

HOUSE BILL REPORT

HB 1354

As Reported By House Committee On:

Agriculture & Ecology
Appropriations

Title: An act relating to air pollution control.

Brief Description: Changing air pollution control provisions.

Sponsors: Representatives Pennington, Mielke, Dunn and Boldt.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/3/97, 3/3/97 [DPS];

Appropriations: 3/8/97, 3/10/97 [DP2S(w/o sub AGECE)].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Koster; Mastin and Sump.

Minority Report: Without recommendation. Signed by 5 members: Representatives Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin and Regala.

Staff: Rick Anderson (786-7114).

Background: Administration of the state's air pollution control laws can be delegated to a county or groups of contiguous counties. To receive delegation, a local air pollution control authority must be activated by one or more counties. The Department of Ecology (DOE) administers air pollution control laws in areas of the state without an activated local authority. There are local authorities throughout western Washington and in many counties in eastern Washington.

The governing body of a local air authority is composed of members that are selected by locally elected officials. Locally elected officials are typically on the board of the local air authority. Members of the board may appoint a regular alternate.

Under the federal Clean Air Act, areas that do not meet federal air quality standards must prepare a plan describing the actions to bring the area into, and maintain,

compliance with the federal air standards. Motor vehicles are a substantial source of carbon monoxide and ground level ozone. Several areas in the state have been or are in non-attainment with federal carbon monoxide and ground level ozone standards. Greater Puget Sound and Vancouver areas have recently met federal air standards for carbon monoxide and ground level ozone.

State law requires the DOE to administer a program to test vehicle emissions in those areas that violate or are likely to violate federal air quality standards. Currently, vehicle emission tests are generally required of persons living in the area from Everett to Tacoma, the greater Vancouver area, and the greater Spokane area. Vehicles registered in these areas must be tested biennially. State law caps the maximum fee for the test at \$18. The current fee is \$12 and calculated by taking the contractor's cost rounded up to a whole dollar amount. Vehicles made prior to 1968 are exempted from testing requirements. State law generally requires a vehicle to be tested at each change of vehicle ownership. The DOE must approve the creation or expansion of vehicle emission testing programs submitted by a local air pollution control authority.

State law directs the DOE to provide owner of vehicles that fail the emission test with information regarding federal warranties and a list of certified vehicle emission specialists. Although not required by law, the DOE has established mechanisms to provide temporary waivers for vehicles that fail an emissions test. The DOE is also required to investigate complaints regarding the vehicle emission testing facilities and to make appropriate corrections.

Summary of Substitute Bill: Each board member must be an elected official and must attend 70 percent of all board meetings. A board member of a local air pollution control authority may not designate an alternate to serve as chair of board meetings. Persons with vehicles that fail an emissions test must be provided with information related to obtaining temporary waivers. The DOE is required to file all complaints about the vehicle emissions testing program and make copies available on request.

The maximum allowable fee for the vehicle emission test is reduced to \$12. The maximum fee is \$8.50 in the expanded portion of an existing testing area if certain date requirements are met.

Vehicles that are three years old or newer are exempt from testing requirements in areas that meet federal air quality standards for carbon monoxide. Collector cars are exempt from testing if the car meets the Department of Licensing requirements. A vehicle emission test is not required at each change of ownership.

A science advisory board is created to review plans that expand or create a vehicle emission testing area. The DOE, a local air pollution control authority, or by petition of at least 50 people, the public can request a review by the science advisory board.

Copies of the report must be made available to the local air authority and to the public. The DOE must conduct a public hearing if the proposed rule to create or expand a testing area is in conflict with the final majority opinion of the science advisory board. The DOE must include in its rule-making process a written response to any inconsistency between the scientific review of the board and the DOE's rule to expand or create a testing area. Members of the science advisory board are to be reimbursed for travel expenses.

Substitute Bill Compared to Original Bill: The substitute bill specifies who can serve as a member and chair of a local air board and sets attendance requirements for board members. The original bill prohibited a board member from designating a regular alternate. The original bill exempts, from testing requirements, vehicles older than model year 1975, and vehicles three years' old or newer. The substitute exempts vehicles three years or newer only in areas that meet certain federal air standards and vehicles that are considered collector cars by the Department of Licensing. The original bill establishes a testing fee of \$5 in areas with expanded boundaries. The substitute bill establishes a fee of \$8.50 in these areas.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is the result of two years' work with a local air pollution control authority. Vehicle testing requirements are being inappropriately extended into rural areas. 10 percent of the cars produce 90 percent of the pollution. It does not make sense to test newer cars that are not responsible for air pollution. Oregon exempts vehicles from testing requirements that are four years old or newer. Fewer tests will mean great public savings in terms of time and money. Administration of the vehicle testing law needs to be more user friendly. Information on what to do if you fail a test is not easily available. A science advisory board would provide a more scientific and credible basis for making decisions on testing boundaries. The local board members did not have a firm knowledge of the issues when they decided to expand the testing boundaries into rural areas.

Testimony Against: Vehicle testing is a cost-effective way to reduce carbon monoxide and ground level ozone. Vehicles are the largest single source of air pollution in the state. The bill will reduce the number of vehicles tested statewide by 300,000 and will result in an additional 43 tons of pollutants entering the atmosphere. The Puget Sound area was recently able to meet federal air standards, in part, due to a vehicle testing program. Locally elected officials have numerous commitments and should be allowed to designate a regular alternate. If vehicles are not tested, more

expensive ways of reducing air pollution will be required. These requirements will inevitably fall on the business community.

Testified: Rebecca Francis (pro); Len Dozier (pro); Joe Williams, Department of Ecology (con); Mike Ryherd, Puget Sound Air Pollution Control Authority (con); Dave Williams, Association of Washington Cities (con); Bill Fritz, Envirotest Systems (con); and Ann Burgman, City of Lacey and Olympic Air Pollution Control Authority (con).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by 17 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; Benson; Carlson; Cooke; Crouse; Lambert; Lisk; Mastin; McMorris; Parlette; D. Schmidt; Sehlin; Sheahan and Talcott.

Minority Report: Do not pass. Signed by 13 members: Representatives H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Chopp; Cody; Grant; Keiser; Kenney; Kessler; Linville; Poulsen; Regala and Tokuda.

Staff: Nancy Stevenson (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Agriculture & Ecology: The second substitute bill no longer exempts vehicles that are three years old or newer from an auto emission test. The requirement to test a vehicle when an ownership changes is reinstated. The \$8.50 fee in expanded boundary areas is deleted; all cars being tested will pay the \$12 fee. The fee is set in statute and no longer requires the calculation to round up to a whole dollar amount. A new provision is added requiring the Department of Ecology to revise the state implementation plan for southwest Washington so that it uses the testing boundaries that were in effect January 1, 1996.

Appropriation: None.

Fiscal Note: Available.

Effective Date Ninety days after adjournment of session in which bill is passed.

Testimony For: (Proposed Second Substitute Bill) Decisions to expand the auto emission testing program are not being made on a scientific basis. Funding was provided to study sources of air pollution in southwest Washington. The study is not complete, yet the program was expanded anyway. Local officials are sending alternates to meetings instead of attending themselves so there is not a firm knowledge of the issues when decisions are made. The scientific review board established in the bill would provide a more credible basis for program expansion. Citizens need more information on how to deal with test failures.

Testimony Against: (Proposed Second Substitute) There are concerns that revising the state implementation plan for southwest Washington may impact the Environmental Protection Agency's decision to redesignate the greater Vancouver/Portland air shed as an attainment area. An attainment area is one that is in compliance with federal air quality standards. The bill impacts the membership on all local air pollution control boards, not just southwest Washington. It may not be realistic to require elected officials to attend 70 percent of the meetings. It may be difficult to find volunteers for the scientific review board given the requirement that a member cannot be involved in the industry and must have a masters degree.

Testified: Representative Pennington, prime sponsor (pro); Joe Williams, Department of Ecology; and Mike Ryherd, Puget Sound Air Pollution Control Agency (both con).