



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***House Bill 1036***

***Washington County-Vehicle Emissions Inspection Program-Exemption***

**Position:** Oppose

**Committee:** Environment and Transportation

**Date:** March 10, 2023

**From:** Gabrielle Leach

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The Maryland Department of the Environment (MDE) **OPPOSES** House Bill 1036. House Bill 1036 would create an exemption from the Vehicle Emissions Inspection Program (VEIP) requirements for residents of Washington County.

Maryland is required to have a VEIP by the federal Clean Air Act (CAA). The CAA requirements for VEIP address ozone nonattainment areas, and the Ozone Transport Region (OTR). Maryland is required to have VEIP as it meets both the CAA's nonattainment area and OTR provisions. As Maryland is part of the OTR, metropolitan statistical areas within the state that have a population of 100,000 or over (based on 1990 statistics) must have a VEIP.

The four metropolitan statistical areas in Maryland that have VEIP are: Baltimore (comprised of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's counties, and Baltimore City); Washington, DC (comprised of Calvert, Charles, Frederick, Montgomery, and Prince George's counties); Philadelphia-Wilmington-Trenton, PA-DE-NJ-MD (Cecil County); and the Hagerstown-Martinsburg, MD-WVA (Washington County). Vehicles registered in the above counties are federally required to be subject to Maryland's VEIP.

The VEIP requirement for Washington County cannot be eliminated as doing so is prohibited by the federal CAA. Therefore, any vehicles not exempt from VEIP for reasons already found in statute, would still have to undergo VEIP testing. Put another way, as the entirety of Washington County is required by the terms of the Clean Air Act to be included in Maryland's VEIP, any exemption given to its residents under this bill would violate federal law. As the bill itself requires the exemption to be permitted by federal law, the bill appears to be facially invalid.

For the reasons detailed above, MDE urges an **UNFAVORABLE** report for HB 1036.