NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

JUL 21 2025

RE: Enforcement Discretion Part 494, Hydrofluorocarbon Standards and Reporting

To Whom It May Concern,

This is to advise you that, subject to the terms set forth in this letter, the New York State Department of Environmental Conservation (Department) will exercise its authority to utilize enforcement discretion with respect to certain provisions of 6 NYCRR Part 494 (Part 494), Hydrofluorocarbon Standards and Reporting, that became effective on January 9, 2025.

Enforcement Discretion:

- The Department will exercise its enforcement discretion authority regarding Section 494-2.3(f)(1) and delay through March 31, 2026 the enforcement, as it applies to the bulk regulated substances R-404A and R507A, of the prohibition to "sell, distribute, offer for sale or distribution, make available for sale or distribution, purchase or receive for sale or distribution, or attempt to purchase or receive for sale or distribution in New York State bulk regulated substances" with a global warming potential (GWP100) greater than 2200 as incorporated by reference from Cal. Health & Safety Code Section 39735(b)(2).

The Department previously announced that it would exercise its enforcement discretion and delay the enforcement of this provision as it applies to the bulk regulated substances R-404A and R507A through December 31, 2025 in order to allow for regulated entities to acquire these substances needed to service equipment while leak repairs required in the rule are being completed.

All other provisions of Part 494 beyond what is specified in the Enforcement Discretion section above remain in effect and will be enforced. This enforcement discretion will remain in place until March 31, 2026, unless further extended by the Department.

Thank you for your cooperation in this matter. Questions regarding this enforcement discretion or Part 494 should be directed to the Department's Office of Climate Change at climate.regs@dec.ny.gov.

Sincerely,

Patrick E. Foster
Acting General Counsel
and Deputy Commissioner