



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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RESPONSE TO COMMENTS ON EMERGENCY REGULATION AMENDMENTS TO

310 CMR 7.40

Low Emission Vehicle Program

**REGULATORY AUTHORITY:
M.G.L. c. 111 §§142A–142M; M.G.L. c. 21N**

March 25, 2022

On December 30, 2021, the Massachusetts Department of Environmental Protection (MassDEP) filed emergency regulations with the Massachusetts Secretary of the Commonwealth that amended 310 CMR 7.40, *Low Emission Vehicle Program* to adopt California's Phase 2 Greenhouse Gas (GHG) regulation for medium- and heavy-duty (MHD) engines and vehicles (Phase 2 GHG), Heavy-duty Omnibus regulation for heavy-duty engines and vehicles (Heavy-duty Omnibus), and Advanced Clean Trucks regulation for MHD vehicles (ACT). These amendments were effective upon filing. To make the regulations permanent, MassDEP solicited public comment on the amendments to comply with the public review process requirements under Massachusetts General Laws (M.G.L.) Chapter 30A, Section 2. MassDEP held a public hearing on the amendments to 310 CMR 7.40 on February 1, 2022 and accepted public comments until February 11, 2022. Notice of the hearing and public comment period was published in the Boston Globe on January 1, 2022, in the Worcester Telegram & Gazette on January 4, 2022, and in the Massachusetts Register on January 21, 2022. MassDEP filed a Notice of Compliance with the Secretary of the Commonwealth on March 25, 2022, which made the regulations permanent.

Comments were received from the following individuals and organizations:

1. Erik Gehring
2. Diana Smith
3. Steve Senna
4. Peter Kane
5. Gabor Miskolczy
6. Karen Martin
7. Gary Martin
8. Timothy Lundergan
9. Alana Langdon, Nikola
10. Amy Hunter Maguire
11. Frank Scott
12. Michael McCarthy
13. Christy Hart
14. Megan Greeley, Sysco
15. Robert French
16. Dennis DiTullio
17. Alex Epstein
18. Judith Kolligian
19. Susan Hoague
20. Diana Smith
21. Christopher R. Carlozzi, The National Federation of Independent Business (NFIB)
22. Joseph De Flora, American Fuel & Petrochemical Manufacturers (AFPM)
23. John L. Bowman
24. Diana Meservey
25. Susan Hartnett
26. Celeste Venolia
27. Laura Gardner, Climate Reality Massachusetts Southcoast
28. Timothy A. French, Truck and Engine Manufacturers Association (EMA)

29. Anna Vanderspek, Green Energy Consumers Alliance
30. Chris Marchi
31. Stephanie Howard
32. Tom Van Heeke, Rivian
33. Douglas Godfrey (small business owner)
34. Michael Kane (small business owner)
35. Joe Gagliano, Air Products and Chemicals, Inc.
36. Barbara Bishop
37. Sarah Ewing, Propane Education & Research Council (PERC)
38. Mary Ann Babinski
39. Joe Curtatone and Sean Burke, Northeast Clean Energy Council (NECEC)
40. Paulina Muratore, Union of Concerned Scientists (UCS)
41. Barbara Chance, Allison Transmission
42. Jeff Clarke, NGV America
43. Jackie M. Yeager, Cummins Inc.
44. Uchenna Bright, Environmental Entrepreneurs (E2)
45. Richard VanOrnum, Partnership for a Zero Emission Vehicle (PZEVF)
46. Bill Schmidt, Winthrop Board of Health
47. Veena Dharmaraj, Massachusetts Sierra Club
48. Veena Dharmaraj, Joint Comment Letter
49. Benjamin Mandel, CALSTART
50. Benjamin Mandel, Coalition of Zero-emission Vehicle Industry
51. Brian Moran, New England Convenience Store & Energy Marketers Association (NECSEMA)
52. Summer-Solstice Thomas, Silent Spring Institute
53. Diana Vasquez, BU - 50 Massachusetts scientists, doctors, and health experts
54. Jason Mathers, Environmental Defense Fund
55. Brett Barry, Clean Energy Fuels Corp.
56. Bianca Bowman, Green Roots Chelsea
57. Andreae Downs and Alicia Bowman, Newton City Councilors
58. Louise Hetzler
59. William Barrett, American Lung Association
60. Becca Wolfson, Boston Cyclists Union
61. Tania Del Rio
62. Gail Miller, Airport Impact Relief
63. Zachary Hollopeter
64. Zachary Kahn, Tesla
65. Patricio Portillo, Natural Resources Defense Council (NRDC)
66. John Carlson, Ceres

MassDEP has summarized and responded to the comments received below. The number or numbers following each comment refers to the commenter as listed above.

1. **Comment:** MassDEP should adopt California's ACT, Heavy-Duty Omnibus, and Phase 2 GHG regulations for MHD engines and vehicles because these rules will help Massachusetts meet its climate emission reduction goals and protect the health of its residents. They also

will address harmful air pollution that significantly impacts disadvantaged areas and disproportionately affects low-income communities of color. (1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, 36, 38, 39, 40, 44, 46, 47, 48, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66)

Response: MassDEP appreciates the support for the regulations and has made them permanent.

2. **Comment:** MassDEP should ensure the rules' enforcement penalty is identical to the California versions. (44)

Response: MassDEP must enforce the requirements of 310 CMR 7.40 in accordance with Massachusetts laws and regulations, and therefore penalties may be different than those in California. MassDEP's enforcement authority is contained in M.G.L. c. 21A, § 16, 310 CMR 5.00, *Administrative Penalty* and M.G.L. c. 111, §§ 2C and 142A through 142M.

3. **Comment:** MassDEP should adopt a Fleet Reporting requirement. (40, 42, 47, 48, 66)

Response: MassDEP is considering adopting a fleet reporting requirement modeled on the California Air Resources Board's (CARB) rule in a separate action.

4. **Comment:** The Commonwealth should pursue a statewide or regional Low Carbon Fuel Standard (LCFS) and should support hydrogen refueling station development in the state. California's LCFS program has been overwhelmingly successful in incentivizing the buildout of the retail hydrogen fueling station network in California. (32, 35) MassDEP should not adopt a regulation without changes to allow near-zero low carbon and carbon negative fuels, such as renewable natural gas that has been certified under CARB's LCFS. (55)

Response: The Massachusetts *Interim Clean Energy and Climate Plan (CECP) for 2030* includes an LCFS, and states that "the Commonwealth will pursue the LCFS designed to substantially reduce the carbon intensity of transportation fuels by 2030 through a market-based crediting program that supports deployment of low carbon substitutes for petroleum-based liquid transportation fuels" (see <https://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2025-and-2030#interim-clean-energy-and-climate-report-for-2030->). A final 2030 CECP will be published no later than July 1, 2022.

5. **Comment:** MassDEP should not create mandates for any alternative fueled vehicle sales because mandates will jeopardize our state's regional competitiveness and businesses that rely on these vehicles for delivery of materials or bringing their goods and services to market. Massachusetts must revisit whether it truly needs to be more stringent since Massachusetts does not have a similar economy, geography, weather, population density, size, industries, or nearly as many vehicles as California. (51)

Response: MassDEP is required to adopt California's vehicle emissions standards under M.G.L. chapter 111, section 142K, which reads in part "the department of environmental protection...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.” Although the ACT rule requires that medium and heavy-duty ZEVs be a certain percentage of manufacturer sales starting with MY 2025, businesses still will be able to purchase gasoline, diesel or alternative fuel engines and vehicles.

6. **Comment:** MassDEP should not adopt the regulations because they will negatively affect truck dealerships, businesses, and individuals that rely on medium and larger sized trucks. (21, 22, 33, 34, 55)

Response: MassDEP is required to adopt California’s vehicle emissions standards under M.G.L. chapter 111, section 142K. The regulations do not apply directly to truck dealerships, businesses, and individuals, but apply only to manufacturers that certify on-road vehicles over 8,500 lbs. gross vehicle weight rating for sale in Massachusetts. These manufacturers must place an increasing percentage of zero emissions vehicles in Massachusetts based on their total sales. Conventionally-fueled MHD vehicles still will be available for purchase in Massachusetts.

7. **Comment:** Propane is a widely available, easily distributed, and low-carbon alternative fuel being used by rural and underserved communities to achieve emissions reductions. Electrification comes with high initial costs for both vehicles and charging equipment. These rural communities will be left behind by a rapid transition to electrification. (37)

Response: While propane does emit a lower level of carbon dioxide and it is relatively cleaner burning compared to gasoline or diesel fuel, electric vehicles have no tailpipe emissions, providing greater environmental benefits to communities. MassDEP is taking steps to facilitate the transition of MHD vehicles to zero emission, including implementing several grant programs that ensure broad geographic distribution across Massachusetts. MassDEP’s grant programs have been designed to benefit those in rural, underserved or disadvantaged communities that could benefit from transportation electrification.

8. **Comment:** MassDEP should incorporate additional flexibility mechanisms within the regulatory language to implement the ACT program by allowing regulated entities to comply using low-carbon alternative fuels, including renewable natural gas. MassDEP should not adopt CARB’s “one size fits all” approach for emissions warranty and useful life. Also, exemptions are needed for emergency vehicles, transit buses and engines. (41) MassDEP should consider changes to the ACT rules to include low-carbon and near-zero natural gas trucks. (42)

Response: MassDEP is required to adopt California’s motor vehicle emission standards under M.G.L. chapter 111, section 142K. Section 177 of the federal Clean Air Act requires that if a state adopts California’s motor vehicle emission standards, the standards must be “identical to the California standards.” MassDEP’s amendments to 310 CMR 7.40 directly

cite and/or incorporate by reference applicable standards within the California Code of Regulations, including any exemptions, ensuring that the Massachusetts standards are identical to California's standards. Flexibility mechanisms included in the regulations include the ability for manufacturers to earn early action credits under ACT starting with MY 2021 and NOx credits under Heavy-Duty Omnibus starting with MY 2022.

9. **Comment:** MassDEP failed to fully analyze the various options for reducing truck emissions, choosing instead to simply adopt standards designed specifically for California without analyzing how the policy would impact Massachusetts residents. MassDEP's ACT rule is legally deficient because the U.S. Environmental Protection Agency (EPA) has not issued California a preemption waiver and thus Massachusetts may not lawfully adopt the ACT rule under the Clean Air Act (CAA). The ACT program is preempted under the Federal Aviation Administration Authorization Act of 1994, which prohibits states from regulating the rates, routes, and services of interstate trucking companies. (22)

Response: MassDEP is required to adopt California's vehicle emissions standards under M.G.L. chapter 111, section 142K. MassDEP will not enforce the standards until California receives a waiver of preemption from EPA to implement the standards rather than relying on federal motor vehicle emission standards. The standards regulate engine manufacturers, and not the rates, routes or services of interstate trucking companies, and are therefore not preempted under the Federal Aviation Administration Authorization Act of 1994.

10. **Comment:** While many organizations and private entities support Massachusetts' adoption of ACT, Heavy-Duty Omnibus, and Phase 2 GHG standards, complementary policies are needed to achieve widespread deployment of zero-emission trucks. Massachusetts should commit to adopting zero-emission purchase requirements for fleets, expanding vehicle purchase incentives, supporting utilities' investments in charging infrastructure, coordinating with Massachusetts Department of Public Utilities (DPU) and developing fair and reasonable electricity rates for commercial electric vehicles. (9, 14, 32, 49, 50, 51)

Response: Massachusetts is implementing many incentive programs to fund vehicles and charging stations. The MassEVIP and the VW Open Solicitation Programs provide incentives for public and private entities to buy or lease electric vehicles (EVs) and funding to property owners or employers to cover a portion of the cost of EV charging stations. Information about MassEVIP and VW Open Solicitation Program is available on MassDEP's webpage <https://www.mass.gov/service-details/massdep-air-climate-grants-assistance>. The MOR-EV Trucks program is another incentive program that offers rebates for public and private purchases or leasing of qualified new vehicles registered in the Commonwealth, including truck categories subject to the ACT and Heavy-duty Omnibus regulations. Information about the MOR-EV Truck program is available at <https://mor-ev.org/mor-ev-trucks>. MassDEP is engaged in ongoing discussions with DPU on infrastructure policies and incentives to public and private entities. In addition, MassDEP has been working with the multi-state MHD ZEV Task Force to develop an Action Plan that will contain additional actions states can take to facilitate the transition to MHD ZEV vehicles, including addressing electricity rates.

CARB is drafting an Advanced Clean Fleets regulation, which would increase the purchase of MHD vehicles. MassDEP is staying abreast of California's efforts.

11. **Comment:** Massachusetts should provide additional funding support to help with new transportation technologies and enhance the MOR-EV trucks program. (14)

Response: MassDEP has provided this comment to the Department of Energy Resources (DOER), which manages the MOR-EV grant program. More information about the MOR-EV Truck program is available at <https://mor-ev.org/mor-ev-trucks>.

12. **Comment:** MassDEP should delay adoption of the ACT rule in order to advocate for a national approach for next-tier EPA regulations for heavy-and medium-duty trucks and engines by coordinating around a nationwide Clean Trucks Plan and prioritizing the development of a viable and sustainable program to facilitate the purchase of ZEV trucks. (28)

Response: Currently EPA does not have a ZEV rule. MassDEP is required to adopt California's vehicle emissions standards under Massachusetts General Law chapter 111, section 142K. Also see the Response to Comment 9 on incentives.

13. **Comment:** Massachusetts and other states should remain aligned with EPA's standards, which will set new nationwide NOx standards starting with MY 2027. MassDEP should consider streamlining processes such as reporting and approvals so as not to create undue administrative burden for itself and for manufacturers with requirements that are unique to Massachusetts. Areas where changes and further clarifications should be considered includes:
- 1) California Title 13 subsections 1956.8(a)(5)-(9) and (j) should be adopted, to avoid the creation of a "third vehicle."
 - 2) MassDEP should take steps to allow idling longer than 5 minutes (as CARB does) for vehicles equipped with a CARB Clean Idle label, as well as for vehicles equipped with an EPA Clean Idle label which is expected to be included in EPA's upcoming Clean Trucks Plan proposal.
 - 3) Since CARB allows manufacturers to participate in averaging, banking, and trading also for PM for diesel engines and NMHC for Otto-cycle engines starting with MY 2022, MassDEP should clarify that its regulations allow the same.
 - 4) Emergency vehicles in California are exempt from California motor vehicle pollution control requirements; for example, see California Vehicle Code Sections 27156.2 and 27156.3. The new amendments to 310 CMR 7.40(2)(c)2. would limit exemptions to passenger cars, light-duty trucks, and medium-duty passenger vehicles, even though heavy-duty vehicles were not previously excluded. MassDEP should clarify that heavy-duty emergency vehicles and engines in Massachusetts are also exempt from requirements to be CARB-certified and that EPA-certified emergency vehicles and engines will continue to be allowed for sale.
 - 5) 310 CMR 7.40(2)(c)1. adopts by reference the exceptions and exemptions in CCR Title 13, one of which is CARB's Transit Agency Diesel-Fueled Bus and Engine Exemption Request in 1956.8(a)(2)(F). Since CARB's exemption process references elements of CARB's Innovative Clean Transit regulation which has not been adopted by Massachusetts,

MassDEP should follow the precedent set by Oregon regarding transit buses by exempting engines in new diesel-fueled buses sold to a transit agency from meeting CARB requirements.

6) 310 CMR 7.40(2)(c)1. adopts by reference CARB's provisions in 1956.8(a)(2)(C)2 allowing a limited number of diesel engines rated at or above 525 hp to comply with federal requirements. MassDEP should clarify how manufacturers would, or would not have to, determine the maximum number of engines they are allowed to sell in Massachusetts under this provision.

7) 310 CMR 7.40(2)(c)1. adopts by reference CARB's provisions in 1956.8(a)(2)(C)3 allowing a limited number of diesel legacy engines to comply with MY 2023 requirements. In addition to sales volume limits, CARB's provisions include complex criteria linked to availability of zero-emission credits and other credits, potential for a required emissions mitigation project, and multiple instances of approvals from the CARB Executive Officer. MassDEP should clarify how these criteria would or would not be applied for Massachusetts. As noted earlier, Massachusetts-specific processes should be avoided. (43)

Response: MassDEP is required to adopt California's vehicle emissions standards under M.G.L. chapter 111, section 142K. MassDEP has sought to limit its undue administrative burden and for manufacturers by adopting the same reporting required by California. Specifically, 310 CMR 7.40(5)(k) states, "For the purposes of determining compliance with the requirements of 310 CMR 7.40(1)(d)2., 3., and 4., each manufacturer shall submit to the Department reports using the same methodology, timeline and format used to report such information to California ARB." Regarding the other comments:

- 1) As indicated in the Technical Support Document, the citation in 310 CMR 7.40(1)(c): *Table 1* to Title 13 CCR "1956.8(a)(2) - (4), (b), (c), (d), (e), (f), (g), (h)" should have encompassed all of 1956.8; MassDEP corrected the citation to "1956.8" as part of minor corrected regulation pages published on March 4, 2022.
- 2) Changes to MassDEP's anti-idling regulation in 310 CMR 7.11 *Transportation Media* are outside the scope of this rulemaking.
- 3) Because MassDEP has adopted CARB's regulations, manufacturers are allowed to participate in averaging, banking and trading for PM for diesel engines and NMHC for Otto-cycle engines. This participation starts with the 2025 model year listed in 310 CMR 7.40(1)(d)4.
- 4) Because MassDEP has adopted CARB's regulations, any exceptions or exemptions in the Titles 13 and 17 CCR sections listed in 310 CMR 7.40(1)(c): *Table 1* apply, and such vehicles are not subject to the requirements of 310 CMR 7.40(2)(a) and (b) [see 310 CMR 7.40(1)(c) and (2)(c)]. For example, Heavy-duty Omnibus in 13 CCR 1956.8(a)(6)(B) exempts certain emergency vehicles from the provisions of 13 CCR 1956.8(a)(6)(A).
- 5) Since MassDEP has not adopted CARB's ICT regulation, transit buses are not exempt from 310 CMR 7.40 Heavy-duty Omnibus and Phase 2 GHG requirements. Cleaner public transit will help reduce climate change and exposure to emissions, particularly in communities which are overburdened by pollution and reliant on public transit.
- 6) As indicated in 310 CMR 7.40(1)(g), "For purposes of applying the CCR sections incorporated by reference in 310 CMR 7.40, 'California' shall mean 'Massachusetts.'" Thus, in 13 CCR 1956.8(a)(2)(C)2.b.ii. ("The maximum number of heavy-duty diesel

engines covered by engine families certified under this provision that a manufacturer may sell in California in each applicable model year under this provision must not exceed 1.10 times that manufacturer's 2018 or 2019 model year California sales volume of engines rated at or above 525 bhp, whichever is greater”), the two occurrences of “California” would be replaced with “Massachusetts.”

- 7) Similarly, in implementing 13 CCR 1956.8(a)(2)(C)3., manufacturers would use Massachusetts-specific values for sales and averaging, banking and trading credits and deficits, submitted using the same methodology, timeline and format used to report such information to the California ARB, to allow MassDEP to assess whether manufacturers meet the requirements.

14. **Comment:** CAA section 177 establishes a number of criteria that a State must meet in order to be authorized to adopt and enforce California mobile source standards. See 42 U.S.C. §7507. One of those criteria is that the State must need to include the California standards in its State Implementation Plan (SIP) to meet the State’s NAAQS-attainment obligations. Massachusetts cannot meet that criterion. There are a number of potential legal and procedural issues that may preclude Massachusetts from opting-in to CARB’s ACT and Omnibus Low-NOx Rules. More specifically, since Massachusetts is in compliance with all of the current NAAQS (see DEP’s 2020 Air Quality Report), Massachusetts likely does not meet the opt-in criteria under Section 177 of the federal Clean Air Act (CAA), and so does not fall within the terms or intended scope of Section 177. (28)

Response: The Commenter does not identify any specific language in 42 U.S.C. §7507 (Section 177 of the Clean Air Act) that suggests “the State must need to include the California standards in its State Implementation Plan (SIP) to meet the State’s NAAQS-attainment obligations” or that “since Massachusetts is in compliance with all of the current NAAQS (see DEP’s 2020 Air Quality Report), Massachusetts likely does not meet the opt-in criteria under Section 177 of the federal Clean Air Act (CAA).” Section 177 states that “...any State which has plan provisions approved under this part may adopt and enforce for any model year standards relating to control of emissions from new motor vehicles...” The threshold requirement of Section 177 is that a State “has plan provisions approved under this part [D].” Such approved plan provisions are expressly not limited to States with nonattainment plans (Section 172). Rather, they include, for example, States that have achieved attainment but have approved maintenance plans (Section 175A) or have other approved plan provisions related to their being within the Ozone Transport Region (Section 184), in addition to states with approved nonattainment plans. Massachusetts has State Implementation Plans that have been approved by EPA. Additional information on these plans can be viewed at <https://www.mass.gov/lists/massachusetts-state-implementation-plans-sips>.

15. **Comment:** The Omnibus Rule was finalized on December 22, 2021. As a result, CARB is only providing, at most, two full years of lead time before the Omnibus low-NOx standards take effect in model year 2024. That is a clear violation of the federal CAA’s four-year lead time requirement. (See CAA, section 202(a)(3)(C).) Thus, the Omnibus Rule is unlawful and ineligible for a preemption waiver, and cannot be opted-in to in a lawful manner under CAA section 177. The net result is that MassDEP cannot lawfully opt-in to a CARB rule that fails

to provide the federally-mandated lead-time. Indeed, CARB's underlying failure to provide sufficient lead-time for the Omnibus regulations will disqualify CARB from receiving a federal preemption waiver for those regulations. Consequently, MassDEP's current opt-in proposal will be unlawful as well. (28)

Response: Section 177 of the Clean Air Act very clearly states that "California and [States adopting California's motor vehicle standards] adopt such standard at least two years before commencement of such model year." The language in section 202 of the Clean Air Act for the four-year lead time does not apply to Massachusetts and California. Section 202 applies to standards promulgated by EPA. There is no reference to California or states that adopt California's motor vehicle standards under Section 177 in regards to this four-year lead time. For more background on this issue see CARB's ACT Final Statement of Reasons (FSOR) <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/fsor.pdf>, p. 107.

16. **Comment:** It appears that Massachusetts likely will not be able to justify the fiscal impacts of adopting CARB's Rules as required under the applicable Massachusetts rulemaking statutes. Comparing the likely per-truck benefits and costs in Massachusetts from an opt-in to CARB's Omnibus Low-NOx Rule yields a cost-benefit ratio (or a negative benefit-cost ratio) of approximately 44-to-1, on a conservative basis. Rulemakings that would have such extremely inverted economic consequences cannot meet the criteria for valid administrative regulations. The economic analyses required for the regulations do not appear satisfactory and compliant with the requirements in c. 30A and existing Executive Orders. (28, 51)

Response: M.G.L. c. 30A and existing Executive Orders do not contain explicit criteria for determining what costs and benefits are acceptable for a regulatory action. M.G.L. c. 111, § 142K requires MassDEP to adopt California's motor vehicle emission standards; there is no qualifier in that statute about cost. The only condition is that the California standards achieve greater motor vehicle pollution reduction than the federal standards.

17. **Comment:** One very important outcome from substituting Massachusetts sales-based data for the California sales-based data is that Massachusetts's ACT Program will not be "identical" to California's. The number and mix of medium-duty and heavy-duty vehicles sold into Massachusetts is fundamentally different from the number and mix of medium-duty and heavy-duty vehicles sold in California. (28)

Response: Under Section 177 of the Clean Air Act, states adopting California's standards to control the emissions from new motor vehicles must adopt standards identical to California's standards. MassDEP adopted the ZEV standards from California's ACT regulations verbatim. Using Massachusetts sales-based data to determine how many zero emission trucks must be sold in Massachusetts using the percentages in ACT does not violate the identity requirements because it does not alter the motor vehicle emission standards that MassDEP adopted. The number of motor vehicles that must be sold in Massachusetts will not be the same as in California because the sales numbers in California will be much higher. However, this has no effect on the ZEV standards in the regulations.

18. **Comment:** To reduce traffic fatalities, trucks should be required to be manufactured with sideguards, safety mirrors and backup mirrors. (60)

Response: Truck safety requirements are beyond the scope of the regulations and of MassDEP's authority.