

provisions of the Maryland Open Meetings Act, General Provisions Article, Title 3, Annotated Code of Maryland.

E. Public Comment.

(1) *Opportunity for Public Comment.* The local board shall permit a period during its open session meetings to hear comment from members of the public.

(2) *Adoption of Policy.* The local board shall adopt a written policy regarding the process, rules, and procedures for public comment, which shall include:

(a) *The rules for registering to speak;*

(b) *Any reasonable limitations on the time allotted to each speaker; and*

(c) *The subject matter that may be addressed during the public comment period.*

(3) *The local board shall make its public comment policy readily available to the public on its official website.*

F. Motions and Resolutions.

(1) *A motion or resolution may not be declared adopted without the concurrence of a majority of the member of the local board.*

(2) *A majority of member of the local board consists of three members when the board consists of five, four members when the board consists of six or seven, and five members when the board consists of eight or nine.*

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

Title 26
DEPARTMENT OF
ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.20 Mobile Sources

Authority: Environment Article, §§2-102, 2-103, and 2-301, Annotated Code of Maryland

Notice of Proposed Action
[25-029-P]

The Secretary of the Environment proposes to amend Regulations .02 under **COMAR 26.11.20 Mobile Sources**.

Statement of Purpose

The purpose of this action is to repeal record-keeping requirements for vehicle dealers or other businesses regarding vehicle emissions inspections. The Maryland Department of the Environment (MDE) determined that this requirement was redundant as vehicle safety inspections include checking emissions control equipment and are managed by a Maryland State Police certified program. Under this program, a Maryland Safety Inspection Certificate certifies that vehicles meet Maryland safety standards. A safety inspection is required for all used cars, trucks, tractors, trailers, motorcycles, special equipment, and class "B" for hire vehicles being titled and registered in Maryland. They must be inspected by a licensed Maryland vehicle safety inspection station, such as automobile dealers, service stations and specialized automobile service centers. A certificate of inspection issued by the inspection station within the previous 90 days of the vehicle titling must accompany an application for title. Inspection certificate records are submitted to the MVA by the inspection station.

The proposed amendments to COMAR 26.11.20.02 will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's SIP.

Background

Tampering with a vehicle's emissions control system is illegal under existing state regulations, COMAR 26.11.20.02, and the federal Clean Air Act (CAA), 42 U.S.C. § 7522. The CAA also prohibits manufacturing, selling, offering for sale and installing aftermarket devices which effectively defeat those controls. Tampering causes excess emissions of nitrogen oxides (NOx), particulate matter (PM), and other pollutants to the air we breathe.

Both existing Maryland and federal law prohibit the removal, alteration or otherwise tampering with a vehicle's pollution control equipment. Maryland regulations also currently prohibit the operation of a motor vehicle that has had its air pollution control equipment tampered or removed.

In February 2022, MDE adopted a new regulation that clarified and expanded Maryland's existing COMAR 26.11.20.02 pertaining to:

(1) The removal or alteration of a motor vehicle's air pollution control systems;

(2) The operation of motor vehicles with removed, altered, or inoperative air pollution control systems;

(3) The manufacture, sale, installation, and use of any device that prevents a motor vehicle's air pollution control system from operating as originally designed; and

(4) The offering for sale, sale, lease, auction or transfer of any motor vehicle with removed, altered, or inoperative air pollution control systems. Further, the regulation required a vehicle dealer or business that sells, auctions or transfers a motor vehicle to maintain records confirming all air pollution control systems are in operating conditions at the time of sale.

In December 2022, MDE adopted an amendment to COMAR 26.11.20.02 that extended exemptions to cover new motor vehicles, vehicles sold at wholesale and by auto insurers that take ownership of motor vehicles associated with total loss claims, which occur when a vehicle sustains so much damage it is more economical for the insurance company to purchase the vehicle for its pre-accident value rather than repair the vehicle.

The purpose of this proposed action is to repeal Section F of COMAR 26.11.20.02 adopted in February 2022 that required a vehicle dealer or business transferring vehicles to maintain records confirming all air pollution control systems are in operating condition at the time of sale. Through continued research, MDE determined that these records were unnecessarily duplicative of the vehicle safety inspection records managed by the Maryland State Police certified program (under the Automotive Safety Enforcement Division).

In Maryland, vehicles require a safety inspection primarily when being registered, sold, or transferred, and when a resident moves to Maryland from another state. Under the Annotated Code of Maryland, Transportation Article and COMAR Title 11 Department of Transportation, Subtitle Motor Vehicle Administration – Vehicle Inspections, the seller or transferor of a vehicle is required to obtain a inspection certification. To obtain an inspection certification, a seller must have their vehicle inspected at a licensed vehicle safety inspection station in Maryland. There are approximately 1,600 of these facilities throughout the state.

Sources Affected

The proposed amendment applies to a vehicle dealer or business that sells, auctions, or transfers a motor vehicle.

Requirements

The purpose of this action is to amend COMAR 26.11.20.02 - Motor Vehicle Emission Control Devices to repeal record-keeping requirements for vehicle dealers. The amendment will repeal

PROPOSED ACTION ON REGULATIONS

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26.11.20.02F to remove MDE’s record keeping requirement for a vehicle dealer or business that sells, auctions, or transfers a motor vehicle.

Projected Emission Reductions

The proposed amendments do not impact emissions.

Federal Equivalent Standard

Maryland’s existing and proposed regulations largely mirror and complement federal regulations pertaining to the tampering of motor vehicles. Federal standards under CAA § 203(a)(3)(A) & (B), 42 U.S.C. § 7522(a)(3)(A), 42 U.S.C. § 7522(a)(3)(B), and CAA § 113(c)(2)(C), 42 U.S.C. § 7413(c)(2)(C) address similar motor vehicle tampering prohibitions.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Kathryn Seaman, Natural Resources Planner, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230, or call 410-537-3237, or email to kathryn.seaman@maryland.gov. Comments will be accepted through January 26, 2026. A public hearing will be held on January 28th, 2026 virtually by the Maryland Department of the Environment. See the Department’s website for virtual hearing information, https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx

.02 Motor Vehicle Emission Control Devices.

A.—E. (text unchanged)

[F. Record Keeping.

(1) A vehicle dealer or business that sells, auctions, or transfers a motor vehicle shall maintain records, including:

- (a) Date of sale or transfer of motor vehicle;
(b) Fuel type of motor vehicle;
(c) Motor vehicle description (that is, make, model, year, and GVWR);
(d) Vehicle Identification Number (VIN); and
(e) Statement that all air pollution control systems are in place and in operating condition.

(2) Records shall be maintained on-site for 5 years and available to the Department upon request.]

SERENA McILWAIN
Secretary of the Environment

Subtitle 16 LEAD

26.16.08 Environmental Investigations

Authority: Environment Article, §§6-304, 6-305, 6-801, 6-819, 6-846, and 6-1001—6-1005, Annotated Code of Maryland

Notice of Proposed Action

[25-067-P]

The Secretary of the Environment proposes to amend Regulation .05 under COMAR 26.16.08 Environmental Investigations.

Statement of Purpose

The purpose of this action is to centralize appointment scheduling under a dedicated dispatch team, improving operational efficiency, quality control (QC), and quality assurance (QA) while reducing tenant refusals. Key benefits include enhanced quality assurance and control, improved reporting and tracking, reduced tenant refusals, optimized use of lead inspectors' time, and streamlined communication. This change will enhance efficiency, oversight, and customer service, ultimately leading to more successful inspections and improved compliance.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Frederick Banks, Program Manager , Maryland Department of Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230, or call (410)-537-3311, or email to frederick.banks1@maryland.gov. Comments will be accepted through January 26, 2026. A public hearing has not been scheduled.

.05 Scheduling an Environmental Investigation.

A. (text unchanged)

B. The [lead paint risk assessor] Department or local health department representative:

- (1) (text unchanged)
(2) [If] May, if determined necessary by the [lead paint risk assessor] Department while conducting the environmental investigation, [may] schedule an on-site assessment for a secondary property through coordination with the caregiver or pregnant woman.

C. Procedures for Scheduling an On-Site Assessment.

(1) The on-site assessment of a primary residence may be scheduled by the [lead paint risk assessor] Department or local health department representative in coordination with a local health department representative’s home visit.

(2) The [lead paint risk assessor] Department or local health department representative shall make at least two attempts to contact the caregiver or pregnant woman by telephone to schedule an on-site assessment.

(3) If the [lead paint risk assessor] Department or local health department representative is unable to establish contact with the caregiver or pregnant woman in accordance with §C(2) of this regulation, the [lead paint risk assessor] Department or local health department representative shall mail a letter through first-class mail to the caregiver or pregnant woman.

(4) The [lead paint risk assessor] Department or local health department representative shall include, at a minimum, all of the following information in the letter required under §C(3) of this regulation:

(a) The [lead paint risk assessor] Department’s or local health department representative’s intention to schedule an on-site assessment of the primary residence of the child or pregnant woman with EBL;

(b) Notice that the letter constitutes the final attempt by the [lead paint risk assessor] Department or local health department representative to schedule the on-site assessment of the primary residence;