

March 7, 2020

New York State Department of Environmental Conservation
Office of Climate Change
ATTN: Suzanne Hagell
625 Broadway, 9th Floor
Albany, NY 12233-1030,

Re: Comments on Proposed Part 494, Hydrofluorocarbon Standards and Reporting

Dear Ms. Hagell,

The comments below are prepared by New Yorkers for Cool Refrigerant Management, a group of concerned citizens who are studying the best ways to reduce refrigerant emissions in our communities. Many of us participate in the Climate Smart Communities program or are involved in waste management or sustainability through other affiliations. As seen in our signature, other interested parties have joined in support of our letter as well.

We are very glad that New York State and the DEC are stepping forward to adopt some of the abandoned federal SNAP regulations. We applaud the decrease in greenhouse gas emissions that will result as well as the signal to manufacturers that it will be in their best interests to continue moving to refrigerants with low Global Warming Potential (GWP). We understand the specifications of this regulation were already vetted thoroughly by the EPA and negotiated with industry participants and environmental advocates, making it relatively quick and simple to implement, which we welcome.

While the proposed Part 494 is a great first step, there are other tried and tested refrigerant management approaches that could drastically reduce New York's greenhouse gas emissions. Here are some of the opportunities that we are aware of:

Set a Mandate. California, Vermont and New Jersey have mandated a 40% reduction in HFCs from 2013 levels by 2030. Part 494 mentions that New York State will get a 16% reduction in HFCs by 2030 when it adopts this measure, but clearly much more can be done, and the Empire State should adopt a worthy goal.

Replicate Programs from Other States in the United States Climate Alliance. The outstanding example is California's Refrigerant Management Program, the most thorough program in the United States, which collects graduated fees on large, medium, and small users of refrigerants. The fees fund a monitoring program that is more frequent for the bigger users and less frequent for smaller users. One important element of New York's program could be Extended Producer Responsibility, engaging manufacturers in funding and supporting the education of consumers, HVAC technicians and recyclers.

Include Tax Credits for Companies that Adopt Leak Monitoring Systems and Procedures. One key aspect of such a program could be incentives for the adoption of leak monitoring systems and procedures. One of the divisions of Hudson Technologies, Inc., which is headquartered in Rockland County, New York, is its On-Site Refrigerant Services. Companies that use the service save on energy use and refrigerant expense, but part of the reason they hire assistance is to avoid penalties for mis-managing refrigerants. If tax credits were provided to companies that use this service, a great deal of

greenhouse gas equivalents would be saved for a relatively small amount of money. And, it would promote a very important kind of green job.

Include Rebates to Contractors for Captured Refrigerants. Another feature of the program could be incentives to contractors who install central air conditioning systems, heat pumps, refrigerators and freezers in grocery and convenience stores, and other equipment. At present, when contractors recover old refrigerants and return them to a refrigerant distributor or other company that collects and reclaims old refrigerants, they will generally either have to pay a handling fee for the service, or there will be no charge, or only for the most expensive refrigerants on the market will they receive a rebate. If funding were made available to enhance distributor rebates, there would be more incentives for contractors to bring in more refrigerants, and it would also be a big boon to the companies doing the excellent work of reclaiming old refrigerants.

Incentivize Low-GWP Refrigerants. For new installations of cooling or refrigeration equipment, incentives could be used to encourage early adoption of new low-GWP refrigerants.

Capture More Old Refrigerants. Besides phasing out the use of HFCs, a lot of good work could be done by capturing and reclaiming or destroying the significant amounts of high-GWP refrigerants that are currently in use, whether in appliances or in larger applications. Implementation plans for the CLCPA should include enhanced measures to capture old refrigerants with high GWPs, regardless of whether they are HFCs, HCFCs or CFCs. Two key ways to accomplish this are working with HVAC technicians and scrap metal dealers, as described below.

Enhance Enforcement of Current Regulations with the HVAC Industry. Many participants in the HVAC industry flout the rules that require them to capture all used refrigerants. This makes an uneven playing field for the industry participants who are doing the right thing and following the law. By consulting with representatives of the HVAC industry to develop a program for training and enforcement (perhaps connected with renewal of licenses), New York could establish better enforcement rules that are fair to everyone and prevent massive amounts of refrigerant emissions.

Enhance Enforcement and Compliance Assistance with Scrap Metal Dealers. We have learned of several cases of scrap metal dealers disregarding or not knowing the regulations (including one who claimed to have a license to vent refrigerants into the atmosphere). Free training could be provided to scrap metal dealers so they could have the proper EPA certification for removing refrigerants from appliances before recycling the metals. Equipment could also be available on loans to the scrap metal dealers. Then, an enforcement program could be put in place to check up on scrap metal dealers and ensure they all respect the law.

Non-Refillable Cylinder Ban. Non-refillable cylinders lead to left-over refrigerants being easily emitted. Non-refillable cylinders should be banned for all high GWP refrigerants during transport, distribution, sale and recovery.

Plan and Build a Facility for Destroying Old Refrigerants. There are very few of these facilities in the United States, and the sooner we can transition to new refrigerants and start destroying the old ones, the better off we will be.

Substantially Increase Funding and Staffing for the DEC. If the DEC had more staff and funds, as well as instructions to enforce existing laws relating to refrigerants strictly and thoroughly, it could dramatically

boost efforts around leak monitoring and refrigerant recovery, thereby reducing significant amounts of refrigerant emissions.

Pursuant to the Kigali Amendment to the Montreal Protocol, there is a large international movement led by the EU, Japan, Australia and others to transition to new refrigerants and improve refrigerant management practices. Not only are environmentalists supporting this change, but the US Chamber of Commerce does as well. Why? Because the companies that produce refrigerants and manufacture appliances and equipment that use refrigerants all support following the Kigali Amendment. This confluence of factors, along with the dereliction of duty that is taking place at the federal level, means the years ahead are an especially ripe time for states like New York to enhance refrigerant management practices and prevent massive amounts of greenhouse gas emissions. Thus, we encourage the Governor and the Legislature to quickly develop and implement a more comprehensive refrigerant management program along the lines of these recommendations.

A more comprehensive program is important because expeditiously adopting further refrigerant policies in New York State could play a significant role in meeting the 2030 goals of the CLCPA. As we understand the DEC is restricted in what efforts it can initiate, we are also sending copies of this letter to Governor Cuomo as well as to Senator Todd Kaminsky and Assemblyman Steven Englebright, chairs of the Environmental Conservation Committees in their respective houses of the Legislature. We welcome your feedback and thank you for your attention to these recommendations.

Respectfully submitted,



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[Others to be added]