Mandatory Greenhouse Gas Reporting Program (6 NYCRR Part 253)

Frequently Asked Questions Regarding Enforcement Discretion

On July 31, 2026, New York State Department of Environmental Conservation (NYSDEC) published an enforcement discretion letter (PDF) explaining how the Department will exercise enforcement discretion with regards to certain compliance dates in 6 NYCRR Part 253 (Part 253). This enforcement discretion is in response to May 2026 legislative changes to the Climate Leadership and Community Protection Act, while NYSDEC develops a regulatory package to amend Part 253.

Frequently Asked Questions

How will DEC propose to amend Part 253 in response to the Legislature's recent amendments to the Climate Leadership and Community Protection Act (CLCPA)?

Among other changes, the May 26, 2026 legislative amendments to the CLCPA removed upstream out-of-state emissions associated with the extraction and transmission of fossil fuels from the calculation of Statewide Greenhouse Gas Emissions and changed the integrated timeframe for measuring carbon dioxide equivalent from twenty years to one hundred years. The Department is currently preparing a rule making package to align Part 253 with these changes.

Do I still have to comply with Part 253 as currently written? For example, do I still have to report 2026 emissions data?

Yes. However, while the regulation is being updated, the Department is exercising enforcement discretion with regard to certain reporting deadlines. View the July 31, 2026 enforcement discretion letter (PDF).

When will the Department's rule changes be ready?

DEC is moving swiftly to promulgate regulations to ensure reporting requirements and deadlines for the 2026 emissions year align with the amended CLCPA.

Why did DEC not use the July 31, 2026, Enforcement Discretion Letter to simply *change* Part 253?

By law, the Department must comply with the State Administrative Procedure Act when creating or revising rules and therefore cannot change the requirements of a regulation through enforcement discretion. This process provides for robust review and the opportunity for public comment before any changes are finalized.