



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Charles D. Baker
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Karyn E. Polito
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Bethany A. Card
Secretary

Martin Suuberg
Commissioner

PUBLIC HEARING NOTICE

This Public Hearing Notice is available in alternative languages (Español -- Tiếng Việt -- Chinese -- Kreyòl Ayisyen -- Português) on MassDEP's website at:
<https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>.

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP) will hold public hearings on emergency regulations that amended 310 CMR 7.40, *Low Emission Vehicle Program*, pursuant to the authority of M.G.L. c. 21A §§ 2, 8 and 16, M.G.L. c. 21N and M.G.L. c. 111, §§ 2C and 142A through 142M. The emergency regulations went into effect on December 30, 2022 and incorporate into 310 CMR 7.40 regulations promulgated by the California Air Resources Board for Zero Emission Vehicle (ZEV) and Low Emission Vehicle IV (LEV IV) standards, together known as Advanced Clean Cars II (ACC II). MassDEP's regulations will reduce emissions of criteria pollutants and greenhouse gases from on-road vehicles, improving air quality and helping to mitigate climate change. In accordance with M.G.L. Chapter 30A, MassDEP is providing public hearings and a public comment period on the emergency regulations, which may be modified after public hearing and comment.

The emergency regulations and background information are available on MassDEP's web site at <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. The date of and registration information for the public hearings are:

Monday, January 30, 2023

At 10:00 AM (EST)

Register in advance for 310 CMR 7.40 ACC II public hearing:
<https://us06web.zoom.us/meeting/register/tZwodOyupjke9HwWPsY6M0pmk1Uy4sHkAuY>

At 5:30 PM (EST)

Register in advance for 310 CMR 7.40 ACC II public hearing:
https://us06web.zoom.us/meeting/register/tZcvc-Chrj8vGNTr8EHxJ4_GNGDmotP_RPHH

After registering, you will receive a confirmation email containing information about joining the hearing.

MassDEP provides language access interpreter/translation services to limited English proficient individuals free of charge. If you need an interpreter to participate in this hearing, translation services can be found at <https://www.mass.gov/info-details/massdep-language-translation-assistance>.

Testimony may be presented orally and/or in writing at the public hearing. Written comments will be accepted until 5:00 PM on Thursday, February 9, 2023. Written comments must be submitted by email to Ngoc Hoang at ngoc.hoang@mass.gov or by mail to Ngoc Hoang, MassDEP, Bureau of Air and Waste, 100 Cambridge Street, Suite 900, Boston, MA 02114.

By order of the Department.
Martin Suuberg, Commissioner

Small Business Impact Statement
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 310 CMR 7.40

Estimate of the Number of Small Businesses Impacted by the Regulation: Unknown

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? The regulation reporting requirements only apply to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? The regulation recordkeeping requirements only apply to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? The regulation primarily applies to automobile manufactures, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? The regulation applies primarily to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The regulation applies primarily to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The regulation primarily applies to automobile manufacturers, which are not small businesses.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) Automobile manufacturers must produce vehicles that must meet emission limits, which are considered performance standards.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? The regulation adopts California's standards, which are more stringent than federal standards.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

		The regulation primarily applies to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation applies primarily to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? The regulation applies primarily to automobile manufacturers, which are not small businesses.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The regulations may encourage the formation or expansion of existing small businesses in Massachusetts. Companies manufacturing advanced technology components for the automobile manufacturers may form or expand. Other companies may form to produce these technologies or to support existing small businesses. Also, the increase in number of electric vehicles will increase demand for businesses that manufacturer and install charging stations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation primarily applies to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation primarily applies to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation primarily applies to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? The regulation primarily applies to automobile manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? The regulation primarily applies to automobile manufacturers, which are not small businesses.