

**HOUSE COMMITTEE ON AUDITS**

**April 26, 2005    Middleton Elementary School, Sherwood OR**

**2:00 P.M. Tapes 66 - 68**

**MEMBERS PRESENT:            Rep. Jerry Krummel, Chair**

**Rep. Alan Brown**

**Rep. Jackie Dingfelder**

**MEMBER EXCUSED:            Rep. Tom Butler, Vice-Chair**

**Rep. Diane Rosenbaum, Vice-Chair**

**STAFF PRESENT:                Jim Keller, Committee Administrator**

**Kellie Whiting, Committee Assistant**

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**MEMBERS PRESENT:            Rep. Gordon Anderson, Chair**

**Rep. John Lim**

**Rep. Bill Garrard**

**MEMBERS EXCUSED:            Rep. Mary Nolan, Vice-Chair**

**Rep. Patti Smith, Vice Chair**

**Rep. Phil Barnhart**

**Rep. Diane Rosenbaum**

**STAFF PRESENT:**                 **John Houser, Committee Administrator**  
**Mike Reiley, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**Department of Environmental Quality’s Vehicle Inspection Program-  
Informational Meeting**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker’s exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 66, A</b>		
002	Chair Krummel	Calls the Audits Committee to order at 2:15 p.m.
005	Chair Anderson	Calls the Environment Committee to order at 2:15p.m.
017	Chair Krummel	Explains that the meeting is a joint meeting with the House Audits and the House Environment Committees and explains the intent of the meeting. Opens the informational meeting on the Department of Environment Quality’s (DEQ) Vehicle Inspection Program.

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**DEPARTMENT OF ENVIRONMENT QUALITY’S VEHICLE INSPECTION PROGRAM –  
INFORMATIONAL MEETING**

032	Chair Anderson	Provides information on the Governor’s expansion in regards to admissions testing.
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034	Chair Krummel	Asks the members to introduce themselves.
045	Rep. Bill Garrard	House District 56.
047	Rep. John Lim	House District 50.
050	Rep. Gordon Anderson	House District 3.
054	Rep. Jerry Krummel	House District 26.
057	Rep. Jackie Dingfelder	House District 45.
058	Rep. Alan Brown	House District 10.
060	Andy Ginsburg	Air Quality Administrator, DEQ. Submits and reads from prepared testimony ( <b>EXHIBIT A</b> ). Submits and presents a PowerPoint presentation on the DEQ Vehicle Testing Program ( <b>EXHIBIT B</b> ).
130	Chair Anderson	Inquires what caused the change from 1883-1986 on ( <b>EXHIBIT B, page 4</b> ).
139	Ginsburg	Responds the weather is a component. Presents the three different types of tests, including the basic test, the enhanced test and the on-board diagnostic test. Explains the on-board diagnostic test.
168	Ginsburg	Explains the charges for testing the vehicles.
170	Chair Krummel	Inquires about the number of tests per-year.
171	Ginsburg	Responds 1.1-million test per-year, per biennium.
174	Chair Krummel	Inquires about the reasons for the failure rates.
190	Ginsburg	Responds about what affects the failure rates. Notes they can provide further data.
204	Chair Krummel	

Clarifies there is not a limit to the number of times a failed car can come through the testing site. Inquires about the cost for the cars in which are repeatedly failing and are continuing to come through random testing sites.

- 225 Ginsburg Responds the fee structures are set upon passage. Clarifies the intent of the program and asserts it does affect the cost. Comments on the policy choice to prevent difficulties for low-income drivers.
- 253 Rep. Garrard Inquires about the cost discrepancies for Portland and Medford.
- 264 Ginsburg Responds the Enhanced Vehicle Test is offered in Portland and notes on the staff issues, customer services and the resources used.
- 270 Chair Krummel Inquires about the low percentage of cars older than 1980 and asks why they continue to test the cars.
- 295 Ginsburg Responds about the percentage of older cars tested and the notes they could exempt them from the program, but there would be equity burdens for the public.
- 320 Chair Krummel Inquires when the maintenance plan will be updated.
- 336 Ginsburg Responds it will be updated in the next couple of years, was adopted in 1996 and was a ten-year plan. Presents customer service and different programs offered. Comment on the testing options including self-service testing and online testing programs. Provides a comparison of the programs in Oregon, Washington and California.
- 376 Chair Krummel Inquires if they are operated by the state.
- 383 Ginsberg Responds that Washington is operated by private contractors and in California, it is a de-centralized program. Refers to the Report in response to the Gary Adams Report (**EXHIBIT C**) and the responses to Rep. Krummels's questions (**EXHIBIT D**). Summarizes the steps taken to ensure accuracy in the tests. Submits and refers to the testimonial letter from Rob Klausmeier (**EXHIBIT E**) in regards to the Vehicle Testing Program.

#### **TAPE 67,A**

- 002 Rep. Brown Inquires if they maintain a databank of the vehicles checked.

020	Ginsburg	Concurs.
022	Ted Kasakiss	Vehicle Inspection Program Manager, DEQ. Responds that the database does not keep personal information, but does keep detailed information on the Vehicle Identification Number (VIN).
032	Rep. Brown	Comments about the ability to identify age and admission problems.
037	Kasakiss	Concurs.
047	Rep. Lim	Asks for the percentage of vehicles that pass the admissions tests.
052	Kasakiss	Responds the overall fail rate runs 12%.
054	Rep. Lim	States that if 88% pass, it is a waste of money and asks if there is a proactive way to prevent wasting money.
063	Kasakiss	Explains the mechanisms in work to prevent certain vehicles from coming in to be tested.
088	Rep. Lim	Expresses concern over waste.
098	Ginsburg	Explains the mileage and maintenance issues.
106	Chair Krummel	Inquires about access to the internet testing.
112	Ginsburg	Explains the process.
118	Rep. Dingfelder	Inquires about the initial success rate.
122	Kasakiss	Responds the percentage represents the total look at the total number of tests in the year.
128	Rep. Dingfelder	Requests the information.
132	Ginsburg	Responds he can retrieve the information.

134	Kasakiss	Responds about maintenance done prior to the DEQ testing, demographics and trends.
156	Rep. Dingfelder	Speaks about the failure rates in her district and inquires if the program is a tool or is required.
170	Ginsburg	Responds the program was adopted as a part of the Air Quality Maintenance Program. Explains the selection of strategies and participants.
208	Rep. Dingfelder	Inquires what happens if the program fails.
214	Ginsburg	Responds if the implementation fails, there would be sanctions imposed by the federal government. Explains the sanctions.
245	Chair Anderson	Inquires about the standards.
256	Ginsburg	Explains the public advisories and the actions to reduce admissions.
277	Gary Adams	Submits the Gary Adams Report ( <b>EXHIBIT F</b> ). Testifies in opposition of the DEQ Vehicle-Testing Program Explains his experience with the DEQ testing sites. Asserts there are discrepancies in the tests and testing sites. Comments his vehicle received six passes and seven fails. Presents the reasons he received explaining the discrepancies in results. Explains the diagnosis he received and the requested data from DEQ. Explains the confounds of his research. Presents ( <b>EXHIBIT F, page 4</b> ).

#### **TAPE 66, B**

042	Adams	Presents the change in failure rates from 2000-2004. Presents page five and seven. Presents page nine. Comments on the request for information and the response given. Presents and explains pages 15 and 16.
119	Rep. Dingfelder	Inquires about the statistical analysis conducted.
134	Adams	Responds about third parties looking at the data.
150	Ginsburg	Responds about the parties in which assisted in the protocol and the design of the audits for existing Vehicle Inspection Programs.

Comments on the national scale level, looking at overall failure rates. Explains the statistical and relating oversight.

- 173 Chair Anderson Inquires about the failure rate.
- 179 Ginsburg Responds about the amount of checks and the analyzers in which conduct the checks. Touches on the calibration problems detected by the enhanced tests. Explains the problems when Mr. Adams brought his car in and explains that the calibrations process was being upgraded and the lanes were reconfigured to solve any future problems. Explains the problems with lane two, including the repairs in detail.
- 234 Chair Anderson Requests Mr. Adams to comment on the previous statements.
- 236 Adams Reiterates the issue of validity in regards to the different stations. Asserts there is not analysis of each lane.
- 277 Rep. Garrard Inquires who requested the letter from Mr. Klausmeier (**EXHIBIT E**) and expresses concern over the intent of the letter and asks if Mr. Klausmeier conducts checks of the facilities.
- 294 Ginsburg Responds that DEQ requested the letter from Mr. Klausmeier because he is a recognized expert on vehicle inspection programs. Clarifies Mr. Klausmeier did not assist in building the program, but was a consultant in the design.
- 330 Adams Comments on an independent audit.
- 309 Chair Krummel Comments on the concern over unneeded repairs and costs.
- 368 Jim Houser Hawthorne Auto Clinic, Inc. Submit and reads prepared testimony (**EXHIBIT G**). Comments their procedures rarely conflict with DEQ's results and notes that vehicles in which fail tests, almost always have a identifiable emission problem. Submits prepared testimony of John Bendit (**EXHIBIT H**).

#### **TAPE 67, B**

- 059 Felix LaPlante Concurs with the former testimony of Jim Houser. Comments on the inspection process.

075	Rep. Garrard	Inquires who invited Mr. Houser and Mr. LaPlante to testify.
078	LaPlante	Responds the manager from the DEQ testing center.
079	Houser	Responds the Executive Director of the Northwest Automotive Trade Association invited him.
082	Rep. Dingfelder	Inquires about the persons who have fixed the car, failed the test, fixed the car and failed again. Inquires if the situation would raise a red flag.
088	LaPlante	Responds that vehicles have to be maintained. Responds that the mechanics do not have the same quality of testing equipment that the DEQ testing center does. Notes that they will drive the vehicle to the DEQ testing center to have checks. Responds about the different variables considered in the test results.
119	Chair Krummel	Inquires if the panel agrees that the onboard diagnostics system will be more accurate.
121	Houser	Concurs.
130	John Bailey	Automotive Instructor. States he has worked closely with the mechanics in which have provided testimony and with the DEQ testing center. Concurs with the former testimony with respect to different variables. Expresses he feels the Vehicle Inspection Program should be recognized statewide.
182	Rep. Dingfelder	Concurs with Mr. Bailey's testimony in regards to the testing being based on the home address, not where the vehicles commute to and from.
188	Bailey	Responds about the illegalities if visual admissions.
195	Chair Krummel	Inquires if there are different variables, how do we know which cars are the polluters.
206	Bailey	Responds about vehicles with onboard computers, inputs, outputs, and sensors to detect density and air pollutants. Notes maintenance is a key issue. Comments on the accuracy of the equipment.



273	Tyler Ellenson	Tyler's Automotive, Tigard and Wilsonville, OR. Concur with the former testimony from Mr. Ginsburg and Mr. Kasakiss. Comments on the validity of failing an admission test. Comments on the identification of problem areas and causes of failure. Compliments the DEQ.
325	Rep. Dingfelder	Inquires about the variability.
340	Ellenson	Responds they test for the specific failing components.
366	Darrel Fuller	Comments on the computer technology built into the cars. Expresses that the DEQ is committed to the assistance with admissions control and to assist the consumer. Comments on the innovative resources DEQ uses.

**TAPE 68, A**

010	Fuller	Comments on the requirements for DEQ certification. Comments on the Governor's intent to adopt California's admission policy.
038	Chair Krummel	Responds about the Governor's intent.
050	Chair Anderson	Comments on the DEQ testing.
056	Rep. Lim	Expresses support for the DEQ and the corrective action needed.
060	Chair Anderson	Closes the Environment Committee.
061	Chair Krummel	Closes the informational meeting on the Department of Environment Quality's Vehicle Inspection Program and adjourns the meeting at 5:00 p.m.

**EXHIBIT SUMMARY**

- A. Environmental Quality, Dept. of, prepared testimony, Andy Ginsburg, 3 pp**
- B. Environmental Quality, Dept. of, PowerPoint, Andy Ginsburg, 7 pp**

- C. Environmental Quality, Dept. of, report, Andy Ginsburg, 25 pp**
- D. Environmental Quality, Dept. of, responses, Andy Ginsburg, 15 pp**
- E. Environmental Quality, Dept. of, testimonial letter of Rob Klausmeier, Andy Ginsburg, 4 pp**
- F. Environmental Quality, Dept. of, Report, Gary Adams, 22 pp**
- G. Environmental Quality, Dept. of, prepared testimony, Jim Houser, 2 pp**
- H. Environmental Quality, Dept. of, prepared testimony of John Bendit, Jim Houser, 1 p**