NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

JUN 29 2026

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 (DEC) will exercise its authority to use enforcement discretion with respect to certain provisions of 6 NYCRR Part 494, Hydrofluorocarbon Standards and Reporting (Part 494). Except as expressly set forth herein, all provisions of 6 NYCRR Part 494 remain in effect and will be enforced.

Pursuant to Subpart 494-1.4(a), no person may install a field charged system in certain sectors or subsectors in New York State, nor have any such system be installed through their position as a designer, owner, or operator of that system, that uses a prohibited substance listed in Subpart 494-1.4(e) after the applicable prohibition date.

With respect to a new field charged system(s) that is subject to Subpart 494-1.4(e)(2)(vi) or 494-1.4(e)(3)(vii) with either (i) a prohibition date of January 1, 2026, or (ii) an extended prohibition date of January 1, 2027 in accordance with the requirements set forth in Subpart 494-1.5(a)(12), or (iii) a prohibition date pursuant to a DEC variance or enforcement discretion issued prior to the date hereof, such prohibition date is hereby extended to January 1, 2028 for persons that would have installed such system(s) by such original prohibition date but for project construction delays beyond their reasonable control.

As conditions to coverage under this enforcement discretion, (A) the use must be eligible for exemption pursuant to Subpart 494-1.5(a)(12) or have received or benefitted from a variance issued by DEC pursuant to Subpart 494-1.8 for the same system(s) prior to the date hereof; (B) such person must implement, and maintain for inspection by DEC upon request, a compliance plan as set forth in Subpart 494-1.8(c)(9) and a mitigation plan as set forth in Subpart 494-1.8(c)(9)(v), and (C) such person must submit to DEC by email at climate.regs@dec.ny.gov a complete explanation of how the applicable circumstances satisfy the criteria and conditions set forth in this letter, including but not limited to the nature of the construction delays beyond the reasonable control of such person that have prevented or will prevent the installation of such systems by the applicable prohibition date.

Questions regarding this enforcement discretion or Part 494 should be directed to DEC's Office of Climate Change at climate.regs@dec.ny.gov.

Sincerely,

Anthony P. Luisi
Deputy Commissioner
and General Counsel