



Submitting Requests for Unique Circumstances

HFC Allocation Program Reporting
July 2026

INTRODUCTION

This document provides instructions on requesting additional HFC application-specific allowances due to unique circumstances. To request unique circumstances consideration, application-specific allowance holders must complete Section 6 of the HFC Application-Specific Allowance Holder Biannual Report due July 31 and provide supplemental information to support their request. Refer to EPA's reporting instructions on [Completing the HFC Application-Specific Allowance Holder Biannual Report](#) for more information on completing the reporting form. The remainder of this document is organized as follows:

- [What Qualifies as a Unique Circumstance](#)
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- [Example Requests by Likely Review Outcomes](#)
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 - [Requests Likely to Require Additional Review or Clarification](#)
 - [Requests Unlikely to Be Approved](#)

If you have additional questions, please email HFCAllocation@epa.gov.

Please note: Instructions and examples are provided below for informational purposes only. All requests will be reviewed fully and EPA reserves the right to approve, approve in part, or deny requests for allowances if the documentation does not meet the requirements established in 40 CFR 84.13.

WHAT QUALIFIES AS A UNIQUE CIRCUMSTANCE

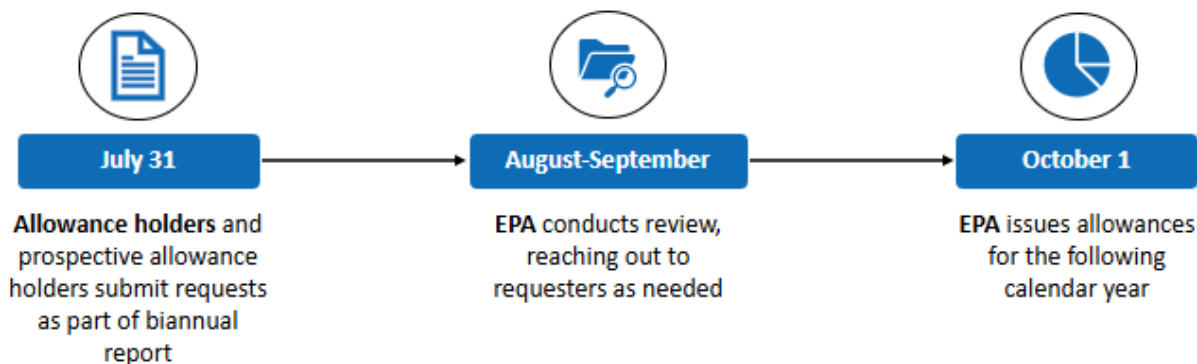
This document is for entities that are requesting allowances **in addition to** what the entity is eligible for based on HFC usage during the previous three years. In other words, these are allowances that are requested for additional HFC needs due to situations not reflected by the rates of growth calculated based on historic purchase and inventory activity. In accordance with 40 CFR 84.13(b)(1), EPA will consider allocating additional allowances due to one or more of the following unique circumstances:

1. Demonstrated manufacturing capacity coming online.
2. The acquisition of another domestic manufacturer or its manufacturing facility or facilities.
3. A global pandemic, other public health emergency, or other healthcare system needs related to increased patients diagnosed with medical conditions treated by metered dose inhalers (MDIs).
4. Buildup of a stockpile of a specific regulated substance in the event of a production cessation.

EPA is unable to consider requests for additional allowances for situations that fall outside of this list.

REVIEW TIMELINE

The timeline for submission, review, and final determination of unique circumstance requests is shown below. Given the short timeframe for review, allowance holders should respond within three business days to any EPA requests for additional information.



COMPLETING THE FORM

To complete Section 6 of the HFC Application-Specific Allowance Holder Biannual Report:

1. Specify the qualifying unique circumstance(s).
2. Provide an estimate of the **additional** quantity, in kilograms, of each regulated HFC needed for use in the specified application in the following calendar year. This is *not* your company's total allowance request, which should be provided separately in Section 7 of the reporting form.
3. For the unique circumstance "Buildup of a stockpile of a specific regulated substance in the event of a production cessation," specify the quantity you intend to purchase of each HFC, specify the year(s) of intended purchase, and provide a description of the stockpile plan.
4. Provide a detailed explanation to justify the additional need for application-specific allowances for each applicable unique circumstance.
 - EPA recommends submitting a cover letter that further describes the specific details related to the unique circumstance, such as a breakdown of the quantity requested and what is driving that request, a description of supporting documentation provided, and a detailed breakdown of the timing for the need over the next year.
5. Submit documentation that supports this additional need. See the following section, *Acceptable Documentation*, for examples of acceptable supporting documentation.
 - If you are submitting for the same unique circumstance that you have requested additional allowances for in previous years, please provide an update on progress and an explanation on why this unique circumstance is still relevant. You must also submit supporting documentation for this request. Previously submitted supporting

documentation may qualify, but please note that EPA may request more recent or updated supporting documentation.

ACCEPTABLE DOCUMENTATION

The table on the following page provides examples of acceptable supporting documentation that can be provided to verify the additional allowance need for each unique circumstance. This list is not meant to be prescriptive or exhaustive and is meant to give a sense for what EPA considers strong supporting documentation for a unique circumstances request. Contact EPA if you have other forms of documentation you would like to submit instead. Providing sufficient supporting documentation and a clear explanation of how the documentation supports the request (e.g., in a cover letter) will expedite EPA's review of your report and reduce the need for follow-up.

Please note that if there are concerns regarding the sharing of sensitive information, EPA encourages you to redact details that may not be pertinent to verifying the unique circumstance, such as cost details.

Unique Circumstance	Examples of Acceptable Documentation
Manufacturing capacity coming online	• Detailed spreadsheets, tables, or project schedules on site-specific tool expansion or installation plans, including information such as tool description, HFC usage by tool, project status and timeline, and tool qualification or release dates • List of capital expenditures with details on planned or actual installation and/or qualification timelines for new equipment • Documentation reflecting increases in the number of employees, such as hiring plans, posted job listings, etc. • Permit documentation for new facilities, facility construction, facility expansion, installation of abatement technologies associated with facility expansion, or installation of equipment related to retooling • Description of recent process changes increasing existing tool utilization (such as efficiency optimization, reducing tool downtime, etc.) and a graph reflecting increases in the factory utilization rate over the previous year • Recent invoices or purchase orders for new tools, manufacturing equipment, or engineering or construction work • Agency communications and/or approval letters for new products or product modifications • For MDI applications, drug product approval and product abbreviated new drug application (ANDA) holder listing from the U.S. Food and Drug Administration (FDA) database
Acquisition of domestic manufacturer or facility	• Securities and Exchange Commission (SEC) filings documenting facility acquisitions or expansions • Agency communications acknowledging facility ownership change • Executed acquisition or asset transfer agreements • Documentation of operational control transfer
Global pandemic, other public health emergency, or other healthcare system needs (MDIs)	• Market share and prescription trends from industry database(s) documenting an increase in MDI drug use related to a global pandemic or other public health emergency • Public health advisories, in combination with other documentation, that relate to an increase in MDI drug use • Press releases announcing a particular MDI product leaving the market, in addition to third-party data on market share and product use growth • Production and capacity planning records linked to patient demand • Historical demand correlation from public health emergency
Stockpile buildup due to production cessation	Requests for this unique circumstance must include all of the following: • A letter from the applicant's supplier signed by a responsible corporate officer stating that the supplier is ceasing all production of the regulated substance at issue within three years • Certification and supporting documentation that there are regulatory requirements that limit the ability to switch suppliers or there are no other suppliers that can supply the regulated substance in the quantity needed • Evidence of a restricted supply chain such as third-party reports demonstrating the limited number of producers or purifiers of the HFC being used and/or the specific purity requirements that constrain the ability

Unique Circumstance	Examples of Acceptable Documentation
	to acquire HFCs from other suppliers in sufficient quantities

EXAMPLE REQUESTS BY LIKELY REVIEW OUTCOME

EPA evaluates additional allowance requests by first confirming that the request aligns with one of the specified unique circumstances and then reviewing the supporting documentation to determine whether it sufficiently verifies the additional need. Based on this review, EPA may:

1. Accept requests with no-to-minimal follow-up,
2. Request additional information prior to accepting requests, or
3. Find requests ineligible for additional allowances.

The remainder of this section provides example requests and their likely review outcome.

Requests Likely to Be Approved without Additional Follow-up

Requests in this category generally allow EPA to complete its evaluation during initial review with no or limited follow-up questions. These requests typically:

- Clearly align with one or more unique circumstance,
- Clearly quantify the additional allowance need, and
- Include objective, verifiable documentation.

Example A: New manufacturing capacity beginning operations during the allowance year

Unique Circumstance	Demonstrated manufacturing capacity coming online
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An MDI allowance holder has a new manufacturing line expected to begin commercial operation during the upcoming calendar year. The submission documentation includes:

- Approved construction permits related to the new manufacturing line
- Manufacturing equipment ramp-up schedule
- Projected HFC use attributed to the new line

The allowance holder provided construction permits that verified the construction of their new manufacturing line and documentation related to the manufacturing equipment ramp-up timeline and projected HFC use provided additional details on the estimated timing and level of the additional HFC need.

Example B: Increasing optimization of existing manufacturing line through process improvements

Unique Circumstance	Demonstrated manufacturing capacity coming online
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A semiconductor allowance holder is optimizing the output of an existing manufacturing line. They explain in detail the process improvements being implemented to accomplish this. The submission documentation includes:

- An invoice for the purchase of software that increases manufacturing output by identifying opportunities to optimize efficiency

- Posted job descriptions to hire additional workers to support increased output (e.g., on manufacturing line operations)

The allowance holder provided a detailed explanation for some of the specific changes they are implementing to support the increased output of their existing manufacturing line. They also provided documentation to verify how they are identifying process improvements and the posted job descriptions further substantiate the investments they are making to support the increased output on the existing line.

Example C: Completed acquisition of a domestic facility with documented HFC use

Unique Circumstance	Acquisition of another domestic manufacturer or its manufacturing facility or facilities
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A semiconductor allowance holder acquired a domestic manufacturing facility previously operated by a different entity. The submission documentation includes:

- Securities and Exchange Commission (SEC) Form 8-K
- Facility-level historical usage data at the acquired facility

The SEC Form 8-K verifies the occurrence and date of acquisition of the manufacturing facility and the historical usage data provides additional justification for the quantities requested.

Requests Likely to Require Additional Review or Clarification Before Approval

These requests may meet the unique circumstance criteria but require follow up to clarify or supplement provided documentation.

Example D: Increased wafer output from existing manufacturing capacity with limited explanation of changes and documentation

Unique Circumstance	Demonstrated manufacturing capacity coming online
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A semiconductor allowance holder cites a projected increase in the output of semiconductor wafers for an existing manufacturing line. The allowance holder's request includes the following documentation:

- A table in a Word document that projects monthly wafer output but provides no additional details

EPA may request additional information since the request is incomplete and does not include supporting documentation that describes and verifies concrete changes being implemented to increase output on the existing line.

In response to EPA's request for stronger supporting documentation, the allowance holder could provide more detailed internal records documenting specific de-bottlenecking procedures, evidence of reduction in tool downtime, or other efficiency measures to increase the output of the existing line, as well as a graph detailing the change in output over time. The allowance holder could also provide invoices for equipment purchased to increase the efficiency of their manufacturing line.

Example E: Public health-related demand projections with limited external documentation

Unique Circumstance	Public health emergencies or other healthcare system needs related to increased MDI demand
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An MDI allowance holder cites an increase in MDI demand for the following year. The allowance holder's request includes the following documentation:

- Internal forecasts to demonstrate increased MDI demand

EPA may request additional information. While internal forecasts of the demand or sale of MDIs provide some support for the quantity of allowances requested, the request does not provide an explanation for the expected increase in demand for MDIs or the concrete changes taking place to support the increased demand.

In response to EPA's request for stronger supporting documentation, the allowance holder could submit public health declarations and third-party industry data to verify the drivers behind the increased MDI demand (e.g., increased prevalence of disease).

Example F: Unclear documentation of tool installation

Unique Circumstance	Demonstrated manufacturing capacity coming online
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A semiconductor allowance holder indicates a need for more HFCs due to the installation of new tools. The allowance holder's request includes the following documentation:

- A document with an unclear tool installation chart that lacks detail on tool type, dates, or other detailed information

EPA may request additional information to determine whether all tools are included in the count or if only tools involved in etching and cleaning are included in the count; when the tools will be qualified and when they will begin to be used; and whether the tools being installed are creating manufacturing capacity in addition to existing capacity.

In response to EPA's request for stronger supporting documentation, the allowance holder could provide invoices for the new tools, details in their cover letter of what is included in the tool installation chart, and highlight the tools being installed that add to existing capacity on the tool installation chart.

Example G: Same documentation as previous years without update

Unique Circumstance	Demonstrated manufacturing capacity coming online
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A structural composite preformed polyurethane (SCPPU) foam allowance holder submits a unique circumstance request for a manufacturing facility expansion; the company requested additional allowances for the same facility expansion in previous years. The allowance holder's request includes the following documentation:

- The same documentation and explanation as provided in previous years.

EPA may request additional information, since the allowance holder did not specify why the unique circumstance still applied.

In response to EPA's request for stronger supporting documentation, the allowance holder could provide an explanation in their cover letter of where they are in the process of expanding manufacturing capacity and provide an updated timeline of manufacturing capacity coming online. The allowance holder could also provide updated documentation, such as a modified permit or internal project schedules and explain whether there are delays and the causes.

Requests Unlikely to Be Approved

These requests generally:

- Do not sufficiently map to a qualifying unique circumstance
- Do not include sufficient supporting documentation

Example H: General market demand growth

Unique Circumstance	Demonstrated manufacturing capacity coming online
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A semiconductor allowance holder submits a unique circumstance for manufacturing capacity coming online. The semiconductor allowance holder also cites the need to replace expired cylinders as a driver for the increased need for allowances in the next year. The allowance holder's request includes the following documentation:

- Documentation of increased customer demand or sector-wide growth but does not document a corresponding increase in manufacturing capacity or expansion of existing capacity to support this increased demand.

If an increase in the capacity of the facility is not documented to meet demand, this request is likely not eligible for additional allowances. EPA will work with the allowance holder to determine if concrete changes are taking place at their facilities to support the increased customer demand. If the allowance holder is able to provide an explanation and proper supporting documentation related to demonstrated manufacturing capacity coming online by the deadline EPA specifies, the Agency would be able to approve this portion of their unique circumstance request. However, the portion of their request related to expired cylinders does not qualify for any of the unique circumstances and is unlikely to be approved.

In response to EPA's request for supporting documentation, the allowance holder could provide an explanation in their cover letter of how they are expanding manufacturing capacity alongside documentation that supports expansion of capacity such as invoices for new tools, tool installation schedule, or approved construction permits related to a new manufacturing line.

Example I: Not a valid unique circumstance

Unique Circumstance	None
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An allowance holder does not specify a unique circumstance but states that they require additional allowances to buffer against uncertainty in the next year. The allowance holder provides the following documentation:

- A news article describing potential supply chain issues that may affect their ability to procure HFC material.

Potential economic or market impacts alone do not qualify as unique circumstances, so this request is likely not eligible for additional allowances.

Example J: Lack of documentation

Unique Circumstance	Demonstrated manufacturing capacity coming online
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An onboard aerospace fire suppression allowance holder submits a request and indicates the additional allowance need in a cover letter but does not provide supporting documentation.

The allowance holder did not provide documentation to support their unique circumstance request, so EPA is unable to verify the additional need. If, upon follow-up from EPA requesting supporting

documentation, the company fails to provide sufficient documentation, this request would not be eligible for additional allowances.