

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**FACT SHEET
TERMINATION OF THE MOTOR VEHICLE INSPECTION PROGRAM**

What Action Has the Legislature Taken?

Senate Bill 772, signed by the Governor on June 14, 2000, abolishes the Motor Vehicle Inspection Program (MVIP) in all counties where it presently operates, effective July 1, 2000. Beginning July 1, motor vehicle owners will no longer be required to pass an emissions test in order to renew their vehicle registrations.

Why Did the Legislature Abolish the Program?

First, a little history: The Florida Legislature established the MVIP in 1988. The program began operations in 1991 in three areas of the state: Southeast Florida (Dade, Broward, and Palm Beach counties), Jacksonville (Duval County), and the Tampa Bay area (Hillsborough and Pinellas counties). During the 1980's, Florida had been experiencing violations of the National Ambient Air Quality Standard for ozone (1-hour standard) in all three areas and had one of the highest recorded rates of tampering with motor vehicle emissions control equipment of any state in the country. There was no mandate from the U.S. Environmental Protection Agency (EPA) for an emissions testing program in Florida; the legislature acted on its own initiative to address the air quality problems that existed in the state at that time.

Although the MVIP was not mandated by EPA, once it was established, the Department of Environmental Protection (DEP) took into account the emission reductions produced by the program in projecting future emissions for EPA-required air quality planning purposes.

In this past session, the legislature had the opportunity to take a fresh look at the MVIP. The emissions testing contracts were expiring July 1, and the state needed to make a decision about whether to continue a testing program for another seven years and, if so, what kind of program.

Among the issues considered by the legislature was the fact that the existing MVIP technology dated from the 1980's and would need to be updated if the program were to be effective. In addition, Florida's air quality had improved. Even with the adoption by the U.S. Environmental Protection Agency (EPA) of a stricter new 8-hour ozone standard in 1997, Florida looked to be in good shape. Most importantly, EPA had recently adopted a number of new federal regulations that would greatly reduce motor vehicle emissions in the future.

The legislature considered the option of upgrading the existing MVIP, but ultimately determined that the program had served its original purpose and was no longer needed in any form. New federal requirements for cleaner gasoline and lower-emitting vehicles will ensure that air quality continues to improve, with or without the MVIP. In fact, the benefits of these new programs will

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far exceed the benefits of even an upgraded emissions testing program. There would be no risk to public health or the environment by letting the program go.

What Are the New Federal Programs for Reducing Emissions?

- Under the Clean Air Act Amendments of 1990, stricter motor vehicle emissions standards for new cars (Tier I standards) began taking effect in 1994. As these newer cars replace older ones on the road, the average emissions per vehicle are declining.
- Currently (i.e., between 1999 and 2001), even cleaner vehicles are being phased in as part of the National Low Emission Vehicle (NLEV) program.
- Tier II tailpipe standards, adopted by the EPA in 1999, take effect in 2004 for passenger cars and will be phased-in for trucks and SUVs between 2004 and 2007. Some heavier trucks and SUVs will have until 2009 to meet the new standards. These new requirements will reduce nitrogen oxides (NOx) emissions by 77% for cars and 95% for trucks, compared to the 1994 Tier I standards.
- New emission standards for commercial marine engines will be phased-in between 2004 and 2007, depending on engine size. Marine engines only account for 4.4% of the national mobile source NOx inventory, but this rule will reduce NOx emissions by 24% from this category engine when fully implemented.
- New locomotive emission regulations require new and remanufactured (1973 and later) locomotive engines to meet standards which will yield a 35% reduction in NOx emissions by 2005 compared to earlier engines.
- Aircraft engines only account for about 2% of total U.S. NOx emissions but, in areas around large airports, can account for as much as 4%. New standards that took effect in 1996 provide a 20% reduction in NOx emissions compared to earlier engines.
- Phase I non-road diesel engine standards (greater than 50 horsepower) took effect in 1996 and will reduce NOx emissions by 30% from uncontrolled levels. Further reductions will be phased in between 2001 and 2008, ultimately achieving an additional 60% reduction from the Phase I levels.
- Proposed new Phase 2 heavy-duty diesel engine and low-sulfur diesel fuel rules will achieve NOx emission reductions of 90% or more over levels achieved by the Phase 1 reductions. These rules are proposed to be fully implemented by 2007.
- New standards for small hand-held engines (Phase 1) took effect in 1997, accounting for a 32% reduction in volatile organic compound (VOC) emissions. Phase 2 standards will reduce VOC+NOx emissions by an additional 78%, beginning in 2002.

The benefits attributed to emissions testing in Tampa Bay (Hillsborough and Pinellas counties) are an estimated reduction in hydrocarbon emissions of 2% and of nitrogen oxides of 0.6%, when all sources are considered.

What Will be the Effect on Air Quality of Terminating the MVIP?

The DEP has analyzed the effect that termination of the MVIP will have on air quality for Southeast Florida, Duval County and the Tampa Bay area. Based on this analysis, the DEP is satisfied that loss of the MVIP will not interfere with attainment and long-term maintenance of

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both the 1-hour and new 8-hour ozone air quality standards in any of the three areas. The principal reasons for this conclusion are:

1. With the exception of a single episode of high ozone readings in May 1998 that affects the Tampa Bay area, the 1990's have been a clean air decade for all three areas (Table I). The Southeast Florida area has been in compliance with the 1-hour ozone standard since 1990 and with the new, 8-hour ozone standard as far back as the record goes. Duval County has been in compliance with the 1-hour standard since 1986 and with the 8-hour standard since 1990. The Tampa Bay area has been in compliance with the 1-hour standard since 1990. As stated above, but for one episode of high ozone levels in May 1998, the Tampa Bay area has also been in compliance with the 8-hour standard since 1990. High ozone readings occurred throughout the state during May of 1988, even in rural areas. The DEP believes that these elevated readings were caused, in part, by massive wildfires occurring in Mexico and Central America and are not reflective of the true air quality situation in the Tampa Bay area.
2. All three areas should continue meeting ozone standards as long as emissions of the pollutants that form ozone in the lower atmosphere, volatile organic compounds (VOCs) and nitrogen oxides (NOx), do not increase above 1990 levels, the beginning of the clean air decade described above. With or without the MVIP, VOC and NOx emissions in 2005 are projected to be lower than the 1990 emission levels in all three areas (Table II). Beyond 2005, the effects of the new federal programs described above will drive emissions even lower. In all of these projections, the expected growth in population and vehicle miles traveled is taken into account. Therefore, loss of the MVIP is not expected to result in recurrence of violations of the 1-hour ozone standard in any area or in violations of the new 8-hour standard.

What About the MVIP Being Included in Florida's EPA-Approved Air Quality Plans?

Anticipating legislative action on the MVIP, the DEP, in December 1999, submitted to EPA proposed revisions to its air quality maintenance plans for Southeast Florida and Duval County to "back out" the emission reduction credits from the program. The submittal showed that both areas should continue to meet ozone air quality standards with or without the relatively small emission reductions produced by the MVIP. The EPA has proposed to approve these revisions and has scheduled a public hearing in West Palm Beach on July 20 to provide an opportunity for public comment on the DEP's requested revisions.

The DEP has not yet requested that EPA remove the MVIP emission reduction credits from the Tampa Bay area ozone air quality maintenance plan but, given the legislature's action, will be submitting such a request in the near future. The DEP will be able to show that the MVIP emission reductions are also not needed in the Tampa Bay area.

Until EPA approves the proposed revisions to Florida's ozone air quality maintenance plans, the state is technically in violation of an EPA requirement. If EPA determines that it cannot approve one or more of the proposed plan revisions, it could declare a violation and give the state up to 18 months (until January 2002 or later) to correct the problem or face possible sanctions. Available sanctions are a restriction on industrial growth, followed by a withholding of federal highway funds. The state should be able to resolve any problem EPA might have, however, by substituting one or more of the many new emission reduction programs "in the pipeline" for the loss of the MVIP. Therefore, the DEP considers the possibility of sanctions being applied as very remote.

Table I
Ozone Levels in Southeast Florida, Duval County, and Tampa Bay Area

One-Hour Ozone Levels Compared to Air Quality Standard
 (Standard is violated at or above 125 parts per billion)

	<u>87-89</u>	<u>88-90</u>	<u>89-91</u>	<u>90-92</u>	<u>91-93</u>	<u>92-94</u>	<u>93-95</u>	<u>94-96</u>	<u>95-97</u>	<u>96-98</u>	<u>97-99</u>
S.E. Florida:	138	122	121	108	106	108	111	106	103	110	110
Duval Co.:	119	114	111	108	108	111	117	111	116	111	110
Tampa Bay:	129	113	111	113	110	103	106	109	112	117	117

Eight-Hour Levels Compared to New Air Quality Standard
 (Standard is violated at or above 85 parts per billion)

	<u>87-89</u>	<u>88-90</u>	<u>89-91</u>	<u>90-92</u>	<u>91-93</u>	<u>92-94</u>	<u>93-95</u>	<u>94-96</u>	<u>95-97</u>	<u>96-98</u>	<u>97-99</u>
S.E. Florida:	83	79	75	73	76	80	80	74	75	76	78
Duval Co.;	86	83	80	78	79	81	80	78	81	82	82
Tampa Bay:	86	85	79	76	80	80	80	80	82	85*	87*

*Levels would be less than 85 parts per billion but for the unusual May 1998 episode

Table II
Actual and Projected Ozone Precursor Emissions

Volatile Organic Compound Emissions (tons per day)

	<u>1990</u>	<u>2005</u>	<u>% Decrease*</u>
Southeast Florida			
Actual	1,579.5		
Projected with MVIP		1,354.3	
Projected without MVIP		1,377.8	(12.7%)
Duval County			
Actual	300.7		
Projected with MVIP		255.7	
Projected without MVIP		260.8	(13.3%)
Tampa Bay			
Actual	525.4		
Projected with MVIP		445.8	
Projected without MVIP		455.1	(13.4%)

Nitrogen Oxides Emissions (tons per day)

	<u>1990</u>	<u>2005</u>	<u>% Decrease*</u>
Southeast Florida			
Actual	556.5		
Projected with MVIP		523.2	
Projected without MVIP		527.9	(5.1%)
Duval County			
Actual	192.3		
Projected with MVIP		188.1	
Projected without MVIP		189.2	(1.6%)
Tampa Bay			
Actual	458.6		
Projected with MVIP		273.8	
Projected without MVIP		275.5	(39.9%)

*Percent decrease in total emissions between 1990 and 2005, without the MVIP.

(Table shows total emissions from all sources: point, area, mobile and biogenic. Projected 2005 onroad mobile source emissions are calculated using average daily vehicle miles traveled (VMT) from each county's latest conformity determination; FHWA average facility-type speeds; and MOBILE5 model with RVP=7.8, and (for with MVIP case) basic I&M program as approved by the 1999 legislature (biennial testing, latest three model years exempted) with EPA 80% credit factor. Projected Duval County point-source NOx and VOC emissions are calculated taking into account JEA Northside repowering project. Projected Tampa Bay point-source NOx and VOC emissions are calculated taking into account acid rain program NOx reductions at the Tampa Electric Company (TECO) facilities, additional year-2005 reductions resulting from the recent TECO settlement agreement, and latest electric generation projections.)

TITLE XXIII

MOTOR VEHICLES

CHAPTER 316

STATE UNIFORM TRAFFIC CONTROL

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

(1)(a) On and after July 1, 1990, it is unlawful for any person or motor vehicle dealer as defined in s. 320.27 to offer or display for retail sale or lease, sell, lease, or transfer title to, a motor vehicle in Florida that has been tampered with in violation of this section, as determined pursuant to subsection (7). Tampering is defined as the dismantling, removal, or rendering ineffective of any air pollution control device or system which has been installed on a motor vehicle by the vehicle manufacturer except to replace such device or system with a device or system equivalent in design and function to the part that was originally installed on the motor vehicle. All motor vehicles sold, reassigned, or traded to a licensed motor vehicle dealer are exempt from this paragraph.

(b) On and after January 1, 1991, at the time of sale, lease, or transfer of title of a motor vehicle, the seller, lessor, or transferor shall certify in writing to the purchaser, lessee, or transferee that the air pollution control equipment of the motor vehicle has not been tampered with by the seller, lessor, or transferor or their agents, employees, or other representatives. A licensed motor vehicle dealer shall also visually observe those air pollution control devices listed by department rule pursuant to subsection (7), and certify that they are in place, and appear properly connected and undamaged. Such certification shall not be deemed or construed as a warranty that the pollution control devices of the subject vehicle are in functional condition, nor does the execution or delivery of this certification create by itself grounds for a cause of action between the parties to this transaction.

(c) On and after July 1, 1990, all motor vehicles sold, reassigned, or traded by a licensed motor vehicle dealer to a licensed motor vehicle dealer, all new motor vehicles subject to certification under Section 207, Clean Air Act, 42 U.S.C. s. 7541, and all lease agreements for 30 days or less are exempt from this subsection. Also exempt from this subsection are sales of motor vehicles for salvage purposes only.

(2) No person shall operate any gasoline-powered motor vehicle, except a motorcycle, moped, or scooter as defined in chapter 320, or an imported nonconforming motor vehicle which has received a one-time exemption from federal emission control requirements under 40 C.F.R. 85, subpart P, on the public roads and streets of this state which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds, and no person shall operate on the public roads or streets of this state any motor vehicle that has been tampered with in violation of this section, as determined pursuant to subsection (7).

(3) No person shall operate on the public roads or streets of this state any diesel-powered motor vehicle which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds, except during engine acceleration, engine lugging, or engine deceleration.

(4) This section shall be enforced by the Department of Environmental Regulation and any law enforcement officer of this state as defined in s. 112.531.

(5) Any person who knowingly and willfully violates subsection (1) shall be punished as follows:

(a) For a first violation, violators shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that a motor vehicle dealer shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent offense, violators, including motor vehicle dealers, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the Department of Highway Safety and Motor Vehicles may temporarily or permanently revoke or suspend the motor vehicle dealer license authorized pursuant to the provisions of s. 320.27.

(6) Except as provided in subsection (5), any person who violates subsection (1), subsection (2), or subsection (3) shall be charged with a noncriminal traffic infraction, punishable as provided in s. 318.18. However, the penalty may be reduced if the person committing the violation corrects the violation pursuant to the provisions of s. 316.6105.

(7) The Department of Environmental Regulation shall adopt rules that define the specific wording of the required certification and the circumstances under which the certificate is not required. In addition, the department shall adopt rules as necessary to conform to requirements of federal law, to establish procedures to determine compliance with this section, including specifying what tampering activities constitute a violation of this section, and to provide for exceptions and waivers, taking into account the provisions of ss. 325.203 and 325.209. For those rules applicable pursuant to subsection (1) to licensed motor vehicle dealers for certification by visual observation, the air pollution control devices or systems that shall be included in such certification for motor vehicles dated model-year 1981 or later are the catalytic converter, fuel inlet restrictor, unvented fuel cap, exhaust gas recirculation system (EGR), air pump and/or air injector system (AIS), and fuel evaporative emissions system (EVP). The department may by rule remove or add devices or systems to this test if justified by developments in air pollution control technology or changes in federal law.

History.—s. 18, ch. 88-129, s. 5, ch. 89-212, ss. 6, 9, ch. 90-290.

*Note.—The term "scooter" does not appear in ch. 320.