



NEW YORK STATE SENATOR

Pamela Helming

Senator Helming and Local Small Businesses Call on State to Pause New Refrigerant Standards

PAMELA HELMING June 11, 2024

| ISSUE: **HFC REGULATIONS**



Proposed DEC regulations would have devastating impacts on the retail food industry

Senator Pam Helming and owners of area grocery stores joined today in calling on the state to pause its imminent effective date for new hydrofluorocarbon (HFC) refrigerant standards and allow for a more reasonable transition timeline.

The state Department of Environmental Conservation (DEC) is reviewing proposed amendments to its HFC phasedown regulations that include prohibiting new products and equipment containing HFCs beginning January 1, 2025, as well as the sale of certain refrigerants. HFCs are commonly used in refrigeration and HVAC equipment. The regulations are being considered to meet requirements of the state's sweeping Climate Act adopted in 2019.

The concern is these regulations, as currently written, would have devastating impacts on the retail food industry, including independent grocers and convenience stores, many of which are located in food deserts, up to the largest supermarkets doing business in New York State. Businesses are asking the DEC to align its rules with federal standards.

Senator Helming said, "While we take steps to protect the environment, we also need to protect our small businesses, local jobs, and access to food in our communities. The grocers and convenience store operators I've spoken with are reasonable – no one is asking for this regulation to be stopped. They are simply asking for it to be consistent with the federal government standards and implemented under a more realistic timeframe. We should be helping businesses grow, not threatening their viability or the livelihoods of the people they employ and the people and communities they serve."

Deric M. West, owner of Honeoye Falls Marketplace & Mendon Meadows Marketplace employing over 130 people, said, "The NYS DEC's proposals regarding the nearly immediate outlaw of commonly used refrigerants in commercial and supermarket settings will lead to the proliferation of food deserts in urban and rural areas, reduce consumer choices, and ignite substantial food inflation throughout NYS. The State DEC must align its future regulations concerning the use of refrigerants with recent pragmatic standards adopted by the State of California, the U.S. Federal Government, and the international Montreal Protocol. These

entities have developed specific protocols for hydrofluorocarbon phasedowns that are based on a collaboration of the broad set of stakeholders that will be impacted by these regulations. We are asking the NYS DEC to work with the supermarket industry to bring about comprehensive reform that will lead to an improved quality of life for all New Yorkers while securing and preserving environmental protections for future generations.”

Michael Durant, President & CEO of the Food Industry Alliance of New York State, said, “The Food Industry Alliance of New York State, which represents the full spectrum of the retail food industry in New York, has strong concerns specific to the economic impact the proposed regulations related to refrigerants will have on our industry. From the limited supply of potential alternatives to the more than \$1 million in costs per rack system to retrofit existing stores, this proposal will threaten the viability of existing retail food stores and likely lead to more food insecure communities. We thank Senator Helming and many of her colleagues for continuing to highlight this problematic proposal and strongly urge the Governor and Department of Environmental Conservation to dramatically alter the approach to refrigerants as proposed.”

Paul Zuber, Executive Vice President, Business Council of New York State, said, “The Business Council joins the voices of other business groups and individual employers who are asking for the state to rethink its proposed HFC rule that will adversely impact many New York businesses, including small businesses, who already follow the many safety guidelines at both the state and federal level. New York should safeguard its environment, businesses and homeowners by aligning its rule with the standards set by the U.S. Environmental Protection Agency and allowing for the continued use of low-climate impact products over the long term.”

The cost of retrofitting stores to meet these new standards is in the millions of dollars. There are also supply chain challenges that currently limit the availability of alternative refrigerants and equipment to meet the proposed standards, and beyond that, the availability of trained contractors and technicians.

Other small businesses in attendance at today's press conference at Honeoye Falls Marketplace were Joey's Northside Grocery, Newark; Caledonia Marketplace; Bliss Shurfine Food Mart, Manchester; West's Shurfine Food Markets, Honeoye and Livonia; Busters Market, Scottsville; Van Ernst Refrigeration, East Rochester; and Mendon Town Supervisor John Moffitt and Honeoye Falls Mayor Richard Milne.

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