



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

**BUREAU OF WASTE PREVENTION  
DIVISION OF CONSUMER AND TRANSPORTATION PROGRAMS**

**Summary of Comments and Response to Comments  
on the Proposed Amendments to the Regulation**

**310 CMR 7.40:**

**The Massachusetts  
LOW EMISSION VEHICLE PROGRAM**

**Regulatory Authority: M.G.L. c. 111, Sections 142A through 142M**

**January 2009**

TABLE OF CONTENTS

I. SUMMARY OF REPOSNSE TO COMMENTS ON 310 CMR 7.40: THE LOW EMISSION VEHICLE PROGRAM REGULATION.....2

II. FINDINGS UNDER THE MASSACHUSETTS LOW EMISSION VEHICLE STATUE.....3

## I. SUMMARY OF RESPONSE TO COMMENTS ON 310 CMR 7.40: THE LOW EMISSION VEHICLE PROGRAM REGULATION

Comments were received from the following organizations:

1. American Lung Association of Massachusetts
2. General Motors Corporation
3. Individual Commenters (Bill Hausen, Debi Levine, Julie Matthaei, Kim Tavernia)
4. City of Cambridge, Office of The City Clerk
5. U.S. Environmental Protection Agency

The Massachusetts Department of Environmental Protection (MassDEP) proposed amendments to 310 CMR 7.40, the Low Emission Vehicle (LEV) Program regulations. In accordance with the public review process requirements of M.G.L. Chapter 30A, MassDEP made the proposed amendments available for public review, published notification of the amendments, and held a public hearing in order to solicit public comment on the regulation. The public comment period ended December 22, 2008 and relevant comments have been summarized below:

1. Comment: The American Lung Association of Massachusetts submitted comments expressing strong support for the adoption of California Smog Index Vehicle Emissions Label requirements. The commenter noted that the proposed amendments will provide consumers with information needed to choose vehicles that are fuel efficient and protect public health.

Response: MassDEP agrees with this comment.

2. Comment: General Motors Corporation commented that Massachusetts' Smog Index Vehicle Emissions Label requirements should be identical to California's and "as long as they are consistent with California's, we will not have any issues."

Response: The proposed Smog Index Vehicle Emissions Label requirements directly cite and/or incorporate by reference the applicable sections within Title 13 of the California Code of Regulations (CCR).

3. Comment: MassDEP received comments from four individuals that were supportive of Massachusetts' adoption of the California Smog Index Vehicle Emissions Label requirements. One of the commenters stated that the revisions "will not only raise awareness about a car's pollution potential, but also allow consumers to make the most informed choices possible."

Response: MassDEP agrees with these comments.

4. Comment: MassDEP received a resolution submitted by the entire membership of the Cambridge City Council that supported the adoption of the Environmental Performance Label.

Response: MassDEP appreciates the support.

5. Comment: The U.S. Environmental Protection Agency (EPA) noted that Massachusetts' Smog Index Vehicle Emissions Label requirements should remain consistent with Title 13 CCR 1965, California's labeling requirements. The following changes need to be made to the Massachusetts' proposed regulation.
  - a. "The date in Table 310 CMR 7.40(1)(c)1 of the Massachusetts LEV regulations should reflect the effective date of 6/16/08 for Title 13 CCR 1965."
  - b. "Massachusetts may want to include a statement in the regulation that a model year 2009 vehicle can be sold as long as it has either a Smog Index Label or an Environmental Performance Label."

Response: MassDEP has included the effective date of 6/16/08 for Title 13 CCR 1965 in Table 310 CMR 7.40(1)(c)1 in the final regulation. MassDEP agrees with EPA that the Smog Index Label requirements still remain in effect for 2001 through 2009 model year passenger cars (PCs) and light-duty trucks (LDTs) until the new requirements of the revised regulation take effect for MY 2010. Therefore, MassDEP added section (2)(f) to address the Smog Index Label requirements for 2001 through 2009 model year PCs and LDTs. The Environmental Performance Label requirements will be in effect for 2010 and subsequent model years in section (2)(e).

## II. FINDINGS UNDER THE MASSACHUSETTS LOW EMISSION VEHICLE STATUTE

In accordance with M.G.L.c. 111, Section 142K, MassDEP assessed the air quality impacts of adopting the California Smog Index Vehicle Emissions Label requirements and reviewed the extensive analysis performed by California Air Resources Board (ARB) in the development of the standards. The results of the analysis showed that adoption of the California Smog Index Vehicle Emissions Label standards will help consumers choose new vehicles with lower emissions and help them make environmentally sustainable choices that will have major benefits for the environment, ultimately resulting in reduced air pollution and GHG emissions that contribute to global warming.