



Department of Environmental Protection

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Enforcement Discretion for Advanced Clean Cars II Requirements

May 23, 2025

The Massachusetts Department of Environmental Protection (MassDEP) will exercise enforcement discretion for the 310 CMR 7.40 Zero Emission Vehicle (ZEV) Requirements for Model Year 2026 and 2027 passenger cars and light-duty trucks. This enforcement discretion is limited to the Model Year 2026 and 2027 annual ZEV and Plug-in Hybrid Electric Vehicles (PHEV) sales requirement of 35% and 43%. Deficits generated in Model Year 2026 and 2027 will not be carried forward; however, Model Year 2026 and 2027 ZEV and PHEV sales still will generate credits, known as “vehicle values.” All other 310 CMR 7.40 requirements remain in effect including, but not limited to, reporting requirements.

Background

MassDEP adopted California’s Advanced Clean Cars I regulations in 2013. MassDEP adopted California’s Advanced Clean Cars II (ACC II) regulations in 310 CMR 7.40 in 2022. ACC II requires manufacturers of on-road passenger cars and light-duty trucks to produce and deliver for sale an increasing percentage of zero emission vehicles (ZEVs) starting in Model Year 2026 and increasing to 100% for Model Year 2035 and subsequent Model Years.

Enforcement Discretion

MassDEP will exercise enforcement discretion by not taking enforcement action against manufacturers that do not meet the Model Year 2026 and 2027 ACC II ZEV sales compliance obligations. To qualify for this exercise of enforcement discretion, manufacturers shall not withhold internal combustion vehicles from car and truck dealerships seeking those vehicles. Each manufacturer also shall provide on a quarterly basis starting July 1, 2025, through July 1, 2027, reports detailing its efforts to: promote and market ZEVs; provide ZEVs for ride and drive events; increase deployment of charging infrastructure including investments in fast charging, level 2 charging, and home charging options; educate and train dealerships including sales and service staff on sales and maintenance of ZEVs; and increase ZEVs in fleets and ridesharing and ride hailing services. Manufacturers that do not meet these conditions will continue to be subject to all regulatory requirements in 310 CMR 7.40 for Model Year 2026 and 2027.

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.