

Michael Fazio
Executive Director
New York State Builders Association
mfazio@nysba.com

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The Honorable Pam Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Via Email to:
Justin D. Heminger
Chief of Staff
Environment and Natural Resources Division
U.S. Department of Justice
justin.heminger@usdoj.gov

Re: Request for Federal Action to Delay or Preempt New York's Imminent Gas Ban

Dear Attorney General Bondi:

On behalf of the undersigned organizations, I write to urge the Department of Justice to take immediate action under President Donald Trump's recent Executive Order on *Protecting American Energy from State Overreach*. Specifically, we ask that your office investigate and pursue legal action to delay, postpone, or preempt New York State's impending statewide ban on fossil fuel appliances and infrastructure in new buildings, scheduled to take effect on **January 1, 2026**.

This mandate, enacted as part of the New York State budget and enforced by regulatory agencies, represents precisely the kind of unconstitutional and ideologically driven state overreach that President Trump's Executive Order seeks to eliminate. The gas ban violates core constitutional principles of interstate commerce by attempting to dictate national energy usage through state-level restrictions. It burdens domestic energy production, raises costs on middle-class homeowners, and compromises energy reliability and economic freedom.

New York's gas ban, which purports to advance "climate change" and "environmental justice" goals, is preempted by federal law and inconsistent with America's constitutional framework. President Trump has recognized that "American energy suffers when states purport to regulate energy beyond their constitutional or statutory authorities." New York's gas ban does exactly that; it punishes energy users and producers for politically disfavored emissions, without proper legislative authority.

Our concern is not speculative. Many of the undersigned are co-litigants in the pending federal lawsuit **Mulhern Gas Co. v. Rodriguez et al.**, No. 1:23-cv-01267, before the U.S. District Court

for the Northern District of New York. The case challenges the constitutionality of New York's gas ban energy mandate because it is preempted by the Federal Energy Policy and Conservation Act (EPCA). New York's gas ban is already harming the plaintiffs and their members, and that harm will only get worse. EPCA expressly preempts state or local regulation concerning the energy use or energy efficiency of common household and commercial appliances. While litigation is ongoing, the timeline of the state's policy, set to begin on January 1, 2026, demands swift federal oversight and action.

We also note the relevance of the Ninth Circuit's recent decision in *California Restaurant Association v. City of Berkeley*, 89 F 4th 1094 (9th Cir . 2024), which struck down Berkeley's ban on gas piping on the grounds that it was preempted by (EPCA). New York's law raises even graver concerns because it is the first statewide ban and directly bans gas appliances as well as the infrastructure, and is part of a larger state climate policy.

We respectfully request that the Department of Justice act under the President's Executive Order by:

1. **Investigating New York's gas ban** and related "climate" mandates for constitutional and statutory violations.
2. **Initiating enforcement or injunctive action** against New York to delay or prevent the gas ban's implementation on January 1, 2026.
3. **Including New York's laws and these proposed actions in your 60-day report to the President**, per the Executive Order.
4. **Examining New York City's Local Law 154 of 2021**, which has already implemented an all-electric building requirement as of January 1, 2024, setting a precedent and compounding the negative impacts on housing affordability, grid reliability, and federal energy interests.

This issue is critical to preserving affordable housing, reliable energy, and the economic vitality and national security of American families and businesses. We stand ready to assist your office in defending the rule of law and ensuring that states like New York do not impose coercive environmental mandates on the nation as a whole.

Thank you for your leadership and service.

Sincerely,
The Undersigned Organizations

New York State Builders Association (NYSBA)
Michael Fazio
Executive Director

National Association of Home Builders (NAHB)
Thomas Ward
Vice President, Legal Advocacy

National Association Plumbing-Heating-Cooling Contractors (PHCC)
Dan Callies
President

National Propane Gas Association (NPGA)
Stephen T. Kaminski
President and CEO

New York State Energy Coalition (NYSEC)
Rocco J. Lacertosa
Chief Executive Officer

New York State Plumbing- Heating- Cooling Contractors (NYS PHCC)
Ronald Doughty
President

New York State Propane Gas Association (NYPGA)
Christina Armentano
President

Northeast Hearth, Patio & Barbecue Association (NEHPBA)
Karen L. Arpino
Executive Director

International Brotherhood of Electrical Workers (IBEW) Local 97
Joseph R. Peluso Jr.
Vice President

UA Plumbers & Gasfitters Local Union No. 1 (UA Local 1)
Paul O'Connor
Business Manager

Plumbing Contractors Association of Long Island (PCALI)
Jeff Connelly
President

Association of Contracting Plumbers of the City of New York Inc. (ACP)
Terence O'Brien
Executive Vice President

The Plumbing Foundation City of New York Inc.
April McIver
Executive Director