

1. PLEASE REQUEST OBSERVER STATUS AT SUBJECT NEGOTIATIONS, DECEMBER 1-5 IN GENEVA, FOR THE FOLLOWING:

HOUSE OF REPRESENTATIVES:

HENRY A. WAXMAN, CHAIRMAN, SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, COMMITTEE ON ENERGY AND COMMERCE

DAVID P. FINNEGAN, COUNSEL TO THE COMMITTEE ON ENERGY AND COMMERCE

GERALD DODSON, COUNSEL TO THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

GREGORY WHETSTONE, COUNSEL TO THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

PHILIP SCHILIRO, SPECIAL ASSISTANT, SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

SENATE:

RONALD COOPER, SENIOR LEGISLATIVE ASSISTANT TO SEN. BAUCUS

STEPHEN SHIMBERG, COUNSEL, SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE OF THE ENVIRONMENT AND PUBLIC WORKS

NOT ALL OF THE ABOVE WILL BE PRESENT FOR THE ENTIRE WEEK (REP. WAXMAN DECEMBER 5 ONLY). PLEASE ADVISE UNEP RESPONSE BEFORE OUR MEETING WITH CONGRESSIONAL OBSERVERS WEDNESDAY, NOVEMBER 26.

*observers
file: participants
Agree, Protocol*

U.S. VIEWS ON INTERNATIONAL PROTOCOL
ON STRATOSPHERIC OZONE PROTECTION

Based on current scientific understanding, considerable risks may exist to human health and the environment from continued or expanded global emissions of fully-halogenated alkanes. Considerable evidence exists, both in theory and from models, linking these chemicals to depletion of ozone. However, remaining scientific uncertainties prevent any conclusive statement concerning safe levels of emissions. As a result, we believe that these chemicals should be considered suspect, and, given the substantial human health and environmental risks, we believe that a prudent protocol should provide for the following:

- I. As a first step, a near-term freeze on the emissions of all fully-halogenated alkanes (i.e., CFC 11, 12, 113, and Halon 1211 and 1301) at or near current levels;
- II. A long-term scheduled phase-out of emissions of these chemicals; this phase-out would be implemented, subject to any modification resulting from periodic review as defined in III;
- III. A periodic review of the protocol provisions based upon a regular assessment of scientific understanding of changes to the ozone layer and its effects on health and the environment. The review could remove or add chemicals from the phase-out, change the schedule, or set an emission reduction target short of phase-out.

A protocol based on the above elements should have the following characteristics:

- (a) provide a simple approach to facilitate agreement on an acceptable protocol within the current UNEP timetable;
- (b) be capable of gaining general acceptance among the major producer nations who are now and will remain the primary source of emissions of these chemicals;
- (c) provide certainty for industrial planning in order to minimize the costs of reducing reliance on these chemicals;
- (d) provide adequate time for shifting away from ozone-depleting chemicals to avoid social and economic disruption, while at the same time give a strong incentive for the rapid development and employment of emission controls, recycling, and benign substitute chemicals (i.e., a technology-forcing approach);
- (e) take into full consideration scientific uncertainties and promote future improvements in understanding by instituting a requirement for reassessing the goal and timing of emission limits if changes in science suggest such action is warranted;

(f) address all fully-halogenated alkanes, so that the principal anthropogenic sources of atmospheric chlorine and bromine are included;

(g) allow flexibility for industrial planning by allowing trade-offs among these chemicals based on their relative ozone-depleting effects;

(h) allow flexibility for limited continued use of those chemicals which are of highest social value and for which no substitutes presently exist; and

(i) create incentives to participate in the protocol by regulating relevant trade between parties and non-parties.

Press Guidance
November 5, 1986

STRATOSPHERIC OZONE DEPLETION

- Q1. Is it true that the United States has decided to call for a worldwide phase-out of all chlorofluorocarbons (CFCs)?
- A. No. What we have done is to transmit to other governments, for their review and comment, the preliminary views of the United States on the basic components of an international protocol to control chemicals which might damage the stratospheric ozone layer. Negotiations will begin the first week of December in Geneva, under UNEP auspices. The approach we are proposing reflects what we believe is a growing consensus in the U.S., and increasingly abroad, that new steps must be taken by nations acting together to prevent ozone layer depletion. Clearly, this is a global problem that requires a global response.
- Q2. What specifically are you calling for?
- A. We have proposed that any protocol be designed to promote and achieve two principal goals on which we would seek early agreement.

The first goal is to halt, as rapidly as possible, the continuing increase in emissions to the atmosphere of fully halogenated CFCs and other chemicals with similar ozone-depleting properties. This, we believe, would provide an early, important measure of safety for the human and natural environments ... and also a clear signal that governments are committed to cooperating to address the problem.

We further propose that this initial step be coupled to a second, longer-term goal of phasing out all fully halogenated CFCs and certain related chemicals (the main sources of concern) over a carefully scheduled time period. Concurrent with this scheduled phase-out would be a regular reassessment of the evolving science to determine if more or less stringent action is called for.

- Q3. Are a freeze and gradual phase-out warranted, given current scientific understanding?
- A. It has been ten years since the theory was first proposed that the ozone layer could be threatened by worldwide release of CFCs and other man-made chemicals. During the past decade, scientists have refined the theory and fine-tuned the models -- and uncertainties remain. But the basic premise still holds: if chlorine, and now bromine, enter the stratosphere, they will deplete ozone. The models will continue to be refined and, as they do, predictions of the magnitude and timing of ozone depletion will likewise change. However, because it is based on very basic chemistry, the premise that chlorine and bromine are stratospheric ozone depleters is not likely to be overturned by advances in scientific understanding. Therefore, we believe that international action to freeze the continuing growth of emissions of certain chlorine and bromine containing compounds, followed by a scheduled phase-out, is warranted.
- Q4. How quickly would the freeze and phase-out occur, and what chemicals would be covered?
- A. These are key issues that will have to be negotiated. At this point we have only put forward views on the basic goals the protocol should seek to achieve. The exact timetable for action, the full range of chemicals to be covered, and how to provide a "feedback" mechanism for new scientific knowledge, are among a variety of considerations that require thorough analysis and discussion. In the coming weeks they will be carefully studied by the U.S. Government agencies and (we hope) other governments as well.
- Q5. Do you believe that the approach you are proposing will find broad acceptance in this country and abroad?
- A. Stratospheric ozone depletion is a difficult issue. Both the environmental and economic stakes are high, and important scientific uncertainties persist. However, based on our discussions with U.S. industry and environmental groups, and with other governments, we believe that there is a rapidly growing consensus that new action must be taken.

Our approach is basically to move the international community away from using certain ozone-depleting chemicals in a manner that will provide industry with incentives for introducing chemical substitutes in a reasonable timeframe. Further, we believe that a protocol can be designed which provides the sensitivity necessary to respond to future scientific

discoveries, including any surprises -- both good and bad. Thus, we are optimistic that our proposal will be well received, and that an effective, equitable protocol can be negotiated.

We are also open to other approaches. Canada has advanced a quite specific proposal, and we plan to meet soon with Canadian experts to share views. Other nations may have still other ideas, and we have been actively using our U.S. embassies abroad and other means to promote a full sharing of views and suggestions.

1. UNEP SECRETARIAT HAS REQUESTED US AND SEVERAL OTHER COUNTRIES TO PROVIDE ALTERNATIVE TEXTS OF OPERATIVE PROTOCOL ARTICLES FOR CONSIDERATION AT DECEMBER 1-5 NEGOTIATIONS "IN THE INTEREST OF AIDING UNEP AND THE VIENNA GROUP IN UNDERTAKING ITS ASSIGNED TASK OF ELABORATING A PROTOCOL ON CFCS." IN RESPONSE TO THIS REQUEST, USG HAS PREPARED A TEXT BASED ON PRINCIPLES OUTLINED IN **ENC 3**. THE FOLLOWING DRAFT ARTICLES ARE TO BE INCORPORATED INTO THE FOURTH REVISED DRAFT PROTOCOL AGREED IN THE PREVIOUS ROUND OF NEGOTIATIONS, WITH THE FOLLOWING ARTICLES II-VI REPLACING ARTICLES II-V AND SUBSEQUENT ARTICLES RENUMBERED.

5. ~~(BEGIN TEXT)~~

-- THE UNITED STATES BELIEVES THAT THE POTENTIAL RISKS TO THE STRATOSPHERIC OZONE LAYER FROM CERTAIN MAN-MADE CHEMICALS REQUIRE EARLY AND CONCERTED ACTION BY THE INTERNATIONAL COMMUNITY. SINCE THE ADOPTION IN VIENNA IN MARCH 1985 OF THE OZONE LAYER CONVENTION, AN INTENSIVE SCIENTIFIC RESEARCH AND TECHNICAL ANALYSIS EFFORT HAS BEEN CARRIED OUT AND IS CONTINUING, AS REFLECTED IN THE RECENT SERIES OF UNEP-SPONSORED WORKSHOPS. THE RESULTS CONTINUE TO INDICATE THE EMERGENCE OF A SERIOUS ENVIRONMENTAL PROBLEM OF GLOBAL PROPORTIONS.

-- THE UNITED STATES FURTHER BELIEVES THAT GOVERNMENTS SHOULD PURSUE THREE BROAD OBJECTIVES DURING THE COURSE OF THE NEGOTIATIONS, TO BE EMBODIED AND ELABORATED IN THE FINAL PROTOCO-. THESE ARE:

- A. AGREEMENT ON A MEANINGFUL NEAR-TERM FIRST STEP TO REDUCE SIGNIFICANTLY THE RISK OF STRATOSPHERIC OZONE DEPLETION AND ASSOCIATED ENVIRONMENTAL AND HUMAN HEALTH IMPACTS.
- B. AGREEMENT ON A LONG-TERM STRATEGY AND GOALS FOR COPING WITH THE PROBLEM SUCCESSFULLY.
- C. AGREEMENT ON A CAREFULLY-SCHEDULED PLAN FOR ACHIEVING THE LONG-TERM GOALS, INCLUDING PERIODIC REASSESSMENT AND APPROPRIATE MODIFICATION OF THE STRATEGY AND GOALS IN RESPONSE TO NEW SCIENTIFIC AND ECONOMIC INFORMATION.

-- IN RESPONSE TO UNEP'S INVITATION, THE U.S. HAS PREPARED FOR DISCUSSION PURPOSES A DRAFT TEXT BASED ON THE U.S VIEWS STATEMENT WHICH WE RECENTLY CIRCULATED. THIS TEXT IS FOR THE OPERATIVE ARTICLES ONLY, AND IS DESIGNED FOR INCORPORATION INTO THE PROTOCOL TEXT DEVELOPED DURING THE PREVIOUS ROUND OF NEGOTIATIONS (I.E., IT WOULD REPLACE ARTICLES II THROUGH V OF THE FOURTH REVISED DRAFT TEXT).

-- THE UNITED STATES BELIEVES THAT WHAT IS REQUIRED IS A STRAIGHTFORWARD, COST-EFFECTIVE APPROACH THAT WILL PROVIDE TECHNOLOGY INCENTIVES AND CLEAR TARGETS TO GOVERNMENTS AND

INDUSTRY FOR DEVELOPING AND INTRODUCING NEW TECHNOLOGIES FOR CHEMICAL CONSERVATION, RECYCLING AND SUBSTITUTION. THE U.S. BELIEVES THAT ITS PROPOSED TEXT PROVIDES SUCH AN APPROACH.

U.S. DRAFT PROTOCOL TEXT: OPERATIVE ARTICLES

ARTICLE II: CONTROL MEASURES

1. WITHIN () YEAR AFTER ENTRY INTO FORCE OF THIS PROTOCOL, EACH PARTY SHALL ENSURE THAT ITS AGGREGATE ANNUAL EMISSIONS OF FULLY-HALOGENATED ALKANES DOES NOT EXCEED ITS 1986 LEVEL.
2. WITHIN () YEARS AFTER ENTRY INTO FORCE OF THIS PROTOCOL, EACH PARTY SHALL ENSURE THAT ITS AGGREGATE ANNUAL EMISSIONS OF FULLY-HALOGENATED ALKANES IS REDUCED BY (20) PERCENT FROM ITS 1986 LEVEL.
3. WITHIN () YEARS AFTER ENTRY INTO FORCE OF THIS PROTOCOL, EACH PARTY SHALL ENSURE THAT ITS AGGREGATE ANNUAL EMISSIONS OF FULLY-HALOGENATED ALKANES IS REDUCED BY (50) PERCENT FROM ITS 1986 LEVEL.
4. WITHIN () YEARS AFTER ENTRY INTO FORCE OF THIS PROTOCOL, EACH PARTY SHALL ENSURE THAT ITS AGGREGATE ANNUAL EMISSIONS OF FULLY-HALOGENATED ALKANES IS REDUCED BY (95) PERCENT FROM ITS 1986 LEVEL.
5. THE RIGHT OF ANY PARTY TO ADOPT CONTROL MEASURES MORE STRINGENT THAN CONTAINED HEREIN IS NOT RESTRICTED BY THIS ARTICLE.

ARTICLE III: CALCULATION OF AGGREGATE ANNUAL EMISSIONS

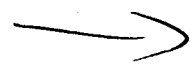
1. FOR THE PURPOSES OF ARTICLE II, EACH PARTY SHALL CALCULATE ITS AGGREGATE ANNUAL EMISSIONS BY TAKING ITS:
 - A. AGGREGATE ANNUAL PRODUCTION;
 - (B. PLUS AGGREGATE ANNUAL BULK IMPORTS;)
 - (C. MINUS AGGREGATE ANNUAL BULK EXPORTS TO OTHER PARTIES;)
 - (D. MINUS AGGREGATE ANNUAL AMOUNT OF FULLY-HALOGENATED ALKANES WHICH HAVE BEEN DESTROYED OR PERMANENTLY ENCAPSULATED.)
2. TO CALCULATE THE AGGREGATE AMOUNTS SPECIFIED IN THE SUBPARAGRAPHS OF PARAGRAPH 1, EACH PARTY SHALL MULTIPLY THE AMOUNT OF EACH FULLY-HALOGENATED ALKANE BY ITS OZONE DEPLETION WEIGHT, AS SPECIFIED IN ANNEX A, AND THEN ADD THE PRODUCTS.

ARTICLE IV: ASSESSMENT AND ADJUSTMENT OF CONTROL MEASURES

1. THE PARTIES SHALL COOPERATE IN ESTABLISHING AN INTER-
- NATIONAL MONITORING NETWORK FOR DETECTING, OR AIDING
- IN THE PREDICTION OF, MODIFICATION OF THE OZONE LAYER.

 2. AT LEAST ONE YEAR BEFORE IMPLEMENTING THE REDUCTIONS
- SPECIFIED IN PARAGRAPHS 2, 3, AND 4, RESPECTIVELY,
- OF ARTICLE II, THE PARTIES SHALL CONVENE AN AD OC
- PANEL OF SCIENTIFIC EXPERTS, WITH COMPOSITION AND
- TERMS OF REFERENCE DETERMINED BY THE PARTIES, TO
- REVIEW ADVANCES IN SCIENTIFIC UNDERSTANDING OF MODIFIC-
- ATION OF THE OZONE LAYER AND THE POTENTIAL HEALTH,
- ENVIRONMENTAL, AND CLIMATIC EFFECTS OF SUCH
- MODIFICATION.

 3. IN LIGHT OF SUCH SCIENTIFIC REVIEW, THE PARTIES SHALL
- JOINTLY ASSESS AND MAY ADJUST THE STRINGENCY, TIMING,
- AND SCOPE OF THE CONTROL MEASURES IN ARTICLE II AND
- THE OZONE DEPLETION WEIGHTS IN ANNEX A.

 4. ANY SUCH ADJUSTMENT SHALL BE MADE BY AMENDING ARTICLE
- II AND/OR ANNEX A AS PROVIDED IN ARTICLE 9 OF THE
- 

- CONVENTION, EXCEPT THAT SUCH AMENDMENT WOULD NOT BE
- SUBJECT TO THE SIX MONTH ADVANCE NOTICE REQUIREMENT OF
- PARAGRAPH 2 OF THAT ARTICLE.

-- ARTICLE V: CONTROL OF TRADE

1. WITHIN () YEARS AFTER ENTRY INTO FORCE OF THIS
- PROTOCOL, EACH PARTY SHALL BAN THE IMPORT OF FULLY-
- HALOGENATED ALKANES IN BULK FROM ANY STATE NOT PARTY
- TO THIS PROTOCOL(, UNLESS SUCH STATE IS IN FULL
- COMPLIANCE WITH ARTICLE II AND THIS ARTICLE AND HAS
- SUBMITTED INFORMATION TO THAT EFFECT AS SPECIFIED IN
- PARAGRAPH 1 OF ARTICLE VI).
2. WITHIN () YEARS AFTER ENTRY INTO FORCE OF THIS
- PROTOCOL, EACH PARTY SHALL BAN:
- A. THE EXPORT OF TECHNOLOGIES
- (B. DIRECT INVESTMENT IN FACILITIES OUTSIDE THEIR
- JURISDICTION)
- FOR PRODUCING FULLY-HALOGENATED ALKANES.
3. THE PARTIES SHALL JOINTLY STUDY THE FEASIBILITY OF
- RESTRICTING IMPORTS OF PRODUCTS CONTAINING OR PRODUCED
- WITH FULLY-HALOGENATED ALKANES FROM ANY STATE NOT PARTY
- TO THIS PROTOCOL.

-- ARTICLE VI: REPORTING OF INFORMATION

1. EACH PARTY SHALL SUBMIT ANNUALLY TO THE SECRETARIAT
- DATA SHOWING ITS CALCULATION OF AGGREGATE ANNUA-
- EMISSIONS OF FULLY-HALOGENATED ALKANES, AS SPECIFIED
- IN ARTICLE III, USING THE FORMAT DEVELOPED BY THE
- SECRETARIAT PURSUANT TO PARAGRAPH 3A.
2. EACH PARTY SHALL SUBMIT TO THE SECRETARIAT APPROPRIATE
- INFORMATION TO INDICATE ITS COMPLIANCE WITH ARTCLE V.
3. THE SECRETARIAT SHALL:
- A. DEVELOP AND DISTRIBUTE TO ALL PARTIES A
- STANDARD FORMAT FOR REPORTING SUCH DATA AS
- INDICATED BY PARAGRAPH 1;
- B. TAKE APPROPRIATE MEASURES TO ENSURE THE
- CONFIDENTIALITY OF ALL DATA SUBMITTED TO IT
- PURSUANT TO PARAGRAPH 1, EXCEPT FOR THE
- AGGREGATE ANNUAL EMISSIONS FIGURES;
- C. COMPILE AND DISTRIBJTE ANNUALLY TO ALL PARTIES
- A REPORT OF THE AGGREGATE ANNUAL EMISSIONS
- FIGURES AND OTHER INFORMATION SUBMITTED TO ITS
- PURSJANT TO PARAGRAPH 3.

(END TEXT)

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*observers
file: parkyats
Bozore, Protocol*