

STEVE COHEN

9TH DISTRICT, TENNESSEE

1005 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

TELEPHONE: (202) 225-3265
FAX: (202) 225-5663

CLIFFORD DAVIS/ODELL HORTON
FEDERAL BUILDING
167 NORTH MAIN STREET
SUITE 369
MEMPHIS, TN 38103

TELEPHONE: (901) 544-4131
FAX: (901) 544-4329

www.cohen.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-4209

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEES:
COURTS, COMMERCIAL AND
ADMINISTRATIVE LAW—RANKING MEMBER
CRIME, TERRORISM, AND
HOMELAND SECURITY

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:
AVIATION
HIGHWAYS AND TRANSIT
WATER RESOURCES AND ENVIRONMENT

March 14, 2012

The Honorable Bill Haslam
Governor of Tennessee
1st Floor, State Capitol
Nashville, TN 37243

Dear Governor Haslam:

I am writing to express my concerns regarding the State of Tennessee's decision to implement onboard diagnostic (OBD) system checks as part of the vehicle inspection and maintenance program. While I appreciate and support the State's work to reduce harmful emissions, I am concerned that the OBD program is a flawed approach that poses significant, undue financial costs to my constituents and creates only marginal environmental benefits.

Since the OBD program was implemented in Memphis, I have received countless complaints from Memphis residents who claim that they failed their vehicle inspection despite not having an emissions-related problem. In addition to this anecdotal evidence, I have personally experienced this problem. Several weeks ago, I failed the OBD test because my check engine light was illuminated. However, after several diagnostic examinations and the traditional tailpipe test, which I passed, it is abundantly clear that my vehicle does not have an emissions problem.

I am fortunate that I can afford the \$800 repair it is going to take for me to pass the inspection, but many of my constituents are less fortunate. With nearly one in five residents in metropolitan Memphis stuck below the poverty line (the highest level in the nation), many of my constituents are not able to afford the costly repairs that are a byproduct of failing the inspection. I find it inexcusable that cash-strapped, hard-working Memphians will have to spend hundreds of dollars on unnecessary repairs in order to pass the State's vehicle inspection.

In addition to my concerns with the efficacy of the OBD testing, I question the fairness of the emissions program as it is currently designed. Presently, Memphians shoulder the sole financial burden for reducing the city's vehicle emissions despite generating only a fraction of the emissions problem. With freight traffic crisscrossing Memphis en route to national destinations and thousands of non-Memphians driving into the city daily to work and shop, much of the emissions problem is generated by people living outside of the city. However, these individuals contribute nothing to resolving the problem, which I believe is inequitable and unjust treatment.

While OBD testing is a federal program, I have been informed by the Environmental Protection Agency that the decision to implement the program was made by the State of Tennessee. As a result, the State can decide to eliminate OBD emissions testing or to implement changes to the program that will make it less onerous. The City of Memphis already has a cost waiver in place and is presently working on a hardship waiver. While these are positive steps that I commend the City for taking, these waivers will not solve the problem.

Since the State of Tennessee decided to implement OBD testing, I hold the State responsible for ensuring that the program is effective and does not place onerous and undue financial strain on Memphians. I trust that you will work to find a solution to this unfortunate problem and offer my full support to your efforts.

As always, I remain,

Most sincerely,



Steve Cohen
Member of Congress