



October 16, 2024

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

Ms. Bonnie Heiple, Commissioner
 Department of Environmental Protection
 100 Cambridge Street, Suite 900
 Boston, Massachusetts 02108

Dear Governor Healey and Commissioner Heiple:

We write to reiterate our request that Massachusetts delay the implementation of the Advanced Clean Truck (ACT) rule

and Heavy-Duty Omnibus (HDO) rule slated to go into effect on January 1, 2025. In particular, please note that recent measures announced by the State of Oregon and State of New York will not address our concerns that the infrastructure and technology do not exist to support either of these rules in the Commonwealth at this time. In fact, instituting the partial measures as introduced in these states may cause more confusion and loss of revenue to the Commonwealth while keeping older, less environmentally friendly medium and heavy duty (MHD) trucks on the road. This is in large part why the States of North Carolina, Connecticut and Maine, who were part of the same Multi-State ZEV Task Force as Massachusetts, have not adopted the ACT rule yet.

As you may know, the State of Oregon, which is slated to implement the ACT and HDO rules in January 2025, recently announced that it was delaying the implementation of the HDO rule until January 2026.¹ In addition, the State of Oregon is adopting amendments to the ACT rule that reduce reporting requirements for manufacturers and allow for a yearly deficit for credits in selling electric MHD trucks.² For its part, the State of New York, which is slated to implement the ACT rule in 2025 and the HDO rule in 2026, announced that it is implementing certain, very limited exemptions to its ACT rule for municipalities³. The enforcement discretion is limited to government purchases of snowplows and street cleaners.⁴

While delaying the HDO rule as Oregon did makes sense for the Commonwealth, the lack of a delay for the ACT rule will still leave the Commonwealth's end-users in a poor position. The ACT rule's requirement that manufacturers sell a certain percentage of electric MHD trucks has been interpreted as a requirement that truck dealers must sell – and thereby end-users who cannot afford the price and risk of an electric MHD must purchase – these vehicles first. Regardless of whether the regulatory agency or a manufacturer is “right” in their interpretation as to how the ACT rule should be implemented, MHD truck dealers and end-users, public and private, are caught in the middle. The fact remains that technology and infrastructure are simply not to the point where they will sustain the ACT rule at this time.

As highlighted by many industries' correspondence to your office, Massachusetts has not made enough progress on building out a network of public or private charging stations for commercial vehicles. Further, even if many of the companies could afford an electric MHD truck option, the most important fact remains that an electric option does not yet exist for many of the MHD trucks that are needed by almost every industry – whether in construction, forestry, landscaping, grocery, concrete mixing, towing or any other industry. As a result, we continue to urge you to delay both the ACT and HDO rules.

Furthermore, the State of New York's decision to not enforce the ACT rule for the exceptionally limited case of purchasing snowplows and street sweepers by government agencies will not work in the Commonwealth for three reasons. First, the narrow public safety interpretation exempting street sweepers and snowplows ignores that many of the same functions (and more) are provided by private entities within the Commonwealth on behalf of state and local government. Is it not within public safety or public health for a contractor to replace a municipal sewer pipe to prevent floods, a tow company to remove motor vehicles during a snowstorm, a forestry service to remove dead trees within a state forest during a drought or a company to deliver oxygen to first responders or hospitals? Second, as no realistic electric vocational MHD trucks exist today, it is difficult to understand how any dealer will ever get to the point of being able to sell any non-electric vocational MHD if no one is buying an electric vocational MHD truck. Finally, without the delay of the ACT rule, we may simply be creating a system whereby those with the means to do so will simply buy and register their compliant MHD vehicles out-of-state, causing the Commonwealth to lose needed tax revenue.

The industries that rely on MHD trucks support bringing cleaner vehicles to the Commonwealth. Without a delay in both the ACT and HDO rules however, the Commonwealth will likely be keeping cleaner trucks off of our roadways while foregoing tax revenue that will go elsewhere. This issue impacts both private and public stakeholders. Until such time as the vehicle technology and the infrastructure to support these two rules are available, we risk harming state and local government as well as multiple industries throughout the Commonwealth while stagnating forward progress on further reducing emissions from medium- and heavy-duty trucks.

We appreciate your attention to this important matter and look forward to working with your offices to address the same.

¹ See <https://www.oregon.gov/deq/aq/Documents/cfpMHDtruckRulesFAQ.pdf>

² *Id.* (Note: Oregon also previously implemented an enforcement discretion policy for the purchase of solid waste trucks and school buses earlier this year.)

³ See <https://dec.ny.gov/sites/default/files/2024-10/enforcediscr.pdf>

⁴ *Id.*

Sincerely,

Advantage Truck Group
American Trucking Association
Associated Industries of Massachusetts
Associated Subcontractors of Massachusetts
Ballard Truck Centers
Beer Distributors of Massachusetts
Cape Cod Landscape Association
Casella Waste Systems, Inc.
Clean Harbors
Construction Industries of Massachusetts, Inc.
Flynn's Truck Plaza
Greater Boston Chamber of Commerce
Green Industry Alliance of Massachusetts
Jandris Block
Kenworth Northeast
Maine Motor Transport Association
Massachusetts Arborist Association
Massachusetts Association of Landscape Professionals
Massachusetts Chemistry & Technology Alliance, Inc.
Massachusetts Energy Marketers Association
Massachusetts Food Association
Massachusetts Forest Alliance
Massachusetts Movers Association
Massachusetts Retail Lumber Dealers Association
Massachusetts State Automobile Dealers Association
Massachusetts Water Works Association
Motor Transport Association of Connecticut
National Federation of Independent Business
National Waste and Recycling Association
New England Bus Association
New England Concrete Manufacturers Association
New England Convenience Store & Energy Marketers Assoc.
New England Livery Association
New England Sports Field Management Association
New England Truck Solutions
Northeast Great Dane
Propane Gas Association of New England
Regency Transportation
Retailers Association of Massachusetts
Rhode Island Trucking Association
School Transportation Association of Massachusetts

Statewide Towing Association, Inc.
Stop & Shop Supermarkets, LLC
The Peterbilt Store New England LLC
Truck Rental and Leasing Association
Trucking Association of Massachusetts
Trucking Association of New York
United Parcel Service
Utility Contractors Association of New England, Inc.
W.L. FRENCH Excavating Corp

Cc:

Ms. Rebecca Tepper, Secretary
Massachusetts Executive Office of Energy and Environmental Affairs