[**Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Stationary Air-conditioning, and Other End-Uses**](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IEB4509E5E9054B86A0E903E0490B0C4E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))**.**

Application for a Variance from the requirements of California Code of Regulations, Title 17, sections 95374 and 95375.

*Note: the requirements for a variance application are listed in California Code of Regulations, Title 17*[, section 95378](https://govt.westlaw.com/calregs/Document/I4EEBF3775D10441983C3B01D5F42BE66?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)*, Use of this application* template is optional.

A. Name of applicant: Click or tap here to enter text.

Ownership status (e.g., parent, subsidiary): Click or tap here to enter text.

Address: Click or tap here to enter text.

Telephone number: Click or tap here to enter text.

E-mail address: Click or tap here to enter text.

B. Please describe your business activity or product description.

Click or tap here to enter text.

C. Please describe your relationship to the product.

Click or tap here to enter text.

D. List the specific section(s) of the regulation from which a variance is being requested.

Click or tap here to enter text.

E. Provide an explanation and description of the reasons for seeking a variance.

Click or tap here to enter text.

F. Identify what type of variance is being requested:

Impossibility (the Applicant exercised best efforts but still was unable to comply with the regulatory requirements of the regulation for reasons beyond his or her control despite exercising foresight to prevent the noncompliance.)

Force Majeure Event (a sudden and unforeseeable event involving a clear danger, demanding action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services, arising from causes beyond the control of the Applicant, which delays or prevents the performance of any obligation under the regulation, despite the Applicant's best efforts to fulfill the obligation. This includes events where the local government, State of California, or federal government issues a declaration of emergency, such as war, wildfires, floods, hurricanes, tornadoes, earthquakes, volcanic eruptions, and pandemics. This does not include negligent acts or the Applicant's financial inability to perform that is unrelated to an event as defined in this section.)

Both Impossibility and Force Majeure Event

G. If seeking an Impossibility variance please provide clear and convincing evidence demonstrating how all of the following Impossibility variance criteria have been met:

1. A lower risk substitute is not currently or potentially available.

Click or tap here to enter text.

2. An exemption will not increase the overall risk to human health or the environment.

Click or tap here to enter text.

3. The Applicant has used best efforts to anticipate and address the impossibility and any potential noncompliance.

Click or tap here to enter text.

H. If seeking a Force Majeure Event variance please provide clear and convincing evidence demonstrating how all of the following Force Majeure variance criteria has been met:

1. Non-compliance is due to a Force Majeure event.

Click or tap here to enter text.

2. The Applicant has used best efforts to anticipate and address any force majeure event and any potential noncompliance, including minimizing any adverse effects of the greenhouse gas emissions related to noncompliance.

Click or tap here to enter text.

I. Please attach supporting documentation for attributing noncompliance to Impossibility or a Force Majeure Event. Supporting documentation must be written in English. Please list the supporting documentation that is attached to this application.

Click or tap here to enter text.

J. Provide a description of all efforts made to timely fulfill the requirements of the section(s) from which a variance is being requested.

Click or tap here to enter text.

K. Please provide the length of the variance requested as well as the earliest date when compliance will be achieved.

Click or tap here to enter text.

L. Provide a compliance plan which describes in detail how, if a variance is granted, compliance will be achieved as expeditiously as possible including all of the following:

(i) The method by which compliance will be achieved

Click or tap here to enter text.

(ii) Milestone dates

Click or tap here to enter text.

(iii) Milestone achievements

Click or tap here to enter text.

M. Provide a description of the damage or harm that will result to the Applicant from immediate compliance with the regulatory requirements, including if compliance would result in an extraordinary economic hardship, such as closure of the entire facility or loss of a large portion or the revenue:

Click or tap here to enter text.

N. If applying for an Impossibility variance please provide quantification of current Greenhouse Gas (GHG) emissions resulting from normal business-as-usual operations as it directly relates to the continued use of any substance in end-uses listed in Table 1, section 95374 (a); Table 2, section 95374 (b); Table 3, section 95374 (c); or Table 4, section 95374 (d). This includes quantification of the direct GHG emissions resulting from refrigerant leaks or HFC emissions and indirect GHG emissions resulting from energy use (where applicable), with all calculations, based on the average lifetime of the equipment or product that will continue to use prohibited substances. Applicant must include all calculations used to calculate GHG emissions estimates, including emission factors (i.e., charge size as defined in section 95373, leak rate as defined in [40 C.F.R. Part 82.152](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-82/subpart-F#p-82.152(Leak%20rate)), and refrigerant used over the average lifetime of the equipment, system, or product). Please see the bottom of this application template for an example calculation.

Click or tap here to enter text.

O. Provide a description of any negative impacts to human health or the environment that may result from the granting of a variance.

Click or tap here to enter text.

P. Provide a mitigation plan that demonstrates how you will reduce excess GHG emissions to a level equal to or below what would have been emitted had you been in compliance and how you will mitigate any negative impacts to human health or the environment. You must include all calculations used to calculate GHG emission estimates including emission factors (i.e., charge size as defined in section 95373, leak rate as defined in [40 C.F.R. Part 82.152](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-82/subpart-F#p-82.152(Leak%20rate)), and refrigerant used over the average lifetime of the equipment, system, or product). This may include an analysis of prohibited substances, efforts to reduce leaks or venting of prohibited substances, and options to recycle or destroy high-Global Warming Potential refrigerants.

Click or tap here to enter text.

Q. Provide a detailed explanation of efforts that may be implemented to curtail noncompliance in lieu of obtaining a variance

Click or tap here to enter text.

R. By signing below, you (the Applicant) certify under penalty of perjury that you are a Responsible Official with full authority to submit the application and implement any provision of an Executive Order, and that all information provided is true and accurate to the best of your knowledge, after conducting due diligence. (Applications without this certification will be automatically denied.)

Click or tap here to enter text. Click or tap to enter a date.

Signature Date

S. Submit your application and documentation relating to the variance to CARB at the following email address:

[HFCREDUCTION@ARB.CA.GOV](mailto:HFCREDUCTION@ARB.CA.GOV)

T. Any Applicant submitting information to the Executive Officer You may claim information as “confidential” by clearly identifying it as “confidential.” Any claim of confidentiality must be based on your belief that the information marked as confidential is either trade secret or otherwise exempt from public disclosure under the California Public Records Act ([Government Code, section 6250 et seq](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=3.&goUp=Y).). All such requests for confidentiality shall be handled in accordance with the procedures specified in [California Code of Regulations, title 17, sections 91000 to 91022](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I1D631A10D60811DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

**Example Emission Calculation**

Company X will produce 200 vending machines, and each machine will include 0.7 lbs. of HFC-134a. The average annual leak rate is 0.3%, and the average loss rate at end-of-life is 98.5%. The average lifetime is 15 years. The IPCC AR4, 100-year GWP value for HFC-134a is 1,430. Emission factors were obtained from <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2018/casnap/isorappb.pdf>.

Average annual leak rate emissions

200 vending machines x 0.7 lbs x 0.3% x 1,430 GWP x 15 years = 9,009 lbs. CO2e

End-of-Life emissions

200 vending machines x 0.7 lbs x 98.5% x 1,430 GWP = 197,197 lbs. CO2e

Total emissions

197,197 lbs. CO2e + 9,009 lbs. CO2e = 206,206 lbs. CO2e

Convert to metric tons

1 metric ton = 2204.62 lbs.

206,206 lbs.CO23/2204.62 lbs = 93.53 MTCO2e