

Frequently Asked Questions

Part 494 – Updated January 2025



Department of
Environmental
Conservation

Hydrofluorocarbons (HFCs) are potent greenhouse gases often used in refrigeration and cooling equipment. HFCs have a global warming potential (GWP) – a metric that measures the ability of gases to trap heat in the atmosphere – hundreds to thousands of times higher than carbon dioxide. HFCs and other high GWP substances are used in a variety of home and commercial products and equipment. The Part 494 HFC Standards and Reporting regulation adopted in January 2025 will help control emissions of HFCs and substitutes that contribute to global climate change.

This document provides regulated entities with answers to commonly asked questions and may be revised as more information becomes available. Regulated entities are responsible for complying with all requirements of Part 494 and should review the regulation on DEC's website: <https://on.ny.gov/climateregs>

Where is the Part 494 regulation located?

All regulatory documents are available on DEC's website: <https://on.ny.gov/climateregs> or by requesting copies from DEC by emailing climate.regs@dec.ny.gov.

What is the effective date of the Part 494 regulation?

The original Part 494 regulation went into effect in 2020 and included prohibition dates through 2024. The new, amended regulation went into effect on January 9, 2025 and includes additional prohibition dates and other deadlines that range from this effective date through 2035. Deadlines in the amended rule that refer to the "effective date" are referring to January 9, 2025. Some prohibition dates match those in other state and federal regulations. See the regulation and Factsheet on <https://on.ny.gov/climateregs> for additional detail. All deadlines reflect multiple years of outreach and public comment, as described in the Assessment of Public Comment and Regulatory Impact Statement.

Where can I register, apply for a variance, and/or submit reports?

DEC is developing electronic forms that will be posted along with instructions on DEC's website. Visit <https://on.ny.gov/fgasreporting> for more information and to sign-up to receive updates on this rule and related announcements.

Who is required to report under the Refrigerant Management Program? What if I don't have the information requested, such as the amount of refrigerant contained in my equipment?

If you own or operate equipment that contains 50 pounds or more of refrigerant, you may be required to report under the Refrigerant Management Program (Section 494-2.2 through 2.7). Supermarket chains are required to participate in both the Refrigerant Management Program and the Supermarket Refrigerant Program (Section 494-2.8). See <https://on.ny.gov/fgasreporting> for a list of upcoming deadlines. Use your best available information when completing the forms and contact DEC for additional assistance at climate.regs@dec.ny.gov as needed.

What types of entities are considered "suppliers" or "distributors" subject to the registration, reporting, and record-keeping in Section 494-1.7?

In the Part 494 regulation, suppliers include producers, manufacturers, or distributors of bulk regulated substances or product/systems that contain or are intended to contain those substances. Distributors include, but are not limited to, persons who import these items into New York to distribute them in this state. Persons that provide repair services and do not import bulk regulated substances from out of state are not "distributors" and are not required to report under Section 494-1.7. Entities that intend to import and distribute regulated substances, even at no charge, must register and report this information.

What are the deadlines for buying and selling bulk regulated substances?

Note: The Department has issued enforcement discretion regarding certain provisions related to this prohibition. See the DEC website for the full Enforcement Discretion letter. <https://on.ny.gov/climateregs>

Any person who intends to buy, sell, or distribute containers of virgin (not reclaimed) bulk regulated substances may be in violation if the sale takes place after the applicable prohibition dates in Section 494-1.4(f). These deadlines are in January 2025, 2030, 2033, and 2040. The first prohibition date applies to substances with a 100-Year Global Warming Potential (GWP) greater than 2200, as defined in California Health & Safety Code Section 39735. This includes bulk containers of R-404a and R-507, but not virgin substances or those with a GWP100 less than 2200 such as R-410a. The prohibition on containers does not apply to the servicing of equipment and there is no prohibition on the sale of repair services. Other requirements may apply. Servicers may not purchase, sell, or distribute containers of virgin, bulk regulated substances except as part of a service repair after the applicable prohibition date. The supply of substances per Section 494-1.7 must also be reported (see above).

Am I prohibited from using bulk regulated substances or the products and equipment listed in Part 494?

No. Part 494 includes controls on the sale and distribution of covered substances, products, and equipment for commercial purposes. There is no restriction, prohibition, or deadline in Part 494 on using any substance, product, or equipment. There is also no prohibition on servicing equipment including if the substances were purchased by the same business prior to the prohibition date, such as if they are in storage.

What about storing, transporting, or renting?

As with the original Part 494 regulation adopted in 2020, the amended regulation does not regulate the storage or shipment of substances, products, or equipment in or through New York State if they are not intended to enter commerce in New York State. This may include transporting items to or from vessels at ports, transshipments through New York State, or storage in service vans. However, items that are intended for sale in New York State may need to be reported. Persons transporting these items should maintain appropriate documentation. There are also no prohibitions on using or renting equipment, but the owners and/or operators may be subject to refrigerant management requirements under Sections 494-2.2 through 2.8.

What if I cannot service or replace my equipment due to shortages?

Businesses and consumers should be aware that HFC substances are being phased out worldwide. Shortages are expected as the United States Environmental Protection Agency (USEPA) implements the US AIM Act. There are also other New York State, national, and international laws to transition away from HFCs. For example, R-404a and R-507a were prohibited from use in new and retrofitted equipment starting in 2021 per the original Part 494 regulation in 2020. Similar federal prohibitions are being phased in nationwide per 40 Part 84.54.

Can the labeling and disclosure requirements be met by complying with federal regulations?

The federal labeling requirements in 40 CFR Part 84.58 are similar to those in Section 494-1.6, but they are not the same. Where the federal requirements meet or exceed DEC's requirements, federal requirements may be used. Where the federal requirements provide less or different information than is required in Part 494, the Part 494 requirements must be followed. For example, the threshold values allowed in 40 CFR Part 84.58(a) would not be sufficient to estimate the refrigerant charge capacity as required in Section 494-1.6(c). Part 494 also includes disclosure requirements for components of systems, as in the original (2020) regulation.

When do the prohibitions on new equipment go into effect? Does this apply to components?

The prohibition dates listed in Section 494-1.4(a) through (e) apply to new products (factory-charged) and systems (charged on-site). Examples of products are household refrigerators or window air-conditioners. New products cannot be sold in New York State if the date of manufacture (the date the product is completed at the factory) is after the prohibition date. This applies to all products, not only those manufactured in New York State.

If a piece of equipment is not completed at a factory but is instead needs to be assembled on-site in New York State in order to function, then it is not a product, it is a system. Equipment systems are assembled from components. Some examples of systems are supermarket racks and central or split air-conditioning and heat pumps with indoor and outdoor units. Components are not themselves subject to the prohibitions in Part 494. However, a system may be considered to be "new" if it is first installed after a prohibition date or if the components have been largely or entirely replaced, following the definition of "new" in Section 494-1.3(a)(54).

Does the prohibition on new refrigeration facilities refer to the facility or the equipment?

Commercial refrigeration equipment may be prohibited from being installed in newly constructed or repurposed facilities per Section 494-1.4(e)(3)(xviii) if that piece of equipment will contain more than 200lbs of a regulated substance (GWP20 greater than 10). This applies to individual systems, not to the amount of refrigerant that may be contained across all systems in the facility. Systems with 50lbs or more of refrigerant will be subject to the leak management requirements in Section 494-2. There are no restrictions on the substances with a GWP20 less than 10 that are widely available for the refrigeration sector, such as R-744.

Are residential dehumidifiers included in “residential and light commercial air conditioning and heat pumps” (or residential A/C)? What about water heaters?

Yes, one goal of the Part 494 regulation is to backstop and align with the federal regulations, which prohibits residential A/C and dehumidifiers with a GWP100 greater than 700 starting on January 1, 2025. USEPA later extended the prohibition one additional year to January 1, 2026, but only for A/C systems. Part 494 adopted the later date for all products and systems in both of these subsectors. Part 494 also provided a later prohibition date of January 1, 2034 for commercial dehumidifiers (Section 494-1.4(e)(2)(viii)) based on stakeholder feedback.

Per the definitions in Section 494-1.3, air-conditioning equipment includes equipment “that cools, heats, or dehumidifies space or water.” The subsector referred to as “Other Residential HVAC” covers equipment that the federal government intends to regulate separately. The definition of this subsector includes domestic water heating, pool or spa heating, and clothes drying. If a system is used to both condition space and heat water, then it falls in the “residential and light commercial air conditioning and heat pumps” subsector.

Are there exemptions such as for projects with building permits? What permits are acceptable?

The exemptions to Part 494 can be found in Section 494-1.5. One of the exemptions applies when there is a building permit in hand. In this case, the prohibitions in 2025 and 2026 on new air-conditioning or refrigeration equipment are extended one year to complete the permitted project. The building permit must specify the regulated substance. The Department may also accept references in the permit related to the regulated substance, such as ASHRAE safety class. Contact DEC at climate.regs@dec.ny.gov for assistance. This exemption is based on the more limited federal exemption in 40 CFR Part 84.54 for permits acquired before October 2023. The Department added this exemption in the final rule to provide additional compliance options for projects nearing completion.

EPA has updated its rule. How do I determine which version is referenced in Part 494?

Please see Section 494-1.11 for the effective date of each law, rule, or document that is referenced in Part 494 and where to obtain copies. Part 494 only adopts the terms of those laws or rules that were in place on that effective date. Updates are not automatically adopted.

Who is responsible for compliance?

The regulated entities for this rule are all persons as defined in Section 494-1.3(a)(61) who may undertake an action subject to a requirement in the law, such as any person who intends to sell a prohibited product, system, or substance or commercial owners or operators of covered equipment.

What if I can't comply?

Regulated entities are encouraged to email climate.regs@dec.ny.gov for assistance. You may meet the criteria to apply for a variance per Section 494-1.8 (see below) or DEC may also be able to assist you in becoming compliant if you voluntarily disclose any violations. The Department's Environmental Audit Incentive program (Commissioners Policy 59) is also available <https://dec.ny.gov/regulatory/guidance-and-policy-documents/environmental-permits/commissioner-policy-59>.

The Small Business Environmental Support Office (SBESO) offers FREE and CONFIDENTIAL assistance to small businesses related to compliance under this regulation. Call 1-877-247-2329 or email SBESO@esd.ny.gov. SBESO can also provide guidance when responding to regulatory violations and enforcement actions.

Who can apply for a variance?

Any regulated entity may apply for a variance. Variance applications may cover multiple projects and there is no restriction on coordination among entities in developing a variance application. Trade groups are not eligible to apply for a variance.

How do I report a violation?

Violations of the Part 494 regulations may be reported to climate.regs@dec.ny.gov or anonymously by following the instructions at <https://dec.ny.gov/environmental-protection/report-a-problem>.