



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

Author: Amanda Goodman, Attorney  
Reviewer: Bill Rowland, Division Chief

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## E-Check

The federal Clean Air Act requires states to take certain measures to control air pollution. Beginning in 1993, Ohio opted to implement a vehicle emissions testing program known as E-Check in an effort to meet these federal air pollution control requirements. The Ohio Environmental Protection Agency (OEPA) oversees and implements E-Check. This Members Brief provides a general overview of E-Check, how it operates, a discussion of where E-Check is required, a snapshot of the history of E-Check, and the latitude states have to eliminate or replace the E-Check Program.

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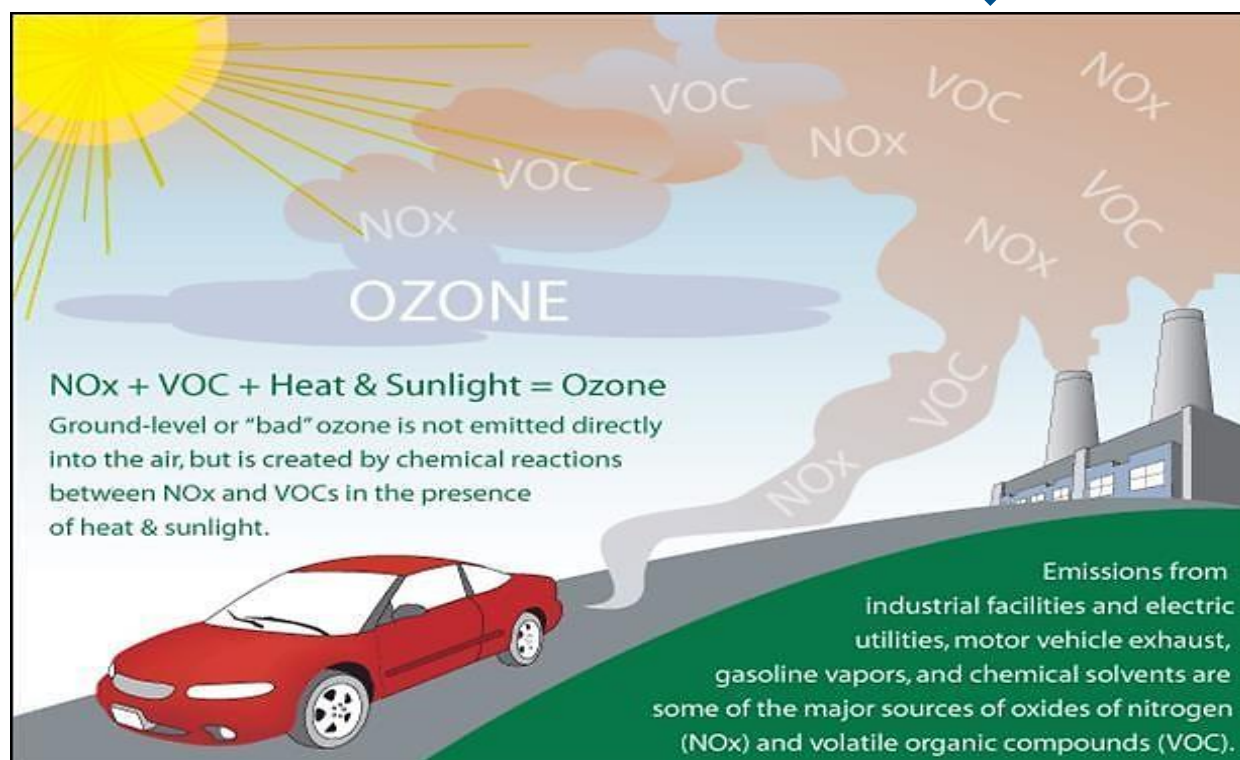
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## Background

The federal Clean Air Act Amendments of 1990 revised requirements for attaining and maintaining National Ambient Air Quality Standards (NAAQS) for specific criteria pollutants, including ozone and carbon monoxide (CO). The Act was designed to bring areas with high levels of these pollutants into compliance with NAAQS. Under the Act, each state must devise and carry out a state implementation plan to ensure that NAAQS are met and maintained. Areas of a state that violate NAAQS are designated as nonattainment areas.<sup>1</sup>

As shown in Figure 1, ozone is formed mainly when volatile organic compounds (VOCs) react with nitrogen oxides (NO<sub>x</sub>). VOCs are released by cars burning gasoline, petroleum refineries, chemical manufacturing plants, and other industrial facilities. NO<sub>x</sub> is formed by burning fuels such as gasoline, coal, and oil. CO is released through the process of burning fuels and other items.

**Figure 1: Ozone Formation<sup>2</sup>**



<sup>1</sup> Other criteria pollutants include particulate matter, sulfur dioxide, nitrogen oxides, and lead. See U.S. Environmental Protection Agency (USEPA), [Criteria Air Pollutants](#) and [The Plain English Guide to the Clean Air Act, April 2007 \(PDF\)](#). Both are available at USEPA's website, [epa.gov](http://epa.gov).

<sup>2</sup> USEPA, [Ground-level Ozone Basics](#), which is available at USEPA's website, [epa.gov](http://epa.gov).

The Act further classifies nonattainment areas based on the severity of air pollution for a particular criteria pollutant in that area. For example, the categories of nonattainment for ozone (in order of increasing severity) are:

- Marginal;
- Moderate;
- Serious;
- Severe;
- Extreme.<sup>3</sup>

The types of air pollution control measures that an area must implement depend on which category of nonattainment applies. For example, a state must implement a basic motor vehicle inspection and maintenance (IM) program as one of its measures in an area designated as moderate nonattainment for ozone. An enhanced IM program must be implemented in an area designated as serious or severe nonattainment for ozone (E-Check is an enhanced program). A state may choose to implement an enhanced IM program in an area designated moderate nonattainment for ozone in order to achieve greater emissions reductions. (Note: Federal law requires states to implement IM programs in CO nonattainment areas as well.)<sup>4</sup>

After an area achieves attainment for a pollutant, the state must be able to show that it will continue to maintain attainment status for that pollutant for ten years. Thus, air pollution control technologies that are required to achieve attainment also may be necessary for maintaining attainment status.<sup>5</sup>

## What is E-Check?

According to a representative of the Ohio Environmental Protection Agency (OEPA):

E-Check is a vehicle testing program that is designed to identify motor vehicles that emit excessive levels of pollutants into the air. Among the other emissions control options considered by the legislature, E-Check was the most cost-efficient measure to reduce the volatile organic compounds (VOCs) that form ground-level ozone or smog.

When E-Check first began, it used a tailpipe emissions test called I/M 240, a 240-second test. During the test, a vehicle was driven on a dyne (treadmill) and its tailpipe emissions were measured. In 2000, that test was replaced with Acceleration Simulation Mode (ASM) 2525. ASM 2525 is similar to I/M 240 but is perceived to cause less stress on the vehicle. In January 2004, a new, federally mandated test known as On-Board Diagnostics (OBD II) was

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<sup>3</sup> 42 United States Code (U.S.C.) § 7511.

<sup>4</sup> An enhanced IM program is required for areas designated as moderate or serious nonattainment for carbon monoxide (see 42 U.S.C. § 7512a).

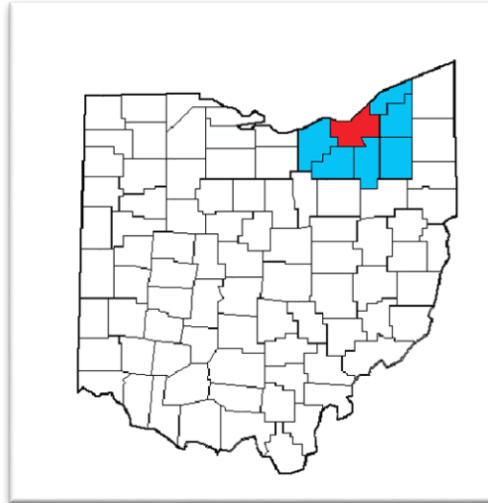
<sup>5</sup> 42 U.S.C. § 7505a.

implemented. OBD II is now required for any vehicle that is registered in an E-Check county and that is subject to the E-Check program (see below).

### Counties currently required to implement E-Check

As illustrated in Figure 1.2, under USEPA's current eight-hour ozone standard and Ohio's state implementation plan, only the Cleveland-Akron area is required to implement E-Check. That area includes Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties.

**Figure 2: Map<sup>6</sup>**



### Vehicles subject to E-Check

In an E-Check county, only specific types of vehicles must undergo E-Check. Vehicles subject to E-Check include all gasoline and diesel-fueled vehicles (including flexible fuel and hybrid vehicles) to which all of the following apply:

- The vehicle has a gross vehicle weight rating (GVWR) of 10,000 lbs. or less;
- The vehicle is between four and 25 years old (vehicles four years old or newer are exempt from E-Check); and
- The vehicle is registered in an E-Check county.

Vehicles that are permanently exempt from testing under the program include:

- Vehicles with a GVWR of more than 10,000 lbs.;
- Motorcycles, recreational vehicles, and mobile homes; and

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<sup>6</sup> OEPA, [The Purpose of E-Check: Why do only seven counties have e-check?](#), available on OEPA's website, [epa.ohio.gov](http://epa.ohio.gov), by clicking "Air Pollution Control" under "Divisions," then click "E-Check" and then "The Purpose of E-Check." Red indicates Cuyahoga County.

- Historical and collector's vehicles.<sup>7</sup>

Thus, most large vehicles such as buses, semi-trucks, and dump trucks are not required to undergo testing. According to OEPA, this is not a federal requirement and states have discretion in this area. Other states have enacted vehicle emissions testing requirements with weight requirements that differ from Ohio's.<sup>8</sup>

## Testing

Vehicles with an odd-numbered model year must be tested during odd-numbered years, and vehicles with an even-numbered model year must be tested during even-numbered years. For example, any vehicle subject to the program that has an even-numbered model year must be tested in 2024.<sup>9</sup>

The owner or lessee of a vehicle that fails E-Check emissions standards may be required to make certain repairs to bring the vehicle into compliance. However, waivers, extensions, and exemptions are available. A person residing in an E-Check county must submit proof of E-Check completion every other year as part of the motor vehicle's annual registration.<sup>10</sup>

In July 2022, OEPA implemented self-service kiosk locations for vehicle testing in addition to in-person testing locations (known as stations). Kiosk locations are open 24 hours a day, seven days a week. Those who are required to have their vehicles tested may visit the [Ohiocheck.info](https://ohiocheck.info) website to find the closest kiosk or station location.<sup>11</sup>

## History

The timeline on the following page provides a brief overview of the history and development of E-Check in Ohio. Please note that it is not a complete history, but instead provides a snapshot of historical events that impacted the Ohio E-Check Program. As illustrated by the timeline, the Cleveland-Akron area is currently in nonattainment status for ozone and, as a result, E-Check is required in the counties that comprise that area.<sup>12</sup>

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<sup>7</sup> See OEPA, [Exemptions and Extensions: What is a Permanent Exemption?](#), available on OEPA's website, [epa.ohio.gov](https://epa.ohio.gov), by clicking "Air Pollution Control" under "Divisions," then click "E-Check" and then "Exemptions and Extensions."

<sup>8</sup> See, e.g., 67 Pa. Code § 177.101. Gasoline-powered motor vehicles with a model year of 1975 and newer with a GVWR of 9,000 pounds or less and registered in an I/M county or region are subject to an emission inspection in Pennsylvania.

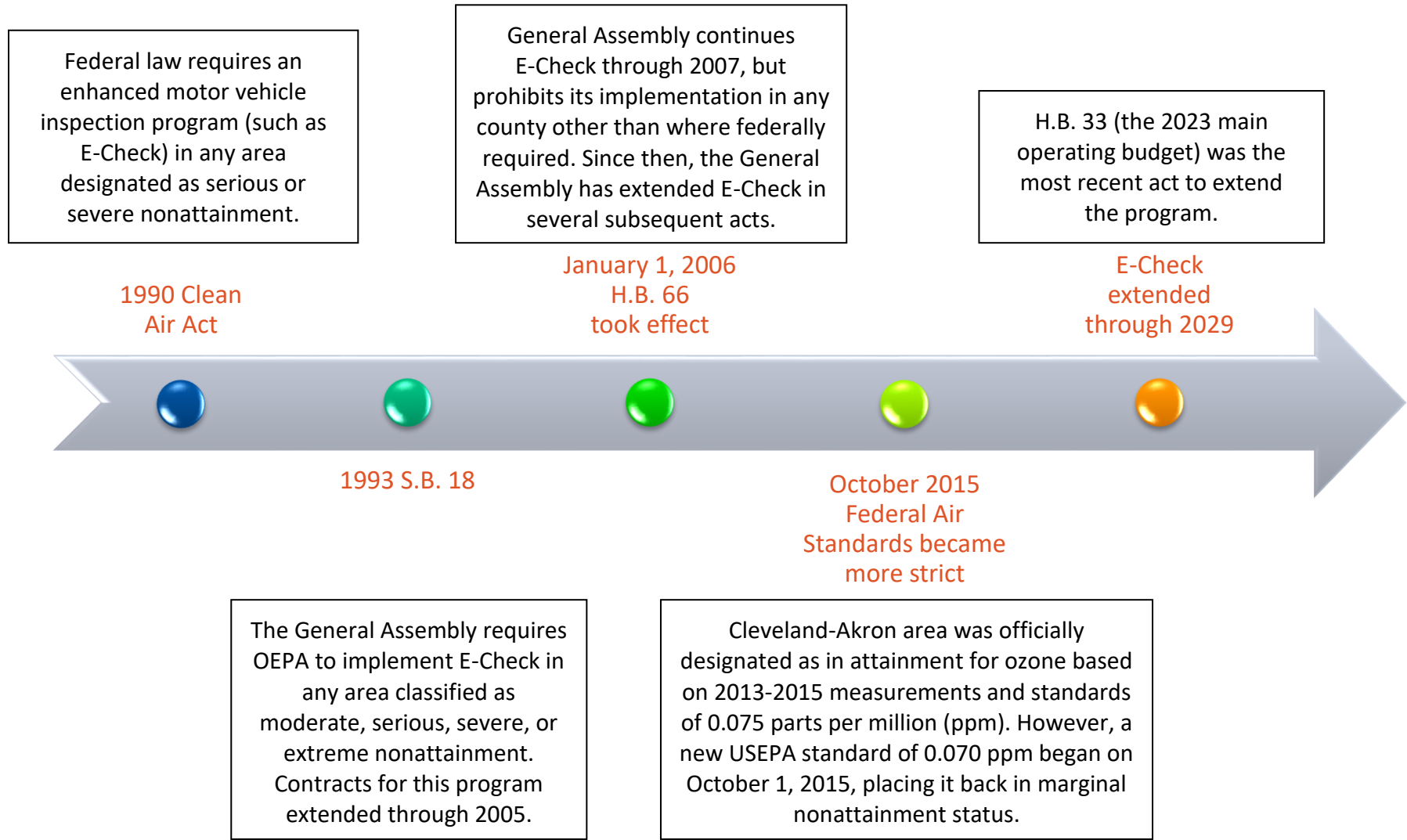
<sup>9</sup> OEPA, [E-Check](#), available on OEPA's website, [epa.ohio.gov](https://epa.ohio.gov), by clicking "Air Pollution Control" under "Divisions" and then clicking "E-Check."

<sup>10</sup> R.C. 4503.10(I)(1); Ohio Administrative Code 3745-26-12. See OEPA, [Exemptions and Extensions](#), available on OEPA's website, [epa.ohio.gov](https://epa.ohio.gov), by clicking "Air Pollution Control" under "Divisions," then click "E-Check" and then "Exemptions and Extensions."

<sup>11</sup> See OEPA, ["E-Check."](#)

<sup>12</sup> See USEPA, [Current Nonattainment Counties for All Criteria Pollutants](#), which is available at USEPA's website, [epa.gov](https://epa.gov).

**Figure 1.3: Timeline**



## **Latitude to eliminate or replace E-Check**

Because E-Check is a component of Ohio's state implementation plan (required under the federal Clean Air Act), eliminating E-Check would require Ohio to find alternative air pollution control measures to meet the federal air quality standards. According to OEPA, lack of viable alternative options, cost, timing, and the emissions reductions achieved through E-Check make it a difficult program to eliminate or replace. Finally, according to an OEPA representative:

If states fail to comply with the Clean Air Act nonattainment requirements, the [federal government] can withhold federal highway money<sup>13</sup> from Ohio. Also, if a state fails to meet the air quality standard . . . , the area will be "bumped up" into a higher category of nonattainment and be required to implement additional controls.

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<sup>13</sup> 42 U.S.C. § 7509.