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**HOUSE COMMITTEE ON ENVIRONMENTAL REGULATION  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2002**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
78TH TEXAS LEGISLATURE**

**REPRESENTATIVE WARREN CHISUM  
CHAIRMAN**

**COMMITTEE STAFF  
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Committee On  
Environmental Regulation

November 23, 2002

Warren Chisum  
Chairman

P.O. Box 2910  
Austin, Texas 78768-2910

The Honorable James E. "Pete" Laney  
Speaker, Texas House of Representatives  
Members of the Texas House of Representatives  
Texas State Capitol, Rm. 2W.13  
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Environmental Regulation of the Seventy-Seventh Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Seventy-Eighth Legislature.

Respectfully submitted,

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Warren Chisum, Chairman

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Dennis Bonnen, Vice Chairman

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Fred Bosse

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Dawna Dukes

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Charlie Geren

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Charlie Howard

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Edmund Kuempel

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D.R. "Tom" Uher

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Zeb Zbranek

Dennis Bonnen  
Vice-Chairman

Fred Bosse, Dawna Dukes, Charlie Geren, Charlie Howard, Edmund Kuempel, D.R. "Tom" Uher, Zeb Zbranek

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## INTRODUCTION

At the beginning of the 76th Legislature, the Honorable James E. “Pete” Laney, Speaker of the Texas House of Representatives, appointed nine members to the House Committee on Environmental Regulation: Warren Chisum, Chair; Dennis Bonnen, Vice Chair; Fred Bosse, Dawna Dukes, Charlie Geren, Charlie Howard, Edmund Kuempel; D.R. “Tom” Uher, and Zeb Zbrank.

During the interim, the Speaker assigned charges to the committee. The Committee on Environmental Regulation has completed its hearings and investigations, and has adopted the following report.

The committee wishes to express appreciation to the following people for their invaluable assistance:

**Dr. Dale Klein, Assistant Secretary of Defense for Nuclear and Chemical and Biological Defense Programs**

**Edward Selig, Director, Center for Responsible Environmental Strategies**

**The Paso del Norte Joint Advisory Committee**

**From the Bureau of Radiation Control, Texas Department of Health:**

**Richard Ratliff, Bureau Chief**

**Ruth McBurney, Director, Division of Licensing and Registration and Standards**

**Art Tate, Director of Compliance and Inspection**

**Bob Free, Deputy Director for Emergency Response and Investigation**

**From the Texas Commission on Environmental Quality:**

**Susan Jablonski, Low-Level Radioactive Waste Specialist**

**Victor Hugo Valenzuela, Planner III, Region 6, El Paso**

We also offer special appreciation to Ambrose Gonzales, Information Specialist, Texas Legislative Council, for his unending good humor and patience in dealing with Committee computer issues.

Finally, the Committee wishes to express appreciation to the citizens and local government officials who participated in our hearings for their time and efforts on behalf of the Committee.

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## HOUSE COMMITTEE ON ENVIRONMENTAL REGULATION

### INTERIM STUDY CHARGES

- 1. Examine problems related to lost and stolen radioactive material, including sources abandoned downhole in drilling operations.**
- 2. Study the production, transportation, use and disposal of hazardous and radioactive materials that could be used in terrorist actions. Review the management and security of public drinking water systems. Review government regulations and business practices to determine whether legislation is needed to protect life and property and to detect, interdict and respond to acts of terrorism.**
- 3. Identify and prioritize environmental issues on the Texas-Mexico border, including air quality and solid waste.**
- 4. Examine the progress of programs related to vehicle inspection and maintenance and low-income repair assistance.**
- 5. Actively monitor agencies and programs under the committee's oversight jurisdiction, including specifically, implementation of H.B. 2912, the Texas Natural Resource Conservation Commission Sunset Legislation, and S.B. 5, 77th Legislature, to ensure compliance with federal Clean Air Act standards and deadlines.**

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**PROGRAMS RELATED TO VEHICLE INSPECTION AND MAINTENANCE AND  
LOW-INCOME REPAIR ASSISTANCE**

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## SPEAKER'S CHARGE TO THE COMMITTEE

On November 5, 2001, Texas House Speaker James E. "Pete" Laney issued five charges to the House Committee on Environmental Regulation, including instructions to:

4. Examine the progress of programs related to vehicle inspection and maintenance and low-income repair assistance.<sup>1</sup>

### OVERVIEW

The federal Environmental Protection Agency (EPA), leaders at the local levels and editorial writers all seem to agree that Texas can never comply with federal air quality standards without addressing an auto emissions problem.<sup>2</sup> Robert J. Huston, Chair of the Texas Commission on Environmental Quality (TCEQ, formerly the Texas Natural Resource Conservation Commission or TNRCC), asserts that even though better technology improvements naturally reduce emissions from one model year to the next, our cars and trucks remain a major source of air pollution.<sup>3</sup> Huston notes that in a state with 21 million people and 17 million registered vehicles, the sheer numbers compel us to act.<sup>4</sup> The TCEQ estimates that 51% of nitrogen oxide (NOx) contaminants in the Dallas-Fort Worth area come from motor vehicles, approximately 45% of total NOx emissions in the San Antonio-Austin area emanate from motor vehicles, and motor vehicles account for 24% of the NOx in the Houston-Galveston area.<sup>5</sup>

### LEGISLATIVE HISTORY OF I/M

In 1995, the legislature canceled a vehicle inspection and maintenance (I/M) program implemented by the TNRCC after only two weeks because constituents affected by the program complained about inefficiencies and costs and asked for the legislature to examine the program before implementation.<sup>6</sup> The legislature replaced the canceled program with more prescriptive instructions to the TCEQ (then the TNRCC) and the Texas Department of Public Safety (DPS) to require auto emissions tests performed in conjunction with an annual safety inspection, which the state essentially maintained until 2001.<sup>7</sup> Six years after the program started in 1995, the legislature recognized the need for a more effective I/M program and adopted House Bill 2134 in 2001 in order to give the TCEQ and the DPS more flexibility to regulate auto emissions.<sup>8</sup>

H.B. 2134 provides tools and guidance to the TCEQ and the DPS in several key areas:

- expressly allows the TCEQ to require different emissions tests for different model vehicles;<sup>9</sup>
- expressly allows the agencies to contract with private entities to furnish testing equipment and related services to testing stations;<sup>10</sup>
- requires the agencies to establish a stable market to ensure that the private market provides an adequate number and quality of testing stations for the public to patronize;<sup>11</sup>
- provides a funding mechanism for and allows for the implementation of a program to assist low-income vehicle owners comply with the law; and<sup>12</sup>
- requires the TCEQ and the DPS to encourage participation in an I/M and a low-income program in near nonattainment areas.<sup>13</sup>

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## ADMINISTRATIVE RULES ON I/M

### TCEQ Rules on I/M

It is important to note that TCEQ rules effective even before the passage of H.B. 2134 already required On-Board Diagnostic (OBD) tests for 1996 and newer model vehicles and Accelerated Simulation Mode 2 (ASM-2) tests for pre-1996 model vehicles.<sup>14</sup> Current rules still require testing for core nonattainment counties (Collin, Dallas, Denton, Tarrant and Harris) beginning May 1, 2002 and for counties surrounding nonattainment counties beginning on May 1, 2003 (Ellis, Johnson, Kaufman, Parker, Rockwall, Brazoria, Fort Bend, Galveston and Montgomery).<sup>15</sup> In addition, testing begins on May 1, 2004 in Chambers, Liberty and Waller counties unless the local governments present an alternative proposal achieving similar emissions reductions.<sup>16</sup> Emissions tests in El Paso County are different than in other areas of the state and may be changed due to the possibility that the area may now meet certain federal air quality standards.<sup>17</sup> In large part, H.B. 2134 clarified much of the statutory authority underlying TCEQ rules already in place.

OBD testing technology involves monitoring the computer on an engine to determine emissions levels; ASM-2 testing technology involves a treadmill-type dynamometer which rules require for pre-1996 vehicles since they are not equipped with OBD testing capability.<sup>18</sup> OBD tests satisfy a federal mandate that all 1996 and newer model year vehicles undergo an OBD check.<sup>19</sup> ASM-2 technology can detect NO<sub>x</sub> emissions, unlike the previous two-speed idle tests required in core nonattainment counties prior to 2002.<sup>20</sup>

On August 24, 2001, the TCEQ published proposed rules to implement emissions testing requirements according to H.B. 2134; the agency published the final rules adopted by the commission on November 16, 2001.<sup>21</sup> In addition to updating the rules in-line with legislation, key provisions of the rules finally adopted:

- include requirements that all inspection stations performing emissions tests offer both OBD II and ASM-2 tests to the public, with the exception of low-volume stations performing less than 1,200 tests per calendar year;<sup>22</sup> and
- create an early incentive program to ensure that an adequate number of inspection stations offer emissions testing by the start dates by providing a guarantee that the owner will receive a payment of \$675 per month for the first three years of the program if the state later cancels the program, under certain conditions.<sup>23</sup>

At the outset of the new program, TCEQ officials estimated that 75%, or 1,575 of the 2,100 privately-owned inspection stations in the Dallas-Fort Worth and Houston-Galveston area would purchase new ASM-2 equipment at an estimated cost of \$40,000 per lane for the program to work.<sup>24</sup> The agency estimated that the remaining 525 stations could upgrade existing equipment for an estimated cost of \$25,000 per lane.<sup>25</sup>

### Emissions Testing Fee Structure

Prior to May 1, 2002, rules allowed inspection stations to charge a total of \$13 per emissions test, with \$1.75 sent to the state to pay for administrative costs.<sup>26</sup> The initial proposal to implement H.B. 2134 retained the \$22.50 emissions testing fee set to begin on May 1, 2002, but suggested that inspection stations remit \$2.50 for each ASM-2 test and \$8.50 for each OBD II test to the DPS.<sup>27</sup> The \$2.50 from the ASM-2 test and \$2.50 from the OBD-II test would cover the state's administrative costs while the remaining \$6.00 from the OBD-II test would fund the low-income programs.<sup>28</sup>

The auto inspection industry expressed fears that the new system may not allow them to



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make a profit, though state officials maintained that they studied the economics and the inspection stations would receive a fair return when balanced with the higher fees paid by the public.<sup>29</sup> The agency ultimately set the fees for emissions testing based on ensuring that a station performing the average number of tests (150 per month) could net the same amount as the station would net for the two-speed idle tests conducted before the new tests.<sup>30</sup> The commission set a flexible fee with the intent of allowing inspection stations to offer incentives or discounts to encourage vehicle owners to test their vehicles in non-peak periods, thus enabling a larger number of inspection stations to participate in the program.<sup>31</sup> The fees structure adopted for a safety sticker and emissions test include a total of up to \$39.50, broken down as:

- \$12.50 for a safety inspection sticker, of which:
  - \$2 is dedicated to the clean air fund;<sup>32</sup>
  - the state retains \$3.50 for the general revenue fund; and
  - inspection stations retain \$7.00 as their fee;<sup>33</sup> and
- a fee of up to \$27.00 for an emissions test, of which;
  - \$2.50 is used for administrative costs borne by the state;
  - \$6.00 of each OBD II test is remitted for the low-income program; and
  - inspection stations retain \$24.50 for each ASM-2 test and \$18.50 for each OBD II test as their fee.<sup>34</sup>

### DPS Rules

DPS published rules on September 15, 2000 that became effective on February 6, 2001 which essentially make changes to correspond to the TCEQ rule changes, including adding program counties, providing for ASM-2 and OBD II testing technology and updating definitions.<sup>35</sup> In addition, DPS rules changes effective on January 10, 2002 implemented H.B. 2134 and aligned DPS rules with TCEQ rules.<sup>36</sup> Lastly, the agency adopted rules to allow inspection stations to only offer OBD II but not ASM-2 tests if the station performs less than 1,200 tests per year.<sup>37</sup>

### LOW-INCOME REPAIR ASSISTANCE AND ACCELERATED VEHICLE RETIREMENT PROGRAM (LIRAP)

H.B. 2134 requires the TCEQ and the DPS to establish a program to assist low-income vehicle owners repair or replace their vehicle if the vehicle fails to pass an emissions test.<sup>38</sup> Essentially, the statute:

- authorizes a commissioners court of a county with an I/M program to voluntarily implement a LIRAP program subject to state oversight;<sup>39</sup>
- provides a mechanism for financial assistance for low-income vehicle owners for repairs, replacement or retrofits to replace or bring a vehicle into compliance with emissions standards;<sup>40</sup>
- requires the use of a portion of the emissions testing fee to fund the LIRAP program, distributed in reasonable proportion to the area of the state in which the fees were paid;<sup>41</sup>
- provides that a local government may not use more than 5% of the state funding provided for a LIRAP program for administration of the program;<sup>42</sup>
- requires the TCEQ to develop guidelines for counties to follow, including setting limits on the eligibility and amount of money for which a vehicle owner may qualify and identifying fraud prevention measures;<sup>43</sup> and
- allows private entities to participate in the program and obtain a certain amount of emissions reduction credit.<sup>44</sup>

The fiscal note for H.B. 2134 estimates \$3,197,635 in revenue in fiscal year 2002,

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\$13,593,635 in fiscal year 2003 and up to \$22,444,987 in fiscal year 2006 for the LIRAP as more areas join the I/M program.<sup>45</sup>

Joint agency rules for the LIRAP consist of rules adopted by the TCEQ and adopted by reference by the DPS.<sup>46</sup> The joint rules generally track statutory provisions, and provide more details where mandated, including:

- setting a qualification limit at an income level of at or below 200% of poverty level;<sup>47</sup>
- an expenditure limit of no more than \$600 and no less than \$30 per vehicle for emission-related repairs or retrofits, only allowed at a recognized repair facility;<sup>48</sup> and
- no more than \$1,000 and no less than \$600 per vehicle for vehicle replacement.<sup>49</sup>

## NATIONAL RESEARCH COUNCIL REPORT

A report released in July 2001 by the National Research Council (NRC) levels harsh criticisms at auto emissions testing programs across the nation.<sup>50</sup> The report results from a Congressional request to the NRC in fiscal 1998 appropriations to the EPA based on concerns that auto emissions testing programs might not live up to expectations.<sup>51</sup> The final report finds that on a national basis, current I/M programs generally achieve less emissions reductions than originally projected, which serve as part of the emissions reductions claimed in the State Implementation Plan (SIP).<sup>52</sup>

The NRC report finds that less than 10% of the vehicle fleet contributes more than 50% of the emissions for any given pollutant,<sup>53</sup> and further, 5% of the vehicles produce 75% or greater of excess emissions.<sup>54</sup> These findings confirm the need for I/M programs, which identify and repair high emitting vehicles. However, the report finds that the programs have not been as successful as anticipated, particularly because of difficulties in ensuring that effective, durable repairs are made to high emitting vehicles. As a result, the authors assert that, “Inspection and maintenance programs should focus on repairing the worst polluting vehicles and verifying repairs. But having said that, it’s important to emphasize that these programs are absolutely necessary to reduce harmful auto emissions and achieve better air quality.”<sup>55</sup>

The TCEQ points to the NRC report as validation and support for the Texas program currently under implementation following the mandates in H.B. 2134, since many of the modifications to the program address the deficiencies noted by the NRC in other parts of the country.<sup>56</sup> The TCEQ characterizes the focus of the NRC report on four basic elements -- first, I/M programs should concentrate on repairs; second, remote sensing technology will produce benefits; third, testing should include dynamometer-based technology; and fourth, programs should use OBD testing in newer vehicles, though more evaluation might prove useful.<sup>57</sup> The Chair of the TCEQ asserts that, “The new TCEQ/DPS vehicle emission inspection and maintenance program already incorporates these basic findings, including the caution expressed about new OBD technology. I believe this national report simply demonstrates that Texas is again in a leadership position of addressing vehicle emissions in an aggressive and positive way. Furthermore, our state legislature has just provided us with the tools to address the repair issue as it affects low income vehicle owners.”<sup>58</sup>

## IMPLEMENTATION OF I/M

Inspection station representatives initially predicted problems, delays and a shortage of sufficient inspection stations offering auto emissions testing prior to the May 1, 2002 start-date of the new I/M program.<sup>59</sup> However, as forecasted by state officials, startup problems such as technical glitches did arise, but no reports of major problems that might threaten

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the public trust in the program surfaced.<sup>60</sup> Interestingly, one of the most notable problems stemming from the new I/M program occurred before the program began -- a rush of motorists did encounter long lines at inspection stations the last week of April 2002, immediately prior to the start-date, in an attempt to “beat the system” by avoiding higher emissions testing fees and avoiding the potential for failing the new test and finding themselves responsible for emissions related repairs.<sup>61</sup>

In spite of the necessity of an effective I/M program, the public finds testing their vehicles for excessive emissions as an unpopular idea, but they realize the need for a program.<sup>62</sup> An editorial in the July 25, 2001 edition of *U.S.A. Today* magazine states in part that, “Vehicle inspection and maintenance (I/M) programs have never been popular. But that doesn’t mean we don’t need them. Like going to the dentist, getting regular environmental checkups for our cars is a necessary errand . . . ”<sup>63</sup> Specifically in Texas, editorial writers and the public are beginning to accept auto emissions testing as a necessity for compliance with federal clean air standards and for public health.<sup>64</sup> One editorial from the *Dallas Morning News* states that, “Cleaning up has a price, but it’s worth paying . . . [it] will take everyone’s effort. Tackling harmful vehicle emissions is an important step that has to be taken.”<sup>65</sup>

Lastly, a recent study conducted by a group of central Texas government and business leaders reveals that 92% of central Texans rank air quality issues as important and 73% say they would likely support a vehicle testing program, even knowing that they might pay between \$12 and \$24 for an emissions test.<sup>66</sup> One resident in Bedford who owns three vehicles subject to the new emissions tests commented that, “You don’t like to pay it, but it’s got to be done.”<sup>67</sup> Even so, Chairman Huston points out that, “Testing the vehicles is not what gets the air quality benefit -- it’s making the repairs.”<sup>68</sup>

## FINDINGS & RECOMMENDATIONS

**FINDING NO. 1:** The new I/M program meets all mandates in the federal Clean Air Act and effectively addresses the air pollution reduction goals for the State of Texas.

**RECOMMENDATION NO. 1:** The 78th Legislature should ensure that the TCEQ and the DPS continue to receive the appropriate tools and adequate funding to continue operating the I/M program.

**FINDING NO. 2:** Because the current I/M program began on May 1, 2002 and will reach full implementation by May 1, 2004, the program is relatively new. No significant problems have arisen thus far which might undermine the legislative expectations or legislative intent for the program.

**RECOMMENDATION NO. 2:** The 78th Legislature should allow for full implementation of the I/M program before considering drastic changes. Meanwhile, the appropriate legislative committees should continue to closely monitor and look for areas of improvement.

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## ENDNOTES

1. **77TH LEGISLATURE, INTERIM CHARGES, TEX. HOUSE OF REPS. (November 2001).**
2. **INTERIM REPORT TO THE 77TH TEXAS LEGISLATURE, HOUSE COMMITTEE ON ENVIRONMENTAL REGULATION, (November 2000), at 1.9 and 1.13.**
3. **Robert J. Huston, *For the Sake of Clean Air*, NATURAL OUTLOOK (Texas Natural Resource Conservation Commission publication)(Spring 2002), at 9.**
4. **Id.**
5. **Texas Natural Resource Conservation Commission News Release, *National Study Confirms Texas Leadership in Tackling Vehicle Emissions, TNRCC and TDPS Air Pollution Strategies on Target*, July 19, 2001.**
6. **See S.B. 19, 74th Tex. Leg., R.S. 1995 and BACKGROUND AND PURPOSE, BILL ANALYSIS, House Committee Report, S.B. 19, 77th Tex. Leg., R.S., 1995.**
7. **See S.B. 178, 77th Tex. Leg., R.S. 1995.**
8. **See H.B. 2134, 77th Tex. Leg., R.S. 2001 and BACKGROUND AND PURPOSE, BILL ANALYSIS, Enrolled version, H.B. 2134, 77th Tex. Leg., R.S., 2001.**
9. **H.B. 2134, 77th Tex. Leg., R.S., 2001, SECTION 1, Sec. 382.202.**
10. **H.B. 2134, 77th Tex. Leg., R.S., 2001, SECTION 1, Sec. 382.205.**
11. **Id.**
12. **H.B. 2134, 77th Tex. Leg., R.S., 2001, SECTION 1, Sec. 382.202(g) and Sec. 382.209.**
13. **H.B. 2134, 77th Tex. Leg., R.S. 2001, SECTION 1, Sec. 382.216.**
14. **Tex. Reg., Vol. 26, No. 2 at 361 (January 12, 2001); TEX. ADMIN. CODE tit. 30, §114.50 (2001).**
15. **TEX. ADMIN. CODE tit. 30, §114.50 (2002).**
16. **TEX. ADMIN. CODE tit. 30, §114.50(a)(4)(H)(2002).**
17. **TEX. ADMIN. CODE tit. 30, §§114.50, 114.53 (2002).**
18. **TEX. ADMIN. CODE tit. 30, §114.2 (2001).**
19. **Tex. Reg., Vol. 26, No. 34 at 6247 (August 24, 2001).**
20. **Tex. Reg., Vol. 26, No. 34 at 6247 (August 24, 2001).**
21. **Tex. Reg., Vol. 26, No. 34 at 6247 (August 24, 2001); Tex. Reg., Vol. 26, No. 46 (November 16, 2001).**
22. **TEX. ADMIN. CODE tit. 30, §114.50 (2002); TEX. ADMIN. CODE tit. 23, §23.95 (2002).**

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23. **TEX. ADMIN. CODE tit. 30, §114.52 (2002).**
  24. **Tex. Reg., Vol. 26, No. 34 at 6252 (August 24, 2001).**
  25. **Id.**
  26. **See Tex. Reg., Vol. 22, No. 66 at 8908 (September 5, 1997)(adopted to be effective December 1, 1997 at 22 Tex. Reg., Vol. 22, No. 77 at 11388 (November 21, 1997)); TEX. ADMIN. CODE tit. 30, §114.52 (1998).**
  27. **Tex. Reg., Vol. 26, No. 34 at 6249, 6258 (August 24, 2001).**
  28. **Tex. Reg., Vol. 26, No. 34 at 6249 (August 24, 2001).**
  29. ***Time to come clean*, FORT WORTH STAR-TELEGRAM, August 10, 2000; *John Austin, Businesses: New emissions tests hazy*, AUSTIN AMERICAN STATESMAN, August 10, 2001; *R.A. Dyer, Vehicle emission plan criticized*, FORT WORTH STAR-TELEGRAM, August 11, 2001, *Bill Dawson, Officials outline smog-busting plan*, HOUSTON CHRONICLE, August 11, 2001; *State officials back new emission test, Smog-reduction plan in works*, SAN ANTONIO EXPRESS-NEWS, August 12, 2001.**
  30. **Tex. Reg., Vol. 26, No. 46 at 9389 (November 16, 2001).**
  31. **Id.**
  32. **TEX. HEALTH & SAFETY CODE ANN. §382.0622 (West Supp. 2002).**
  33. **TEX. TRANSP. CODE ANN. §548.501 (West Supp. 2002).**
  34. **TEX. ADMIN. CODE tit. 30, §114.52 (2002).**
  35. **Tex. Reg., Vol. 25, No. 37 at 9196 (September 15, 2000).**
  36. **Tex. Reg., Vol. 27, No. 1 at 277, 278 (January 4, 2002); TEX. ADMIN. CODE tit. 23, §23.93 (2002).**
  37. **TEX. ADMIN. CODE tit. 23, §23.95 (2002).**
  38. **H.B. 2134, 77th Tex. Leg., R.S. 2001, SECTION 1, Sec. 382.209.**
  39. **Id.**
  40. **Id.**
  41. **H.B. 2134, 77th Tex. Leg., R.S. 2001, SECTION 1, Sec. 382.202(g).**
  42. **See supra, note 38.**
  43. **H.B. 2134, 77th Tex. Leg., R.S. 2001, SECTION 1, Sec. 382.210.**
  44. **H.B. 2134, 77th Tex. Leg., R.S. 2001, SECTION 1, Sec. 382.212.**
  45. **H.B. 2134, 77th Tex. Leg., R.S. 2001, Fiscal Note, May 11, 2001.**

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46. TEX. ADMIN. CODE tit. 30, §§114.7, 114.60, 114.62, 114.64, 114.66, 114.68, 114.70 and 114.72 (2002); TEX. ADMIN. CODE tit. 23, §23.97 (2002).
  47. TEX. ADMIN. CODE tit. 30, §114.64 (2002).
  48. *Id.*
  49. *Id.*
  50. See *Evaluating Vehicle Emissions Inspection and Maintenance Programs*, National Research Council, July 2001.
  51. *Id.* at 1 and at 13.
  52. *Id.* at 2.
  53. *Id.* at 3 and 28.
  54. *Id.* at 38.
  55. Christopher Anderson, *Study casts doubt on air proposal, Emissions tests' impact on pollution questioned*, SAN ANTONIO EXPRESS NEWS, July 26, 2001.
  56. *Supra*, note 5.
  57. *Id.*
  58. *Id.*
  59. Neil Strassman, *Emission test sites may fall short*, FORT WORTH STAR TELEGRAM, February 15, 2002; Randy Lee Loftis, *Vehicles will be put to new test in May*, DALLAS MORNING NEWS, April 21, 2002; Tony Hartzel, *Half of inspection stations won't be ready on 1st day*, DALLAS MORNING NEWS, May 1, 2002.
  60. *Id.*; Neil Strassman, *Many vehicles fail new emissions test*, FORT WORTH STAR TELEGRAM, May 2, 2002; Rad Sallee, *Vehicle emissions testers working out technical bugs*, HOUSTON CHRONICLE, May 3, 2002.
  61. Dale Lezon, *Tougher pollution rules kick in today for car inspections*, HOUSTON CHRONICLE, May 1, 2002; Neil Strassman, *Exhausted*, FORT WORTH STAR TELEGRAM, May 1, 2002.
  62. INTERIM REPORT TO THE 77TH TEXAS LEGISLATURE, HOUSE COMMITTEE ON ENVIRONMENTAL REGULATION, (November 2000), at 1.9 and 1.13; Jason Grumet and Coralie Cooper, *Don't abandon checkups*, U.S.A. TODAY, July 25, 2001 (Editorial/Opinion); *EPA, states cling to flawed car emissions tests*, U.S.A. TODAY, July 25, 2001 (Editorial/Opinion).
  63. *Id.*, Grumet and Cooper.
  64. *AIR CHECK, Tailpipe emission tests will help cut Houston-area smog*, HOUSTON CHRONICLE, March 26, 2002 (Editorial/Opinion); *It's good for you*, FORT WORTH STAR TELEGRAM, April 23, 2002 (Editorial/Opinion); Neil Strassman, *Tougher emissions tests for cars start this week*, FORT WORTH STAR TELEGRAM, April 20,

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2002; *Behind the tests*, FORT WORTH STAR TELEGRAM, May 1, 2002 (Editorial/Opinion); Neil Strassman, *Exhausted*, FORT WORTH STAR TELEGRAM, May 1, 2002.

65. *Cleaning up Texas*, DALLAS MORNING NEWS, April 4, 2002 (Editorial/Opinion).
66. Kevin Carmody, *Central Texans support testing cars to reduce air pollution, survey finds*, AUSTIN AMERICAN STATESMAN, August 29, 2001.
67. Neil Strassman, *Emissions testing will get tougher*, FORT WORTH STAR TELEGRAM, March 19, 2002.
68. *Id.*