



NEW YORK STATE SENATOR

Mario R. Mattera

Senator Mattera Rallies Coalition To Support Lawsuit Challenging New York's Gas Ban

MARIO R. MATTERA October 18, 2023

| ISSUE: NATURAL GAS, FUEL CHOICE BAN, PROPANE GAS, HIGH ENERGY COSTS



Senator Mario R. Mattera (2nd Senate District) hosted a diverse group of elected officials, business leaders, industry experts, labor unions, and community members to protect New York’s workers, businesses, and ratepayers from New York State’s ill-conceived fuel choice ban. The group rallied to show strong support for a recently filed lawsuit challenging the state's ban on gas appliances and infrastructure in new buildings.

“As the Ranking Republican on the Senate Energy Committee, I have been extremely vocal about the need to have a clear plan that protects both our environment and our workers and

residents. New York's rushed move to ban fuel choice not only endangers the livelihoods of thousands but will also come at a considerable cost to our ratepayers. That is why I am fully supportive of this effort by labor leaders, businesses, and energy experts. The ill-conceived ban violates federal energy law and must be stopped before it causes the damage we all know is coming.”

The case, *Mulhern Gas Co. v. Rodriguez* in the United States District Court for the Northern District of New York, seeks to invalidate New York State’s ban slated to start on December 31, 2025, on the grounds that it is preempted by the federal Energy Policy and Conservation Act (EPCA). The suit was filed by Mulhern Gas Company, Plumbing Contractors Association of Long Island, National Association of Home Builders, New York State Builders Association, National Propane Gas Association, New York Propane Gas Association, Northeast Hearth Patio & Barbecue Association, Holmes Mechanical, Master Plumbers Council of New York, IBEW Local 1049, Plumbers Local 200, IBEW Local 97, and TWU Local 101.

"Tens of thousands of hard-working people in the national gas industry depend on their jobs. We embrace the goals of the CLCPA, and we support making the changes necessary to combat climate change. As a Business Manager, I am committed to advocating for the hardworking members of IBEW Local 1049. Their unwavering support and trust in me compel me to protect their invaluable jobs tirelessly. I am proud to safeguard their interests with utmost passion and dedication," said Pat Guidice, Business Manager, IBEW Local 1049.

“Hundreds of plumbers on Long Island rely on new construction to feed their families and pay their mortgages. This illegal law has essentially ripped the rug out from underneath them. It’s not about ‘what if’ things turn negative. We are already seeing new construction leave Long Island. We are in full support of a green economy, but we should discuss how to transition without ruining lives. Our message to the lawmakers who passed this bill without thinking of our 600 members and their families on Long Island: enough is enough,” said

Jimmy Russo, President of the Plumbing Contractors Association of Long Island.

“Local 200 and its members lead Long Island in the installation of cutting-edge gas technologies, including those related to gas installations in homes, hospitals, and commercial facilities. Natural gas is an essential transitional fuel that will help our nation as we move to greener energy sources. Our energy economy is in transition, and federal law has set the standards guiding our industry. New York’s gas ban will unnecessarily hurt New York workers by removing our members’ jobs at a time when we are already leading the nation in the expansion of alternative energy for New York residents. Local 200 stands with our members and joins this action to ensure the energy transition is completed via a unified national program and not on an ad-hoc, state-by-state basis,” said Richard Brooks, Business Manager, Plumbers Local Union No. 200.

“There won’t be a ‘just transition’ to a greener economy for NYC’s blue-collar utility workers if this rushed ban on gas appliances and service goes into effect. New York will be destroying good union jobs that sustain working families in neighborhoods across the outer boroughs today and will be needed to sustain them in the future. And the truth is, New York’s electrical grid is not even close to being prepared for this forced changeover to an all-electric NYC and state. Until the grid has the capacity to run an all-electric New York, this is simply not good policy. In fact, it is a betrayal of working New Yorkers,” said Constance Bradley, President, TWU Local 101.

“My family has worked for the people of the Hudson Valley for over a century. We have worked in blizzards, heatwaves, and tropical storms to deliver, install, and service propane equipment. Now, we have no idea what the future holds. We agree that a greener economy is necessary, but we must determine how to implement a smooth transition that does not unnecessarily raise costs and impose burdens on families,” said Rick Cummings from Mulhern Gas Co.

Mark Valentini from Plumbing-Heating-Cooling Contractors—National Association stated: "Natural gas and propane often offer a more efficient and affordable means of ensuring quality of life. This statewide ban threatens that, particularly as plans shift from gas to electric, reducing opportunities for plumbers and escalating construction costs. We support this lawsuit because jobs, affordability, and choice are at risk."

The unintended consequences of New York's gas ban are widespread and could negatively affect residents and communities from Niagara to Riverhead. Those effects could include:

- Forcing businesses to downsize, close or move out of New York.
- Sparking layoffs and reduced hiring needs.
- Triggering a significant increase in energy prices.
- Exacerbating New York State's housing affordability crisis.
- Destroying the reliability of an already overburdened electric grid.

Earlier this year, the U.S. Court of Appeals for the Ninth Circuit unanimously invalidated a similar gas ban in Berkeley, California, establishing that the federal Energy Policy and Conservation Act overrules it. The court in that case ruled that Berkeley's ban on gas piping in new buildings concerned the energy use of appliances covered and preempted by the federal Energy Policy and Conservation Act, and therefore, Berkeley's law was struck down by the Court.

New York State Senator Anthony Palumbo (1ST Senate District) said: "I strongly support efforts to halt New York's ban on gas appliances and infrastructure. These ill-conceived policies will be a disaster for area families, negatively impact our economy, and hurt workers. While we are all working for a cleaner future, we have to balance the needs of already over-

burdened Long Islanders.”

“I find it ironic that we talk about our affordable housing crisis, while at the same time, pushing forward with plans like this that will drive up building costs, making housing even more unaffordable. It simply doesn't make sense,” said Senator Dean Murray (3rd Senate District).

“New York has consistently been a leader. But lately, it has become a leader for all of the wrong reasons. A leader in high taxes. A leader in outward migration as residents flee the Empire State and a leader in job-killing climate policies which have cost taxpayers billions while limiting choice; driving up prices and threatening our supply of safe, clean and dependable energy. It is time to tell Governor Hochul and the radical left that runs this State that we have had enough. I applaud our gas and construction trade groups for standing up for New York residents, businesses and common sense in asking the Courts to strike down yet another Albany power-grab on the part of left-wing radical politicians who believe they can decide how you should live your life better than you can. We stand right beside you. Albany's gas ban is not just bad policy. It is an unconstitutional and unlawful attempt to override the Federal Energy Policy and Conservation Act, which has sole jurisdiction in this area,” said Senator Steve Rhoads (5th Senate District).

“At a time when we should be exploring every form of energy for Long Island, this ban is extraordinarily short-sighted. Today it's gas stoves, tomorrow it could be gas mowers. In either case Long Island can't be squeezed into a one-size-fits-all model. Summers are hurricane season and our winters mean nor'easters, so we understand full well that powerlines are going down. Long Islanders need to know that when these disasters hit, New York has a plan to keep the lights on and our families safe,” said Senator Jack Martins (7th Senate District).

"New York's total ban on fossil fuel is unrealistic and unfair. With a grid that is already grossly overburdened, putting all of our energy 'eggs' in one basket is irresponsible and dangerous. Prohibiting fossil fuels in new buildings seven stories or lower is discriminatory, as members of the Orthodox Jewish community are prohibited from starting new fires on the Sabbath, as gas stoves currently provide - an important detail our Governor is overlooking in areas where there are large Jewish populations. There are many more arguments to be made to preserve our freedom of choice. I proudly stand with our business owners and union leaders to fight against this abusive use of government power," said Senator Alexis Weik (8th Senate District).

"While the pursuit of a cleaner and greener future is undoubtedly a shared goal, New York State's 'bold' approaches without proper planning places untenable deadlines on individuals and small businesses. Prohibiting gas hookups in new construction projects not only restricts consumer choice but also demonstrates a lack of consideration for New Yorkers grappling with the high cost of living. Furthermore, the forceful promotion of all-electric construction overlooks the strains on our energy grid without considering other options and existing federal energy regulations. New York State is once again disguising significant encroachments by presenting it as a worthy cause. The transition to clean energy should be both legally sound, properly planned and considerate of its most affected parties," said Senator Patricia Canzoneri-Fitzpatrick (9th Senate District).

"The Democrat gas ban is essentially a regressive tax on New Yorkers. It will disproportionately burden seniors and lower and middle-class families, amplifying the costs of living in the 'Vampire State' due to rising inflation, taxes, and misguided policies," added New York State Assemblyman Joe DeStefano (3rd Assembly District).

"These issues impact every corner of our state, from businesses to individual workers. The bipartisan support against this ban showcases the shared concerns we have for the

wellbeing of our communities," added Senator Mattera. "We have seen this type of policy struck down in California, and it is time for New York to heed the lessons from across the nation. Our state must realize that we need a realistic plan that protects our workers, our businesses and our residents."