

Advocates of the
Food Industry
Since 1900



FOOD INDUSTRY ALLIANCE OF NEW YORK, INC.

111 Washington Avenue - Suite 200, Albany, NY 12210 (518) 434-1900

February 27, 2024

The Honorable Kathy Hochul
Governor of New York
New York State Capitol Building
Albany, New York 12224

Re: Proposed Environmental Conservation Regulations to 6 NYCRR Part 494 – Hydrofluorocarbon Standards and Reporting

Dear Governor Hochul:

The Food Industry Alliance of New York State (FIA) represents the full spectrum of the retail food industry in our state. We write to you today to express our concern regarding the above-referenced proposed regulations by the State Department of Environmental Conservation.

As part of the rulemaking process, FIA has been actively soliciting feedback and information from our members. During this process, it has become increasingly clear that if the amendments are enacted as proposed, there will be a dramatic, adverse impact on the retail food industry in New York.

First, the proposed amendments set a new, largely unachievable standard for existing retail food stores. There is a limited supply of what would constitute compliant refrigerants in existence today which would largely prevent the industry from meeting the new standards. This alone will reduce existing retail food stores in operation throughout New York, limiting consumer options and creating new food insecure communities. Further, the current estimated cost to retrofit existing stores to meet the new standards is anywhere from \$750,000 to over \$1 million. This estimated cost is direct feedback from FIA members and is a per store location. Between the limited ability to comply plus the cost per location, store closures are a certainty.

Cost realities aside, the State must further recognize that there are no suitable low GWP refrigerants available at present which would meet the new standards. Additionally, and as mentioned above, the vendor and technicians' community is already in short supply and there are minimal available specific to the alternatives the State seeks to mandate. Also, the refrigerant supply chain is currently facing massive disruptions and a limited inventory of existing compliant equipment. Mandating new standards at the timeline proposed for existing retail food stores is frankly unachievable.

Our industry is already working to reduce its climate footprint and is a willing partner to help New York meet its ambitious climate goals, when sensible. Unfortunately, if New York moves forward with these new HFC standards at the timeline proposed, the retail food industry will face significant upheaval adversely impacting communities across our State.

Our organization and members respectfully request that the above reference rulemaking process be halted and revised to reflect the current refrigerant marketplace, industry impact and provide an implementation timeline that reflects cost containment and supply availability. Absent that, the process should at a minimum either be paused or extended further for additional analysis.

The impact on consumers, retailers and our economy without full consideration of the points raised above will create significant new challenges, which are largely avoidable. The Food Industry Alliance of New York State and our members thank you for your consideration and are happy to discuss this further.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael P. Durant".

Michael P. Durant
President & CEO