



Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

Address: 100 Cambridge Street, Suite 900, Boston MA 02114 | **Phone:** 617-292-5500

Maura T. Healey
Governor

Kim Driscoll
Lieutenant Governor

Rebecca Tepper
Secretary

Bonnie Heiple
Commissioner

**Background Document
On Proposed Amendments To
310 CMR 7.40
Low Emission Vehicle Program**

Advanced Clean Trucks and Heavy-Duty Omnibus

**Regulatory Authority:
M.G.L. c. 111 §§ 142A–142M; M.G.L. c. 21N**

February 13, 2026

I. Summary

To ensure consistency with California vehicle regulations, the Massachusetts Department of Environmental Protection (MassDEP) proposes to amend 310 CMR 7.40 *Low Emission Vehicle Program* by adopting California’s most recent amendments to the Advanced Clean Trucks (ACT) regulation. MassDEP also proposes to amend the Heavy-duty Omnibus (HDO) start year in 310 CMR 7.40(1)(d)4. from model year 2026 to 2027.

II. Background

To comply with the Massachusetts Clean Air Act,¹ on December 30, 2021 MassDEP amended 310 CMR 7.40 *Low Emission Vehicle Program* to adopt California’s ACT regulation for medium- and heavy-duty (MHD) vehicles and HDO regulation for heavy-duty engines and vehicles.² Additional background can be found in MassDEP’s December 30, 2021 *Background Document on Emergency Regulation Amendments to 310 CMR 7.40 Low Emission Vehicle Program*.³

Section 177 of the federal Clean Air Act⁴ requires that if a state adopts the California motor vehicle emission standards, the standards must be “identical to the California standards.”

III. Description of Amendments

1. ACT

On May 9, 2025, the California Air Resources Board (CARB) amended the ACT provisions at 13 CCR 1956.8 and 1963 through 1963.5.⁵ MassDEP proposes to amend 310 CMR 7.40 to incorporate these ACT provisions. As stated by CARB, the reason for the amendments was “to address implementation issues raised by manufacturers, and to clarify and align

¹ The Massachusetts Clean Air Act, M.G.L. c.111, §142K, provides in relevant part:

“...the department, shall adopt motor vehicle emissions standards based on the California’s duly promulgated motor vehicle emissions standards of the state of California unless, after a public hearing, the department establishes, based on substantial evidence, that said emissions standards and a compliance program similar to the state of California’s will not achieve, in the aggregate, greater motor vehicle pollution reductions than the federal standards and compliance program for any such model year.”

[Massachusetts General Laws, Chapter 111, Section 142K, Motor vehicle emissions standards](#)

² Note that on April 14, 2025, MassDEP issued [Enforcement Discretion for Advanced Clean Trucks Requirements](#) indicating “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.”

³ [Background Document on Emergency Regulation Amendments to 310 CMR 7.40 Low Emission Vehicle Program](#)

⁴ [U.S. EPA, Title I – Air Pollution Prevention and Control, Part D – Section 177, 42 U.S.C. §7507](#)

⁵ State of California, California Air Resources Board, [Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure Final Statement of Reasons for Rulemaking, Including Summary of Comments and Agency Response](#), May 9, 2025

regulation language with other existing regulations, to ensure that the regulations successfully resolve the problems to be addressed.”⁶ The amendments:

- increase the deficit makeup period allowed to manufacturers to comply with ACT from one model year to three model years,
- clarify that compliance determination and sales reporting requirements are both defined when vehicles are produced and delivered for sale,
- better align the ACT regulation with requirements of the Advanced Clean Cars II regulation that apply to medium-duty passenger vehicles with a gross vehicle weight rating greater than 8,500 lbs.,
- modify reporting requirements to align with other regulations that collect vehicle sales information and add definitions to conform with other changes, and
- increase flexibility for manufacturers under the Zero Emission Powertrain certification by providing an optional certification pathway for complete medium-duty ZEVs.

MassDEP previously adopted 13 CCR 1956.8, 1963, 1963.1, 1963.2, 1963.3, 1963.4 and 1963.5(a)(1) through (3) into 310 CMR 7.40. To maintain identity with California regulations, MassDEP proposes to amend the 310 CMR 7.40(1)(c): Table 1 “Effective Date in California” to May 9, 2025, for 13 CCR 1956.8, 1963, 1963.1, 1963.2, 1963.3, 1963.4 and 1963.5(a)(1) through (3) and amend the title of 1956.8 to match CARB’s current title.

For more information on the ACT amendments, see CARB’s Initial and Final Statements of Reasons.⁷

2. HDO

MassDEP proposes to amend the HDO start year in 310 CMR 7.40(1)(d)4. from model year 2026 to 2027. Truck manufacturers have indicated for model year 2026 they do not have HDO-compliant vehicles for many truck applications and would need to restrict sales to comply with HDO, reducing the availability of trucks to a wide range of Massachusetts users. Manufacturers have stated they will have sufficient compliant vehicles for model year 2027. Therefore, MassDEP proposes to delay implementation of the HDO regulations by one year. Delaying the HDO start date until model year 2027 also would align with MassDEP’s ACT enforcement discretion that delays enforcement of ACT ZEV sales compliance obligations until model year 2027.

⁶ State of California, California Air Resources Board, [Public Hearing to Consider Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure Staff Report: Initial Statement of Reasons](#), March 26, 2024, page 5

⁷ At footnotes 5 and 6.

3. Harmonizing Edits

MassDEP proposes to update the 310 CMR 7.40(1) definition of “Manufacturer” to directly reference California’s definition, to ensure consistency with California’s regulations.

IV. Impacts of Amendments

1. Economic Impacts

The amendments will have no adverse economic impact in Massachusetts. The amendments are expected to be cost neutral to manufacturers and vehicle owners over the lifetime of the amendments because the amendments add compliance flexibility.

2. Impacts on Massachusetts Municipalities

Pursuant to Executive Order 145, state agencies must assess the fiscal impact of new regulations on the Commonwealth’s municipalities. Since the LEV program is primarily directed toward manufacturers, municipal facilities will be affected by the changes to 310 CMR 7.40 in the same manner as other consumers.

3. Massachusetts Environmental Policy Act (MEPA)

Pursuant to 301 CMR 11.03(12) (Massachusetts Environmental Policy Act Regulations), MassDEP is not required to file an Environmental Notification Form (ENF) regarding the amendments because the amendments do not reduce standards for environmental protection, nor do they reduce opportunities for public participation in review processes or public access to information generated or provided in accordance with the regulations.

V. Public Hearing and Comment

MassDEP will hold public hearings and a comment period on the proposed regulation amendments in accordance with M.G.L c. 30A. MassDEP will provide notice at least 30 days in advance of the public hearing as required under federal regulations. The public hearings notice and proposed amendments are available on MassDEP’s website at: <https://www.mass.gov/regulations/310-CMR-700-air-pollution-control>. For further information, please contact Ngoc Hoang at ngoc.hoang@mass.gov.