

## **10 USC 2302: Elimination of Use of Class I Ozone-Depleting Substances in Certain Military Procurement Contracts**

### **WHAT IT SAYS:**

No DoD contract may include a specification or standard that requires a Class I ozone-depleting substance (ODS), OR a requirement that can only be met by a Class I ODS.

- Only a Senior Acquisition Official (SAO) can “approve” (waive the prohibition of) the inclusion of Class I ODS specifications or standards in a contract.
- The SAO can grant an approval only by determining that a suitable substitute for the Class I ODS is not currently available.
- This determination must be based upon a Certification of Need provided by an Appropriate Technical Representative (ATR) identified by the official.

### **WHO THE PLAYERS ARE:**

SAO - PEO or equivalent

ATR - AMC MSC engineer or technician supporting the PEO

- Each SAO appoints a Lead ATR (LATR) to supervise the other ATRs
- All LATRs and most ATRs are trained and certified by the ESO

ESO - Provides 10 USC 2302 training and certification for ATRs

- Performs oversight of the review process
- Supports PEOs, PMs, Contracting Officers and LATRs as needed
- Maintains copies of Army SAO Approvals and Certifications of Need

### **WHAT THE REVIEW PROCESS IS:**

The details vary from MSC to MSC. In general, however:

- The PM office, either through the supporting Contracting Officer or another means, notifies the associated LATR that a contract is being put together.
- An ATR reviews the contract’s list of specifications and standards and compares it to a Class I ODS “One List” that OSD put together years ago.
- The ATR also reviews the contract Statement of Work (or equivalent) and/or drawings for any call-out for a fire suppression system, especially an aircraft engine nacelle fire suppression system (these often require the use of halon).

### **WHAT THE END ACTIONS ARE:**

If no Class I ODS call-out or requirement is found, the ATR/LATR returns the contract with no action required.

If a Class I ODS call-out or requirement is found, the ATR/LATR identifies the issue to the PM office and/or Contracting Office and starts remediation activity.

- Usually, the Class I ODS call-out or requirement can be either replaced by one identifying a qualified substitute, or it can be eliminated altogether.
- If it cannot, the ESO is usually contacted and a Certification of Need is prepared.
  - o The LATR prepares the Certification of Need and provides it to the PM.
  - o The PM office prepares a memo to the PEO requesting an SAO approval.
  - o The signed SAO approval is provided to the Contracting Office to include in the contract file and a copy is provided to the ESO.