



Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Pepper
Secretary

Bonnie Heiple
Commissioner

Enforcement Discretion for Advanced Clean Trucks Requirements

April 14, 2025

The Massachusetts Department of Environmental Protection (MassDEP) will exercise enforcement discretion to exempt on-road medium- and heavy-duty vehicles in Classes 2b-8 from Advanced Clean Trucks (ACT) requirements in 310 CMR 7.40 in Massachusetts for Model Years 2025 and 2026, provided that manufacturers supply internal combustion (ICE) engines to distributors seeking those vehicles, without restriction.

Background

MassDEP adopted California's ACT regulations in 310 CMR 7.40 in 2021. ACT requires manufacturers of on-road medium- and heavy-duty vehicles to produce and deliver for sale an increasing percentage of zero emission vehicles (ZEVs) starting in Model Year 2025 through Model Year 2035.

While manufacturers were involved in developing the ACT framework, they now indicate that ACT requirements are too difficult to meet. Some manufacturers are limiting ICE truck sales as a means to ensure their compliance with ACT sales requirements, reducing availability to a wide range of users. Further, the current federal administration has created significant uncertainty around ZEV incentives, charging investments, manufacturing and tariffs, each of which threaten a smooth transition to medium- and heavy-duty ZEVs.

Enforcement Discretion

MassDEP will exercise enforcement discretion by not taking enforcement action against manufacturers that do not meet their Model Year 2025 or Model Year 2026 ACT ZEV sales compliance obligations. To qualify for this exercise of enforcement discretion, manufacturers must supply ICE vehicles to distributors seeking them, without restriction — i.e., manufacturers may not engage in withholding or rationing practices.

This enforcement discretion replaces and supersedes the ACT enforcement discretion MassDEP issued on October 18, 2024 (i.e., state and local agencies no longer need to submit written requests regarding purchases of snow removal and street-sweeping vehicles since all medium- and heavy-duty vehicle purchases are covered by this updated enforcement discretion).

Disclaimer: This enforcement discretion directive does not constitute “final agency action” and is not a “regulation” as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this enforcement discretion directive does not exempt any person from complying with the other requirements in 310 CMR 7.40 or any other applicable local, state or federal law or regulation.

If you have any questions about this enforcement discretion, please contact Sharon Weber at Sharon.Weber@mass.gov.