



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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April 18, 2025

To: Medium- and heavy-duty motor vehicle and engine manufacturers subject to Washington's Advanced Clean Trucks and Heavy-Duty Low NOx Omnibus regulations under Chapter 173-423 WAC, and

Washington state and local agencies making purchases of model year 2025 and 2026 medium- and heavy-duty vehicles for snowplowing, snow removal, and street sweeping purposes.

**RE: Limited Enforcement Discretion for snowplowing, snow removal, and street sweeping vehicles related to the Advanced Clean Trucks and Heavy-Duty Low NOx Omnibus Standards**

In response to manufacturer restrictions on purchasing medium- and heavy-duty combustion engine vehicles covered by the Advanced Clean Trucks (ACT) and Heavy-Duty Low NOx Omnibus (Omnibus) rules, the Washington Department of Ecology will exercise discretion with its authority to enforce these regulations with regard to certain vehicle types as set forth below to ensure that state and local government agencies can buy snow plowing, snow removal, and street sweeping vehicles needed for public safety. Ecology will limit enforcement of ACT and Omnibus regulations ([WAC 173-423-030](https://app.leg.wa.gov/WAC/default.aspx?cite=173-423-030))<sup>1</sup> for these types of vehicles in the interest of ensuring that their use by state and local governments is unrestricted to ensure public safety. We will simultaneously work to educate manufacturers about compliance flexibilities that negate the need for purchasing restrictions.

For ACT, this action applies to all model year 2025 and 2026 purchases of on-road motor vehicles used for snowplowing, snow removal, and street sweeper purposes (e.g., dump trucks with plows, salt and sand spreaders, front-end loaders, water trucks used for de-icing, mechanical broom sweepers, vacuum sweepers, regenerative air sweepers, waterless sweepers, etc.) by state and local agencies in Washington. The above action is limited to model year 2026 vehicles as described for Omnibus, as Omnibus is not in effect for model year 2025.

## Background

In 2020, the Washington State Legislature amended [RCW 70A.030.010](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.30.010),<sup>2</sup> which directs Ecology to adopt rules to implement and maintain consistency with California's on-road motor vehicle emission standards. This amendment updated the 2005 Clean Car Law to include zero-emission

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<sup>1</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-423-030>

<sup>2</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.30.010#:~:text=RCW%2070A.,California%20motor%20vehicle%20emission%20standards>.

standards for light-duty vehicles, as well as zero- and low-emission standards for medium- and heavy-duty vehicles.

Ecology entered rulemaking and adopted California's ACT regulation under [WAC 173-423-030](#)<sup>1</sup> and [WAC 173-423-075](#)<sup>3</sup> in November 2021. Manufacturers delivering medium- and heavy-duty vehicles or engines for sale in Washington may comply by selling zero-emission or qualifying plug-in hybrid models or purchasing credits from other manufacturers who exceed their sales requirements.

ACT's sales requirements increase gradually through model year 2035 and vary by vehicle weight class; they start at 7-11% of new vehicle sales with model year 2025 and increase to 40-75% by model year 2035. With the exception of Class 7-8 tractors, credits can be used interchangeably across weight classes. Some vehicles, such as transit buses, military tactical vehicles, and emergency vehicles, are exempt from ACT, as defined in [WAC 173-423-060](#)<sup>4</sup> and [RCW 46.04.040](#).<sup>5</sup>

Washington adopted California's Omnibus regulation under [WAC 173-423-030](#)<sup>1</sup> and [WAC 173-423-081](#)<sup>6</sup> in December 2022. Among other things, Omnibus requires applicable medium- and heavy-duty truck and engine manufacturers to certify their on-road engines and vehicles to more stringent standards for nitrogen oxides, particulate matter, and other toxic diesel exhaust emissions standards beginning with model year 2026.

In July 2023, the California Air Resources Board said it will amend Omnibus' nitrogen oxide certification standards to generally align with recently revised federal standards beginning with model year 2027. The Board is expected to formally adopt these amendments next year. They are currently in the process of adopting other amendments to ACT and Omnibus that address industry concerns related to Class 7-8 tractors, and Ecology has opened rulemaking to adopt these changes too.

## Situation

Starting in May 2024, Ecology began hearing reports of manufacturers limiting sales of internal combustion medium- and heavy-duty trucks and engines in Washington unless buyers made zero-emission purchases too. Ecology has seen evidence of zero-emission to internal combustion engine purchasing requirement ratios, instituted by manufacturers, ranging from 1:3 to 1:13. Ecology has heard about these practices from state agencies, municipalities, counties, utilities, commercial fleets, and dealerships, both informally and through public rulemaking meetings held between December 2024 and February 2025.

ACT's credit system allows manufacturers to meet their compliance obligations without restricting internal combustion engine sales. Manufacturers currently have thousands of excess credits for Class 2b-8 non-tractors (i.e., all on-road medium- and heavy-duty vehicles excluding the largest semi-trucks). While these credits are not evenly distributed across manufacturers, those with lower sales may purchase the credits from those with excess sales in lieu of selling additional zero-

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<sup>3</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-423-075>

<sup>4</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-423-060>

<sup>5</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=46.04.040#:~:text=%22Authorized%20emergency%20vehicle%22%20means%20any,any%20other%20vehicle%20authorized%20in>

<sup>6</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-423-081>

emission or plug-in hybrid vehicles themselves. Despite these flexibilities, manufacturers maintain that their practices are necessary for complying with ACT.

As a result, several state and local agencies have notified Ecology that they won't be able to purchase needed snowplows and street sweepers this year. These vehicles are vital for public safety—they're used to clear the snow from roadways during emergencies, respond to normal snow accumulation during the winter, and keep streets clean to prevent flooding.

However, vehicles used for snowplowing, snow removal, and street sweeping as defined in this letter are not explicitly listed under the emergency vehicle exemptions of [WAC 173-423-060](#).<sup>4</sup>

Based on the above, Ecology finds it necessary to use agency discretion to limit enforcement of [Chapter 173-423 WAC](#).<sup>7</sup> In Washington State, certain internal combustion engines and motor vehicles identified herein will not generate deficits under ACT and will not need to meet low-emission standards under Omnibus. This decision to limit enforcement will apply only to truck and engine manufacturers when the purchase of internal combustion engine-powered medium- and heavy-duty vehicles is made by Washington state or local agencies specifically for the purpose of snowplowing or snow removal, (e.g., dump trucks with plows, salt and sand spreaders, front-end loaders, water trucks used for de-icing, etc.), and street sweeping (e.g., mechanical broom, vacuum, regenerative air, waterless, etc.).

### Enforcement discretion on certain vehicle purchases under ACT

Ecology will exercise enforcement discretion for model year 2025 and 2026 internal combustion engine-powered medium- and heavy-duty vehicles sold to Washington state or local agencies specifically for the purpose of snowplowing or snow removal, (e.g., dump trucks with plows, salt and sand spreaders, front-end loaders, water trucks used for de-icing, etc.), and street sweeping (e.g., mechanical broom, vacuum, regenerative air, waterless, etc.). For purposes of ACT compliance, all internal combustion engine truck sales covered by this decision to limit enforcement will be excluded from the "total Washington state sales" when determining a manufacturer's deficit generation and compliance (see [13 CCR 1963.1](#)).<sup>8</sup> However, in order for Ecology to exercise this enforcement discretion, manufacturers must submit a separate list of these vehicles that includes all information defined in [13 CCR 1963.4\(a\)](#)<sup>9</sup> to Ecology via email to [CleanVehicles@ecy.wa.gov](mailto:CleanVehicles@ecy.wa.gov) for recordkeeping purposes no later than 90 days following the end of model year 2025 and 2026. [13 CCR 1963.1](#)).<sup>8</sup>

Additionally, authorized executive officers of state and local agencies, as defined by [RCW 39.80.020](#),<sup>10</sup> shall make written requests to applicable motor vehicle manufacturers or their authorized dealerships detailing the make, model, model year, and number of vehicles to be purchased. These requests shall also be sent to Ecology at [CleanVehicles@ecy.wa.gov](mailto:CleanVehicles@ecy.wa.gov) with the subject line "Enforcement Discretion Purchases".

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<sup>7</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-423>

<sup>8</sup> [https://govt.westlaw.com/calregs/Document/I7CB68D635A1E11EC8227000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I7CB68D635A1E11EC8227000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

<sup>9</sup> [https://govt.westlaw.com/calregs/Document/I7CD008D35A1E11EC8227000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I7CD008D35A1E11EC8227000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

<sup>10</sup> <https://app.leg.wa.gov/rcw/default.aspx?Cite=39.80.020>

The following certification language must be included below the signature line of each purchase request:

*"As signatory, I certify that I am the responsible official accountable for the truth, accuracy, and completeness of the information contained in this purchase request."*

Ecology will decide whether the proposed purchase is subject to this enforcement discretion and will communicate its decision to the requesting agency and the manufacturer promptly.

## Enforcement discretion on certain vehicle purchases under Omnibus

Ecology will exercise enforcement discretion during model year 2026 for truck purchases designated for snowplowing, snow removal, and street sweeping purposes by state and local agencies in Washington. Applicable motor vehicle manufacturers may sell trucks with EPA-certified model year 2026 engines in Washington, without generating deficits under Omnibus, to state and local agencies designated for snowplowing, snow removal, and street sweeping purposes as defined in this letter. However, Ecology strongly recommends purchasing Omnibus-certified model year 2026 vehicles and engines when available for snowplowing, snow removal, and street sweeping purposes.

Agencies and manufacturers must follow the same procedure for seeking approval on an Omnibus exemption as is defined above for ACT; an agency requesting application of this enforcement discretion to their purchases may make such a request under both ACT and Omnibus at the same time.

Manufacturers must submit all required reporting outlined above in accordance with [13 CCR 1956.8](#)<sup>11</sup> to Ecology via email to [CleanVehicles@ecy.wa.gov](mailto:CleanVehicles@ecy.wa.gov) for recordkeeping purposes no later than 180 days following the end of model year 2026.

## Effective Date

This action takes effect immediately upon publication of this letter. It will remain in effect through the end of model year 2026 (Dec. 31, 2026) or when Ecology repeals this decision to limit enforcement, whichever occurs first. Ecology may extend the applicable timeframe for the decision to limit enforcement at any time if it determines this action is still needed after December 31, 2026.

All other provisions of Chapter 173-423 WAC and its attendant codes, rules and regulations remain in effect and will be enforced, as well as any other applicable local, state, or federal law or regulation.

Thank you for your cooperation in this matter. Questions regarding this enforcement discretion should be directed to [CleanVehicles@ecy.wa.gov](mailto:CleanVehicles@ecy.wa.gov).

## ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188. To request

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<sup>11</sup> [https://govt.westlaw.com/calregs/Document/I74B90BD0231E11EFBB4F9D4B9025A50C?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I74B90BD0231E11EFBB4F9D4B9025A50C?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

an ADA accommodation, contact Ecology by phone at 360-407-6800 or email [ecyADAcordinator@ecy.wa.gov](mailto:ecyADAcordinator@ecy.wa.gov), or visit [ecology.wa.gov/accessibility](http://ecology.wa.gov/accessibility). For Relay Service or TTY call 711 or 877-833-6341.