

H E A R I N G

M I N U T E S -- 57th Session

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Assembly

ENVIRONMENT & PUBLIC RESOURCES AND FISH AND GAME COMMITTEE-Room 214

March 28, 1973

Members Present: Chairman Bremner Jacobsen
Vice-Chairman Crawford Lowman
Ford Smalley
Gojack Broadbent

Members Absent: Banner

Guests Present: Herbertine Morghan Guest
Dennis DeWitt Universal Oil Products Company
Jack Gockel Clean Air Research Company
Robert Joseph Universal Oil Products Company
Leonard Winkelman Department of Motor Vehicles
Daryle Capurro Nevada Motor Transport Association
Daisy Talvitie League of Women Voters of Nevada
Ernie Gregory Nevada Division of Health
Elmo DeRicco Department of Conservation
Grace Bordewich League of Women Voters of Nevada
Daniel Demers Assemblyman-Introducer of A.B.
Howard Hill Department of Motor Vehicles
C. Swanson Air Quality Products, Inc. Calif.
J.F. Arroyo Air Quality Products, Inc. Calif.
Robert Hamlin Nevada State Highway Department
Samuel Sharr
James Lambert Nevada Highway Patrol-D.M.V.
Karl Morghan Guest
Henry Hodges Guest
Stan Warren Nevada Bell

Chairman Bremner called the meeting to order at 8:15 a.m. and said that they will be hearing two out of the four bills scheduled. These bills are A.B. 477, and A.B. 628.

A.B. 477--Provides commission with authority to promulgate engine and exhaust emission standards for motor vehicle pollution control.

A.B. 628--Provides for state commission of environment protection to evaluate pollution control devices for used motor vehicles and to require installations in counties with population of 100,000 or more.

Assemblyman Demers, Introducer of A.B. 628, spoke first about his bill. Mr. Demers first requested that the committee hold off action on the bill for two other people that he knew could testify on it, and they feel strong in regards to this bill. He went on saying that this bill specifies what type of device should be used to control pollution emission. These specifications are located on page 2, lines 1-4:

1. The devices should achieve reductions in the emission of:
 - a) Hydrocarbons by at least 15 percent

- b) Carbon monoxide by at least 15 percent
- c) Oxides of nitrogen by at least 50 percent

Mr. Demers said that the 50 percent is a negotiable one, because California has gone down and started at 41 percent. He spoke of the experiments that California is performing in Riverside County, and from this work, they used a device that reduced the pollution to 52 tons per day, instead of 1200 tons, which previously occurred. This pertains only to older model cars built between 1966 and 1970, and does not deal with or apply to new cars. E.P.A. (Environmental Protection Agency) designated Las Vegas as one of the areas that need environmental action and it is up to the Legislature to take care of it soon and protect the people living there. Mr. Demers continued in saying that what this bill does need is an area discussing about inspection stations and such.

QUESTIONS:

Mr. Jacobsen asked if it would be possible for not only Clark County to be under this bill, but take the whole aspect of the state. Mr. Demers had originally put in Washoe County and Clark County only because it might be quite a burden for the smaller counties' garages at this time.

Mr. Elmo DeRicco, Chairman of the Commission of Environmental Protection, and Ernie Gregory, Secretary of the forésaid and Chief of the Bureau of Environmental Health, both came up to testify together.

Mr. Gregory first started in saying that A.B. 477 provides for the retrofitting of all re-registered automobiles. This would greatly help the problem in Las Vegas, since it would pick up 50,000 cars a year for this purpose of retrofitting. Mr. DeRicco said that there is a necessity for this bill right now, because the oxides of nitrogen and carbon monoxide and hydrocarbons all need to be reduced in all areas. Mr. DeRicco asked if they could suggest a couple of amendments for this bill and have time to think it over in the next couple of days.

QUESTIONS:

Mr. Smalley asked how much it would cost to put on ot the devices in, and Mr. Gregory mentioned it would cost about \$100 and said that some of the cars already have them in. Mr. DeRicco said that this bill will only be in effect when the vehicle changes ownership and it would probably be the used car dealer that would be required to put them in before selling them again.

Mr. Jacobsen asked if the Federal Government will impose on the standards in accordance with restrictions, violations, and enforcements, and Mr. DeRicco answered that the state would make up the regulations, and if the state seems to be losing control or not handling them correctly, then the Federal Government will take over. They have done this in other states.

Then, Mr. Jacobsen asked if they will be able to handle their enforcement with the type of budget item, and Mr. DeRicco said that Mr. Howard Hill will have responsibility under this bill.

Mrs. Ford commented that the members of this year's Environment and Public Resources Committee, had not been here last session on this committee, except for Mr. Lowman, and suggested that he give a run-down on what had gone on last session regarding this type of bill.

Mr. Lowman said that he has the information for them, but it is a matter of time that is the problem, because there is not enough time to have to go through all of that.

Mr. John Ciardella, from the Department of Motor Vehicles, spoke next and commented on both A.B. 477 and A.B. 628. He mentioned that in a pilot program in Las Vegas, they will probably get about 65% of the population of vehicles and the budget at \$17,405 a year. This would enable them one investigator, and one half-time position just to implement the program. He thinks this could be a good pilot, but on A.B. 628, the problem is page 3, section 8. This would cause them to need more clerical positions to enforce it. He said that he would like to do a little more fact finding to find out what it would cost them in total. This could effect the renewal program. Mr. Ciardella said that A.B. 477 could get them more in the picture and then they could see the development in a couple of years and possibly get an additional budget if needed.

QUESTIONS:

Mrs. Ford asked how would they tell if this type of program was functioning or not under Section 8. Mr. Ciardella answered that they would have some type of documentation and some type of certification from a shop or approved facility before registering. There will be a lot of correspondence back and forth concerning this.

Mrs. Ford also asked if this was considered in the Governor's budget, and the answer was no. They will have to have an appropriation to it.

Next to testify was Mr. Robert F. Guinn, representing the Nevada Franchise Dealer's Association, and the Nevada Motor Transport Association. He said that there is really no real problem with the bills, but it is strongly recommended that they do not write in specifications into A.B. 477 as they did in A.B. 628. The automobile dealers support A.B. 477 even though it will impose on them some difficulties in trying to bring their vehicles up to the standards, which will be required if the bill passes. Mr. Guinn mentioned about the deadline on July, of 1975 that the Federal Government set to have all cars have the requirement of reducing the carbon monoxides, oxides of nitrogen, and hydrocarbons. Mr. Guinn went on saying that the committee ought to understand what a serious problem that they are dealing with at the moment, both from the standpoint of the Federal requirements and the impact upon the area being subjected to these rules. If Nevada cannot come up with a plan to meet this problem, then the Director of the Federal E.P.A. will come in and make up one himself, which Nevada does not want. The E.P.A. will possibly come in and say that gas and fuel use will have to be knocked down to 85%, which leaves 15% that Nevada cannot live with. What A.B. 477 is really trying to do it to go as far as indicated to give the commission broad latitude in making up standards, which contemplates retrofitting. Mr. Guinn then spoke about random checks and inspections on cars to make sure they have the correct devices in the car and how they should

be periodic inspections. Most emissions come from "frequent stop and go" driving, and funds will be needed for improvements of the highways, and such improvements can be the getting rid of stop signals and such. Mr. Guinn concluded that instead of waiting until 1974, and telling the people what they have to do with their cars, it should be taken care of now, and also this bill we can do without amendments.

QUESTIONS:

Mr. Smalley asked how easy the devices would be to put on or take off, and Mr. Guinn answered that they are very simple to do both.

Mr. Jacobsen asked if he felt that in realization, that the fuel consumption is up with the present controls, and if he thought if the Federal Government may determine--in with looking at the fuel shortage now--maybe they will be looking in a different direction. Mr. Guinn answered that they may determine to ration the fuel, or reducing the miles of travel.

Then, Mr. Jacobsen asked about the patents pending behind a 100 mile per gallon vehicle, and it looked to him that this type of vehicle would cause less pollution. Mr. Guinn said that it is not true with the characteristics of what they have today.

Mrs. Ford asked Mr. Guinn if he found anything in A.B. 628 that might be good to put in A.B. 477 is it is used as the main bill, and he answered that he has found nothing that he would like put in A.B. 477 at all from A.B. 628.

Daisy Talvitie, from the League of Women Voters of Nevada, spoke next, and commented on both bills. (Ms. Talvitie's testimony is attached as Exhibit 1). Ms. Talvitie also read a segment from the "Transportation Control for Clean Air" Manual on page 40, paragraphs 1-6 about retrofit requirements by the E.P.A.

QUESTIONS:

Mr. Smalley asked about car inspections and Ms. Talvitie said that they will be opposed to spot checks by police officers; that it should be done by personnel where procedures and systems will be taught and trained to do this sort of thing.

Kar Morghan, an interested citizen, came up to testify next. He said that testing of a vehicle at idling is not the correct way of testing for the requirements set by the Federal Government. It should be tested in motion for best results. His main suggestion was to have all work and testing and inspections done at the University of Nevada and then that way it would not cost very much. The only thing that would cost if the equipment, which he mentioned, can be bought at very reasonable costs.

QUESTIONS:

Mr. Jacobsen asked if it costs \$63,000 to purchase the equipment for such a program, would it be possible to operate it with the university staff, and Mr. Morghan answered that they could do that for sure.

The Environment Department would educate them into doing this program right.

Mr. C. Swanson, President of teh Air Quality Products, Inc. in Orange, California, specifically discussed a certain device they came up with that seemed to be very successful, and not degrade motor performance of the vehicle. He said that there is a great problem getting down to percentage reduction. He concluded in saying that if they pass this bill, they are passing it wanting manufacturers to come and put products out to the public.

Robert Joseph, from the Universal Oil Products Company commented on both bills. (Mr. Joseph's bill is attached as Exhibit 2).

QUESTIONS:

Mrs. Ford asked where his company is located at, and he answered in Des Plaines, Iowa.

Next to testify was Mr. Jack Gockel, President of the Clean Air Research Company, and Consultant of Device Manufacturers. Mr. Gockel thought that the committee should look clearly about what the air quality standards are and not put any particular standards in the bills. For inspections, he said there should be class A stations, and service should be first in line mechanics on the job and up-grading facilities. Without these, there is no way possible to set up testing facilities to determine if cars are meeting the standards.

Stan Warren, from Nevada Bell, said that they have 478 vehicles in operation at the moment, and wanted to ask if they can to their own testing. His suggested amendment is as follows:

Page 2, between lines 17 and 18 of the printed bill (A.B. 477) insert:

"(d) Requirements by which an owner of a fleet of three or vehicles may be licenses by the commission as a licensed station provided that such owner complies with the regulations of the commission. Such fllet owners shall only certify vehicles which constitute such fleet."

Don Arkell, Director of the Air Pollution Control Division of the Clark County District Health Department then spoke. (His prepared statement which concerns A.B. 477 is attached as Exhibit 3). Mr. Arkell's only comment on A.B. 628 was to keep NO_x under control.

Mr. Andrew Barbano, Northern Director of the Nevada Franchised Motorcycle Dealers Association, briefly testified that he would like to call for broad latitude about motorcycles since they would take a different approach in terms of retrofitting. Recommended the first three lines of Section 7 of A.B. 628 for motorcyle concern.

(Attached is the Fiscal Costs to A.B. 477 as Exhibit 4)

Mrs. Ford suggested that maybe some of the key people in this room involved to mandate and come up with some combination that would be

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satisfactory in accordance with these bills, in a sub-committee. Need to come up with a proper vehicle to come up with.

Chairman Bremner agreed, and announced the following people be in the sub-committee, with the intention of reporting back on Friday:

Mr. Smalley	Mr. Joseph
Mrs. Ford	Mr. Swanson
Mr. Gregory	Mrs. Talvitie
Mr. Arkell	Mr. Guinn

Meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Geanie Armstrong

Geanie Armstrong
Assembly Attache

ASSEMBLY

H E A R I N G

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COMMITTEE ON ENVIRONMENT & PUBLIC RESOURCES

Date MARCH 28, 1973 Time 8 a.m. Room 214
WEDNESDAY

Bill or Resolution
to be considered

Subject

A.B. 477

Provides commission with authority to promulgate engine and exhaust emission standards for motor vehicle pollution control.

A.B. 557

Adds to requirements for control of erosion in timbering operations.

A.B. 628

Provides for state commission of environmental protection to evaluate pollution control devices for used motor vehicles and to require installations in counties with population of 100,000 or more.

A.B. 629

Sets forth guidelines for slash and debris disposal in furtherance of fire prevention and suppression.

Testimony of Daisy J. Talvitie, Environmental Quality Chairman
State of League of Women Voters of Nevada.

Exhibit I 266

RE: Ab 477 and AB 628

Before discussing AB 477 and AB 628, I would like to call your attention to SB 489, an overall bill on air pollution control under consideration in the Senate. That bill also contains a section on the automobile which relates to standards and inspections. If either of - or a combination of the two Assembly bills - passes then it will be necessary to fit them into the context of SB 489.

The League of Women Voters has been on record for some time in support of auto inspection as a means of enforcing auto pollution standards. However, we have consistently advocated inspection only under certain guidelines:

1. Inspection, preferably, would be done as part of overall auto inspection as the most effective and economic approach.

2. Inspection should not be tied to registration as this limits the effectiveness to once a year and provides no guarantee of continued maintenance, plus creating certain administrative headaches such as problems of registration for college students, etc. when out of state at time of re-registration. Making re-registration by mail difficult. The League prefers the more flexible system of the inspection sticker which can be dated, color coded, etc. for easy recognition by peace officers - thereby allowing more than annual inspections and lending itself to easily administered scheduling of inspections. This, incidentally, was also the recommendation of the Citizen's Advisory Committee to the Legislative Environmental Committee of the Legislative Commission.

3. Any system of inspection must be stated owned and operated to eliminate customer gauging and to establish uniformity of operation. After the initial cost of establishing the system, it should be self funding through collection of inspection fees.

4. The system must be statewide since cars do not recognize geographical boundaries.

5. It is totally unfair to expect local governments to bare the burden of the auto inspection system.

AB 477, therefore, does not meet League criteria for an acceptable approach to auto inspection. Let's take specific sections:

Section 3, paragraph 2:

"Such regulations shall be consistent with any federal regulation for such emissions". There are no federal regulations for emissions of autos in use. Federal standards only relate to cars before sale.

The sentence then says shall be uniform throughout the State. With this League agrees, but then Section 4 only establishes enforcement for - at the present time - one area of the State since only Clark County meets the description at the present time - although one could suppose that it might be legally possible to interpret the wording as including the possibility that the Commission could deem it necessary in Reno. At best, the wording lends itself to legal interpretations and there is danger that the wording won't lead to preventive measures. But even worse, the bill establishes a statewide standard and then says "But don't enforce except in specific areas" plus placing the burden on the local agency.

Section 4, paragraph 2 (c) in combination with Section 5, places a one-shot, first time inspection in private garages - thereby necessitating the department of motor vehicles establishing training, licensing, and supervision over garages for this single one-shot deal. In addition the only requirement is that the control device be on the car. It does not require that the device be operable or functioning or meeting only standard.

Section 8 then requires that all additional inspections be done by some local authority which is not defined. We assume it means the local air pollution authority. The League opposes this dual approach as unnecessary additional costs, etc. Of major concern is the State attitude of refusal to accept responsibility and consistently saying to the local government "You do our job for us"- "You pick up the tab"- placing an impossible financial and manpower burden on local agencies. We are, of course, also aware that no provisions have been made in the State budget to even give aid.

Section 12 - paragraph 2 allows the department of motor vehicles to establish inspection fees at prevailing shop labor rates - implies variable fees. Inspection fees should be uniform - a set and reasonable rate - and since recommendations for repair are to be decided by the inspection garage, it can readily be seen that the system is open to customer gauging. The system described here would be more appropriate to setting recommended rates, etc. for repairs recommended by the State inspector. It appears that this whole system is actually designed as a one-shot required tune-up that it is labelled as an inspection system. Finally the bill repeals 445.536 which includes language required under federal law transportation controls.

In short, the League does not see AB 477 as an acceptable inspection system. Recent studies have shown that inspection, at its best, can accomplish a maximum of 10% reduction in auto-pollution. A system that is less than the best won't even accomplish even that. So we cannot recommend this bill as presently written.

Turning to AB 628, a bill to prescribe retrofits, Most recent literature indicates that retrofits will accomplish more reductions in auto pollution than inspection alone. But studies have also shown that retrofits without required maintenance through regular

inspection also do not accomplish the task for which they are designed. AB 628 is better written than is AB 477 but has the glaring fault of dependence on the retrofit without the necessary carry through. Notice that Section 8 says registration shall be refused when there is no installed and functioning pollution control device- but does not say how, when, or by whom that determination is to be made. This section cannot operate without an inspection system. So it would seem that a state owned and operated inspection system and necessary appropriations will have to be added to make the system workable.

In conclusion, while the League supports the idea of inspections, believes retrofits should be permitted, it finds these bills inadequate to the task. In addition, after examining all the reports we could on this subject, we realize that dependence on hardware will not solve the auto pollution problem. Los Angeles is a very good example of failure of this approach. The only thing that will really accomplish the job is mass transit coupled with measures to reduce reliance on the car to get us from here to there.

HEARINGS ON A.B. 628

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To Environment and Public Resources Committee

Gentlemen, my name is Robert Joseph and I am the Assistant to the General Manager of the Automotive Products Division of Universal Oil Products Company, located in Des Plaines, Illinois. In reviewing this Bill, the most objectionable portion is Paragraph 1 of Section 4 which sets forth the standards for the accreditation of pollution control devices. The Section requires devices to achieve a 15% reduction in Co and HC and a 50% reduction in No_x. These reductions are inconsistent with air quality problems in Nevada since Co and Hydrocarbons, not No_x, are the major pollution problems in the State. My position is based upon a review of the Air Quality Implementation Plan for the State of Nevada. On Page 5-9 the Plan clearly states that "No control is presently required for oxides of nitrogen." On Page 5-10 it is stated that "Clark County is presently exceeding the 8 hour maximum (10 mg/m³) carbon monoxide National Ambient Air Quality Standard." "The present reduction required to meet the standard is 50%." If this is the required Co reduction, then why the 15% standard in this bill? Also, if there is no control needed for No_x, then why a 50% standard?

Also, on Page 5-18, the Plan calls for a reduction in Hc of 63% from 1970 emissions. Again, the standards set by this bill for Hc would be inconsistent with your own States' plan. Just looking at the total tons of each pollutant released into the air each year shows how inconsistent these standards are:

CO = 135,953 Tons/Yr; HC = 23,331 Tons/Yr; and No_x - 16,572 Tons/Yr.

Other suggestions which would make this a more effective bill are as follows:

(1) Paragraph 2 of Section 4 should be changed to read "However, if no device meets all three of the above standards, the Commission may accredit a device which meets any two of the three standards, provided that installation of the device would not increase the other emissions in excess of the emission of that pollutant by the vehicle in the absence of such a device." The reason for this change is that you should not be accrediting devices which remove only one pollutant. The State's goal should be

to accredit only those devices which have an effect on all pollutants; this will be more cost effective for the vehicle owner.

(2) Paragraph 9 of Section 4 is not necessary if you are just going to accredit devices without mandating installation. If a person wants to voluntarily purchase a device which might cost one half of his car's value, then a device manufacturer should not be prohibited from getting his device accredited. This provision makes sense when applied to a mandatory retrofit program. If the provision is left as a part of this Bill, it would be wise to clarify what is meant by the phrase "class of motor vehicle" since this is somewhat ambiguous and could be subject to numerous interpretations, many of which would not be in line with the legislative intent of the author.

(3) Paragraph 2 of Section 5 should be reworded to allow cross licensing if only one manufacturer is available. You should not be able to set a maximum price unless there is some protection for the manufacturer such as "the retail price shall not be less than the cost of manufacturing and marketing the device plus reasonable profit, overhead and shipping charges."

(4) Section 9. Why do you want to restrict voluntary sales of devices. Why not add language allowing sale or installation of a device if it does not increase emission? What you can do is put in an administrative procedure which would allow installation of devices which have been "approved" by the Commission as not increasing pollutants.

(5) ^{ADD}_A A Section which states: "After one or more devices are initially accredited, no device shall be accredited which is less effective than the one or ones initially accredited. Any subsequent accreditation of a more effective device shall not affect the accreditation of any previously accredited device."

Gentlemen, this Bill takes a proper approach to outlining the steps necessary to correct the air pollution problem in the State of Nevada. This legislation allows the flexibility needed in dealing with air pollution problems in Nevada and is similar to legislation recently passed in Arizona and legislation now pending in Colorado. The approach of using "authorized stations" to handle inspection, installation, and repairs associated with pollution control devices" is similar to an approach recently stated by Mr. Jack Gockel of the Clean Air Research Company of California in a speech presented to the EPA regarding the EPA's plan for the South Coast Air Basin. Mr. Gockel suggested that Car Care Centers be established to run 6 month inspections of pollution control devices. The whole concept is to upgrade the service industry ~~to~~ ^{so as} ~~to~~ to train them in the proper use of emission testing instruments and installation and repair of control devices. Mr. Gockel is present at the hearing today and I am sure he would be happy to answer any questions you might have regarding his concepts.

(1) In Paragraph 1 of Section 3 a time limit should be set for the Commission to promulgate regulations. Ninety to one-hundred twenty days would be a reasonable time. By doing this, the legislature will know that standards will be promulgated without undue delay.

(2) In Paragraph 1 of Section 4 provision should be made for implementing a pilot inspection program with a time limit set to report back to the legislature with the results of the program. In order for the State to meet the 1975 ambient air quality standards set by the Clean Air Act, your State plan has suggested that one of the necessary transportation controls would be an inspection and testing program (See pages 5-14 and 5-20 on the Plan). It therefore would be to the State's benefit to

immediately begin a pilot inspection program.

(3) Section 5 should be modified so as to eliminate the use of the words "new owner" and in their place substitute words to the effect that "upon initial registration in the State or upon transfer of ownership and registration" any application for registration must be accompanied by a certificate of emission control compliance. It also would be wise to incorporate in the section a provision requiring the inspector to certify that the pollution devices are working properly. This, of course, would require an immediate upgrading of the service industry which might not be possible by September, 1973.

(4) ~~Who is meant by that Section?~~ Who exactly is meant to be exempted in Section 6, Paragraph 1 (b)?

(5) Section 7 should be expanded to allow the Commission, not the Dept. of Health, to undertake testing programs. A logical expansion of this Section would be to incorporate the provisions ^{of} A.B. 628 into this Section. In this way you would have a law which includes specific provision for accrediting pollution control devices whereas the Bill, as it now stands, is very vague with regard to testing and accreditation of such devices.

(6) Section 8 could also be eliminated by replacing it with provisions in A.B. 628.

(7) Section 9 should be eliminated in its entirety. Until such time as pilot programs are run by the State, you should not limit the year or classes of vehicles which are to be affected. Older vehicles are emitting larger quantities of pollutants and even though they are going off the road quicker than newer vehicles, you might find it imperative to subject these vehicles to inspection or require retrofit of control devices on certain classes of these vehicles in order to meet the 1975 Clean Air Act Standards. This task of exempting vehicles should be left to the Commission and not the legislature.

(8) Language should be added to Section 10, thereby allowing devices to be installed only if the device does not increase emissions of any one pollutant. Actually, this Section could be disposed of if the provisions of A.B. 628 are incorporated into this Bill.

TESTIMONY ON ASSEMBLY BILL #477

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MEMBERS OF THE COMMITTEE, MY NAME IS DONALD R. ARKELL AND I AM THE DIRECTOR OF THE AIR POLLUTION CONTROL DIVISION OF THE CLARK COUNTY DISTRICT HEALTH DEPARTMENT.

YOU HAVE BEFORE YOU TODAY ASSEMBLY BILL #477. AS WE READ THIS BILL IT APPEARS THAT IT IS DESIGNED TO CARRY OUT A PORTION OF NEVADA'S AIR QUALITY IMPLEMENTATION PLAN. THE PART OF THE PLAN AFFECTED BY THIS BILL IS THAT WHICH RELATES TO THE ESTABLISHMENT OF AN INSPECTION PROGRAM TO ASSURE COMPLIANCE WITH SPECIFIC REQUIREMENTS DEEMED NECESSARY TO REDUCE EMISSIONS OF AIR POLLUTANTS FROM AUTOMOBILES. SINCE THERE ARE AREAS WITHIN CLARK COUNTY IN WHICH THE AIR QUALITY IS SUBSTANDARD IT IS OUR HOPE THAT IMPLEMENTATION OF THIS MEASURE WILL HELP PRODUCE SIGNIFICANT REDUCTIONS IN POLLUTANTS DISCHARGED FROM MOBILE SOURCES. WITH THAT IN MIND, I WOULD LIKE TO COMMENT BRIEFLY ON SOME OF THE FACTORS CONTAINED IN THIS BILL AND SUGGEST SOME MEASURES WHICH WE BELIEVE WOULD MAKE IT A MEANINGFUL ACT.

SECTION 4 IN ITS PRESENT FORM ALLOWS SOME DISCRETION TO THE COMMISSION OF ENVIRONMENTAL PROTECTION TO: (1) DETERMINE THAT IT IS FEASIBLE AND PRACTICABLE TO IMPLEMENT A PROGRAM FOR INSPECTING AND TESTING VEHICLES; (2) DEEM NECESSARY THE IMPLEMENTATION OF SUCH PROGRAM TO ACHIEVE OR MAINTAIN AIR QUALITY STANDARDS; (3) IT MAY ADOPT RULES AND REGULATIONS THAT MAY BE NECESSARY TO IMPLEMENT SUCH A PROGRAM. THE COMMISSION HAS ALREADY MADE THE FIRST TWO DETERMINATIONS THRU ITS ADOPTION OF THE STATE IMPLEMENTATION PLAN.

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THEREFORE, IT IS MANDATORY THAT APPROPRIATE STANDARDS BE ENACTED IN ORDER FOR THIS LEGISLATION TO BE MEANINGFUL. REGULATIONS PURSUANT TO THIS BILL SHOULD AMONG OTHER THINGS, (1) PRESCRIBE EMISSION LIMITATIONS AND/OR CONTROL DEVICES FOR VARIOUS CATEGORIES OF MOTOR VEHICLES. (2) IMPLEMENT PERIODIC INSPECTION AND CERTIFICATION FOR EVERY VEHICLE TO ASSURE COMPLIANCE WITH APPLICABLE REGULATIONS. (3) PRESCRIBE A TESTING METHOD TO BE USED TO MAKE SUCH DETERMINATIONS AND CERTIFICATION. (4) PROVIDE FOR THE TRAINING AND CERTIFICATION OF QUALIFIED PERSONNEL TO (a) INSTALL ADDITIONAL CONTROL EQUIPMENT (b) PERFORM THE NECESSARY TESTING (c) PERFORM NEEDED REPAIRS OR MAINTENANCE.

IN ACCORDANCE WITH THE SUGGESTIONS MADE ABOVE AND IF OTHER STATE AGENCIES SUCH AS THE DEPARTMENT OF MOTOR VEHICLES ARE TO BECOME INVOLVED IN THE INSPECTION PROGRAM WE BELIEVE THAT THE STATE HEALTH DIVISION SHOULD PROVIDE NOT ONLY TRAINING, BUT MONITORING THE CAPABILITIES OF THE INSPECTION AND REPAIR FACILITIES AND PERSONNEL TO ADEQUATELY FULFILL THEIR RESPECTIVE FUNCTIONS. DEMONSTRATION OF ADEQUATE PERFORMANCE SHOULD BE A REQUIREMENT FOR RENEWAL OF LICENSES FOR AUTHORIZED STATIONS AND PROVISIONS SHOULD BE MADE FOR REVOCATION OF LICENSES FOR GOOD CAUSE.

WE DO NOT CONSIDER IT NECESSARY TO TIE ENFORCEMENT PROCEDURE SUCH AS INSPECTION AND CERTIFICATION ENTIRELY TO THE EXISTING REQUIREMENT FOR REGISTRATION OF MOTOR VEHICLES. THIS RELATIONSHIP IS USEFUL IN THAT IT DOES PROVIDE AT LEAST AN ANNUAL CHECK ON THE STATUS OF CERTIFICATES FOR EACH MOTOR VEHICLE. HOWEVER,

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WE THINK THERE IS BENEFIT TO A SYSTEM WHICH PERMITS EXAMINATION OF THE CERTIFICATE AT TIMES OTHER THAN DURING REGISTRATION. FOR EXAMPLE, INSPECTION OF A COMPLIANCE CERTIFICATE COULD BE DONE BY ANY LAW ENFORCEMENT OFFICER AT ANY TIME.

WE FEEL THAT THE LANGUAGE IN SECTION 8 IS UNCLEAR WITH REGARD TO THE SPECIFIC ROLES PLAYED BY THE STATE COMMISSION AND THE DEPARTMENT OF MOTOR VEHICLES. WE ARE ALSO UNSURE ABOUT THE REFERENCE TO "EVIDENCE OF COMPLIANCE...PROVIDED BY THE PROPER COUNTY AUTHORITIES". IT IS NOT CLEAR TO US WHO THE PROPER COUNTY AUTHORITIES ARE. WE ~~do not~~ THINK THAT THE COMMISSIONS COOPERATION WITH THE DEPARTMENT OF MOTOR VEHICLES AND ANY COUNTY AUTHORITIES SHOULD ^{is desirable, it} RELIEVE THE COMMISSION OR THE HEALTH DIVISION OF ITS RESPONSIBILITY ^{for the conduct of} ~~TO CARRY OUT~~ THIS PORTION OF THE STATE IMPLEMENTATION PLAN.

WE BELIEVE THAT ANY REGULATIONS INVOLVING MOTOR VEHICLE EMISSION CONTROL SHOULD BE ADOPTED AND ENFORCED BY THE STATE. THERE IS NO LOCAL AGENCY IN CLARK COUNTY WHICH ^{IS} WILL BE EQUIPPED OR FUNDED TO CARRY OUT THIS TYPE OF PROGRAM.

THERE WILL UNDOUBTEDLY BE OBJECTIONS TO THE PROPOSAL TO USE "AUTHORIZED STATIONS" FOR INSPECTION AND REPAIR BECAUSE OF THE POTENTIAL FOR GOUGING. THESE OBJECTIONS CAN BE OVER COME IF ADEQUATE PROTECTION FOR THE MOTOR VEHICLE OWNER IS PROVIDED. SUCH PROTECTION SHOULD INCLUDE MAXIMUM FEES FOR SPECIFIC TYPES OF REPAIRS AND CONTROL DEVICES FOR PURPOSES OF MOTOR VEHICLE EMISSION CONTROL.

LAST OF ALL WE BELIEVE THAT IT IS NECESSARY THAT ANY VEHICLE INSPECTION PROGRAM SHOULD BE SELF SUPPORTING. FUNDS TO SUPPORT THE PROGRAM WOULD COME FROM FEES CHARGED TO EACH VEHICLE EITHER AS PART OF THE REGISTRATION PROCEDURE OR A SEPARATE METHOD OF PERIODIC CERTIFICATION. THE FEES CHARGED SHOULD GO TO THE STATE AGENCY HAVING TO MAKE CERTIFICATION. ~~AVAILABLE INFORMATION INDICATES THAT \$2.00 PER VEHICLE IS A REASONABLE COST FOR PERFORMING A RAPID EMISSION TEST AND INSPECTION.~~

*no provision for this - all goes to Dep Motor Vehicles.
Cap expenditures rely on garages!*

628 Keep NO_x under consideration.

PROPOSED FISCAL COSTS FOR A.B. 477:

277

1 - Field Dealer - Grade 32

\$10,119.70

10% Payroll cost

1,011.97

Total

\$11,131.67

1 - Senior Clerk Typist-Grade 20(half time)

\$ 2,975.92

10% Payroll cost

297.59

Total

\$ 3,273.51

Total Payroll cost
Out of State Travel

\$14,405.18

750.00

Total

\$15,155.18

Motor Vehicle Operation

1,000.00

Total

\$16,155.18

In State Travel

250.00

Total

\$16,405.18

Supplies and Equipment

1,000.00

Total

\$17,405.18

Total for 1973-75 biennium ----

x2

\$34,810.36

Exhibit
4