



**Comments – March 2024**  
**NYS DEC’s proposed rule making “Amendments to Part 494, Hydrofluorocarbon Standards and Reporting.”**

The American Council of Engineering Companies of New York (ACEC New York) represents close to 300 consulting engineering and affiliate firms throughout New York State, with a concentrated presence in New York City.

Our members design the mechanical, electrical, structural, plumbing, civil, environmental, fire protection, and technology systems for buildings and infrastructure throughout New York.

**Members of our Energy and Mechanical Committees reviewed the proposed rule and identified significant concerns.**

The recent accelerated phase out of High Global Warming Potential (GWP) refrigerants has caused significant turmoil in the HVAC industry by advancing requirements ahead of available technology. The industry has not fully caught up with the changes required by the 1/1/2024 sunset for chillers and the 1/1/2025 sunset for unitary equipment.

Air conditioning equipment manufacturers are still in the process of developing equipment that can use A2L refrigerants which are required by regulations as of 1/1/25. In addition, as we understand it, the majority of the refrigerants currently in development will not meet the proposed GWP20 limit of <10.

The proposed rule to adopt new thresholds utilizing the GWP20 metric as early as 2027 will create substantial uncertainty for all products and building project types, with particular concern for larger developments (new and retrofits) that typically have longer design and construction lead times.

There are already regulatory concerns with regards to the limited flammability of A2L refrigerants, which must be utilized to meet the 2024 and 2025 standards. We note that many of the very low GWP20 refrigerants include A3 refrigerants that are highly flammable (e.g. propane, isobutane, propylene) or extremely hazardous (e.g. ammonia) as well as refrigerants that are impracticable to use for comfort cooling applications (e.g. CO<sub>2</sub>, Air, Water). Equipment utilizing these refrigerants are likely to experience even greater regulatory and safety concerns than those currently being experienced with A2L-containing equipment.

It appears that these rules are proposed for New York State only. We caution against advancing too far ahead of Federal rules as this will likely result in a lack of available equipment, since manufacturers do not develop and manufacture equipment specifically for New York State.