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Background on Legal Requirements for Emissions Inspections

Motor vehicle inspection and maintenance (I/M) programs are an integral part of maintaining Vermont's air quality because motor vehicles are the largest source of air pollution. Today's cars and trucks depend on properly functioning emission controls to keep pollution levels low. Even minor malfunctions in the emission control system can increase emissions significantly. For example, if a vehicle's check engine light is illuminated, this means that the manufacturer has determined the vehicle emissions are increased by 50% or more due to an emissions control system or part failure. Effective I/M programs can identify these problem vehicles and ensure their repair.

The federal Clean Air Act, 42 U.S.C. § 7511c, specifically requires Vermont to follow the "enhanced vehicle inspection and maintenance" requirements described in 40 C.F.R. Part 51, Subpart S. These implementing regulations of the U.S. Environmental Protection Agency (EPA) set forth inspection criteria; program scope; enforcement against motorists, contractors, and inspection stations for noncompliance; data collection, analysis, and reporting; inspector training and certification; and other requirements.

The regulations assume an annual emissions test frequency unless a required emissions performance standard is met. 40 C.F.R. §51.351. To change Vermont's annual inspection requirement, as proposed in bill [S.211](#), the Agency of Natural Resources would need to conduct extensive technical modeling to determine whether this performance standard can be met. If the performance standard can be met, then the Agency will need to amend its State Implementation Plan (SIP) and seek approval from EPA. A SIP is a document that provides emissions limitations and other control measures as may be necessary to meet the federal Clean Air Act's air quality standards. Once approved by EPA, a SIP is federally enforceable.

Importantly, a state law to change emissions inspection requirements cannot supersede the federal Clean Air Act requirements or SIP process. On January 27, 2026, a federal district court judge confirmed this federal process and [issued a preliminary injunction ordering](#) New Hampshire state officials to stop taking any action to terminate, suspend, or cease implementation or enforcement of NH's vehicle inspection and maintenance program, as codified in their SIP, unless the EPA grants final approval of a revised SIP that modifies the program. Without an approved SIP revision, implementation of NH's state law to end vehicle inspections violated the Clean Air Act. This federal court case is relevant to Vermont's bill [S.211](#) because the court order confirms that the Clean Air Act requires EPA to approve any modifications to state emissions inspection programs through the SIP process.