



United Nations Environment Programme



Distr.
GENERAL

UNEP/WG.94/4/Add.3
17 October 1983

Original: ENGLISH

Ad Hoc Working Group of Legal and Technical
Experts for the Elaboration of a Global
Framework Convention for the Protection
of the Ozone Layer

Third session

Geneva, 17-21 October 1983

DRAFT ANNEX CONCERNING MEASURES TO CONTROL, LIMIT AND REDUCE THE USE
AND EMISSIONS OF FULLY HALOGENATED CHLOROFLUOROCARBONS (CFCs) FOR
THE PROTECTION OF THE OZONE LAYER, SUBMITTED BY FINLAND, NORWAY AND
SWEDEN

Summary of comments by Governments

Further to the comments summarized in document UNEP/WG.94/4/Add.1, the following additional reply has been received to the letter of 14 July 1983 from the Executive Director of UNEP to Governments, soliciting comments on the proposed annex:

UNITED STATES OF AMERICA

[Original: English]

[13 October 1983]

While the United States believes that the convention should extend to all potential ozone modifying substances, it believes that due to the potentially serious impact of chlorofluorocarbons (CFCs) on the ozone layer, it is appropriate for the working group to begin consideration of control measures for CFC emissions.

The United States has carefully reviewed the existing science and world production trends of CFCs, and believes that while there is still much uncertainty regarding the expected level and effects of ozone depletion, there is significant cause for concern regarding the effects of world-wide emissions of CFCs. Ozone depletion, and consequent UV-B increase, would result in significant adverse effects on human health and the environment on a global scale. CFCs 11 and 12 are the major contributors to potential ozone depletion. In addition, CFC-induced changes in the vertical distribution of ozone could have significant effects on the global climate. Finally, CFCs are a greenhouse gas and contribute to the global warming trend which is primarily due to CO₂. Growth in CFC emissions could increase significantly the

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rate at which this global warming is expected to occur. For these reasons, the United States believes that it is prudent to take certain steps to control CFC emissions, where those steps may be taken in the most cost-effective manner. Due to the existence of substitutes for most non-essential uses of CFC-propelled aerosols, controlling such uses is a reasonable first step. For these reasons, it is the view of the United States that, in addition to its work on the framework convention, the Ad Hoc Working Group should also work on a protocol for controlling non-essential aerosol uses of CFCs, along the lines discussed below. The United States believes that such a protocol should be integral to the framework convention itself.

The United States has the following specific comments on the Nordic proposal:

(a) Article 1:

- (i) The United States supports the general objective of article 1, which would put into effect a world-wide ban on non-essential aerosol uses of CFCs. The United States instituted a ban on non-essential CFC aerosol uses in 1978, and found this to be a cost-effective means of achieving a significant reduction in CFC emissions;
- (ii) The United States believes, however, that as presently drafted, article 1 is not sufficiently developed to serve as an effective international legal instrument for the control of non-essential CFC aerosol emissions. Provisions should be added on the timing of the controls, reporting requirements, and technical assistance on implementation of the controls. To add flexibility, a provision should be added whereby parties could substitute reductions in emissions from other CFC uses, providing that the net amount of emissions reduction after such substitution is at least equal to that which would have resulted had a complete ban on non-essential CFC aerosol use been implemented;

(b) Article 2:

The United States does not support article 2 of the Nordic proposal. While it recognizes the sovereign right of any State to regulate non-aerosol CFC uses on its own, the United States believes that the mandatory international controls envisaged by article 2 would be inappropriate at this time. The United States believes that a protocol on non-essential CFC aerosol uses, as described above, would be the most efficacious and flexible means of achieving a substantial reduction in CFC emissions, and that international efforts should therefore focus on developing and implementing such a protocol;

(c) Article 3:

Subject to the protection of confidentiality, the United States supports the data and information reporting requirements in article 3 of the proposal, but believes that these requirements would be more appropriately placed in the annex on technical information exchange. The United States is particularly interested in securing obligations in the convention for reporting of data and information on all uses and production of CFCs.

Finally, the United States has the following general comments to make. The United States would prefer that specific obligations with respect to control measures be contained in protocols to the convention. Annexes, with expedited amendment procedures, would be reserved for, inter alia, scientific, technical, and administrative matters such as lists of potential ozone modifying substances, data and information exchange, and research and monitoring.

The United States affirms its strong support for the rapid conclusion of the framework convention and its supporting arrangements. It believes that the general obligations in the draft convention regarding co-operation on research and monitoring and for sharing of information and data are very important.