



State Representative

Ron Young

Sponsor Testimony for HCR 4

Before the House Federalism and Interstate Relations Committee

March 21, 2017

Chairwoman Roegner, Vice Chairman Lipps, Ranking Member Leland, Members of the House Federalism and Interstate Relations Committee, thank you for giving me the opportunity to bring before you House Concurrent Resolution 4. Substitute House Concurrent Resolution 4 urges Congress and President Trump to:

- Amend the Federal Clean Air Act to eliminate the requirement to implement the E-Check Program.
- Direct the Administrator of the USEPA to begin new rule-making procedures under the Administrative Procedures Act to repeal and replace the 2015 National Ambient Air Quality Standards.
- Pass legislation to achieve improvements in air quality more efficiently while allowing companies to innovate and help the economy grow.
- Urge the Administrator of the USEPA to alleviate burdensome requirements of the E-Check Program and the Clean Air Act if Congress and the President fail to act; and to encourage OEPA to explore alternatives to E-Check in Ohio.

HCR 4 focuses on the E-Check for a number of reasons. For example, the E-Check has a disproportionate impact on poor and lower middle class citizens. Older cars fail the test at a much higher rate than newer cars. Often these cars are these citizens' only means of transportation. Without transport, many necessities such as jobs, medical care, access to food, etc. are placed in jeopardy. To make matters worse, according to the many of the mechanics that repair these vehicles, often the cars run well and produce minimal amounts of pollutants. However, the mechanics state that the older cars often fail because the car's on-board computers which must interface with the E-Check computers malfunction. In Ohio the vast majority of E-Check's never measure emissions, instead they interface with the cars computers to determine emission levels. The so called emission check is for far too many poor Ohioans a very expensive and unnecessary computer check. Often such glitches are as simple as a loose wire, faulty engine light, sensor problem, or a simple issue not related in any way to any increase or reduction of pollution. However, when a financially challenged senior or poor citizen takes time off work for the E-Check only to fail, then after a visit to the repair shop and an expensive automotive diagnostic to be told that the solution is unclear and could get even more expensive for a car that is running well is very demoralizing. Especially when major components of their basic needs and life style are dependent upon the car for transportation.

The resolution also calls upon the USEPA to begin new rule-making procedures to repeal and replace (or amend) the 2015 Air Standards. Just consider the vast improvements in air quality already achieved according to the USEPA. In the EPA publication, "OUR NATIONS'S AIR, Status and Trends Through 2015," from 1990 to 2015, Carbon Monoxide levels have been reduced by 77%, Lead 99%, Nitrogen Dioxide 54%, Ozone 22% and Sulfur Dioxide by 81%. The American Enterprise Institute also describes similar improvements in Air Quality. On Page 20 of its publication "Air Quality in America" of 2007, AEP describes the conditions under which some of the improvements occurred, "from 1980 to 2005 total automobile miles driven increased 95%, while heavy-duty diesel truck miles increased 109%. The amount of coal burned for electricity 109%, while GDP increased 114%. Nevertheless, air pollution of all kinds has sharply declined. The more restrictive 2015 air standards although applauded by some, come at a great cost in terms of jobs lost, retarded economic growth and a general lowering of the standard of living for US citizens.

Specifically, in reference to E-Check maintaining the current 2008 Standards and not applying the 2015 standards at this time does not mean auto-emissions rise. Factors such as older cars phasing out of the fleet, cleaner burning fuels, electric and hybrid vehicles becoming more acceptable and competitive, and other factors will continue to improve our air quality.

Also, if the 2015 Air Standards, as written today, are allowed to become the law of the land, the cost of the E-Check Program will almost certainly increase. If the program was dropped, the Ohio EPA could reallocate the money spent on the unproductive E-Check Program to more effective and environmentally friendly initiatives. Ohio's current emissions testing program costs the state about \$10.6M year. It is projected that with the implementation of the 2015 Clean Air Standards at least one other major part of the state (South Western Ohio, including Cincinnati and Dayton) will almost certainly be required to administer the test. If this is the case by the year 2020 the total cost to Ohio will be around \$25M/yr. It is possible, according to the Ohio EPA, that with the 2015 standards in place, many other parts of the state might also fall out of compliance thus driving the cost even higher. Obviously the purported purpose of the E-Check is to contribute to a cleaner environment. This being the case perhaps these moneys would be better spent on more effective and more environmentally beneficial projects such as saving Ohio's nuclear industry, subsidies for wind and solar investments, improving the water quality on Lake Erie, or other programs proven to be environmentally beneficial. The E-Check is not only expensive and unproductive. It is also very intrusive, inconvenient and unpopular. I certainly do not want to see this program expanded throughout Ohio.

According to the USEPA, "a combination of cleaner gasoline and diesel fuels, modernized equipment and facilities, and more fuel-efficient vehicles have helped reduce auto emissions of air pollutants by 62% between 1980 and 2013." When the USEPA talks about reductions in air pollution it is rare the organization mentions the E-Check as a significant contributor. University of Denver Senior Research Engineer Gary Bishop, is a noted pioneer in many new methods of roadside sensor testing states that auto-emission inspections "costs lots of money" but "does almost nothing to clean up the air". For example, recently Mr. Bishop, measured auto emissions in Tulsa, Oklahoma, which has no emission testing, and found them no worse than in locales with strict testing regimes. Other reports find similar results. In fact, a recent Colorado government audit concluded the "public need" for its emission testing regime was "uncertain" and recommended exempting all vehicles from model year 2001 onwards. In Ohio exempting vehicles from 2001

onwards would essentially eliminate the program by leaving only vehicles built between 1991 and 2000 to be tested. Ohio does not test cars more than 25 years old.

Around the country other many other states such as Florida, Tennessee and Minnesota have no E-Check. States neighboring Ohio are a mixed bag. Pennsylvania tests in 25 of its 67 counties, West Virginia does not test, Kentucky only requires the testing of a vehicle when an owner registers it for the first time, Indiana only tests in two counties and Michigan does not test.

The rules which the USEPA imposes on non-attainment areas are expensive, wasteful, damaging and very complex. For example, the only part of Ohio that was ruled in non-attainment and thus was required to run an E-Check Program, when the 2008 standards went into effect, was the seven county Cleveland Metro Area. This area includes my district in Lake County. The area came eventually into attainment in 2013. However, even though now in attainment, EPA rules negate any opportunity for relief from punitive environmental standards, such as the E-Check, for this achievement. This is because the EPA rules are extremely rigid and impractical. For example, one rule demands an area categorized as marginal non-attainment to stay in attainment for at least three years before it can officially make application to drop certain measures such as the E-Check. As stated earlier, NE Ohio stayed in compliance for the required three-year period. But meeting the three-year requirement merely qualifies an area to submit a plan showing in detail how it will stay in compliance for another ten years. Finally, if an area's ten-year plan is approved it may be allowed to drop the E-Check requirement. However, and here is the kicker, the close timing of the introduction of the 2008 and 2015 standards, just seven years apart, make attainment a virtual impossibility for an area such as NE Ohio. This is because still another EPA rule stipulates that a ten-year plan must meet not only existing standards, but any new standards as well, even if the new standards are not yet in effect when the plan is designed. By requiring areas to be in attainment for at least three years before they can apply to have some of the punitive measures removed, then requiring as part of that application a plan demonstrating they will remain in attainment for at least ten more years and then to demand that any ten-year plan must not only meet the demands of the current air standards, but must also meet the demands of future air standards not yet in effect, attainment becomes almost impossible for areas such as NE Ohio. Of course, it complicates matters even further when the EPA imposes new national air standards just seven years after the previous standards. Thus effectively derailing any ten-year plan based on 2008 standards. The result is that Northeast Ohio is unjustly subjected to an unattainably harsh standard that has changed course mid-stream making it very difficult, if not impossible, to ever eliminate the punitive E-Check Program. Also, I should note that prevailing winds from manufacturing areas to the west of Northeast Ohio, such as Chicago, Detroit and Toledo, can increase air pollutants in Northeast Ohio, and, in addition, car and truck travel on interstate highways, such as Interstate 90 and the Ohio Turnpike, to and through the area regularly results in increased air pollution for the region.

Thank you for considering this Resolution, I would be happy to answer any questions you might have.