

# STATE OF NEW YORK

2411

2025-2026 Regular Sessions

## IN SENATE

January 17, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to bioheating fuel requirements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 19-0327 of the environmental conservation law, as  
2 amended by chapter 750 of the laws of 2021, paragraph (b) of subdivision  
3 1 and subdivision 9 as amended by chapter 5 of the laws of 2022, is  
4 amended to read as follows:

5 § 19-0327. Bioheating fuel requirements.

6 (1) Definitions. For the purpose of this section, the following terms  
7 shall have the following meanings:

8 (a) [~~"Biodiesel"~~] "Biofuel" shall mean a fuel, designated one hundred  
9 percent B100 or a blend of ninety-nine percent B99 biodiesel by volume,  
10 that meets the requirements of the ASTM international specification  
11 D6751 or the requirements of the ASTM international specification D975;  
12 provided, however, that biofuel shall include R100 or R99 produced from  
13 hydroprocessing renewable biomass feedstocks.

14 (b) "Renewable Hydrocarbon Diesel" shall mean a [~~North American-pro-~~  
15 ~~duced~~] fuel derived from vegetable oils, animal fats, and other rene-  
16 wable feedstocks that meet the requirements of ASTM international specifi-  
17 cation D975. Renewable hydrocarbon shall not include any fuel from  
18 co-processed biomass with a feedstock that is not biomass.

19 (c) "Bioheating fuel" shall mean a fuel, designated B100 or B99,  
20 comprised of [~~biodiesel~~] biofuel blended with petroleum heating oil that  
21 meets the requirements of the ASTM international specification D396, a  
22 [~~fuel comprised of domestically produced renewable hydrocarbon diesel~~]  
23 biofuel, designated R100 or R99 with petroleum heating oil that meets  
24 the specifications of ASTM international specification D975, or other  
25 specifications as determined by the commissioner.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD06490-01-5

1 (d) "Heating oil" shall mean petroleum oil refined for the purpose of  
2 use as fuel for combustion in a space and/or water heating system that  
3 meets the requirements of the [~~ATSM~~] ASTM international specification  
4 D396 or other specifications as determined by the commissioner.

5 (e) "Feedstock" shall mean soybean oil, oil from annual cover crops,  
6 algal oil, biogenic waste oils, fats or greases, or non-food grade corn  
7 oil, provided that the commissioner may, by rules and regulations, modi-  
8 fy the definition of feedstock based on the vegetable oils, animal fats  
9 or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

10 (2) On and after July first, two thousand eighteen, all heating oil  
11 sold for use in any building within the counties of Nassau, Suffolk and  
12 Westchester shall be bioheating fuel that contains at least five percent  
13 [~~biodiesel~~] biofuel.

14 (3) On or after July first, two thousand twenty-two, all heating oil  
15 sold for use in any building within the state shall be bioheating fuel  
16 that contains at least five percent [~~biodiesel~~] biofuel.

17 (4) On or after July first, two thousand twenty-five, all heating oil  
18 sold for use in any building within the state shall be bioheating fuel  
19 that contains at least ten percent [~~biodiesel~~] biofuel.

20 (5) On or after July first, two thousand thirty, all heating oil sold  
21 for use in any building within the state shall be bioheating fuel that  
22 contains at least twenty percent [~~biodiesel~~] biofuel.

23 (6) The minimum content requirements of this section shall not apply  
24 to kerosene.

25 (7) The governor may, by issuing an executive order, temporarily  
26 suspend the applicability of this section at any time based on the  
27 governor's determination, after consulting with the New York state ener-  
28 gy research and development authority and the department, that meeting  
29 the requirement of subdivision two of this section is not feasible due  
30 to lack of adequate supply of [~~biodiesel~~] biofuel or that meeting the  
31 requirement would result in financial hardship to consumers.

32 (8) The requirements of this section shall not: (a) prohibit the sale  
33 and use of bioheating fuel with the same or any greater percentage of  
34 [~~biodiesel~~] biofuel blended with heating oil, or the sale and use of one  
35 hundred percent [~~biodiesel~~] biofuel, for space and/or water heating  
36 purposes in the state; and (b) preempt any laws of the city of New York  
37 with respect to mandated percentage levels of [~~biodiesel~~] biofuel blends  
38 with heating oil provided that such laws require the same or greater  
39 percentage of [~~biodiesel~~] biofuel blended with heating oil as required  
40 by this section.

41 (9) No bioheating fuel shall be sold to a customer that would void the  
42 manufacturer's warranty for that burner or boiler type unless the  
43 [~~bioheat~~] bioheating fuel provider warranties in writing to the customer  
44 that the use of such bioheating fuel will be covered to the extent and  
45 time limits of the warranty then covering such burner or boiler.

46 § 2. This act shall take effect immediately.