



**DEPARTMENT OF THE ARMY**  
**THE ASSISTANT SECRETARY OF THE ARMY**  
**INSTALLATIONS, ENERGY AND ENVIRONMENT**  
**110 ARMY PENTAGON**  
**WASHINGTON DC 20310-0110**

SAGC

Mr. Jamieson Greer  
Acting Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, N.W. Suite 300  
Washington, D.C. 20310-0101

RE: Whistleblower Investigation - Alleged violations of law, rule, or regulation and a substantial and specific danger to public health and safety in violation of Sections 608 and 609 of the Clean Air Act.<sup>1</sup> (Office of Special Counsel File Number DI-24-000271)

Dear Mr. Jamieson Greer,

In accordance with Title 5, United States Code (U.S.C.), Sections 1213(c) and (d), the enclosed summary and report is submitted in response to your referral of information requesting an investigation of allegations and a report of findings in the above referenced case. The attached report is also submitted to the Special Counsel pursuant to 5 U.S.C. §1213(e)(1) and subject to the limitations of §1213(i). The report and summary are submitted solely to satisfy the requirements in 5 U.S.C. §§1213(d)(1)-(5) and shall not inform the basis of, or support, any claim or cause of action under Federal or State laws or regulations against the Department of the Army or any other Federal Agency.”

The Secretary of the Army (SA) has delegated to me his authority, as Agency head, to review, sign, and submit to you the statutorily required report.

The Department of the Army (DA) is providing you with two versions of its report. This first version is for your official use only, as specified in 5 U.S.C. § 1213(e). We understand that, as required by law, you will provide a copy of this first version of the report to the Whistleblower, the President of the United States, and the Senate and House Armed Services Committees for their review. Other releases of the first version of the report may result in violations of the Privacy Act<sup>2</sup> and breaches of personal privacy interests.

The second version of the report will be sent to you separately and will not include privacy-protected information. It is suitable for release to all others. We request that only the

---

<sup>1</sup> 42 U.S.C. §§ 7671g -7671h.

<sup>2</sup> The Privacy Act of 1974, Title 5, United States Code, Section 552a.

second version of the report be made available on your website, in your public library, or in any other forum in which it will be accessible to persons not expressly entitled by law to a copy of the report.

The Department of the Army takes very seriously its responsibility to address, in a timely and thorough fashion, matters referred by the Office of Special Counsel (OSC). In this case, the Army conducted a thorough and comprehensive investigation in response to the OSC's referral of allegations submitted by the Whistleblower, a Heavy Mobile Equipment Inspector. The alleged wrongdoing occurred by employees and contractor personnel at the Department of the Army (Army), U.S. Army Tank-Automotive and Armament Command (TACOM), Red River Army Depot, Texarkana, Texas. The OSC referral included allegations that may constitute a violation of law, rule, or regulation and a substantial and specific danger to public health and safety. An Army Regulation 15-6, Investigating Officer (IO) was appointed to investigate the facts and circumstances surrounding the Whistleblower's allegations.

The allegations to be investigated include the following:

- (1) Since August 2023, employees servicing motor vehicle air conditioners (MVACs) at Red River Army Depot (RRAD) have been releasing an air conditioning refrigerant, hydrochlorofluorocarbon-134a (HFC-134a), into the environment in violation of the Clean Air Act<sup>3</sup> and its regulations;<sup>4</sup>
- (2) RRAD has not properly maintained the equipment used to evacuate HFC-134a from MVACs, and as such, the equipment leaks HFC-134a into the environment;<sup>5</sup>
- (3) Employees working on MVACs at RRAD are not trained and certified as required by the Clean Air Act's implementing regulations;<sup>6</sup>
- (4) RRAD does not retain records regarding its MVAC recovery equipment, or its employee training and certification as required by the Clean Air Act regulation;<sup>7</sup> and
- (5) Any additional, related allegations of wrongdoing discovered during the investigation of the foregoing allegation.

The purpose of this investigation was to determine the validity of the Whistleblower's allegations and to make findings concerning whether any wrongdoing had occurred, and if wrongdoing had occurred, to identify by whom and whether adequate policies and procedures

---

<sup>3</sup> *See Id.*

<sup>4</sup> 40 C.F.R. § 82.154 (prohibiting individuals who work on MVACs from releasing into the environment any refrigerants or non-exempt substitute refrigerants from MVACs and requiring those working on MVACs to follow the applicable practices in Sections 82.155, 82.156, and 82.157).

<sup>5</sup> The Whistleblower stated that when the evacuation machine was idle, a pressure gauge on the machine lost pressure, which indicated the machine had a leak.

<sup>6</sup> 40 C.F.R. § 82.161 (requiring certification of individuals who maintain, service, or repair MVACs that contain applicable refrigerants and non-exempt substitute refrigerants); and 40 CFR § 82.34 (prohibiting individuals from repairing or servicing MVACs without proper training and certification through an approved certification program).

<sup>7</sup> *See* 40 C.F.R. § 82.42.

are in place to preclude any recurrences of improprieties, irregularities, or misconduct. The investigation also was to assess whether any appropriate corrective action(s) needed to be taken.

RRAD undertook a large-scale upgrade of approximately 935 military ambulances in Building 345, a project initiated in September 2023 and slated for completion in December 2025. This upgrade involves replacing air conditioning systems, requiring the removal of up to ten pounds of refrigerant from each vehicle and the subsequent addition of three pounds of new refrigerant. The established procedure dictates refrigerant removal into a 30-pound recovery tank and then transferred to a larger 100-pound tanks, with continuous monitoring to prevent overfilling and potential explosions. Ultimately, the IO concluded that Whistleblower's specific allegations **were substantiated**.

**Allegation 1:** As of June 25, 2025, the investigation has substantiated the core allegation, albeit with a critical clarification. Evidence indicates intentional releases of HFC-134a refrigerant, a violation of the Clean Air Act, were conducted not by government employees, but by contracted personnel. This finding is supported by the testimony of the whistleblower and two witnesses, all of whom identified Contractor #1 and Contractor #2 as directly involved in intentionally venting refrigerant. Contractor #2 reportedly admitted to consistently venting and circumventing established refrigerant recovery procedures.

**Allegation 2:** The investigation revealed ongoing safety and compliance concerns regarding refrigerant handling procedures at RRAD. Evidence substantiates the finding that RRAD has not adequately maintained equipment used to evacuate HFC-134a from MVACs, resulting in refrigerant leaks into the environment. Despite annual calibration, most recently on February 6, 2024, a photograph taken on February 7, 2024, documented a Robinair Vacuum Pump in Building 345 operating without proper certification. A sworn statement from the Whistleblower further indicates this pump is actively leaking, as evidenced by its pressure gauges. Additionally, hydrostatic testing for the 100-pound refrigerant recovery tanks expired as of August 2023, requiring immediate re-testing. The absence of on-site scales for weighing recovery tanks, a critical measure to prevent overfilling, was also noted. While Witness #3 verbally stated the vacuum pumps cannot overfill the tanks, this assertion lacks written documentation. Collectively, these findings demonstrate significant deficiencies in adherence to established safety protocols and regulatory requirements for refrigerant handling at RRAD.

**Allegation 3:** The investigation identified a critical compliance gap regarding refrigerant handling certifications at RRAD. Title 40, Code of Federal Regulations (C.F.R.) Sec. 82.40 and 42 U.S.C. Sec. 7671h require both Environmental Protection Agency (EPA)-approved certification through coursework and testing, as well as specific training on approved refrigerant recycling equipment. While recent efforts have increased training availability at RRAD, Contractor #1 and Contractor #2, the contractors implicated in the alleged refrigerant venting incidents, are neither certified nor enrolled in any certification programs, despite their eligibility for RRAD-provided courses. Furthermore, records show no evidence that personnel working on the military ambulance upgrade received training on the specific refrigerant recycling equipment used. The RRAD Training Office

maintains no records of training on specific refrigerant recycling equipment, raising concerns about the adequacy and documentation of training protocols. This lack of proper certification and training constitutes a significant violation of federal regulations and exacerbates concerns regarding refrigerant handling practices at the depot, substantiating the finding that personnel working on MVACs at RRAD were not trained and certified as required by the Clean Air Act's implementing regulations.

**Allegation 4:** The investigation substantiated part of allegation 4, revealing a critical deficiency in training protocols at RRAD. While RRAD maintains records of refrigerant certifications, it lacks documentation of training on the specific Robinair equipment used for refrigerant recovery, as required by 40 CFR Part 82.40. A significant gap in training was identified during the military ambulance upgrade, with personnel reporting no specific instruction on the operation of the equipment utilized. This lack of targeted training was corroborated by the absence of any relevant records in the RRAD Training Office. This combination of undocumented training and unverified experience raises serious concerns about the safe and proper operation of refrigerant recovery equipment and contributes to the broader pattern of non-compliance with refrigerant handling regulations

The investigation determined that no additional related allegations were identified by the whistleblower during his interview. He was specifically asked if any further concerns existed and confirmed, in his sworn statement, that he had no additional allegations he wished to be considered.

I agree with the IO's conclusions detailed above which were also agreed to by the Approving Official.

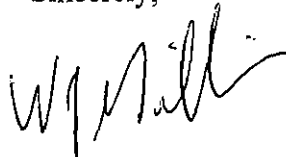
Recognizing the systemic nature of the identified non-compliance issues, a comprehensive, installation-wide approach to resolution has been recommended by the IO. This assessment aligns with the findings, and I concur with the IO's recommendations, which have also received approval from the Approving Official.

- (1) To address the identified non-compliance issues, all motor vehicle refrigerant operations at RRAD ceased immediately. This suspension remained in effect until the following conditions were fully verified: (a) all personnel involved in refrigerant operations were trained and certified through an approved course; (b) all personnel received specific training on the operation of the exact refrigerant recycling equipment being used; (c) RRAD developed and implemented a comprehensive Standard Operating Procedure (SOP) detailing the proper refrigerant removal process; (d) all personnel were thoroughly trained on this new SOP; and (e) calibrated scales are in place and consistently utilized for weighing refrigerant tanks, as specified by the Air Conditioning Equipment Manufacturer's Manual.

- (2) RRAD updated the RRAD Ozone Depleting Substances (ODS) Management Plan, published it as an Installation Regulation and trained installation staff on their respective responsibilities.
- (3) RRAD implemented a tracking mechanism for removal and addition of refrigerants by line rather than by building so that discrepancies in the refrigerant handling process can be quickly and easily identified.
- (4) The Army referred this matter to the Army Criminal Investigation Division (CID) to investigate whether the alleged conduct involved intentional or negligent venting of refrigerant prohibited under the Clean Air Act, possible collusion to do so, possible fraud, and the civil and criminal penalties associated therewith. The USACID has reported no criminal conduct at this juncture, and I also note that the Army has made no referral of alleged criminal violations to the United States Attorney General pursuant to Title 5, United States Code, § 1213(d)(5)(d).
- (5) RRAD self-reported under the State and Federal reporting requirements. The United States Environmental Protection Agency visited the Depot to conduct an inspection of its refrigerant's program.

In summary, I am satisfied that the IO's findings are well founded and that the IO's recommendations constitute an appropriate resolution to this matter. Also, I am satisfied that the Depot took appropriate measures to come into compliance with the Clean Air Act and EPA requirements. I also note that the Army has made no referral of alleged criminal violations to the United States Attorney General pursuant to Title 5, United States Code, § 1213(d)(5)(d).

Sincerely,



W. Jordan Gillis  
Assistant Secretary of the Army  
Installations, Energy and Environment

# SUMMARY OF THE REPORT OF INVESTIGATION

## INFORMATION INITIATING THE INVESTIGATION

By letter dated January 18, 2024, the Acting Special Counsel referred a whistleblower disclosure to the Secretary of the Army for investigation. The disclosure, submitted by the Whistleblower<sup>8</sup>, alleges that employees at Red River Army Depot (RRAD), a U.S. Army Tank-Automotive and Armament Command (TACOM) facility in New Boston, Texas, are engaging in public health and safety. As noted in the Special Counsel's referral letter, copies of the letter and its enclosures were provided to both the Secretary of the Army and the Inspector General of the Army. As reflected in the referral letter, Whistleblower alleged that employees at the Red River Army Depot violated Sections 608 and 609 of the Clean Air Act.<sup>9</sup> Although the Whistleblower reported the alleged violations to management, they remained unresolved.

OSC Referred Allegation #1: Since approximately August 2023, employees servicing motor vehicle air conditioners (MVACs) at Red River Army Depot have been releasing an air conditioning refrigerant, hydrochlorofluorocarbon-134a (HFC-134a), into the environment in violation of the Clean Air Act<sup>10</sup> and its regulations.<sup>11</sup>

OSC Referred Allegation #2: Red River Army Depot has not properly maintained the equipment used to evacuate HFC-134a from MVACs, and as such, the equipment leaks HFC-134a into the environment;<sup>12</sup>

---

<sup>8</sup> The Whistleblower, who consented to the release of his name, is a Heavy Mobile Equipment Inspector.

<sup>9</sup> 42 U.S.C. §§ 7671g -7671h; see also Army Regulation 200-1 Environmental Quality Environmental Protection and Enhancement at Ch. 1 and Ch. 4 (implementing Federal, State, and local environmental laws and Department of Defense policies regarding the environment including the Clean Air Act and its regulations).

<sup>10</sup> *See Id.*

<sup>11</sup> 40 C.F.R. § 82.154 (prohibiting individuals who work on MVACs from releasing into the environment any refrigerants or non-exempt substitute refrigerants from MVACs and requiring those working on MVACs to follow the applicable practices in Sections 82.155, 82.156, and 82.157).

<sup>12</sup> Whistleblower stated that when the evacuation machine was idle, a pressure gauge on the machine lost pressure, which indicated the machine had a leak.

OSC Referred Allegation #3: Employees working on MVACs at Red River Army Depot are not trained and certified as required by the Clean Air Act's implementing regulations;<sup>13</sup>

OSC Referred Allegation #4: Red River Army Depot does not retain records regarding its MVAC recovery equipment, or its employee training and certification as required by Clean Air Act regulation,<sup>14</sup> and

OSC Referred Allegation #5: directed the investigation of any additional, related allegations of wrongdoing discovered during the investigation of the foregoing allegations.

## **CONDUCT OF THE INVESTIGATION**

On February 26, 2024, the U.S. Army Tank-Automotive and Armaments Command (TACOM) forwarded the Office of Special Counsel's (OSC) correspondence to an Investigating Officer (IO) within the Office of the G-4, TACOM, on behalf of the Secretary of the Army. Pursuant to Army Regulation (AR) 15-6, the IO is to determine the facts and circumstances surrounding the whistleblower's allegations. The appointment letter specified the allegations to be investigated, with the understanding that an Army report would be prepared and submitted to OSC as required by 5 U.S.C. §§ 1213(c) and (d).

## **INVESTIGATING OFFICER'S BACKGROUND**

The appointed Investigating Officer (IO) is an experienced Environmental Protection Specialist with 15 years of service in the Tank-Automotive and Armament Command,

---

<sup>13</sup> 40 C.F.R. § 82.161 (requiring certification of individuals who maintain, service, or repair MVACs that contain applicable refrigerants and non-exempt substitute refrigerants); and 40 CFR § 82.34 (prohibiting individuals from repairing or servicing MVACs without proper training and certification through an approved certification program).

<sup>14</sup> See 40 C.F.R. § 82.42.

responsible for all areas of environmental compliance including Clean Air Act and corresponding state requirements. The IO has over 40 years of experience, with environmental compliance duties dating back to 1977. The IO's education includes a Bachelor Degree in Environmental Health, two Master degrees (Hazardous Waste Management and Industrial Hygiene) and a Juris Doctorate. The IO has held numerous positions in professional organizations, including a founding member of the Michigan Chapter of the Academy of Certified Hazardous Materials Managers, Board of Directors of the Academy of Certified Hazardous Materials Managers, along with serving on the Academy's Technical Review Committee that rewrote the Academy's Certification Examination. He is also dual certified as EPA Clean Air Act Section 608 and Section 609 (HVAC in 1994) and Motor Vehicle AC (in 1996) as required by 40 CFR Part 82.40 to perform the type of work that is the subject of this investigation.

Based on extensive professional experience, the IO was ideally suited for the Army investigation into the OSC referred allegations. After conducting a thorough investigation, including interviews with RRAD leadership, laborers, contractor personnel, and environmental staff, interviews with RRAD personnel, and review and evaluation of all exhibits, the IO concluded that the allegations had merit.

## **ORGANIZATIONAL ROLES AND RESPONSIBILITIES**

Red River Army Depot (RRAD) is a vital maintenance facility for the U.S. Army, offering a broad spectrum of depot-level maintenance and support services. RRAD's capabilities are remarkably diverse, extending from initial timber production all the way to the complete remanufacturing of intricate vehicle systems and their components. The depot is specifically

recognized as the Army's Center of Industrial and Technical Excellence (CITE) for several key vehicle families. This includes all variants of Tactical Wheeled Vehicles like the MRAP, HMMWV, HEMTT, ASV, 5-Ton Truck Family, FMTV, HET, PLS, and RTCH, as well as the Bradley Fighting Vehicle for tracked vehicles, the Multiple Launch Rocket System, and rubber products, solidifying its importance to the Army's readiness.

## **MISSION WORK IN SUPPORT OF THE ARMY**

### **RRAD – Retrofit kit installation, updating Heating, Ventilation, and Air Conditioning (HVAC) System, installation of new Anti-Lock Braking System/ Electronic Stability Control (ABS/ESC) Accessory Kit, and the Alternating Current (AC) Power Inverter Kit**

Relevant to this investigation are the allegations of improper handling of air conditioner refrigerants, specifically hydrochlorofluorocarbon (HFC 134a), and its potential release into the environment by RRAD employees. This investigation focused on the proper maintenance of equipment used in refrigerant handling, as well as the training and certifications held by employees responsible for the removal of HFC 134a, ensuring compliance with environmental regulations.

RRAD was performing upgrades to approximately 935 M997A3s (Ambulances), specifically the HVAC and ABS/ESC, along with the AC Power Inverter. RRAD was responsible for providing all supervision, necessary personnel, tools, equipment, materials, repair parts, transportation, other items and services, to inspect and retrofit the ambulances with the upgrades in accordance with applicable rules and regulations. RRAD was to secure all parts, including common hardware, fuels, paint, lubricants and oils. RRAD was to remove and store all Basic Issue Items (BII) shipped with the ambulance. RRAD was to ship the BII along with the upgraded ambulance to the customer. RRAD was to ensure that the same body of the upgraded

ambulance was reinstalled onto the same chassis. RRAD was to inspect Air Conditioning (AC) ductwork for any damage or cracking and repair and replace as necessary. RRAD was responsible for those activities required to plan, direct and control the retrofit and installation process. RRAD was to disassemble the ambulances in accordance with the instructions provided for the installation of the HVAC kit, ABS/ESC Accessory kit and the AC Power inverter.

## DISCUSSION

### Investigating Officer's Assessment and Analysis of Relevant & Material Facts for Allegation 1

**ALLEGATION 1: Whether employees servicing motor vehicle air conditioners (MVACs) at RRAD have been releasing an air conditioning refrigerant, hydrochlorofluorocarbon-134a (HFC-134a), into the environment in violation of the Clean Air Act and implementing regulations?**

Yes, with the caveat that it was government contractors performing the venting, not government employees. (A preponderance of the evidence substantiates the whistleblower's allegation.)

- 1) RRAD was in the process of performing a military ambulance upgrade for approximately 935 vehicles in Building 345. The upgrade started in September of 2023.
- 2) The upgrade included removing and replacing air conditioning systems as described in the Statement of Work-M9973A3 Heating, Ventilation and Air Conditioning (HVAC), Anti-Lock Braking System (ABS)/Electronic Stability Control (ESC) and Alternating Current (AC) Power Inverter Accessory Kit Upgrades.
- 3) The process for upgrading the air conditioning system was to remove refrigerant from the preexisting system (which holds ten pounds), remove the air conditioning equipment, install the new equipment, and add three pounds of new refrigerant.
- 4) The process for removing refrigerant involves the use of a vacuum pump into a 30-pound recovery tank. This process is repeated with additional vehicles until the 30-pound tank is approximately 80% full. At that point, the 30-pound tank is pumped into a 100-pound recovery tank. (There are three 100-pound recovery

tanks.) The empty 30-pound tank can then go back to being used for the removal process.

- a. The recovery tanks must be weighed initially to determine how many pounds of refrigerant can be added, not to exceed approximately 80% of total weight (including the weight of the tank itself).
  - b. Personnel must continuously weigh the recovery tanks throughout the removal process to avoid potential explosions from overfilling the tanks.
  - c. It is important to verify if the tanks are in sound condition.
  - d. Additionally, personnel are required to be certified and trained on specific equipment.
- 5) The Whistleblower observed, documented and elevated the intentional venting of refrigerant on two different days, specifically 16 November 2023 and 7 December 2023, by Contractor #1 and Contractor #2, to Heavy Mobile Equipment Inspector Supervisor.
- a. The Whistleblower has included in his sworn statement that he observed venting on other occasions as well.
  - b. The Whistleblower indicated that Contractor #2 admitted to venting for a few months and never emptying the 30-pound tank.
  - c. These events were also reported in the Complex Assembly Manufacturing Solutions (CAMS) system as Non-Conformance Reports.
  - d. The Whistleblower stated that an anti-tampering tank was placed on the 100-pound tanks on 6 December 2023, and they remained intact, indicating that the tanks had not been used.
- 6) The intentional venting was also observed and confirmed by Contractor #1. Contractor #1 provided a Sworn Statement that a contractor stated that they had been venting for three months.
- 7) The intentional venting was also observed and confirmed by Witness #2.
- a. Witness #2 provided a Sworn Statement confirming complaints about an odor and an observed open valve.
  - b. Witness #2 produced an email transmitted on 16 November 2023, Subject: ABS/ESC HMMWV Ambulance line 18 in 345, to Email Recipient #1, Director of Quality, Quality Assurance Specialist, Lead Quality Assurance Specialist and Heavy Mobile Equipment Inspector Supervisor. Therein, it was stated that

refrigerant was being removed from vehicles and leaked into the air. It was further stated: “that no one performing the A/C EVAC process had a A/C Cert [sic],” relaying what the mechanics said: “I do not know, guess we are just polluting the Ozone.” Lastly, the email contained an attachment, i.e., several pictures, one of which reported the following: “A/C recovered storage tanks feel to be empty unused [sic].”

- 8) According to Heavy Mobile Equipment Inspector Supervisor, the events were reported to Email Recipient #1 and Director of Quality.
- 9) Circumstantial evidence that refrigerant was frequently not captured included photographs showing the hydrostatic test for the 100-pound tank that expired in August of 2023 and required a re-test.
- 10) Computation of Release. Mission Data Analysis Report dated 6 February 2024 shows that 193 vehicles were completed for a maximum removed refrigerant quantity of 1930 pounds.
  - a. Not all ambulance air conditioning systems contained refrigerant, i.e., some had broken lines or missing parts, but it was expected that most were operational and are presumed full for the purposes of this report.
  - b. Assuming that some would be empty and others partially full, even 80% was an estimated removal of refrigerant thus far in the amount of 1,544 pounds (not including what has transpired since writing this report).
  - c. Building 345 had multiple lines for refrigerant removal. The military ambulance upgrade was on line 18. Shipping documentation for refrigerant was not maintained by the line performing the operation; it was maintained for the whole Building (which includes other operations).

### **Investigating Officer’s Assessment and Analysis of Relevant & Material Facts for Allegation 2**

#### **ALLEGATION 2: Whether RRAD has properly maintained the equipment used to evacuate HFC-134a from MVACs, and whether said equipment leaks HFC-134a into the environment?**

No. (A preponderance of the evidence substantiates the whistleblower’s allegations.)

- 1) Calibration of the air conditioning refrigerant equipment was done on an annual basis. The date of the current calibration was 6 February 2024. Yet, the IO went to Building 345 on 7 February 2024 and took a photograph of a Robinair Vacuum Pump with no certification. Furthermore, according to Whistleblower’s Sworn

Statement, the Robinair Vacuum Pump was pressurized, and the pressure gauges showed that it leaks.

- 2) Again, the IO also took photographs showing that the hydrostatic test for the 100-pound tank expired in August of 2023, requiring a re-test.

### **Investigating Officer's Assessment and Analysis of Relevant & Material Facts for Allegation 3**

#### **ALLEGATION 3: Whether employees working on MVACs at RRAD are trained and certified as required by the Clean Air Act's implementing regulations?**

No. (A preponderance of the evidence substantiates the whistleblower's allegations.)

- 1) There were two specific requirements:
  - a. Complete an EPA-approved course and pass a certification test. 40 C.F.R. Sec. 82.40; and
  - b. Be trained and certified on the proper use of approved refrigerant recycling equipment. 42 U.S.C. Sec. 7671h.
- 2) There had been a recent increase in certification training. However, the two contractors who allegedly vented refrigerant were neither certified nor enrolled in training to obtain certification, despite the fact that RRAD Training Office advised me that the contractors were eligible to attend the certification training provided at RRAD.
- 3) The IO found no evidence that people working on the military ambulance upgrade were provided training on the refrigerant recycling equipment. Furthermore, the IO found no records maintained by the Training Office on specific refrigerant recycling equipment.

### **Investigating Officer's Assessment and Analysis of Relevant & Material Facts for Allegation 4**

#### **ALLEGATION 4: Whether RRAD retains records regarding its MVAC recovery equipment, or its employee training and certification as required by Clean Air Act regulations?**

No, with the caveat that training records were maintained for certification, but no records exist for training on the Robinair equipment that is used, in accordance with 40 CFR Part 82. (A preponderance of the evidence substantiates part of the whistleblower's allegation.)

- 1) No one interviewed identified any specific training on the refrigerant recycling equipment specifically used by RRAD in the military ambulance upgrade.
- 2) The IO found no records maintained by the Training Office on specific refrigerant recycling equipment.

### **Investigating Officer's Assessment and Analysis of Relevant & Material Facts for Allegation 5**

#### **ALLEGATION 5: Whether the whistleblower raised any additional related allegations during his interview?**

No. Whistleblower was specifically asked if there were any additional related allegations and he indicated on his sworn statement that there were not additional allegations he desired to have considered.

## **INVESTIGATING OFFICER'S FINDINGS AND CONCLUSIONS**

The evidence strongly supports the whistleblower's allegations regarding improper handling of hydrochlorofluorocarbon-134a (HFC-134a) at RRAD. Specifically, the evidence indicates that government contractors, who service MVACs, not federal employees, have been releasing HFC-134a in violation of the Clean Air Act and its implementing regulations. Furthermore, the evidence substantiates claims that RRAD does not adequately maintain the equipment used to evacuate HFC-134a from MVACs, resulting in leaks. Employees working on these systems also appear to lack the required training and/or certification as mandated by the Clean Air Act. While RRAD does maintain records of employee certifications, no training records existed for the Robinair equipment used, as required by 40 CFR Part 82.

## **INVESTIGATING OFFICER'S RECOMMENDATIONS**

- a. All motor vehicle refrigerant operations cease until it can be verified that:

- 1) All personnel performing refrigerant operations are trained and certified in an approved course;
  - 2) All personnel performing refrigerant operations are trained on the specific equipment used;
  - 3) A Standard Operating Procedure (SOP) has been developed, which fully describes the proper removal process into small recovery tanks as well as the proper transfer process into larger recovery tanks;
  - 4) All personnel performing refrigerant operations are trained on the SOP, and;
  - 5) Scales are in place and used for tanks as required by Air Conditioning Equipment Manufacturer's Manual.
- b. Update the RRAD 2020 Ozone Depleting Substances (ODS) Management Plan (to include better provisions for vehicle refrigerant missions, improved coverage of HFC-134a as well as clear and coordinated establishment of who is responsible for what) and then publish it as an Installation Regulation and train Installation Staff with their respective responsibilities.
  - c. Implement a tracking mechanism for removal and addition of refrigerants by line rather than building so that lack of turning in refrigerant can be quickly and easily identified.
  - d. Refer this matter to the Attorney General, the Dallas Office of the Texas Environmental Enforcement Task Force and/or the Army Criminal Investigation Division (CID) regarding intentional and/or negligent venting of refrigerant prohibited under Clean Air Act, possible collusion to do so, possible fraud, and the civil and criminal penalties associated therewith. *See* 42 U.S.C. § 7413 (Federal Enforcement).
  - e. Direct RRAD to determine whether it is required to self-report under any State and/or Federal reporting requirements. RRAD should document that determination, seek legal review and act accordingly.

## **APPOINTING/APPROVAL AUTHORITY'S ACTIONS**

By memorandum dated May 7, 2024, the Investigation Appointing/Approving Authority stated, the ROI revealed that RRAD's HMMWV Air Conditioning removal and recovery operations had two documented releases of refrigerant, namely, a hydrofluorocarbon, HFC-134a. The refrigerant was vented into the atmosphere in violation of the Clean Air Act by two

contractor employees who had not been trained or certified on the equipment being utilized to remove the refrigerant from disassembled vehicle. He indicated that RRAD had taken action to correct the violations and that no continuing violation of the Clean Air Act existed. He endorsed and concurred in the actions taken by the Depot in response to the ROI.