

# Department of Defense

See attachment



**DEPARTMENT OF THE AIR FORCE  
REGIONAL ENVIRONMENTAL COORDINATOR, REGION 10  
510 Hickam Ave., Bldg. 250A  
Travis AFB, CA 94535**

09 September 2023

Ms. Linda Kildahl  
Washington State Department of Ecology  
Air Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600

Subject: Chapter 173-443 WAC Hydrofluorocarbons and Other Fluorinated Greenhouse Gases  
Proposed Rule

Dear Ms. Kildahl:

I am the Department of Defense (DoD) Regional Environmental Coordinator charged with representing the military interests of the Services and installations on environmental matters within several states, including Washington. I am responsible for coordinating responses to various environmental legislative bills, policies, and regulatory matters of interest. I appreciate the opportunity to submit this comment on behalf of the United States Army, Navy, and Air Force.

DoD recognizes that climate change is a national security risk that affects our mission requirements, our installations, the welfare of our service members, and our equipment. DoD is responding to climate change in two ways: 1) adaptation to enhance resilience to the effects of climate change, and 2) mitigation to reduce greenhouse gas (GHG) emissions. The latter is described in depth in the DoD's *Plan to Reduce Greenhouse Gas Emissions* (April 2023).<sup>1</sup> An important part of DoD's plan is to reduce non-carbon dioxide emissions, for example by reducing HFC consumption. DoD intends to accomplish this, in part, by leveraging its procurement programs to reduce embodied GHG emissions from the products it buys in accordance with the American Innovation and Manufacturing Act, which seeks to reduce HFC consumption by 90% across the United States. DoD established Mission Critical Military End Uses (MCMEUs) for HFCs and submits annual reports to the Environmental Protection Agency. Based on these reports, EPA authorizes allocations to DoD's HFC providers.

Concurrently, DoD is investing in alternatives to products associated with MCMEUs to reduce the need for HFCs. DoD is also investing in low-Global Warming Potential (GWP) alternatives

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<sup>1</sup> Available at <https://media.defense.gov/2023/Jun/16/2003243454/-1/-1/1/2023-DOD-PLAN-TO-REDUCE-GREENHOUSE-GAS-EMISSIONS.PDF>

to HFCs through its Research & Development programs. For example, in Fiscal Year 2022, DoD's Strategic Environmental Research and Development Program (SERDP) funded the final year of an ongoing development effort related to environmentally safe alternatives to HFCs. Accordingly, the DoD is seeking additional accommodations as provided in the enclosure to sustain certain mission-critical military equipment that requires constant temperature-controlled storage. This request is in the context of a bold, Department-wide strategy to reduce emissions and enhance military readiness and resilience of the force.

The DoD appreciates the Washington State Department of Ecology's due consideration to military applications in developing exemptions in WAC 173-443-050. There remains some potential that this proposed rulemaking will significantly and detrimentally impact the mission of the DoD and the Military Departments, therefore additional proposed changes are outlined in the enclosure. The proposed accommodations include new exemptions under WAC 173-443-050 regarding the use of certain products and substances and the installation of new air conditioning / refrigeration equipment, as well as extended implementation timelines under WAC 173-443-165 and 173-443-175 to reflect government acquisition and procurement processes.

These accommodations will enable the DoD and the Military Departments to deter war and ensure our nation's security, and efficiently align climate adaptation goals with mission requirements. DoD remains fully committed to reducing hydrofluorocarbon and other fluorinated greenhouse gas emission in the State, but requests certain accommodations in the interest of national security.

Thank you for your time and consideration of the enclosed comments and your ongoing support for the military community in Washington State. Please do not hesitate to contact me ([karen.coulter.1@us.af.mil](mailto:karen.coulter.1@us.af.mil)) if you have any questions regarding these comments.

Sincerely,



KAREN D. COULTER

DoD Regional Environmental Coordinator  
Region 10

Attachment:

ENCLOSURE – Department of Defense Comments: Chapter 173-443 WAC  
Hydrofluorocarbons and Other Fluorinated Greenhouse Gases Proposed Rule

cc:

Ms. Laura Watson, Director, Washington State Department of Ecology

Mr. Park Haney, US Army REC for Region 10

Ms. Dina Ginn, US Navy REC Director for Region 10

## ENCLOSURE

### Department of Defense Comments: Chapter 173-443 WAC Hydrofluorocarbons and Other Fluorinated Greenhouse Gases Proposed Rule

#### 1. Comment related to military mission safety, security, and criticality as well as Department of Defense (DoD) facilities and the application of the Unified Facility Criteria

DoD maintains a resolute interest in ensuring the safety of its personnel as well as military mission critical equipment and facilities. In aiming to reduce reliance on Hydrofluorocarbons (HFCs), it is important to note that most military mission-critical facilities use do not have substitutes that are suitable for use in existing equipment designs although efforts have been underway to investigate adequate HFC substitutes. An example of such military mission-critical facilities use is the refrigeration requirements for the storage of ammunition, including explosive equipment. In many cases, HFCs continue to be relied upon as substitutes are typically flammable in nature. The substitutes may adversely react with military equipment and harm military personnel as well as impact mission readiness.

In evaluating the safe storage of munitions and explosives, DoD adheres to the Department of Defense Explosives Safety Board's guidance for Explosive Safety Site Plans. As part of the Explosives Safety Site Planning Process Overview, in Section 1.2.1.3, effective explosives safety site planning consists of evaluating potential explosion sites (PESs) and exposed sites (ESs) with respect to applicable DoD Component explosives safety policies and criteria, risk management policies and procedures, mission criticality, operational and security requirements. The Services are also guided by DoD 6055.09-M, *Department of Defense Ammunition and Explosives Safety Standards*, which is intended to support site plan preparation and facilitate efficient review at all levels. The inability to continue HFC use and/or the inability to secure new HFC supply from commerce can jeopardize safety and mission accomplishment in the absence of suitable substitutes. Military mission critical facilities could be impacted by the substitution of HFCs with flammable substitutes. **To avoid any adverse reaction, DoD respectfully recommends that the following language be added to 173-443-050 Tables 1, 2, and 3:**

**“New air conditioning/refrigeration equipment for the military munitions and explosive handling and storage facilities where it has been ascertained that alternatives cannot meet Department of Defense ammunition and explosive safety standards.”**

In addition, DoD understands that the requirements and exemptions contained in Chapter 173-443 were developed in conjunction with updates to the Washington State Building Codes. As such, several of the exemptions pertinent to military activities and installations (i.e. Chapter 173-443-050, Tables 2 and 3) are tied to Washington State building permits issued prior to the Chapter's effective date. DoD is subject to the Unified Facility Criteria (UFC) that do not typically incorporate state law. As such, DoD facilities may not qualify for the exemptions included/intended within 173-443-050. DoD respectfully requests that the exemptions in 173-443-050, specifically Tables 2 and 3, include language ensuring that military activities and installations qualify for the relevant exemptions. **DoD respectfully recommends inclusion of language such as:**

**“DoD facilities with new air conditioning /refrigeration equipment with projects approved under the applicable facility criteria.”**

ENCLOSURE

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2. Comment related to the Requirements to Prepare and Implement a Retrofit or Retirement Plan

To account for the complexities of the Federal Government acquisition process and project funding, DoD requests reconsideration of the compliance timeframes included in Sections 173-443-165 and 173-443-175(1)(a). **Accordingly, DoD respectfully requests:**

- 1) **A new paragraph (5) in Section 173-443-165: “Federal facilities will complete all necessary repairs under this chapter as soon as practicable in accordance with the Federal Acquisition Regulation and federal Antideficiency Act, 31 U.S.C. Sec. 1341 et seq.”**
- 2) **An addition to paragraph (1)(a) of 173-443-175: “Federal facilities will complete all necessary retrofit or retirement under this section as soon as practicable in accordance with the Federal Acquisition Regulation and federal Antideficiency Act, 31 U.S.C. Sec. 1341 et seq.”**