

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
CONCISE EXPLANATORY STATEMENT

AGENCY: Department of Environmental Management

DIVISION: Office of Air Resources

RULE IDENTIFIER: 250-RICR-120-05-34

RULE TITLE: Part 34 Rhode Island Motor Vehicle Inspection and Maintenance Program

REASON FOR RULEMAKING: The purpose of this regulation is to specify requirements for Rhode Islands' Motor Vehicle Inspection Program. The Department of Environmental Management, Office of Air Resources is proposing to eliminate testing requirements using the RI2000 test analyzer and replace this with an evaporative emissions inspection, an onboard diagnostic (OBD) inspection, and a visual emissions control component inspection. Portions of the regulation that no longer apply have been eliminated. Additionally, the regulation has been updated to current RI Code of Regulations format which required the addition of an incorporated materials section.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: not applicable

TESTIMONY AND COMMENTS: The only comment made was by the US Environmental Protection Agency. The comments did not require changing any text in the proposed rule. The Decision addressing USEPA comments is attached.

CHANGE TO TEXT OF THE RULE: There were no changes to the rule as a result of comments received.

REGULATORY ANALYSIS: Currently, vehicles are subject to emissions testing every two years using the RI2000 test analyzer. As the fleet of vehicles in RI has turned over, the need for emissions testing using the RI2000 has decreased as the majority of motor vehicles in the state are equipped with on board diagnostics which monitor the vehicle exhaust stream. If there is a problem detected with an emissions control system, the malfunction indicator lamp will be illuminated on the vehicles' information center. Vehicles subject to the Rhode Island I/M Program will continue to be inspected for compliance with the vehicle emissions standards using an evaporative emissions inspection, an onboard diagnostic inspection, and a visual emissions control component inspection. Additionally, in 2016, the state revised the Administrative Procedures Act to require that every state regulation be rewritten into the new RICR format by December 31, 2018 or it will no longer be enforceable. In order to meet this requirement, Part 34 is being revised to the required RICR format which included the addition of an incorporated materials section.

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments. The proposed revisions do not impose any new requirements on regulated entities including any small businesses or any city or town, therefore there is no significant adverse economic impact.

DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD: