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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
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November 6, 2003

Honorable Allen D. Biehler, P.E., Secretary
Department of Transportation
Keystone Building, 8th Floor
400 North Street
Harrisburg, PA 17120

Re: Regulation #18-384 (IRRC #2362)
Department of Transportation
Enhanced Emission Inspection Program

Dear Secretary Biehler:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Alvin C. Bush
Vice Chairman
wbg
Enclosure

cc: Honorable Roger A. Madigan, Chairman, Senate Transportation Committee
Honorable J. Barry Stout, Minority Chairman, Senate Transportation Committee
Honorable Richard A. Geist, Majority Chairman, House Transportation Committee
Honorable Keith R. McCall, Democratic Chairman, House Transportation Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held November 6, 2003

John R. McGinley, Jr., Esq., Chairman, by Phone
Alvin C. Bush, Vice Chairman
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq.

Regulation No. 18-384
Department of Transportation
Enhanced Emission Inspection Program

On September 11, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 177. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On October 10, 2003, the Department tolled the review of this regulation and simultaneously submitted revisions to correct typographical errors and clarify specific provisions in the regulation.

In response to federal standards imposed by the Clean Air Act, the Department is incorporating on-board diagnostic testing (OBD) in its emission inspection program. Annual OBD inspections of 1996 model year and newer vehicles will be required in 17 counties in the Philadelphia, Pittsburgh, Lehigh Valley and South Central regions of the state. Tailpipe testing will still be required for older vehicles in the Philadelphia and Pittsburgh regions. Annual visual inspections and gas cap tests will be required in eight counties across northern Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the Department (75 P.S. §§ 4706 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Alvin C. Bush, Vice Chairman