OZONE TRANSPORT COMMISSION

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Resolution of the Ozone Transport Commission
On Reducing Emissions of Nitrogen Oxides Related to Vehicle Tampering

WHEREAS, Congress established the Ozone Transport Commission (OTC) under Sections 176A and 184 of the federal Clean Air Act (CAA) to ensure the development and implementation of regional strategies to reduce ground-level ozone to healthy levels; and

WHEREAS, the adverse health effects of ground-level ozone are well documented, and despite significant reductions of ozone precursor emissions achieved to date, approximately 30 million residents of the Ozone Transport Region (OTR) continue to be exposed to unhealthy levels of ozone air pollution; and

WHEREAS, the research and modeling conducted by OTC and the OTC states show that the most important and timely regional strategy for continued progress on reducing ground-level ozone throughout the OTR is the reduction of nitrogen oxides (NOx) emissions through regional actions by the OTC states and by states that significantly contribute to ozone in the OTR, and through federal actions;

WHEREAS, NOx reduction emission strategies have co-benefits in reducing emissions of fine particulate matter, air toxics, and greenhouse gases;

WHEREAS, emissions from medium- and heavy-duty vehicles operating in overburdened communities contribute to the disproportionate amount of pollution in these communities;

WHEREAS, federal and state laws prohibit removing or rendering inoperative an emission control component on a certified motor vehicle or engine prior to sale or delivery to the ultimate purchaser, or after sale and delivery to the ultimate purchaser;

WHEREAS, technical analysis completed by the U.S. Environmental Protection Agency (EPA) found that nationwide over the past decade 550,000 diesel pick-up trucks, representing 15% of the diesel pick-up trucks originally certified with emissions controls, showed evidence of emission control system tampering.[1] In the same study, EPA estimated that emissions over the life of these trucks will result in 570,000 excess tons of NOx and 5,000 excess tons of $PM_{2.5}$;

WHEREAS, tampering in other classes of diesel trucks contributes to excess NOx emissions in OTC states, however a lack of data impedes an accurate estimation of excess NOx emission for these classes of vehicles;

[1] EPA, *Tampered Diesel Pickup Trucks: A Review of Aggregated Evidence from EPA Civil Enforcement Investigations*, November 20, 2020.

WHEREAS, a recent study by the OTC found that updating vehicle inspection and maintenance programs to include best practices can improve detection of tampering. Moreover, OBD-based tampering detection tools are now commercially available and provide cost-effective approaches to identifying tampered vehicles;

WHEREAS, the California Air Resources Board (CARB) has developed a method to quantify State Implementation Plan (SIP) credits for its medium- and heavy-duty vehicle OBD-based inspection and maintenance program;

WHEREAS, EPA included tampering in its previous National Compliance and Enforcement Initiative, and as such, tampering enforcement is a priority for EPA;

THEREFORE, BE IT RESOLVED, that the members of the OTC commit to working together to strengthen state tampering detection and enforcement programs;

FURTHERMORE, the OTC commits to collaborate with EPA to:

- Evaluate the use of CARB's method for estimating SIP credits for medium- and heavy-duty vehicle OBD-based inspection and maintenance by states in the OTR;
- Evaluate methods for estimating emissions reductions and any associated SIP credits for I/M-related medium- and heavy-duty vehicle tampering identification;
- Incorporate the emission benefits of medium- and heavy-duty vehicle OBD-based inspection and maintenance programs into the EPA MOVES model;
- Evaluate strategies to identify tampered vehicles;
- Estimate the incidence of tampered vehicles in medium- and heavy-duty vehicles; and
- Estimate the excess NOx emissions resulting from medium- and heavy-duty vehicle classes in the region resulting from tampering.

FURTHERMORE, the OTC states will strive to incorporate medium- and heavy-duty vehicle inspection and maintenance best practices when updating their inspection and maintenance program regulations to facilitate the use of cost-effective tampering detection tools; and

FURTHERMORE, OTC states will compile technical and policy information that can support additional cost effective, scientifically sound recommendations leading to substantial reductions in ozone-forming NOx emissions.

Adopted by the Commission on June 13, 2024.

Christine Kirby, OTC Chair