



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 06 2012

OFFICE OF
AIR AND RADIATION

The Honorable Steve Cohen
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cohen:

Thank you for your letter to Administrator Lisa Jackson of the U.S. Environmental Protection Agency expressing your concern over the City of Memphis' recent decision to begin testing model year 1996 and newer vehicles based upon the status of the "Check Engine" light (also known as onboard diagnostic or OBD testing). I appreciate and share your concern that your constituents not be subjected to costly and unnecessary repairs that do nothing to improve the environment (as suggested by members of the repair industry with whom you discussed the matter). I understand my staff discussed this matter with you during a conference call on February 27, 2012. I believe all parties have a better understanding of the situation as a result of that call, and I look forward to seeing how we can support the City of Memphis during this transition to OBD testing.

The OBD system is a critical part of a vehicle's emissions control system. The "Check Engine" light is designed to identify defective emissions related components and other system malfunctions likely to cause emissions to increase by 1.5 times the standard or higher. Given the proprietary nature of automotive design, manufacturers are allowed some discretion with regard to which systems need to be monitored to meet this Clean Air Act requirement, although the EPA does certify the final vehicle configuration, including the OBD system itself. Therefore, when the "Check Engine" light comes on, the repairs required are, by definition and statute, "emissions related." That is not the same thing as saying that every fault code set by OBD results immediately in high emissions, however. One of the benefits of OBD is its ability to detect relatively minor malfunctions before they've had a chance to poison the catalyst or lead to other, more expensive repairs.

While the Clean Air Act requires that certain vehicles be equipped with OBD – and that certain state emissions inspection programs include OBD testing – the decision to include OBD testing in the Memphis program was made by the State of Tennessee and the City of Memphis. Although the OBD program is discretionary in the case of Memphis, EPA supports the decision to incorporate such testing in the local program as a cost effective alternative to tailpipe testing that also protects the consumer, by providing accurate feedback regarding the effectiveness of the repairs performed.

Before closing, I should note that EPA has had experience with OBD testing in over 30 states plus the District of Columbia going back as far as 2000. And while many of these programs have had start-up experiences similar to those seen in Memphis, these OBD-based programs are running smoothly today. The EPA has met with the Tennessee Department of Environment and Conservation (TDEC) and the City of Memphis to provide technical assistance during this transition and we look forward to working with Memphis to achieve a similar result.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written in a cursive style.

Gina McCarthy
Assistant Administrator