

**As Adopted by the House**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. R. No. 85**

**Representative Young**

**Cosponsors: Representatives Retherford, Becker, Goodman, Zeltwanger,  
Koehler, Blessing, Brenner, Brinkman, Dever, Duffey, Faber, Hagan, Hambley,  
Householder, Keller, Kick, LaTourette, Patton, Riedel, Roegner, Schaffer,  
Schuring, Seitz, Sprague, Stein, Thompson, Vitale, Wiggam**

---

**A R E S O L U T I O N**

To respectfully urge Congress and President Donald 1  
Trump to amend the Federal Clean Air Act to 2  
eliminate the requirement to implement the E- 3  
Check Program and direct the Administrator of 4  
USEPA to begin new rule-making procedures under 5  
the Administrative Procedures Act to repeal and 6  
replace the 2015 National Ambient Air Quality 7  
Standards; to respectfully urge Congress and 8  
President Donald Trump to pass legislation to 9  
achieve improvements in air quality more 10  
efficiently while allowing companies to innovate 11  
and help the economy grow; to urge the 12  
Administrator of USEPA to alleviate burdensome 13  
requirements of the E-Check Program and the Clean 14  
Air Act if Congress and the President fail to 15  
act; and to encourage OEPA to explore 16  
alternatives to E-Check in Ohio. 17

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
OHIO:**

WHEREAS, The E-Check Program administered by the Ohio  
Environmental Protection Agency (OEPA) imposes burdensome and  
costly motor vehicle emissions testing requirements on the  
citizenry of Northeast Ohio and wastes Ohio's valuable tax  
dollars; and

WHEREAS, The E-Check Program has a disproportionate impact  
on poor and lower and middle class citizens because such  
citizens are more likely to own older motor vehicles that are  
subject to the E-Check Program, and those vehicles are more  
likely to fail an emissions test under the Program. In many  
cases, a vehicle that is subject to the E-Check Program is the  
only mode of transportation available to an individual and is  
vital for maintaining employment, making doctor visits,  
purchasing food and other necessities, and living a stable and  
normal life; and

WHEREAS, E-Check inspectors indicate that older vehicles  
function well and produce minimal pollution but, nonetheless,  
fail E-Check emissions tests. Often, this is due to antiquated  
on-board computers that malfunction more frequently. Thus, in  
such cases, E-Check results in eliminating an individual's only  
mode of transportation simply because of an inconsequential  
computer malfunction that is not related to actual emissions or  
increased pollution; and

WHEREAS, Air quality throughout the United States has  
improved significantly and dramatically from 1970 to the present  
day. For example, USEPA found that by 2015, the combined  
emissions of six common pollutants (including carbon monoxide,  
lead, nitrogen dioxide, and volatile organic compounds) had  
dropped 71%. This progress occurred while the U.S. population  
and economy continued to grow, Americans drove more miles, and  
energy use increased; and

WHEREAS, Many tests indicate that no measurable improvement

in air quality is achieved through implementation of the E-Check 50  
Program. Many experts believe that improved technology by 51  
automobile manufacturers has reduced motor vehicle emissions 52  
much more effectively than government-imposed emissions testing. 53  
For example, according to University of Denver Senior Research 54  
Engineer Gary Bishop, emission testing "costs lots of money" but 55  
"does almost nothing to clean up the air." Bishop has pioneered 56  
many new methods of emission sensor testing and found that in 57  
Tulsa, Oklahoma, which has no emission testing program, 58  
emissions were no worse than in areas with strict emission 59  
testing regimes. Other reports, such as a recent State of 60  
Colorado audit, conclude that the "public need" for emissions 61  
testing is "uncertain" and recommend exempting vehicles from 62  
model year 2001 onward. In Ohio, implementation of this 63  
recommendation would result in almost total elimination of E- 64  
Check because Ohio does not test vehicles more than 25 years 65  
old. Thus, only vehicles built between 1991 and 2000 would be 66  
subject to testing under the E-Check Program; and 67

WHEREAS, The Federal Clean Air Act requires geographic 68  
areas within states that are classified as nonattainment for 69  
specified criteria pollutants to implement emissions reduction 70  
strategies including, in some circumstances, vehicle emissions 71  
testing programs; and 72

WHEREAS, The Northeast Ohio area is currently in attainment 73  
status based on the most recently available air quality 74  
monitoring data; however, OEPA continues to require the 75  
implementation of the E-Check Program, notwithstanding that 76  
other alternative emissions reduction strategies are available; 77  
and 78

WHEREAS, Through rulemaking, USEPA has made the emissions 79  
standards for certain criteria pollutants more stringent, 80  
thereby threatening Northeast Ohio's attainment status; and 81

WHEREAS, In particular, the stringency of the 2015 National Ambient Air Quality Standards (NAAQS) directly impedes the progress Northeast Ohio has made in reaching attainment status. Northeast Ohio was redesignated as attainment for ozone under the NAAQS that were established in 2008. As part of that redesignation, Ohio amended its state implementation plan under the Clean Air Act to provide for the maintenance of the ozone standard in Northeast Ohio for ten years. The plan includes E-Check as one of the methods for maintaining that ozone standard in Northeast Ohio. If Ohio wants to eliminate E-Check in Northeast Ohio, it must show that its elimination would not interfere with any applicable requirement concerning attainment or result in any "backsliding" of attainment status. In 2015, USEPA made the standard for ozone more stringent. The result is that Northeast Ohio is unjustly subjected to an unattainably harsh standard that has changed course mid-stream, which makes it difficult to ever eliminate the E-Check Program in that area; and

WHEREAS, The chronological proximity between the 2008 and 2015 revisions to the NAAQS and frequency with which NAAQS are revised does not give Northeast Ohio and other areas an opportunity to properly devise a plan to reach attainment status or any assurance that attainment status will not be interfered with. Thus, planning ahead in order to comply with the requirements is impossibly difficult; and

WHEREAS, The inability to implement viable alternatives to E-Check unjustly results in the continued implementation of the E-Check Program in Northeast Ohio; and

WHEREAS, The E-Check Program is currently in place in seven counties in Ohio, all in Northeast Ohio. Implementation of the Program costs Ohio about \$10.6 million dollars per year. As a result of the 2015 NAAQS, it is projected that at least one other major area, Southwest Ohio (including the areas of

Cincinnati and Dayton), will be required to implement the E- 115  
Check Program or find other reductions in emissions by 2020. If 116  
Southwest Ohio implements the E-Check Program, Ohio's total 117  
costs may be as high as \$25 million per year. It is also 118  
possible that the 2015 NAAQS will cause other areas of Ohio to 119  
fall out of attainment status, thus, increasing the costs even 120  
higher. While the purported purpose of the E-Check Program is to 121  
contribute to a cleaner environment, it appears that Ohio's tax 122  
dollars would be better spent on more effective environmental 123  
programs such as saving Ohio's nuclear industry, providing 124  
subsidies to wind and solar projects, or improving water quality 125  
in Lake Erie; and 126

WHEREAS, Prevailing winds from manufacturing areas to the 127  
west of Northeast Ohio, such as Chicago, Detroit and Toledo, can 128  
increase air pollutants in Northeast Ohio, and, in addition, car 129  
and truck travel on interstate highways, such as Interstate 90 130  
and the Ohio Turnpike, to and through the area regularly results 131  
in increased air pollution; now therefore be it 132

RESOLVED, That we, the members of the 132nd General 133  
Assembly of the State of Ohio, respectfully urge Congress and 134  
President Donald Trump to do all of the following: 135

-- Amend the Federal Clean Air Act to eliminate the 136  
requirement to implement the E-Check Program; 137

-- Direct the Administrator of USEPA to begin new rule- 138  
making procedures under the Administrative Procedures Act to 139  
repeal and replace the 2015 NAAQS and prohibit the Administrator 140  
from revising the NAAQS more than once every fifteen years; 141

-- Introduce and pass legislation to achieve improvements 142  
in air quality while allowing companies to innovate and help the 143  
economy grow; and be it further 144

RESOLVED, That we, the members of the House of 145

Representatives of the 132nd General Assembly of the State of 146  
Ohio, urge the Administrator of USEPA to alleviate burdensome 147  
and unproductive requirements of the E-Check Program and the 148  
Clean Air Act if Congress and the President fail to act, and 149  
encourage OEPA to explore alternatives to E-Check in Ohio and to 150  
reallocate money used for the E-Check Program to other 151  
environmentally beneficial programs; and be it further 152

RESOLVED, That the Clerk of the Ohio House of 153  
Representatives transmit duly authenticated copies of this 154  
resolution to the members of the Ohio Congressional delegation, 155  
the Administrator of the USEPA, the Director of OEPA, the 156  
Executive Office of the President of the United States, and the 157  
news media of Ohio. 158