



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053

September 16, 2024

Her Excellency Maura Healey, Governor  
Office of the Governor  
State House, Room 280  
Boston, Massachusetts 02133

Ms. Rebecca Tepper, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street; Suite 900  
Boston, Massachusetts 02114

Dear Governor Healey and Secretary Tepper:

We write to respectfully request a delay in the implementation of the upcoming Advanced Clean Truck (ACT) and Heavy Duty Omnibus (HDO) rules under 310 CMR 7.40(1)(d)(3)&(4). Given the lack of technological advancements and infrastructure necessary to support this transition, the implementation of these rules on January 1, 2025 may actually slow the reduction of emissions from the transportation sector while harming a wide variety of industries within the private and public sectors.

As you know, current Massachusetts law requires the adoption of California's standards for motor vehicle emissions as long as those standards achieve greater emission reductions than the federal standards (Mass. Gen. Laws Ch. 111, §142K). Accordingly, the Massachusetts Department of Environmental Protection (DEP) incorporated the California standards in 310 CMR 7.40. In 2021, the DEP amended 310 CMR 7.40, adopting California's regulations relative to both the Advanced Clean Trucks (ACT), Phase 2 Greenhouse Gas Standards for MHD engines/vehicles, and the Heavy-Duty Omnibus (HDO) regulations for heavy-duty engines/vehicles. While state law does not mandate a timeframe for the implementation of ACT and HDO rules, the Commonwealth's regulations require an increasing percentage of zero emission vehicle (ZEV) truck sales starting with Model Year 2025 as well as adherence to stronger standards for NO<sub>x</sub> effective January 1, 2025.

While everyone understands the importance of reducing emissions from medium and heavy-duty trucks, neither the technology nor the infrastructure necessary to ensure the successful implementation of these rules exists today. The ACT rule requires an increasing percentage of electric trucks be sold before diesel trucks in the Commonwealth effective on January 1, 2025, but these electric trucks are simply not available or practical, meaning no new trucks of any kind will be able to be sold. Electric medium and heavy-duty trucks, which are two to three times more expensive than their non-electric counterparts, have significantly limited ranges. Due to the lack of electric infrastructure to support the charging of medium and heavy-duty trucks, this means that no reasonable fleet owner – whether public or private – will purchase a truck they cannot reliably use. In fact, taxpayers will not be happy if our state agencies and municipalities are required to buy exceedingly expensive trucks that cannot ultimately be used due to a lack of infrastructure.

Combined with the ACT rule mandates on the sale of electric medium or heavy-duty trucks, public and private fleet owners can only otherwise purchase medium and heavy duty trucks whose engines are in compliance with the HDO rule. At this time, this is also problematic as many manufacturers have not developed enough engines to meet this standard. Given Massachusetts is among the minority of states to have adopted the HDO, manufacturers still produce trucks that are EPA compliant – meaning that our public and private fleet owners are competing to purchase an extremely limited supply of medium and heavy-duty trucks. As many of our constituents have explained to us, there will be no reasonable solution to acquire needed medium and heavy-duty trucks after January 1, 2025.

Recognizing these technology and infrastructure challenges, the implementation of the ACT and HDO rules on January 1, 2025 will have a detrimental impact on our state agencies, municipalities and constituent industries if we do not temporarily delay them. As the EPA and CARB are in agreement on a common standard for emissions in 2027, it would be reasonable to target January 1, 2027 as an implementation date, providing more time to develop our infrastructure while technology continues to improve.

Whether used to deliver produce to our food banks and groceries, equipment to construction sites, fuel oil to homes or the plowing of snow or countless other uses, medium and heavy-duty trucks are widely used by state agencies, municipalities, businesses and residents in almost every industry within the Commonwealth. If we do not delay the implementation of these rules, we risk doing more harm than intended. From a revenue standpoint, we also risk seeing a significant loss of sales and excise tax revenue at a time when we can ill afford it. As California's initial implementation has shown, purchases of medium and heavy-duty trucks have drastically dropped, leading to a significant loss of revenue to that state.

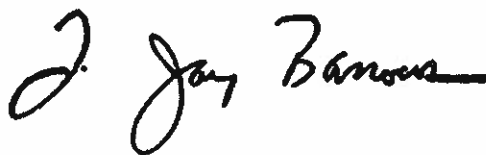
Finally, to the underlying goal of reducing emissions, the implementation of the ACT and HDO rules in January 2025 will simply result in public and private fleet owners keeping their existing trucks on the road longer. It is common sense. If the truck necessary to complete a certain task is not available, no state agency, municipality or private businesses will purchase a different, more expensive one that has less range, lacks the ability to complete the needed function or has an unreliable means of fueling it. This does not help the Commonwealth reduce emissions from the transportation sector – particularly where the delay of implementation will still result in the purchase of cleaner trucks currently available elsewhere in the country.

For the aforementioned reasons, we respectfully request the temporary delay in the implementation of the Commonwealth's adoption of the ACT and HDO rules until January 1, 2027. We appreciate your consideration of this important matter and we look forward to your response.

Sincerely,




Bradley H. Jones, Jr.  
State Representative  
20<sup>th</sup> Middlesex District



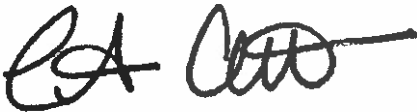
F. Jay Barrows  
State Representative  
1st Bristol District



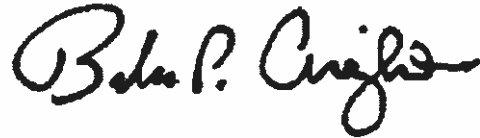
Donald R. Berthiaume, Jr.  
State Representative  
5<sup>th</sup> Worcester District



Nicholas A. Boldyga  
State Representative  
3<sup>rd</sup> Hampden District




Peter Capano  
State Representative  
11<sup>th</sup> Essex District



Brendan P. Crighton  
State Senator  
Third Essex District



Angelo L. D'Emilia  
State Representative  
8<sup>th</sup> Plymouth District



David F. DeCoste  
State Representative  
5<sup>th</sup> Plymouth District



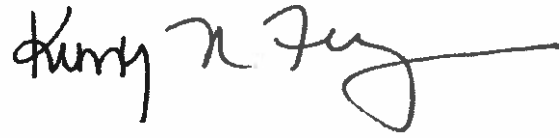
Carol A. Doherty  
State Representative  
3<sup>rd</sup> Bristol District



Peter J. Durant  
State Senator  
Worcester and Hampshire District



Ryan C. Fattman  
State Senator  
Worcester and Hampden District



Kimberly N. Ferguson  
State Representative  
1<sup>st</sup> Worcester District



Paul K. Frost  
State Representative  
7<sup>th</sup> Worcester District

Colleen M. Garry

Colleen M. Garry  
State Representative  
36<sup>th</sup> Middlesex District



Susan Williams Gifford  
State Representative  
2<sup>nd</sup> Plymouth District



Patricia A. Haddad  
State Representative  
5<sup>th</sup> Bristol District



Steven S. Howitt  
State Representative  
4<sup>th</sup> Bristol District



Hannah Kane  
State Representative  
11<sup>th</sup> Worcester District



Kathleen R. LaNatra  
State Representative  
12<sup>th</sup> Plymouth District



John J. Marsi  
State Representative  
6<sup>th</sup> Worcester District



Joseph D. McKenna  
State Representative  
18<sup>th</sup> Worcester District



Joan Meschino  
State Representative  
3<sup>rd</sup> Plymouth District



David K. Muradian, Jr.  
State Representative  
9<sup>th</sup> Worcester District



Mathew J. Muratore  
State Representative  
1<sup>st</sup> Plymouth District



Norman J. Orrall  
State Representative  
12<sup>th</sup> Bristol District

*Kelly Pease*

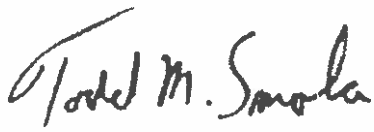
Kelly W. Pease  
State Representative  
4<sup>th</sup> Hampden District



Smitty Pignatelli  
State Representative  
3<sup>rd</sup> Berkshire District



Adam Scanlon  
State Representative  
14<sup>th</sup> Bristol District



Todd M. Smola  
State Representative  
1<sup>st</sup> Hampden District



Michael J. Soter  
State Representative  
8<sup>th</sup> Worcester District



Alyson M. Sullivan-Almeida  
State Representative  
7<sup>th</sup> Plymouth District



Bruce E. Tarr  
State Senator  
First Essex and Middlesex District



Marcus S. Vaughn  
State Representative  
9<sup>th</sup> Norfolk District



David T. Vieira  
State Representative  
3<sup>rd</sup> Barnstable District



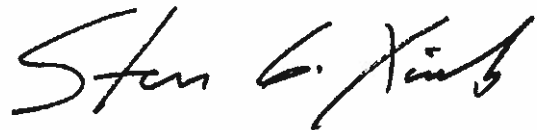
Thomas P. Walsh  
State Representative  
12<sup>th</sup> Essex District



Susannah M. Whipps  
State Representative  
2<sup>nd</sup> Franklin District



Donald H. Wong  
State Representative  
9<sup>th</sup> Essex District



Steven G. Xiarhos  
State Representative  
5<sup>th</sup> Barnstable District