

Member Alert

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on behalf of
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To: Bruce Swiecicki <bswiecicki@npga.org>

NPGA, NYPGA and MULHERN GAS SUE NEW YORK STATE IN FEDERAL COURT

A coalition led by the National Propane Gas Association, the New York Propane Gas Association, and Mulhern Gas of Hudson, NY filed a federal lawsuit against the New York Department of State, New York State Building Code Council, and others this morning, October 12. The case was filed in the United States District Court for the Northern District of New York.

The State of New York has banned fuel gas infrastructure and appliances in most newly constructed buildings beginning on December 31, 2025. NPGA and its co-plaintiffs contend that this action is preempted by, and in direct conflict with, the Federal Energy Policy & Conservation Act (EPCA). The EPCA expressly preempts state regulations concerning the energy use of appliances, subject to a few narrow exceptions which are not applicable.

Representing NPGA and its co-plaintiffs is the esteemed counsel that represented the California Restaurant Association in successfully overturning the Berkeley, CA gas ban before the US Court of Appeals for the 9th Circuit. Additional plaintiffs include national, state, and local groups representing home builders, plumbing contractors, and gas fired products manufacturers as well as plumbing, electrical, and transportation unions ((including workers who ensure the safety of National Grid customers). Numerous propane companies also contributed to funding the litigation.

An official press release is located here: [NY Lawsuit](#)

The legal filing is located here: [NY Complaint](#)

For questions, please contact Steve Kaminski, NPGA President and CEO at SKaminski@npga.org

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