



Regulatory Announcement

Minor Amendments to Inspection/ Maintenance Program Evaluation Requirements

The U.S. Environmental Protection Agency (EPA) has proposed changing the inspection/maintenance (I/M) rule's mandatory program evaluation to require states to use a sound evaluation methodology capable of providing accurate information about the overall effectiveness of an I/M program. This proposal also clarifies related test requirements.

Background Of The Rule

Under the 1990 Clean Air Act, EPA published on November 5, 1992, the I/M rule. The Clean Air Act required that enhanced I/M programs conduct biennial program evaluations using methods established by the Administrator. EPA established the criteria for this in the I/M rule. The program evaluation was to include state-administered or -monitored program evaluation tests on a random, representative sample of at least 0.1 percent of the annual subject vehicle population. The program evaluation tests included measuring the gram-per-mile tailpipe emissions using the IM240. Alternative, equivalent mass based transient emission testing (METT) was allowed in place of the IM240, but these had to be approved by EPA.

At the time the I/M rule was promulgated, it was anticipated that most programs subject to the enhanced I/M requirement would opt to use

IM240 as part of their routine testing program. Therefore, requiring additional, state-administered or -monitored IM240s to confirm the overall program's effectiveness did not require states to invest in additional program evaluation testing equipment and did not call for the development of an alternative program evaluation testing methodology.

The National Highway System Designation Act (NHSDA) was enacted on November 28, 1995, specifically prohibiting EPA from mandating the test-only IM240 for program operation. EPA has since determined that additional flexibility is desirable in order to better accommodate the wider range of enhanced I/M program designs which states are in the process of adopting and implementing, and which were not anticipated at the time the original program evaluation criteria were promulgated. EPA also believes that alternative, sound methods for meeting the Clean Air Act's program evaluation requirement may exist, and the Agency intends to work with states and other interested parties during the proposed period of delay to identify and approve these alternatives.

What Are the Key Elements Of The Rule?

This Notice of Proposed Rulemaking:

- Amends the I/M program evaluation requirements to remove the current requirement to conduct METT on 0.1 percent of the subject fleet, beginning at the time of program start-up.
- Creates a new evaluation requirement that would require states to conduct program evaluation testing on a minimum of 0.1 percent of subject vehicles using a scientifically sound evaluation methodology capable of providing accurate information about the overall program effectiveness of an I/M program. Such program evaluation testing is to begin by November 30, 1998, and is not required to be coincident with program start up.
- Clarifies that "initial test" simply means that the test is conducted before repairs for each test cycle, and does not therefore preclude states from using alternative sampling methodologies such as roadside pullover to sample the fleet.
- Proposes to amend the conditions on the program evaluation requirements of the I/M State Implementation Plans for the Commonwealths of Pennsylvania and Virginia and the State of Delaware.

Who Will Be Affected By The Rule?

Only states that choose to utilize the additional flexibilities will be affected by the proposed change. Modifications to a state's I/M program as a result of this rule change may require a SIP revision. Of those affected States, primarily the State I/M program authorities will be affected. Program evaluation equipment suppliers and I/M contractors may need to adjust to shifting requirements as states accept the new flexibility and delay implementation of program evaluation.

How Does The Rule Provide Flexibility To The States?

The goal of the proposed rule change is to allow states additional flexibility to use not only IM240 but other approved alternative methodologies for their program evaluation. This action may reduce the cost burden the states would face if they were required to implement IM240 program evaluation testing while at the same time choosing to implement a different test type for the operating program. This action will allow the states even greater flexibility in designing and implementing I/M program evaluations which meet their local needs.

For More Information

For further information on this proposed rulemaking, please contact Tracey Bradish at:

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

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