



Translation of the original French

Québec, May 7, 2012

Ms. Danielle Doyer
Chair, Committee on Transportation and the Environment
Hôtel du Parlement
1045, rue des Parlementaires, bureau 2.53
Québec (Québec) G1A 1A4

Subject: Bill 48, *An Act concerning the environmental inspection of motor vehicles*

Dear Ms. Doyer:

The Québec Ombudsman reviews all bills tabled in the National Assembly. When the Ombudsman deems it necessary, it intervenes under section 27.3 of its constituting act, which empowers it to call to the attention of the chief executive officer of a public body or to the government such legislative, regulatory or administrative reforms as it deems to be in the public interest. It is in this manner that I became acquainted with Bill 48.

Bill 48 amends the *Environmental Quality Act*¹ in order to include the new powers required to implement the Programme d'inspection et d'entretien des véhicules automobiles (automobile inspection and maintenance program, hereinafter referred to as the "inspection program"). It also amends the *Highway Safety Code*² in order to make the registration of road vehicles and the right to drive on public highways contingent on a certificate of environmental compliance which may be issued on completion of the inspection program.

I would first like to emphasize that the Québec Ombudsman is committed to the government's campaign against atmospheric pollution and to its objective of reducing greenhouse gas (GHG) emissions by 20% below 1990 levels by 2020.

¹ R.S.Q., chapter Q-2

² R.S.Q., chapter C-24.2

The document entitled *Inventaire québécois des émissions de gaz à effet de serre en 2009 et leur évolution depuis 1990*³ (Québec inventory of greenhouse gas emissions in 2009 and the evolution of such emissions since 1990) provides a portrait of GHG emissions by sector. This document shows that the transport sector accounts for 43.5% of all GHG emissions in Québec and that highway transportation is responsible, on its own, for 76.1% of transport sector emissions. Thus, it seems justifiable to put into place measures that aim to reduce the GHG emissions produced by this sector. I understand that the implementation of the inspection program is one of the methods chosen to reach this emissions reduction goal.

Nevertheless, I have a few questions about the implications that such a program could have on citizens, especially those who own a vehicle manufactured more than eight years ago. The fact that the main parameters of this program were not outlined before the bill's adoption contributes to these lingering questions even after the bill's reading.

1. The possible implications for affected citizens

Generally speaking, persons who possess or acquire an older vehicle are more likely to have a low income. It follows that certain owners continue to use such vehicles in order to avoid having to pay for a newer model.

Faced with such a context, I am worried about the procedures and additional costs that these owners will face at each step of the program, from inspection to repairs and, if applicable, a second inspection for the repaired vehicle.

I am particularly worried by additional costs when I consider the second and third phases of the inspection program, as described in the press release⁴ issued when this bill was tabled. According to the planned progression, the inspection program will initially apply only to vehicles eight years or older whose ownership changes. During the second phase, every vehicle older than eight years of age will be subject to a mandatory environmental inspection every two years. At the third and final phase, a mechanical inspection will be added to this process. All of this means additional and recurrent costs for an increasing number of people who own vehicles that are eight years of age or older.

³ MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS, *Inventaire québécois des émissions de gaz à effet de serre en 2009 et leur évolution depuis 1990*, Direction des politiques de la qualité de l'atmosphère, November 2011, p. 6, online: [<http://www.mddep.gouv.qc.ca/changements/ges/2009/inventaire1990-2009.pdf>] (accessed on February 17, 2012).

⁴ MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS, *Le Québec en route vers un Programme d'inspection et d'entretien des véhicules automobiles (PIEVA)*, press release issued on December 7, 2011, online: [<http://www.mddep.gouv.qc.ca/Infuseur/communiqu.asp?no=2010>] (accessed on April 17, 2012).

Thus, I wonder about the equitable nature of such general measures imposed on all owners of vehicles eight years or older who wish to sell their vehicles when the available data tells us that very few of these vehicles require repair. In 2010, there were 4,754,539 automobiles or light trucks⁵ in Québec. The Ministère du Développement durable, de l'Environnement et des Parcs (Department) predicts that about 450,000 of these vehicles will be subjected annually to an environmental inspection during the first phase of the program. Of the vehicles inspected, the Department estimates that 59,000 vehicles are likely to fail inspection and require repairs.⁶ This means that during the first phase of inspection, 1.2% of all light vehicles currently driven in Québec are likely to fail inspection by emitting too much GHGs and thus require repairs.

I also wonder about the impact of the cost of implementing and maintaining the inspection program for owners of the vehicles in question:

- Are the program and its associated cost to the motorists in question proportional to the expected benefit, that is, a reduction in GHG emitted by 1.2% of all light vehicles currently driven in Québec?
- Have we evaluated the economic impact on vehicle owners who will be subject to this inspection program?
- Have we considered other measures to reduce automobile GHG emissions that avoid targeting low-income individuals and households?

Furthermore, should Bill 48 be adopted without modification, I think that measures should be put in place to clarify fees for citizens. The cost of inspection could thus be limited or determined by regulation. Likewise, if the establishment that performs the inspection also provides repair services, the second inspection might not be required. Finally, the possibility that environmental inspections could be made by all garage operators during regular maintenance, for example, should be seriously considered.

2. Disclosure of the inspection program's main parameters

I am equally concerned by the fact that examination of Bill 48 is to be undertaken without knowledge of the government's parameters for the inspection program. The bill limits itself to granting the regulatory powers needed to fully define the program at a later date.

⁵ SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, *Bilan 2010 : accidents parc automobile et permis de conduire*, p. 150, online:

[<http://www.saaq.gouv.qc.ca/rdsr/sites/files/12011003.pdf>] (accessed on April 17, 2012).

⁶ MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS, *Programme d'inspection et d'entretien des véhicules automobiles*, online: [<http://www.mddep.gouv.qc.ca/communiqués/2011/c20111207-pieva.pdf>] (accessed on April 2, 2012).

In fact, the only indications of the nature of the measures to be included in the future regulation were found in the press release issued when the bill was tabled and during the press conference that followed.

In the bill's current form, neither parliamentarians nor the persons or organizations affected by the bill are able to publicly give their opinions about the inspection program's main parameters. Thus, they are called upon to give their approval to a bill that will greatly affect citizens, the scope of which remains unknown. The bill amends the *Highway Safety Code*, making vehicle registration and the right to put a motor vehicle in operation contingent on obtaining a certificate of environmental compliance. This certificate is to be obtained after the inspection prescribed by the program.⁷

Thus, I recommend that the Minister make his intentions clear as to the planned parameters and set them forth in a document (draft regulation) to be tabled during Committee hearings. The nature and costs of the inspection as well as the creation of a mechanism to allow reviews or challenges to an inspection report should also be determined. Parliamentarians would then be able to fully examine Bill 48, including all pertinent information relating to its scope.

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In closing, while I am committed to the government's aims, I believe that there is room to tighten the program's parameters and to consider alternatives to this program. Doing so would allow us to meet GHG reduction targets without imposing the cost of inspection and repair on too many citizens, especially those with the most modest incomes.

Sincerely,

[French original signed by]

Raymonde Saint-Germain
Ombudsperson

c.c.: Pierre Arcand, Minister of Sustainable Development, Environment and Parks
Jean-Marc Fournier, Government House Leader
Stéphane Bédard, Official Opposition House Leader
Diane Jean, Deputy Minister of Sustainable Development, Environment and Parks
Louisette Cameron, Secretary, Committee on Transportation and the Environment
Cédric Drouin, Secretary, Committee on Institutions

⁷ Sections 9 to 11 of the bill