

## **FAQs**

### **How will pausing implementation of the Heavy-Duty Omnibus Rule and providing additional flexibility under the Advanced Clean Trucks rule impact the state's ability to meet its transportation sector emissions limits?**

- This brief period of added flexibility is expected to have a negligible effect on our progress toward emissions reductions in the transportation sector.
- The rules are designed to ramp up, requiring lower emission engines and more EV sales in subsequent years. Those requirements remain in place and will continue to drive innovation and adoption to ensure MA continues to be a leader in the fight against climate change.

### **Does ACT apply to agricultural vehicles?**

- Backhoes and field equipment (even if traveling on the road between fields) are not on-highway equipment and are not subject to ACT.
- ACT has a Low Volume Exemption for manufacturers that do not exceed 500 annual sales of on-road vehicles. Farm equipment from low volume manufacturers is not subject to ACT.
- If a farm buys a (typically diesel) dump truck to haul manure or hay, the sales of such vehicles are included in that manufacturer's ACT compliance calculations. If a farm buys an electric dump truck, the Zero Emission Vehicle (ZEV) credits for such vehicles are included in that manufacturer's ACT compliance calculations.

### **Are vehicles with farm plates exempt from ACT?**

- No.

### **What qualifies as an emergency vehicle exemption?**

- Emergency vehicles are generally those used by fire, police, corrections, and emergency medical technicians/paramedics. Please refer to California's Vehicle Code Sec. 27156.2 and .3 for detailed definitions of these vehicles.
- Emergency vehicles that are exempt from ACT and HDO requirements include:
  - (a) Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed to operate in response to emergency calls.
  - (b) Any publicly owned vehicle operated by the following persons, agencies, or organizations:

(1) Any federal, state, or local agency, department, or district employing peace officers for use by those officers in the performance of their duties.

(2) Any forestry or fire department of any public agency.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue, or communications calls and operated either by any public agency or fire department to which the vehicle has been assigned.

(e) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.

- Ambulance used by a private entity under contract with a public agency.

**Are there any exceptions for vehicles not exempt but used for emergencies (like snowplows)?**

- Exemptions for emergency vehicles are listed in the response to the previous question. For Model Years 2025 and 2026, MassDEP is exercising enforcement discretion and will exempt state and local agency purchases of vehicles used for snowplowing and snow removal purposes (e.g., dump trucks, salt and sand spreaders, front end loaders) and street sweeping. For the purposes of ACT compliance, all internal combustion engine sales completed as a result of the enforcement discretion should be excluded by the manufacturers from “total Massachusetts sales” when determining ACT deficit generation and compliance.

**Can medium- and heavy-duty vehicles purchased out-of-state be registered in Massachusetts?**

- The regulations apply whether a vehicle is purchased in- or out-of-state. Vehicles of engine Model Year 2025 and later for ACT and 2026 or later for HDO may be registered in Massachusetts, no matter where they are purchased, if the Manufacturers Certificate of Origin (MCO) indicates the vehicle is intended to be registered in Massachusetts. Once a vehicle is not new (i.e., over 7,500 miles), it is not subject to ACT or HDO and can be registered or renewed at any time in the future. While the vehicle is new (i.e., 7,500 miles or fewer) it can only be registered or renewed if the MCO says it is intended to be registered in Massachusetts.

**Will these regulations prevent registration and registration renewal of older model vehicles?**

- No. Engine Model Year 2024 and earlier vehicles are not subject to ACT in Massachusetts and engine Model Year 2025 and earlier vehicles are not subject to HDO in Massachusetts and their registration or renewal is not affected by these regulations.

**Do vehicles registered outside of Massachusetts have to comply with the regulations to do business in Massachusetts?**

- State vehicle registration law (M.G.L. Chapter 90, Section 3) requires motor vehicles owned by a non-resident and used in direct connection with a place of business of such non-resident within Massachusetts to be registered in Massachusetts.
- If a vehicle is required to be registered in Massachusetts, it must comply with Massachusetts regulations including ACT and HDO. Vehicles engaged in interstate commerce which are registered and principally operated outside Massachusetts are not subject to ACT and HDO.

**What other states have adopted the Advanced Clean Trucks Rule?**

- California, Colorado, Maryland, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington.

**What other states have adopted the Heavy-duty Omnibus Rule?**

- California, Colorado, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington.

**Does a manufacturer need a ZEV credit before they can sell a diesel vehicle?**

- No. California is expected to soon finalize amendments (that Massachusetts will adopt) allowing a manufacturer three Model Years to retire required credits, rather than the current one-year requirement.

**Do plug-in hybrids count toward compliance?**

- Near Zero Electric Vehicles (NZEVs) meeting ACT's minimum electric range criteria are eligible, but none are on the market yet.

**Are hazardous materials-placarded trucks exempt from HDO and ACT?**

- No.

**What does Model Year refer to?**

- The regulated Model Year of heavy-duty vehicles usually refers to the engine or emissions-certified powertrain. In some cases, usually lighter weight classes, it may mean the complete vehicle.

**Can a manufacturer get credit when a Massachusetts dealer sells a medium- or heavy-duty vehicle to an out-of-state purchaser?**

- ACT: Yes. As long as a manufacturer originally delivered a ZEV to a Massachusetts dealer for sale with the intent to sell it in Massachusetts, the manufacturer would still earn credit for that ZEV even if the dealer eventually sold it to someone out-of-state. If the ZEV was built on order for an out-of-state purchaser but delivered through a Massachusetts dealer, this may not qualify for credit.

**Do vehicle dealers have any responsibility under HDO and ACT?**

- HDO: Yes. Dealers must ensure that applicable vehicles or engines they sell in Massachusetts are California Air Resource Board (CARB)-certified.
- ACT: No. ACT regulates vehicle manufacturers. Dealers have no compliance obligations beyond what a manufacturer may require of them. Massachusetts does not directly require dealers to sell ZEVs.

**Do medium- and heavy-duty fleets or vehicle owners or operators have any responsibility under HDO and ACT?**

- HDO: Yes. They must ensure that any new vehicle purchases are CARB-certified. Once the regulation is in effect, a non-CARB-certified vehicle may be denied registration in Massachusetts.
- ACT: No. ACT regulates vehicle manufacturers. ACT does not impose any purchase requirements on persons buying new or used medium- and heavy-duty vehicles.

**Will fleet managers be required to purchase a certain number of ZEVs?**

- No. ACT regulates vehicle manufacturers. ACT does not impose any purchase requirements on persons buying new or used medium- and heavy-duty vehicles.

**Do these regulations apply to used vehicles?**

- No, they only apply to a new vehicle, which is a vehicle with under 7,500 miles on its odometer.

**How is compliance determined and enforced?**

- Initial enforcement occurs when a new vehicle is first registered and titled with the Massachusetts Registry of Motor Vehicles
  - for electric vehicles of engine Model Year 2025 and later for ACT, and
  - for all vehicles of engine Model Year 2026 or later for HDO.

The Manufacturer Certificate of Origin (MCO) presented at initial titling will state that the vehicle is “Intended for sale in MA,” which will allow the vehicle to be registered in Massachusetts.

- Manufacturers are required to submit annual reports to MassDEP demonstrating compliance; if a report does not demonstrate compliance, MassDEP enforces against the manufacturer.

**Is it legal for a manufacturer to label a Manufacturer Statement of Origin “not for sale in Massachusetts”?**

- Yes. The statement on the Manufacturer Certificate of Origin provides information enabling Massachusetts to enforce the regulations.