOT and DMV

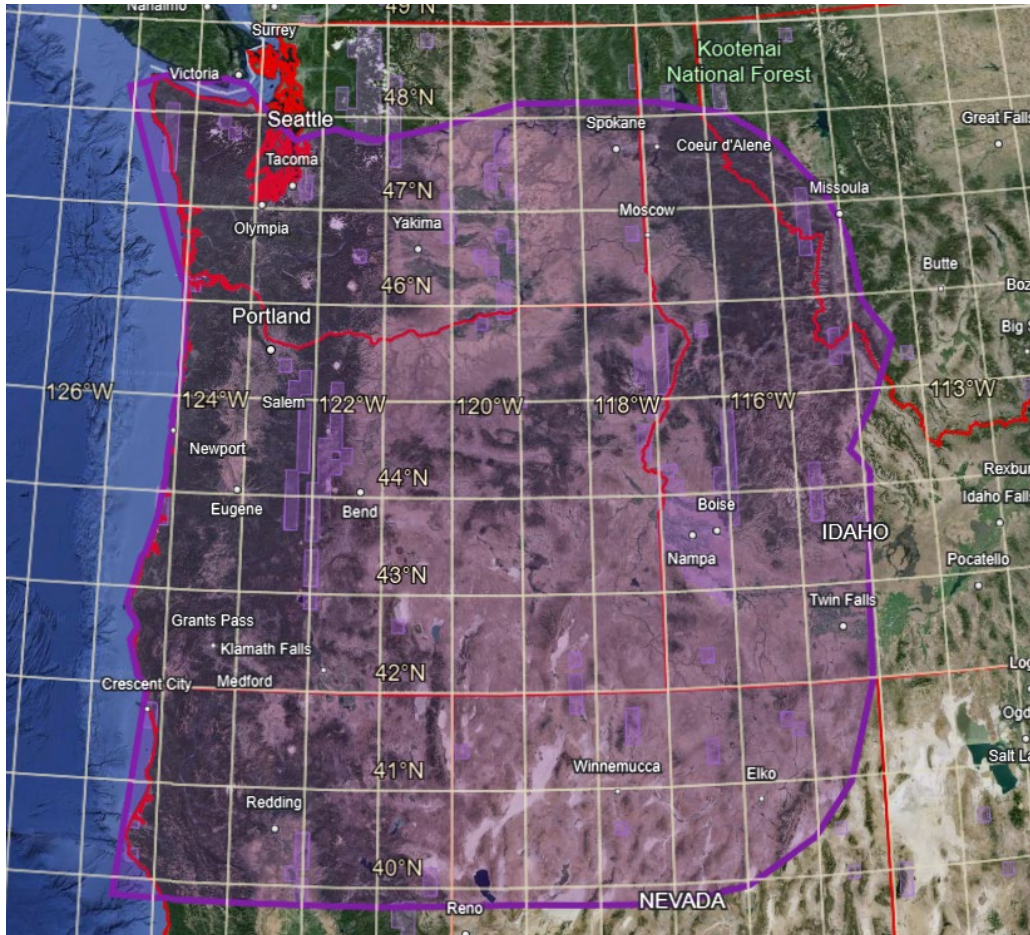


Background: Reciprocity

- DEQ identified a need to update OAR 340-256-0370, reciprocity rules, due to the end of Washington and Idaho vehicle inspection programs
- Reciprocity effectiveness impacted due to these changes
- Rule creates a burden on Oregonians

Proposed Rule: Reciprocity

Current Boundary

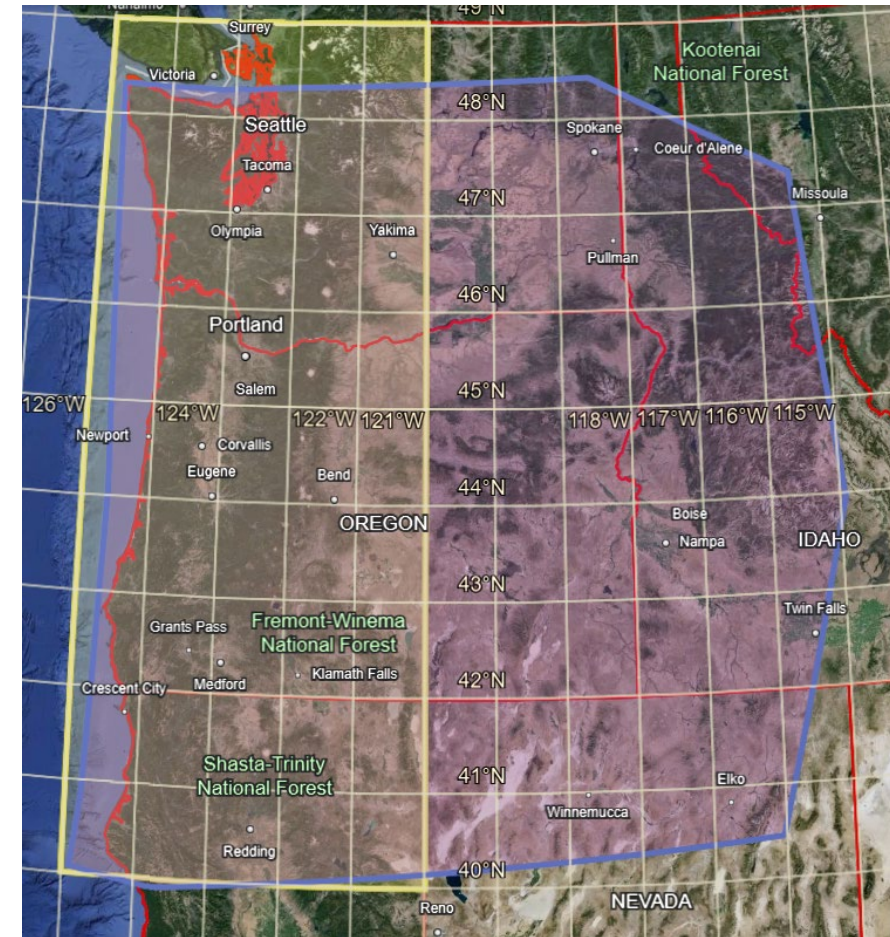


Proposed Boundary



Proposed Rule: Reciprocity

- Reduces burden on those farthest away from inspection boundaries
 - Expands slightly North, but reduces confusion around the Sound region
- Clearly delineates where boundary ends
 - The US-Canada Border for the Northern Boundary
 - 40°N for the Southern Boundary
 - 121°W for the Eastern Boundary
 - 126°W for the Western Boundary
- Blue = Current Boundary
- Yellow = Proposed Boundary



Background: Remote OBD

- DEQ Too is the trademark name for Oregon DEQ's Remote OBD program
 - Similar to other branded names, e.g., Kleenex vs tissue or Xerox vs copy



Background: Remote OBD

- DEQ Too program started in 2016 to increase the options available to the public for testing
- DEQ Too is a program in which third parties enter into a contractual agreement with the DEQ to test vehicles
- Data is submitted to DEQ for testing approval
- Only DEQ may determine pass or fail of a tested vehicle

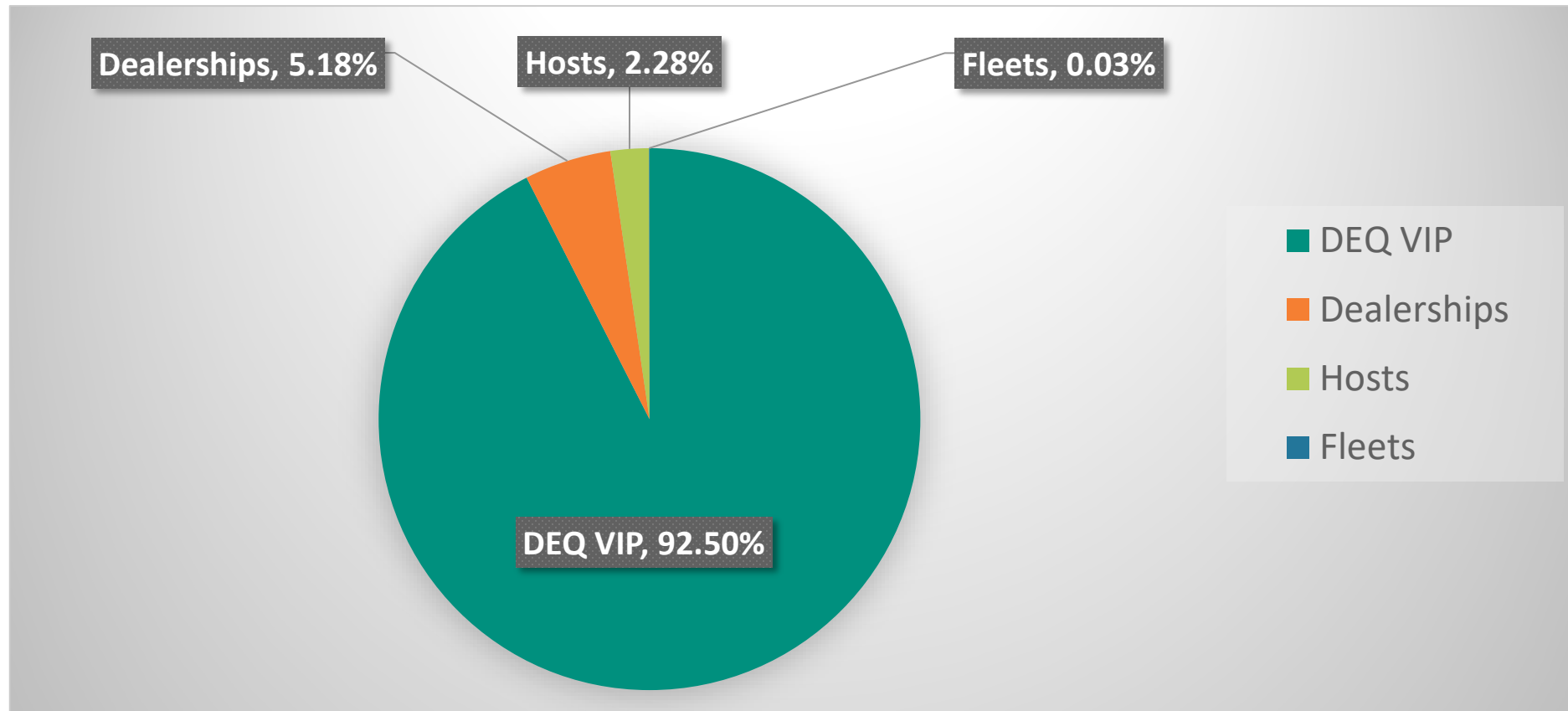


Background: Remote OBD

- OAR 340-256-0358 grants DEQ authority to operate a Remote OBD program
- Potential issues
 - Is limited in scope
 - Difficult to enforce compliance within the program
 - Program currently operates through agreements rather than rule

Background: Remote OBD

Total Tests by Type 2017 – Q1 2024



Proposed Rules: Remote OBD

- Four types of participants in the Remote OBD program
 - Hosts
 - Provide testing services to the general public
 - Dealerships
 - Test dealer owned vehicles on location
 - Fleets
 - Test privately or publicly owned fleets on location
 - Device Manufacturer
 - Provide testing devices per DEQ specifications and customer support

Proposed Rules: Changes to Existing Rules

- Proposed Amendments to OAR Chapter 340, Division 256
 - 0010: Definitions
 - 0300: Emission Control System Inspection: Scope
 - Amending language for testing exemption
 - 0370: Emission Control System Inspection: Renewal of Registration for Light-duty Motor Vehicles and Heavy-duty Gasoline Motor Vehicles Temporarily Operating Outside of the Oregon Vehicle Inspection Boundaries
 - Updating language to clarify boundary position in rule requirements
 - 0465: Emission Control System Inspection: Test Equipment Criteria for OBD Test Program

Proposed Rules: Rules New to Division

- Proposed Rules for Remote OBD Testing
 - 340-256-0466: Emissions Control System Inspection: Test Equipment Criteria for Remote OBD Test Method
 - 0467: Requirements for Host Participation in Remote OBD Testing Program
 - 0468: Requirements for Dealership Participation in Remote OBD Testing Program
 - 0469: Requirements for Fleet Participation in Remote OBD Testing Program
 - 0471: Violations and Disqualifications from Participation in Remote OBD Testing Program

Fiscal and Economic Impacts

- Little change to existing fiscal impacts for DEQ and the Remote OBD Program Participants
- Remote OBD Program has operated for over eight years
- Rulemaking Advisory Committee provided input on fiscal impact statement
 - Assembled from Remote OBD Program participants, government, community groups, and business

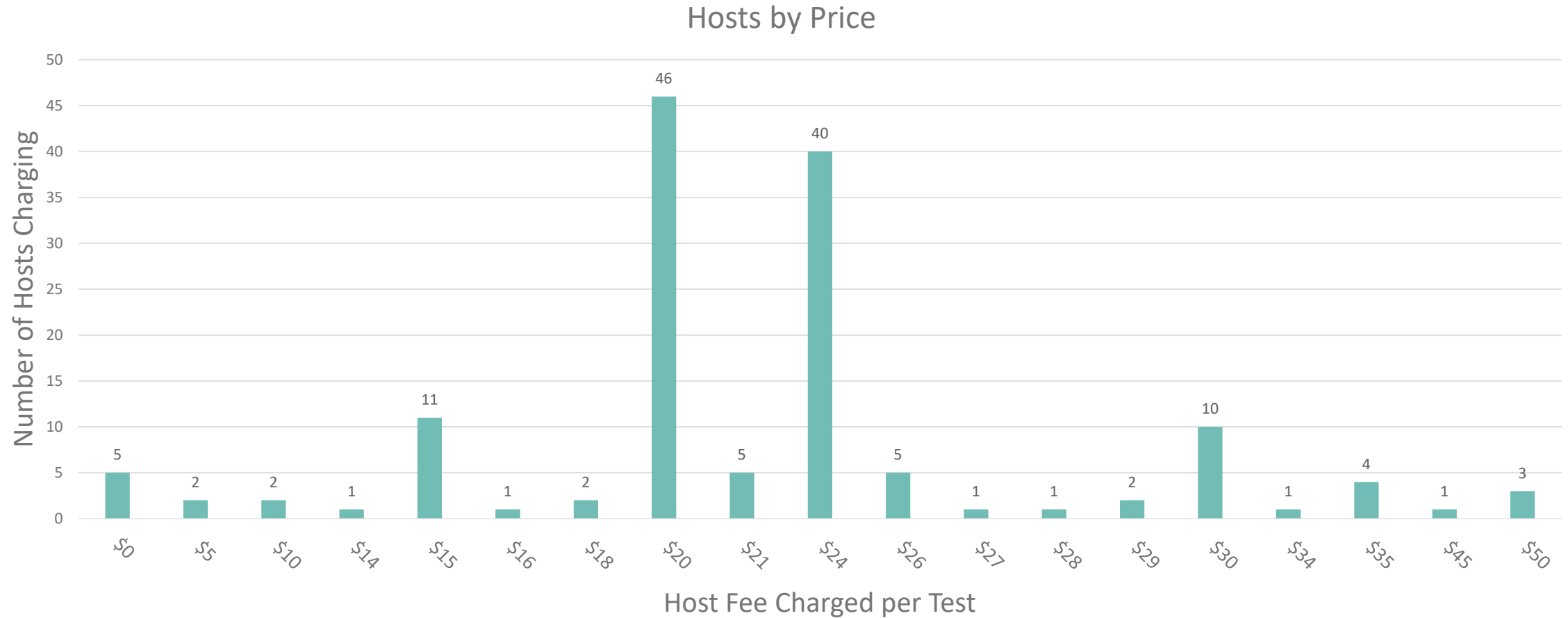
Rulemaking Process: Fiscal Impact - Participant

- Testing Participants negotiate the costs for OBD devices and services from Device Provider Participants
- Hosts may not charge customers the same price as a Clean Air Certificate in their respective areas
- Participation in the Remote OBD Program is voluntary

Rulemaking Process: Fiscal Impact - Customer

- Customers choose where to do their vehicle emissions testing
- Cost varies by location
 - DEQ VIP Operated Clean Air Stations do not charge for tests
 - Hosts and Dealerships costs are set as third-party fees
 - Can range from \$0 to as high as the Participant chooses

Rulemaking Process: Fiscal Impact - Remote OBD



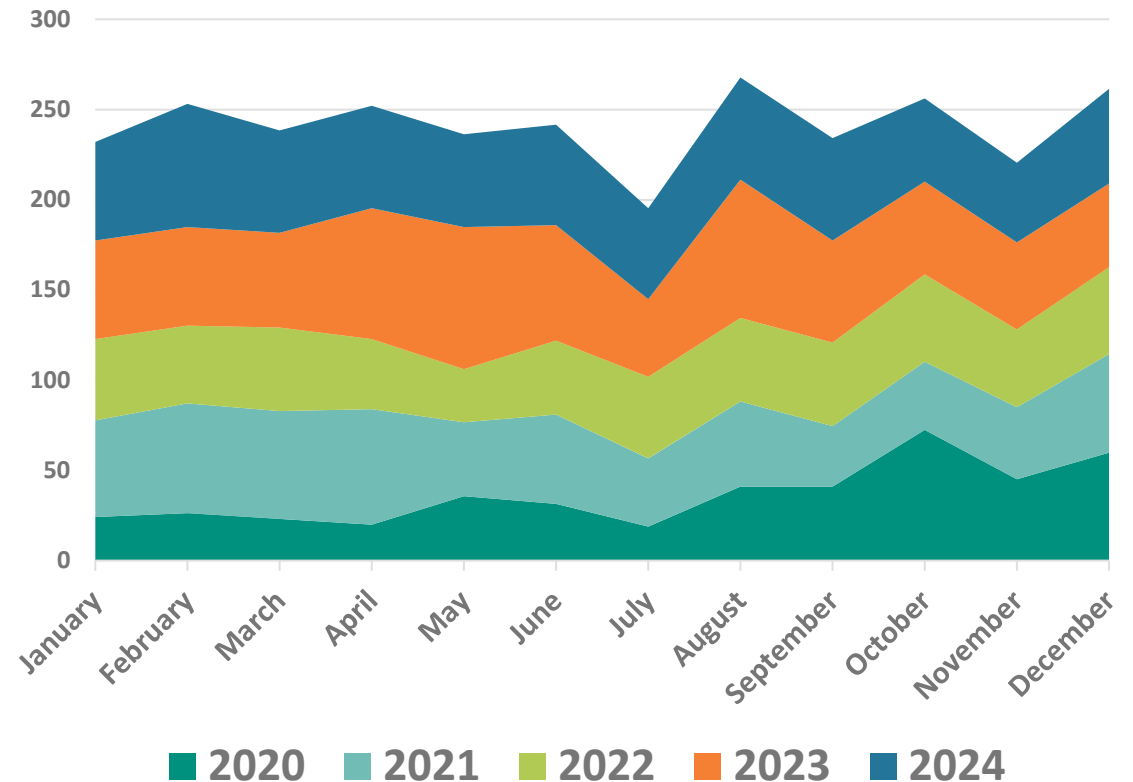
Benefits of Remote OBD

- Customers
 - Reduced Vehicle Miles Traveled and lower emissions
 - More testing locations
- Remote OBD Participants
 - Hosts provide value-added service
 - Dealerships and Fleets reduce VMT and save time
- DEQ
 - Lower emissions
 - Reduced wait times at Clean Air Stations

Rulemaking Process: Fiscal Impact - Reciprocity

- Vehicles residing outside the proposed can request exemption
- Will accept other EPA emissions testing programs passing certificate as proof of compliance
- Only applies to vehicles registered in inspection areas
- No anticipated fiscal impact

Exemptions from Testing by Year



Public Comment

- Received 7 comments from EPA
 - Comments 1-5 were about 110(*I*) Demonstration
 - Comment 6 requested clarity on SIP related rules
 - Comment 7 requested clarification on reciprocity
- Actions taken
 - Clarification made to 110(*I*) demonstration per EPA comments
 - Included list in staff report of rules that will be submitted as an update to the SIP
 - Addressed clarification in staff report

Proposed Motion Language

"I move that the Environmental Quality Commission adopt the proposed rules and rule amendments in Attachment A as part of Chapter 340 of the Oregon Administrative Rules; and approve incorporating the rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval."

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