



NIAGARA COUNTY
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March 18, 2024

The Honorable Basil Seggos
New York State Department of Environmental Conservation
Office of Climate Change
625 Broadway
Albany, New York 12233-1030

RE: Comments on Part 494 HFC

Dear Commissioner Seggos,

We are writing to you regarding the proposed amendments to Part 494 Hydrofluorocarbon (HFC) Standards and Reporting. As currently written, the proposed Part 494 revisions would impose unrealistic and costly prohibitions on the use of HFC refrigerants and would adversely impact the residents and businesses of the County by imposing aggressive and near-term restrictions on equipment prior to its end of life. The proposed amendments would force grocers, schools, hotels, restaurants and retail establishments to replace or retrofit existing equipment, regardless of its age, performance, or remaining service life, with alternative refrigerants that are not readily available, not proven to be safer or higher performing, and not compatible with current infrastructure.

The proposed rules would;

- Create hardships for residents who would require service on existing residential and light commercial HVAC units, including heat pumps, and may force them to purchase new products in the near term to comply. Ironically these rules would impact the roll out of electric heat pumps as the refrigerant in these products would be phased out,
- Isolate vehicles sold in New York state by deviating from federal standards for air conditioners to meet stringent New York refrigerant requirements, likely driving up new vehicle purchase prices in the state,
- Impact building owners (both residential and commercial) looking to weatherize by insulating space with spray foam. The \$200 million/year business in New York would be eliminated, impacting 2,000 jobs across the state, and
- Force the more than 25,000 food retail stores in the state to change their equipment, despite its age, resulting in costly upgrades passed on to consumers, or store closure. For larger supermarkets, this will require a considerable investment to retrofit equipment- \$1 million per refrigeration rack (avg. store has 3-4) and lead to downtime and eventual store closures in vulnerable areas.

The expeditious phase out of the commonly used HFC refrigerants will result in significant financial burdens to establishments serving the counties rural and disadvantaged communities, leading to higher costs, lack of product availability, or worse, creating a food desert due to store closure. Additionally, our local grocers and cold storage operators will be forced to compete with national chains that are more resilient to policy change based on their national footprint. Moreover, the deviation of the proposed Part 494 rules would create

confusion and isolation between New York and other jurisdictions which will be challenging to procure equipment and parts in a timely manner.

It is recognized that the proposed rule change would generate a significant amount of work for skilled trades, however it cannot be overemphasized that workforce development investments are gravely needed. As written, the rules propose an unattainable timeline for the industry- which currently struggles to attract and retain experienced, qualified and motivated employees- to meet such demand. Furthermore, these changes would occur simultaneously with electrification of New York, and the lack of an adequately trained workforce across both sectors will not benefit local employers or create jobs for New Yorkers, rather the trades will be susceptible to contractors from out of our state.

In closing, we strongly encourage the Office of Climate Change to

- Align New York's HFC phasedown with the approach of the United States Environmental Protection Agency,
- Push out the implementation timeline and availability of specific HFC refrigerants to the grocery industry, while allowing for reasonable cost-based accommodations to food providers in rural and disadvantaged communities, and
- Partner with other statewide organizations to continue to develop a New York workforce that is adequately trained and capable of designing, servicing and installing sustainable refrigerant management strategies.

Sincerely,



Rebecca Wydysz
Chairman
Niagara County Legislature



Richard Andres
Chairman
Economic Development