

QUÉBEC AUTOMOBILES

Commission for Environmental Cooperation

Response to Submission SEM-04-007



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Ministère de l'Environnement
for the Government of Québec
and Environment Canada
for the Government of Canada
February 2005**

1.0 INTRODUCTION

On December 3, 2004, in accordance with paragraph 14(2) of the North American Agreement on Environmental Cooperation (NAAEC), the Secretariat of the North American Commission for Environmental Cooperation (CEC) issued a decision requesting Canada to respond to Submission SEM-04-007/Québec Automobiles, presented to the Secretariat on November 3, 2004 by the Quebec Association Against Air Pollution (Association québécoise de lutte contre la pollution atmosphérique – AQLPA). This submission alleges that Canada, more specifically Québec, is failing to effectively enforce sections 96.1 and 96.2 of Québec’s *Regulation respecting the quality of the atmosphere (Règlement sur la qualité de l’atmosphère – RQA)* (R.R.Q., c. Q-2, r.20) and sections 19.1, 20 and 51 of the Québec *Environment Quality Act (Loi sur la qualité de l’environnement – LQE)* in connection with emissions of hydrocarbons, carbon monoxide and nitrogen oxides from post-1985 light vehicle models.

Canada and Québec affirm their support for the citizen submission process on enforcement matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC). We consider this process to be an essential element of the Agreement. This document is Canada’s response to the Secretariat. It has been prepared jointly by Environment Canada and the Québec government.

1.1 Jurisdiction over the Environment and the Implementation of Treaties in the Canadian Federal System

The environment is an area that was not expressly assigned to either level of government by the *Constitution Act, 1867*. Rather, the federal and provincial governments derive their authority in environmental matters from other powers assigned to them in the Constitution. The provinces’ jurisdiction over the environment is connected to their legislative authority respecting property and civil rights, local or private matters, and municipal institutions, as well their jurisdiction over provincial lands and natural resources. In 1972, in accordance with its jurisdiction, Québec adopted the *Environment Quality Act*, which is the subject of this submission. The *Environment Quality Act*, Québec’s overall legislative framework for environmental matters, is the responsibility of Québec’s Minister of Environment.

The federal government of Canada does not have authority to implement treaties when the subject matter falls under the exclusive jurisdiction of the provinces. Implementation of a treaty that involves issues of provincial jurisdiction therefore rests with each provincial government. As a result, such treaties often include a “federal state” clause, which means that the treaty only applies to those provinces that have committed themselves to implementing the treaty. In the NAAEC, this “federal state” clause is embodied in Annex 41.

When the NAAEC entered into force on January 1, 1994, the Government of Canada assumed its obligations with regard to federal jurisdiction over the environment. To facilitate the application of the NAAEC in Canada, it also entered into negotiations for a Canadian Intergovernmental Agreement (CIA) with provincial governments. The CIA enables signatory provinces and territories to participate in the implementation, management and further development of the NAAEC, including consultations and dispute resolution.

The *Act respecting the implementation of international trade agreements*, adopted by the Government of Québec, entered into force on July 10, 1996. It covers the implementation of the NAAEC as well as NAFTA. Québec signed the CIA in December 1996.

1.2 International Agreements and Their Relevance to the Citizen Submissions Process

Article 45(2) of the NAAEC defines “environmental law” as “any statute or regulation of a Party, or provision thereof, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health . . .” This definition makes it clear that international environmental agreements do not fall within the ambit of “environmental law” addressed by the NAAEC. As a consequence, the participation of a Party in such agreements cannot be the subject of a citizen submission, which, in accordance with Article 14, is meant to examine whether a Party “is failing to effectively enforce its environmental law.” Accordingly, this response will not address the international agreements listed in the submission, but rather will focus on the environmental laws cited by the Submitter.

1.3 Information Pre-dating the Entry into Force of the NAAEC

This response includes information, provided for background purposes only, which pre-dates the entry into force of the NAAEC on January 1, 1994. Consistent with Article 28 of the *Vienna Convention on the Law of Treaties*, Canada maintains that the NAAEC should not be applied retroactively.

2.0 SUMMARY OF THE SUBMISSION

This submission alleges that Canada, more specifically Québec, fails to effectively enforce sections 96.1 and 96.2 of the *Regulation respecting the quality of the atmosphere* (R.R.Q., c. Q-2, r.20) and sections 19.1, 20 and 51 of the Québec *Environment Quality Act* with regard to emissions of hydrocarbons, carbon monoxide and nitrogen oxides from post-1985 models of light vehicles.

According to the Submitter, approximately 16% of light vehicles in use in Québec do not comply with the provisions of sections 96.1 and 96.2 of the RQA and section 51 of the LQE. The Submitter requests an account of the number of indictments brought forth for alleged violations to the above-mentioned sections since their entry into force nineteen years ago. The Submitter also contends that the Government of Québec has failed to assign responsibility for the enforcement of these provisions to a government department; has not allocated a budget for enforcement; and has not provided police officers with the equipment and training required to monitor vehicles for compliance with these provisions.

The Submitter contends that lack of effective enforcement of these sections by the Government of Québec and its Ministère de l'Environnement (Ministry of the Environment) persists today, while the government continues to evade action on the promise to implement a mandatory biannual inspection and maintenance program for light vehicles, which are three or more years old. The Submitter asserts that this alleged failure has considerable negative impacts on the environment and public health, and that carbon monoxide emissions from cars that do not comply with the RQA are responsible for the intoxication of several people and for at least one death in Québec.

3.0 RESPONSE OF THE GOVERNMENT OF QUÉBEC

This document is intended to respond to the allegations made by the Submitter. It presents the evolution of the problem of reducing emissions from automobiles in use, examines the enforcement of sections 96.1 and 96.2 of the *Regulation respecting the quality of the atmosphere* and of section 51 of the *Québec Environment Quality Act*, and reports the educational and administrative steps taken to monitor and control the condition of pollution control devices in automobiles.

3.1 EVOLUTION OF THE PROBLEM OF REDUCING EMISSIONS FROM AUTOMOBILES IN USE

3.1.1 From leaded to unleaded fuel

In 1974, the advent of gasoline engine exhaust purification systems using catalytic converters marked the arrival of unleaded fuel on the market. Indeed, only unleaded gasoline is compatible with catalytic converters, which become obstructed when exposed to lead, with a resulting reduction in engine performance. Both the openings of fuel tanks of vehicles equipped with converters and hose nozzles of service station pumps were therefore designed to avoid accidental loading of leaded fuel.

At the time, unleaded fuel was more costly than leaded fuel. As long as leaded gasoline was available, many car owners were tempted to load their vehicles with the cheaper fuel. As a result, in the early eighties, the removal of catalyzers and tampering with tank openings in order to use cheaper fuel became endemic.

This led to a wave of anti-tampering regulations introduced in Canada during that decade. Today, only Saskatchewan, Alberta and the Northwest Territories have no anti-tampering legislation. In Québec, sections 96.1, 96.2 and 96.6 were introduced in 1985 as part of the *Regulation respecting the quality of the atmosphere* (hereafter referred to as RQA).

3.1.2 From anti-tampering regulation to automobile inspection and maintenance programs

In 1990, two important changes modified governments' approach to emission reduction from vehicles in use: the elimination of leaded fuel from the Canadian market, and the adoption of the *Federal Smog Management Plan* by the Canadian Council of Ministers of the Environment (CCME).

The banning of leaded gasoline eliminated the economic incentive to remove or tamper with vehicles' pollution control devices. Widespread use of electronic fuel injection, followed by computer engine control, have also contributed to the elimination of any benefits from removing or tampering with anti-pollution systems. The temptation not to replace a deteriorated anti-pollution device remains; however, it is clear that since 1985 the magnitude of the problem of intentional deactivation of anti-pollution devices has decreased significantly.

When the CCME adopted the *Federal Smog Management Plan* in 1990, it proposed new measures with greater potential to reduce emissions from vehicles in use. These new measures included the implementation of motor-vehicle inspection and maintenance programs (I/M) similar to those in the United States. The provincial governments affected by the *Federal Smog Management Plan* (including Québec) therefore focused on the design of such programs, relegating existing anti-pollution regulations to second place.

3.1.3 The birth of a dedicated team in the Québec Ministère de l'Environnement

In Québec, the Air Quality Division of the Ministère de l'Environnement took responsibility for implementing the *Federal Smog Management Plan* from 1990 to 2001. On behalf of the Ministry, the Division formed the first committee responsible for developing an implementation plan for an I/M program. The committee's report was submitted to the Ministère de l'Environnement et de la faune (Minis in February 1995.

In fall of 1996, the Québec Ministère de l'Environnement gave the Association québécoise de lutte contre la pollution atmosphérique (AQLPA) a mandate to organize and administer a pilot project intended to establish the basis for an I/M program. Under the name *Un air d'avenir* (Air for the Future) this pilot project, divided into two parts, came to a close in March 2001. It brought together all private and public partners who could be involved in a Québec I/M program. Two reports, issued by consensus among the partners, contain the recommendations made as a result of the pilot project. From 2001 to 2003, a budget of \$2 million was allocated to the development of a vehicle inspection and maintenance program.

Since 2001, the Ministry has dedicated one division with six full-time employees to the development of an I/M program. The team, which administers an annual budget of \$415,000, is charged with implementing the most effective measures targeting the reduction of vehicle emissions. The I/M program team continues with the thinking and updates the work initiated in 1997 to build an I/M program targeting light vehicles, and focuses on the implementation of an I/M program for heavy vehicles.

3.1.4 Difficulties in structuring an I/M program for light vehicles

In the new millennium, it is not enough to imitate U.S. programs to produce an effective, efficient I/M program for Québec. An effective program must take into account the problems encountered by neighbouring states and provinces in the enforcement of similar programs, follow technological developments in methods to measure automobile emissions, and target vehicles according to a series of socio-economic and environmental constraints that have changed over the years.

3.1.4.1 The American experience: socio-economic constraints

In a report published in 2001, the United States National Research Council concluded that vehicle inspection and maintenance programs are vital to maintain air quality, but that there is a need to improve program efficiency, which requires rethinking some traditional aspects of the programs. Taking into account that owners of polluting vehicles are often low-income individuals who often do not have the financial resources to undertake repairs to their vehicles, one of the major drawbacks of existing programs is the high cost of identifying non-compliant vehicles in comparison to the cost governments may impose for vehicles repairs.

Most programs allow a large portion of vehicles identified as non-compliant to remain partially non-compliant with emission standards by issuing waivers permitting partial vehicle repairs. Environmental gains are therefore much smaller than expected, and proceeding in this manner is not likely to be the best approach to obtaining an acceptable cost/benefit ratio for the program as a whole.

Some alternative solutions under consideration in Québec include assistance with repairs, arrangement of repair insurance, or enforcement of an inspection and maintenance program restricted to second-hand vehicles. This would encourage the disposal of old, polluting vehicles by forcing owners to choose between investing in complete repairs, or scrapping the vehicle. This scenario could be juxtaposed with an incentive program that provides assistance towards scrapping vehicles. These solutions are considered in light of the context described below.

3.1.4.2 Developments in vehicle emission measurement methods

Along with the socio-economic considerations, there are also setbacks of a technical nature regarding recent developments in vehicle emission measurement methods. The AQLPA pilot project, *Un air d'avenir*, proposed that all target vehicles undergo the measurement of tailpipe emissions. This would require the installation hundreds of costly immobile infrastructure (\$60,000 per apparatus) as well as the creation of a new network of inspection facilities. On a Québec-wide scale, this type of program would require a minimum of two years before it could be implemented, which would coincide with the release of 2007 vehicle models onto the market.

Furthermore, all post-1996 light motor vehicles are equipped with an on-board diagnostic system (OBD II System) that identifies needed repairs when it is queried. In North America, most jurisdictions with I/M programs, including Ontario and British Columbia, are gradually replacing the measurement of tailpipe emissions with OBD testing, which can be conducted in existing facilities using a hand-held instrument priced at less than \$500. The test would cost around \$15, compared to the \$40 charge for measuring tailpipe emissions.

What this means is that in 2007, light vehicles without OBD systems will be 12 years old or more. They will represent only 18% of the Québec vehicle fleet. Accordingly, it appears difficult to justify setting up a full program and special infrastructure for the systematic inspection of vehicle emissions through tailpipe measurements. To avoid

launching an already obsolete I/M program targeting light vehicles in Québec, it should be structured in two parts: systematic OBD testing of more recent models, although current testing protocols present problems that have not yet been fully resolved, and exhaust pipe gas measurement on a limited scale, possibly applicable to second-hand vehicles that are pre-1996 models.

3.1.4.3 The biggest polluters: heavy vehicles

In the meantime, an even greater environmental problem has emerged since the nineties: automobile pollution from heavy vehicles.

For some time, evidence of especially negative health impacts from exposure to fine particulate matter has been accumulating. Heavy vehicle diesel engines are the source of 75% of respirable particles from Québec's road transportation sector. Having been identified as toxic pollutants and carcinogens, these particles have immediate effects on public health. Moreover, heavy vehicles, although representing only 4% of the Québec automobile fleet, are responsible for 30% of CO₂ emissions from road transportation, and as we know, CO₂ is the main greenhouse gas responsible for climate change.

The search for a solution to this problem has become an environmental priority, and the I/M program team has focused its human and material resources mainly on the development of an I/M program for heavy vehicles. The team conducted consultations of potentially affected heavy vehicle owners and operators, and is reaching the necessary agreements with its partners. The process to obtain the legal tools needed to set standards for the program is well underway.

3.2 ENFORCEMENT OF SECTIONS 96.1 AND 96.2 OF THE *REGULATION RESPECTING THE QUALITY OF THE ATMOSPHERE* AND OF SECTION 51 OF THE *QUÉBEC ENVIRONMENT QUALITY ACT*

3.2.1 Number of prosecutions since January 1, 1994

The precise number of penal prosecutions initiated to enforce sections 96.1 and 96.2 of the *Regulation respecting the quality of the atmosphere* since 1985 cannot be confirmed. The statistics compiled by the Ministère de l'Environnement and the Ministère de la Justice (Ministry of Justice) of Québec were not designed with the intention to tabulate the number of penal prosecutions initiated in accordance with the provisions of the various laws or regulations. In order to ascertain the exact number, one would need to conduct a manual search through all cases since 1985, and have access to the names of the parties in each case. The new computer system adopted by the Ministère de l'Environnement in 2003 has the ability to query the system for particular cases initiated since 2003. The system does not reveal a single case linked to automobile pollution. The only relevant case found since January 1, 1994 is described below.

According to the Québec *Code of Penal Procedure*, (R.S.Q., c. C-25.1), the procedure to be followed for the institution of proceedings in the case of a regulatory offence is a statement of offence, which is not the same mode of trial of either summary conviction offences or indictable offences prescribed by the Canadian *Criminal Code*. Such a statement of offence was served in June 1998, in the legal district of Québec, in the case of *Q.A.G. v. André Tremblay*, case Q006004-CA. On or around August 26, 1996, André Tremblay removed or modified or allowed the removal or modification of a catalytic converter from a 1989 Chevrolet Corsica in violation of section 96.2 of the *Regulation respecting the quality of the atmosphere* (R.R.Q., 1981, c. Q-2, r.20), thereby constituting an offence covered by section 109 of the Québec *Environment Quality Act* (R.S.Q., c. Q-2), and becoming liable to the penalties provided in section 96.6 of the *Regulation respecting the quality of the atmosphere*.

The minimum fine for such an offence is \$500, while the maximum is \$1,500. The Defendant pleaded guilty and on July 14, 1998 and made a payment of \$600 covering the \$500 fine, as well as costs of \$100.

This penal prosecution was taken after a civil case, *Éric Jean v. André Tremblay*, 200-32-008965-963, that was filed in Québec Court, Small Claims Division, where judge Pierre Choquette (JC0310) condemned the Respondent to pay the Petitioner \$501.42, representing the Petitioner's cost to replace the catalytic converter of the Chevrolet Corsica which was sold to him by the Respondent. The evidence showed that the sale contract stated that Mr. Tremblay agreed to replace the converter in the vehicle he sold to Mr. Jean. Mr. Tremblay himself removed the converter to substitute it for a part he had bought in a scrap yard for \$5, which he installed himself. The part was, in fact, not a catalytic converter but a resonator.

The evidence and the Québec Court decision were forwarded to the Investigations Branch of the Ministère de l'Environnement, where on February 6, 1997, Mr. Tremblay signed a written statement in which he admitted having removed the catalytic converter and installing a resonator he believed to be a converter. Then, the investigation file was forwarded for study by a prosecutor of the Ministère de l'Environnement legal services, who decided to serve the aforementioned statement of offence.

3.2.2 Framework for the enforcement of section 51 of the Québec *Environment Quality Act* and sections 96.1 and 96.2 of the RQA

The Tremblay Case is a good illustration of the legal context in which section 51 of the Québec *Environmental Quality Act* and sections 96.1 and 96.2 of the RQA can be effectively enforced. As these are the only provisions that truly apply to automobile pollution, the following paragraphs list the provisions of section 96.6 of the RQA, as well as sections 96.1 and 96.2, which provide penalties for non-compliance:

51. No one may use or permit the use of either an engine or a motor vehicle:

(a) the operation of which has the effect of emitting pollutants into the atmosphere; or

(b) the use of which requires, under a regulation of the Government, the installation of an apparatus to reduce or eliminate the emission of contaminants into the atmosphere, unless the engine or motor vehicle is provided with such apparatus. (1972, c. 49, s. 51; 1978, c. 64, s. 21)

96.1. Any light motor vehicle of a model subsequent to 1985 offered for sale, on display for sale, sold or used in Québec must be equipped with a device in good working that reduces the emission of hydrocarbons, carbon monoxide and nitrogen oxides into the air.

This section does not apply to light motor vehicles designed to comply with the emission standard regulations under the *Motor Vehicle Safety Act* (Revised Statutes of Canada, 1985, chapter M-10) without being equipped with a device covered by the first paragraph. (O.C. 240-85, s. 8)

96.2. Removal of anti-pollution devices: No one may remove or modify or allow to be removed or modified any device installed in a motor vehicle to reduce or eliminate the emission of a contaminant into the environment, or, in the case of a light motor vehicle equipped with a catalytic converter, modify or allow the modification of the opening of the fuel tank or pour leaded gasoline therein. (O.C. 240-85, s. 8)

96.6. A natural person who commits an offence against the provisions of section 96.2 is liable to pay a fine of \$500 to \$1,500 in the case of a first offence, and to a fine of \$1,000 to \$5,000, in the case of any subsequent offence, or, in either case, to imprisonment for not more than one year or to both the imprisonment and the fine.

A corporation that commits an offence against the provisions of section 96.2 is liable to pay a fine of \$2,500 to \$50,000 in the case of the first offence, and to a fine of \$10,000 to \$100,000 in the case of any subsequent offence. (O.C. 240-85, s. 8; O.C. 715-90, s. 4)”

The RQA provisions specifying the scope of section 51 of the Québec *Environment Quality Act* were enacted in 1985, during the wave of anti-tampering regulations for pollution control devices compatible with unleaded gasoline. This explains the presence of the last part of the phrase in section 96.2, regarding the prohibition against modifying the opening of the fuel tanks of light motor vehicles equipped with a catalytic converter or pouring leaded gasoline therein. As leaded gasoline has been unavailable since 1990, this provision has become irrelevant.

Section 96.1 also reflects the problem created by leaded gasoline. It obliges all post-1985 light motor vehicles offered for sale, on display for sale, sold or used in Québec to be equipped with a an anti-pollution device, and in the second paragraph refers to the federal emission standards for light vehicles. Therefore, in the background of this provision, we have federal standards for vehicle safety and manufacturing, which were developed during the transition from leaded to unleaded gasoline. Moreover, the relevant standards are now those pursuant to the *Canadian Environmental Protection Act* (S.C. 1999, c. 33), rather than the *Motor Vehicle Safety Act* (Revised Statutes of Canada (1985), c. M-10),

which demonstrates a progression of thought towards increased concern for the environment.

3.2.3 Obtaining evidence to enforce legal penalties for non-compliance with sections 96.1 and 96.2 of the RQA

Even if regulatory texts do not reflect the legal and technological progress mentioned above, the prohibition described in section 96.2, along with the associated fines under section 96.6, offer some options for legal action. However, the Tremblay Case is a good example of the difficulties in securing evidence for penal prosecutions under these provisions.

Indeed, how could we subject all automobiles in Québec to a systematic inspection to verify that anti-pollution systems have not been removed or modified in light or heavy vehicles (while they are required by law), and then gather the evidence necessary for the institution of a penal proceeding?

Would it be feasible to gather evidence by having police officers randomly check vehicles on the road? The Québec *Environment Quality Act* does not have provisions allowing such inspections. When section 51 of the LQE was passed, there was no question of the need to give police officers the authority to stop a vehicle due to non-compliance with environmental standards. At the time, there was no legal precedent that might construe random road checks of vehicles as illegal detention in accordance with the Canadian and Québec Charters of Rights and Freedoms, as these were adopted several years later.

Section 636 of the *Highway Safety Code* (R.S.Q., c. C-24.2) provides that every peace officer recognizable as such at first sight may, in the performance of his duties under this Code and the *Act respecting owners and operators of heavy vehicles* (R.S.Q., c. P-30.3), require the driver of a road vehicle to stop his vehicle, and that the driver must comply with this requirement without delay. However, this provision generally does not apply to non-compliance with environmental standards, unless done to the extent and on the conditions determined by agreement with the Société de l'assurance automobile du Québec. Its highway inspectors, who are peace officers, can ensure the enforcement of the laws mentioned in section 519.65 of the Highway Code, but can do so only in cases of heavy vehicles (over 3,000 kg).

Another option for verifying for the presence of pollution control devices is to send Ministère de l'Environnement inspectors to automotive repair shops to ensure that the automobiles brought in for maintenance or repair are appropriately equipped. As the Ministry has never received any indication of the possible existence of a network of repair shops that remove or modify pollution control devices, inspectors would have to be sent to randomly selected repair shops, or inspection campaigns would have to be organized. Such efforts would not guarantee that the use of energy and financial resources could produce a significant number of convictions. Rather, the Government of

Québec has chosen to approve the adoption of a heavy vehicle inspection and maintenance program, and to authorize the drafting of regulations to this end.

3.3 EDUCATIONAL AND ADMINISTRATIVE MEASURES TAKEN TO MONITOR AND INSPECT THE CONDITION OF ANTI-POLLUTION DEVICES IN AUTOMOBILES

Beyond a strictly legal approach to the enforcement of sections 96.1 and 96.2 of the RQA and of section 51 of the Québec *Environment Quality Act*, the Québec Ministère de l'Environnement has also used various educational and administrative tactics. The educational approach encourages vehicle owners to properly maintain pollution control devices in their vehicles, while the administrative approach monitors the status of pollutant emissions from the Québec automobile fleet. These measures are described below.

3.3.1 Information, awareness-raising and educational activities

Information, awareness, and educational activities were delivered to various target audiences: the general public, drivers, automobile associations and repair shop owners. For educational activities, efforts focused mainly on the production of documentary videotape with background information for repair shop mechanics. The Ministry also paid many on-site visits to workplace training facilities for mechanics, and designed and printed a brochure for them.

In cooperation with the Montreal Urban Community (MUC), a survey intended to measure the effects of automobile regulation was prepared. MUC representatives then submitted the survey to 500 businesses in the course of their visits.

3.3.2 Monitoring the status of the Québec automobile fleet

The Ministère de l'Environnement held regular inspection workshops for updates on the status of the Québec automobile fleet. During fiscal year 1988-1989, the Ministère de l'Environnement and the Sûreté du Québec organized two inspection campaigns, with around 1,500 automobiles inspected.

The Ministry afterwards organized many more inspection workshops on a smaller scale. New partners were associated with these activities:

- The Montreal Urban Community;
- The Sûreté municipale de Québec (Québec Municipal Police Force) ;
- Environment Canada; and
- Many private sector partners.

In addition, around 7,200 automobiles were inspected as part of the pilot project *Un air d'avenir* (1997-1998). It should be specified that these inspections took place on a

voluntary basis, for the sole purpose of gathering statistics on the condition of automobiles. In this context, to secure cooperation from owners of the vehicles, it was clearly out of the question to subject them to criminal prosecution if their vehicles were discovered to be non-compliant, although they were, of course, asked to repair them.

3.3.3 Interpretation of information gathered on the Québec automobile fleet

The Ministère de l'Environnement analyzed the data gathered during the inspection campaigns. The data showed no increase in the occurrence of disabling anti-pollution systems. The rate of non-compliance for automobiles noted in the *Un air d'avenir* workshops (1997-1998) was 16%. In the inspection clinics that the Québec Ministère de l'Environnement conducted from 1988 to 1991, the rate was higher than 16%. During this period, a slight decrease in non-compliant vehicles is observed; probably a result of improvements to the reliability of anti-pollution systems.

CONCLUSION

Clearly, the AQLPA is arguing for a significant decrease in automobile emissions, an objective that the Government of Québec wholeheartedly supports.

To attain this objective, the Québec Ministère de l'Environnement is responsible for delivering a simple and effective automobile emission monitoring and inspection system that achieves the greatest positive impact on the environment for a reasonable price.

Given the limited authority provided for enforcement in sections 96.1 and 96.2 of the *Regulation respecting the quality of the atmosphere*, limited government resources, recent developments in the types of fuel used, and new pollution control equipment in the modern automotive industry, the Government of Québec has made a strategic choice. That is, to concentrate on the implementation of a program to monitor and inspect emissions from the most polluting vehicles – heavy vehicles, especially those fuelled by diesel.

As for light vehicles, the Ministry prefers to orient its future actions along the same lines as the technological, legal and social changes that have taken place since 1985. The expectation is that this will avoid the major dilemmas for enforcement that many programs in the United States have faced, some of which led to a temporary suspension in the enforcement of the program.