

§51.367

40 CFR Ch. I (7-1-08 Edition)

(e) *Additional reporting requirements.* In addition to the annual reports in paragraphs (a) through (d) of this section, programs shall submit to EPA by July of every other year, biennial reports addressing:

(1) Any changes made in program design, funding, personnel levels, procedures, regulations, and legal authority, with detailed discussion and evaluation of the impact on the program of all such changes; and

(2) Any weaknesses or problems identified in the program within the two-year reporting period, what steps have already been taken to correct those problems, the results of those steps, and any future efforts planned.

(f) *SIP requirements.* The SIP shall describe the types of data to be collected.

[57 FR 52987, Nov. 5, 1992, as amended at 61 FR 40945, Aug. 6, 1996; 65 FR 45534, July 24, 2000; 66 FR 18178, Apr. 5, 2001]

§51.367 Inspector training and licensing or certification.

All inspectors shall receive formal training and be licensed or certified to perform inspections.

(a) *Training.* (1) Inspector training shall impart knowledge of the following:

(i) The air pollution problem, its causes and effects;

(ii) The purpose, function, and goal of the inspection program;

(iii) Inspection regulations and procedures;

(iv) Technical details of the test procedures and the rationale for their design;

(v) Emission control device function, configuration, and inspection;

(vi) Test equipment operation, calibration, and maintenance (with the exception of test procedures which either do not require the use of special equipment or which rely upon a vehicle's OBD system);

(vii) Quality control procedures and their purpose;

(viii) Public relations; and

(ix) Safety and health issues related to the inspection process.

(2) If inspector training is not administered by the program, the responsible State agency shall monitor and evaluate the training program delivery.

(3) In order to complete the training requirement, a trainee shall pass (*i.e.*, a minimum of 80% of correct responses or lower if an occupational analysis justifies it) a written test covering all aspects of the training. In addition, a hands-on test shall be administered in which the trainee demonstrates without assistance the ability to conduct a proper inspection and to follow other required procedures. Inability to properly conduct all test procedures shall constitute failure of the test. The program shall take appropriate steps to insure the security and integrity of the testing process.

(b) *Licensing and certification.* (1) All inspectors shall be either licensed by the program (in the case of test-and-repair systems that do not use contracts with stations) or certified by an organization other than the employer (in test-only programs and test-and-repair programs that require station owners to enter into contracts with the State) in order to perform official inspections.

(2) Completion of inspector training and passing required tests shall be a condition of licensing or certification.

(3) Inspector licenses and certificates shall be valid for no more than 2 years, at which point refresher training and testing shall be required prior to renewal. Alternative approaches based on more comprehensive skill examination and determination of inspector competency may be used.

(4) Licenses or certificates shall not be considered a legal right but rather a privilege bestowed by the program conditional upon adherence to program requirements.

(c) *SIP requirements.* The SIP shall include a description of the training program, the written and hands-on tests, and the licensing or certification process.

[57 FR 52987, Nov. 5, 1992, as amended at 65 FR 45534, July 24, 2000]

§51.368 Public information and consumer protection.

(a) *Public awareness.* The SIP shall include a plan for informing the public on an ongoing basis throughout the life of the IM program of the air quality problem, the requirements of Federal and State law, the role of motor vehicles in the air quality problem, the

need for and benefits of an inspection program, how to maintain a vehicle in a low-emission condition, how to find a qualified repair technician, and the requirements of the I/M program. Motorists that fail the I/M test in enhanced I/M areas shall be offered a list of repair facilities in the area and information on the results of repairs performed by repair facilities in the area, as described in § 51.369(b)(1) of this subpart. Motorists that fail the I/M test shall also be provided with information concerning the possible cause(s) for failing the particular portions of the test that were failed.

(b) *Consumer protection.* The oversight agency shall institute procedures and mechanisms to protect the public from fraud and abuse by inspectors, mechanics, and others involved in the I/M program. This shall include a challenge mechanism by which a vehicle owner can contest the results of an inspection. It shall include mechanisms for protecting whistle blowers and following up on complaints by the public or others involved in the process. It shall include a program to assist owners in obtaining warranty covered repairs for eligible vehicles that fail a test. The SIP shall include a detailed consumer protection plan.

[57 FR 52987, Nov. 5, 1992, as amended at 65 FR 45534, July 24, 2000]

§ 51.369 Improving repair effectiveness.

Effective repairs are the key to achieving program goals and the State shall take steps to ensure the capability exists in the repair industry to repair vehicles that fail I/M tests.

(a) *Technical assistance.* The oversight agency shall provide the repair industry with information and assistance related to vehicle inspection diagnosis and repair.

(1) The agency shall regularly inform repair facilities of changes in the inspection program, training course schedules, common problems being found with particular engine families, diagnostic tips and the like.

(2) The agency shall provide a hot line service to assist repair technicians with specific repair problems, answer technical questions that arise in the repair process, and answer questions

related to the legal requirements of State and Federal law with regard to emission control device tampering, engine switching, or similar issues.

(b) *Performance monitoring.* (1) In enhanced I/M program areas, the oversight agency shall monitor the performance of individual motor vehicle repair facilities, and provide to the public at the time of initial failure, a summary of the performance of local repair facilities that have repaired vehicles for retest. Performance monitoring shall include statistics on the number of vehicles submitted for a retest after repair by the repair facility, the percentage passing on first retest, the percentage requiring more than one repair/retest trip before passing, and the percentage receiving a waiver. Programs may provide motorists with alternative statistics that convey similar information on the relative ability of repair facilities in providing effective and convenient repair, in light of the age and other characteristics of vehicles presented for repair at each facility.

(2) Programs shall provide feedback, including statistical and qualitative information to individual repair facilities on a regular basis (at least annually) regarding their success in repairing failed vehicles.

(3) A prerequisite for a retest shall be a completed repair form that indicates which repairs were performed, as well as any technician recommended repairs that were not performed, and identification of the facility that performed the repairs.

(c) *Repair technician training.* The State shall assess the availability of adequate repair technician training in the I/M area and, if the types of training described in paragraphs (c)(1) through (4) of this section are not currently available, shall insure that training is made available to all interested individuals in the community either through private or public facilities. This may involve working with local community colleges or vocational schools to add curricula to existing programs or start new programs or it might involve attracting private training providers to offer classes in the area. The training available shall include: