

# ANALYSIS OF HB 1354

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House Agriculture & Ecology Committee  
1997

February 3,

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## **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 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 the 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 designee.

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.

State law requires the Department of Ecology (DOE) to administer a program to test vehicle emissions in those areas that violate or are likely to violate federal air quality standards. Under this program, vehicles must be tested biennially. State law caps the maximum fee for the test at \$18. The current fee is \$12 dollars in areas that are required to have their vehicles tested. Vehicles made prior to 1968 are exempted from testing requirements. State law directs 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, DOE has establish 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. The DOE must approve the creation or modification of vehicle emission testing programs submitted by a local air pollution control authority.

## **SUMMARY:**

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*Prepared for the House Agriculture & Ecology Committee  
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A board member of a local air pollution control authority may not designate an alternate to attend 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 send a copy of any complaints about the vehicle emissions testing program to the state legislators representing the district in which the complaint was filed.

The maximum allowable fee for the emission test is reduced to \$12 dollars. For areas that expand the boundaries of an existing testing area, the maximum fee that can be charged in the expanded area is \$5 dollars.

Vehicles with a model year of 1975 or earlier are exempt from testing requirements. Vehicles that are three years old or newer are exempt from testing requirements.

A science advisory board is created to review plans that expand or create a vehicle emission testing area. The Department, 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 Department must conduct a public hearing if the proposed rule to create or expand a testing area is in conflict with the final report of the science advisory board. The Department must include in its rule making process a written response to any inconsistency between the scientific review of the board and the Department's rule to expand or create a testing area. Members of the science advisory board are to be reimbursed for travel expenses.