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

HB 1391

Vehicle Emissions Inspection Program – Testing and Inspection – Grounds for Failure

Position: Information
Committee: Environment and Transportation
Date: March 5, 2026
From: Jeremy D. Baker, Government Relations Director

The Maryland Department of the Environment (MDE) offers the following **LETTER OF INFORMATION** for HB 1391.

Bill Summary

House Bill 1391 would limit the circumstances under which a motor vehicle emissions inspection facility may determine that a vehicle has failed an emissions inspection under Maryland's Vehicle Emissions Inspection Program (VEIP).

Position Rationale

HB 1391 presents challenges regarding alignment with Federal law and regulations and undermines the intent of VEIP, which could inadvertently impact regional air quality and public health.

The VEIP is a mandatory program required by the Federal Clean Air Act for areas of Maryland that are, or have historically been, in non-attainment of the federal health-based air quality standard for ground-level ozone. Furthermore, Maryland's inclusion in the Ozone Transport Region mandates the program. Ozone is a pervasive air pollutant that poses significant risk to both human health and the environment. The VEIP is implemented in accordance with the U.S. Environmental Protection Agency's (EPA) regulations governing motor vehicle inspection and maintenance programs, including specific testing procedures and pass/fail standards. HB 1391, by limiting the circumstances under which a vehicle may fail an emissions inspection, directly conflicts with the federally required inspection standards established in EPA's implementing regulations, thereby constituting a violation of federal law.

If HB 1391 were to pass, EPA would be unable to approve the revised program, which could negate VEIP's air quality emissions benefits accounted for in Maryland's State Implementation Plan (SIP) to meet the ozone standard, which is required by the Clean Air Act. That would require MDE to find equivalent air quality emission reductions from regulations applying to other industries and sectors instead. Those options would have substantially higher cost and impact. Failure to achieve these mandated emission reductions would subject Marylanders to dangerous air pollution, and the State to serious consequences, including the risk the loss of federal highway funds, the requirement for emission offsets from industry, and/or the imposition of a Federal Implementation Plan (FIP).

MDE is available for questions on HB 1391.

Contact: Jeremy D. Baker, Director of Government Relations
Cell: 443-931-0937, Email: jeremy.baker@maryland.gov

HB1391 - LOI - MVA - Vehicle Emissions Inspection

Uploaded by: Patricia Westervelt

Position: INFO

March 5, 2026

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

RE: Letter of Information – House Bill 1391 – Vehicle Emissions Inspection Program – Testing and Inspection – Grounds for Failure

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 1391 and offers the following information for the Committee’s consideration.

HB 1391 alters the conditions for conducting an emissions test under the Maryland Vehicle Emissions Inspection Program (VEIP). It explicitly states that a motor vehicle may only be determined to have failed if it is not in compliance with an applicable emissions standard.

As all current testing procedures in place for the Maryland VEIP, including what constitutes a failed test, are based on federal emissions standards and regulations (40 CFR § 51.350 through § 51.373), HB 1391 will not result in any procedural changes to how VEIP tests are conducted or what constitutes a failed testing result.

The Maryland VEIP is jointly administered by the Motor Vehicle Administration (MVA) and the Maryland Department of the Environment (MDE), with significant support by a contractor that performs vehicle testing and operates and maintains the network of test stations and kiosks. The MVA provides operational oversight and contract monitoring and is responsible for ensuring the highest level of customer service and that the contractor upholds the same standards. The MDE provides technical oversight and ensures program quality.

The VEIP was originally adopted in 1984 and focused on reducing high levels of emissions from automobiles impacting the air quality in the state. By the early 1990s, the air quality in Maryland ranked among the worst in the nation. Much of this air pollution was attributable to motor vehicles; emissions control systems were not advanced and, compared to modern vehicles, allowed the increasing production of harmful pollutants much faster during the life cycle of the automobile. As a result, and in response to more rigorous requirements imposed by the 1990 Federal Clean Air Act (CAA) amendments, the VEIP underwent significant changes to better align with these federal standards.

Additionally, the focus on reducing air pollution from automobiles shifted from the control of volatile organic compounds (VOC) to nitrogen oxides (NOx), which was found to be more effective in reducing the impact of vehicle emissions on the environment with regard to the

formation of ground-level ozone. In 2002, the State implemented On-Board Diagnostic (OBD) testing to improve the quality and efficiency of emissions testing. The OBD system allowed the State's increasingly stringent emissions reduction needs to be realized by ensuring NOx emissions control systems in vehicles can be properly tested through ongoing monitoring using sensors embedded in each part of a vehicle which contributes to its emissions. Prior testing methods were not capable of such specific component testing, leading to more difficult identification of malfunctioning components and preventing more expedient repairs as a result. Increasingly stricter standards in automobile manufacturing and considerable improvements in new vehicle technology have also been implemented. Over time, technological advancements and enhanced standards for automobiles have made today's vehicles 98% cleaner than those of the 1990s. The State also has adopted hundreds of emission control programs to reduce air pollution. Remarkable gains in improving air quality have been achieved through these focused program measures and amendments alongside advancements in automobile technology. The latter has also allowed the MVA to adjust the testing requirements such that new vehicles are exempt up to the sixth year of ownership as a result of reliability of these systems.

The latest VEIP contract has also created Motorist Assistance Centers (MACs). Each VEIP station will feature a designated MAC staffed with Master Certified Emissions Technicians. These technicians will assist customers whose vehicles fail the VEIP test by identifying the most likely cause of failure, enabling effective repairs and compliance. This will help customers better avoid the inconveniences of multiple repair shop visits and repeated testing. MAC assistance facilitates the sharing of necessary repair information with repair shops. Customers will only pay for essential services, avoiding unnecessary or unrelated emissions repairs. Ultimately, MAC assistance is expected to reduce the number of customers requiring emission repair waivers which currently mandate a minimum of \$450 in repair costs per emissions-testing cycle. By reducing overall fail rates, MACs contribute to improved air quality. MACs established in other states have demonstrated more effective and lasting repairs in those jurisdictions.

The Maryland Department of Transportation respectfully requests the committee consider this information during its deliberation of House Bill 1391.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Matthew Mickler
Director of Government Affairs
Maryland Department of Transportation
410-865-1090