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PASS TO: STATE/OES J. NEGROPONTE, S. BUTCHER; EPA  
FOR L. THOMAS, F. GREEN, C. POTTER, SIEDEL; NAIROBI  
FOR UNEP PERMREP

E.O. 12356: N/A  
TAGS: UNEP, SENV, ETRA  
SUBJECT: OZONE LAYER PROTOCOL NEGOTIATIONS, VIENNA  
- FEBRUARY 23 - 27 (REPORT #2 - STATUS)

1. SUMMARY - SECOND ROUND OF NEGOTIATIONS PROCEEDING  
IN WORKMAILIKE FASHION AND, IN US DEL'S VIEW, FOCUSING  
ON PROPER RANGE OF ISSUES. IN CONTRAST TO FIRST  
MEETING IN GENEVA LAST DECEMBER, UNEP WORKING GROUP  
SEEMS TO ACCEPT AS GIVEN NEED FOR LONGER TERM STRATEGY  
FOR CONTROL OF CFC'S AND OTHER CHEMICALS, AND THERE  
IS INCREASED MOVEMENT BY KEY PARTIES, INCLUDING EC,  
TO ACCEPT SOME FORM OF SCHEDULED REDUCTION BEYOND  
FIRST STEP FREEZE ON PRODUCTION (OR ADJUSTED PRODUCTION).

2. SESSION GOT OFF TO GOOD START MONDAY MORNING WITH  
STRONG STATEMENT BY UNEP DEPUTY EXECUTIVE DIRECTOR  
MANSFIELD STRESSING: URGENCY OF CONCLUDING PROTOCOL;  
UNEP'S DISAPPOINTMENT WITH SLOW PACE TO DATE; THE NEED  
FOR A BROAD SCOPE AGREEMENT TO CONTROL CHLORINE  
(AND BROMINE) EMISSIONS, NOT JUST CERTAIN CHEMICALS;  
AND IMPERATIVE OF AVOIDING QUOTE WEAK AND INEFFECTIVE  
PROTOCOL UNQUOTE WHICH WOULD BE TO QUOTE NEGLECT  
OUR MANDATE UNQUOTE. THESE THEMES ECHOED BY  
SUBSEQUENT SPEAKERS, INCLUDING CHAIRMAN LANG (AUSTRIA)  
AND U.S. REPRESENTATIVE BENEDECK IN U.S. PLENARY  
STATEMENT (SEPTEL).

3. DISCUSSIONS MOVED QUICKLY TOWARD CONCENTRATION ON  
KEY ISSUES POSED BY CHAIRMAN AS EIGHT QUESTIONS  
SUBSUMING SCOPE OF CHEMICAL COVERAGE, HOW TO EXPAND  
LIST AT LATER DATE, CALCULATION OF EMISSIONS, BASE  
FIGURE FOR INITIATING LIMITATIONS/REDUCTIONS, SPECIAL  
SITUATION OF DEVELOPING COUNTRIES, TRADE  
AMONG PARTIES, AND BETWEEN PARTIES AND NON-PARTIES,  
LONG TERM STRATEGIES, AND FINANCIAL/ADMINISTRATIVE  
ASPECTS. FOLLOWING SEVERAL ROUNDS OF DISCUSSIONS  
(MONDAY P.M. AND TUESDAY A.M.), PLENARY ADJOURNED  
IN FAVOR OF FOUR SPECIALIZED WORKING GROUPS  
ESTABLISHED BY CHAIRMAN AFTER CONSULTATION WITH  
SELECTED DELEGATION HEADS, INCLUDING U.S. WORKING  
GROUPS, EACH SCHEDULED FOR TWO SESSIONS TUESDAY  
AND WEDNESDAY, EXAMINING SCIENCE ISSUES (E.G.,  
PERIODIC ASSESSMENT MECHANISM); CONTROL STRATEGY;  
DEVELOPING COUNTRY TREATMENT; AND TRADE. (NOTE:  
US DEL BELIEVES U.S. EFFORTS PRIOR TO SESSION WITH  
UNEP ORGANIZERS TO ENSURE SUCH A SHARP FOCUS,  
INCLUDING USE OF WORKING GROUPS, PROVED VERY

4. ATTENDANCE APPEARS SOMEWHAT LARGER THAN GENEVA  
SESSION, WITH KENYA, NIGERIA, THAILAND AND  
PHILIPPINES JOINING LIST OF GENEVA ATTENDEES  
(ALBEIT ESSENTIALLY SILENT). NOTABLE ABSENCES  
INCLUDING CHINA, INDIA, SPAIN, GREECE, PORTUGAL  
(AND AUSTRALIA). JAPAN REPRESENTED (ONLY) BY  
GENEVA-BASED REPRESENTATIVE AND INDUSTRY REPRESENTATIVE  
FROM TOKYO (WHO HAS PARTICIPATED TO ONLY VERY LIMITED  
EXTENT).

5. ON POSITIVE SIDE, MOST DELEGATIONS SEEM TO ACCEPT  
NEED FOR BROAD SCOPE PROTOCOL THAT WILL AT LEAST  
DESIGNATE CERTAIN CHEMICALS (E.G. HALONS) FOR  
STUDY EVEN IF CONTROLLED CHEMICALS ARE FEWER IN  
NUMBER. US DEL BELIEVES, HOWEVER, THAT IT WILL BE  
POSSIBLE TO GET AGREEMENT TO GO BEYOND CONTROL (FREEZE)  
OF ONLY CFC'S 11 AND 12. PARTICULARLY ENCOURAGING  
IS SOVIET WILLINGNESS TO DISCUSS QUOTE OTHER CHEMICALS  
WHICH NEED TO BE DEALT WITH OVER LONGER TERM UNQUOTE,  
GIVEN RIGID POSTURE IN GENEVA IN OPPOSITION TO  
DISCUSSING ANYTHING BEYOND 11 AND 12.

6. IN ADDITION, THERE IS MOVEMENT TOWARD U.S. CONTROL  
SCENARIO BASED ON SCHEDULED REDUCTION. WHILE EC  
CONTINUES TO BE MAJOR STUMBLING BLOCK (AND APPEARS  
PARTICULARLY DUG IN AGAINST BOTH U.S. PREFERENCE FOR  
QUOTE ADJUSTED PRODUCTION UNQUOTE FORMULA AND  
INCLUDING HALONS IN A PROTOCOL), THE EC SUBMITTED  
A DISCUSSION PAPER WITH NEW LAST PARAGRAPH PUBLICLY  
ACKNOWLEDGING FOR THE FIRST TIME THAT QUOTE SOME  
REDUCTION (IN CFC'S) COULD BE A DESIRABLE PRECAUTIONARY  
MEASURE UNQUOTE. PRIVATE DISCUSSIONS ALSO INDICATE  
SPLIT IN EC RANKS WITH MOMENTUM TOWARD AGREEING WITH

U.S. TO BEGIN DOWN THE REDUCTION PATH (BUT NOT TO  
ACCEPT PHASE OUT GOAL) WITH SOME FORM OF SCHEDULED FIRST  
STEP REDUCTION IN PRODUCTION. AT SAME TIME EC BEGINNING  
TO PROBE TO SEE HOW FAR U.S. PREPARED TO GO TO  
COMPROMISE. US DEL WILL BE IN BETTER POSITION TO  
GAUGE PROGRESS AND OUTLOOK AFTER WEDNESDAY P.M.  
PLENARY WHEN WORKING GROUP REPORTS WILL BE DISCUSSED.

7. REGARDING CURRENT STATUS OF TWO MAJOR WORKING  
GROUPS, GROUP ON CONTROL MEASURES MADE VERY LITTLE  
PROGRESS IN ADDRESSING THE ISSUES WITH WHICH IT WAS  
CHARGED. THE MAJORITY OF ITS TIME WAS SPENT IN  
DISCUSSING PRODUCTION VS. ADJUSTED PRODUCTION  
(PRODUCTION MINUS EXPORTS TO PARTIES PLUS IMPORTS  
MINUS AMOUNT DESTROYED). CANADA AND THE NORDIC  
COUNTRIES (AS EXPECTED) JOINED THE U.S. IN SUPPORTING  
THE ADJUSTED PRODUCTION FORMULA WHILE THE USSR,  
AUSTRALIA, NEW ZEALAND AND DENMARK ALSO INDICATED  
SUPPORT. HOWEVER, THE EC HELD FIRM TO THE VIEW THAT  
CONTROLLING PRODUCTION (OR PRODUCTION AND IMPORTS,  
AS SEPARATE QUANTITIES), WAS SIMPLER TO IMPLEMENT AND  
THEREFORE MORE EFFECTIVE. NUMEROUS DELEGATIONS  
POINTED OUT THAT THE ADJUSTED PRODUCTION WAS:  
(A) VIRTUALLY AS SIMPLE TO IMPLEMENT; (B) EXACTLY  
EQUIVALENT ENVIRONMENTALLY; (C) AND MUCH MORE  
EQUITABLE THAN USING PRODUCTION (WHICH WOULD RESULT  
IN CONFERRING MONOPOLY RIGHTS TO CURRENT PRODUCERS).  
BY CONTRAST, THE SUB-GROUP ON TRADE ISSUES MADE  
CONSIDERABLE PROGRESS. THE GROUP AGREED TO FOCUS  
PRIMARILY ON THE QUESTION OF TRADE BETWEEN PARTIES  
AND NON-PARTIES. IT DISCUSSED AND CONCLUDED THAT  
ANY RESTRICTIONS ON IMPORTS FROM NON-PARTIES WOULD  
LIKELY NOT BE INCONSISTENT WITH THE GATT AND OTHER

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INTERNATIONAL TREATIES. THE U. S. THEN INTRODUCED  
ITS REVISED TRADE ARTICLE WHICH, AFTER SOME INITIAL  
QUESTIONS, WAS ACCEPTED WITH FEW MODIFICATIONS AS THE  
PRODUCT OF THE SUB-GROUP. CHAPMAN

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UNCLAS MISSION VIENNA 02799

PASS TO STATE/OES J. NEGROPONTE; STATE/EB A. WALLIS; EPA L. THOMAS, F. GREEN, C. POTTER; NOAA T. CALIO; COMMERCE M. KELLEY DOE R. BLEDSOE; NASA S. TILFORD

ALSO FOR UNEP PERMREP, USEC, USOECG, USIA FOR USINFO

E. O. 12356: N/A

TAGS: SENV, ETRA, UNEP

SUBJECT: OZONE LAYER PROTOCOL NEGOTIATIONS, VIENNA, AUSTRIA, FEBRUARY 23 - 27, 1987. (REPORT #1 U.S. PLenary STATEMENT)

1. ACTION CABLE: PLEASE DELIVER FOLLOWING TEXT TO MOST GOVERNMENT OFFICIALS ADMINISTERING DEALING WITH STRATOSPHERIC OZONE DEPLETION ISSUE. IT REPRESENTS PRINCIPAL U.S. PLenary STATEMENT IN WORKING GROUP ON PROTECTION OF THE OZONE LAYER CONVENED BY UNITED NATIONS ENVIRONMENT PROGRAM, AS PRESENTED BY AMBASSADOR RICHARD ELLIOT BENEDICK, U.S. REPRESENTATIVE, IN MONDAY MORNING, 23 FEBRUARY, OPENING SESSION.

2. BEGIN TEXT OF SPEECH.

- LADIES AND GENTLEMEN, SINCE WE LAST CONVENED, IN GENEVA IN EARLY DECEMBER, AS MUCH AS ONE-QUARTER OF A MILLION TONS OF FULLY HALOGENATED ALKANES HAVE BEEN RELEASED INTO THE ATMOSPHERE BY COUNTRIES REPRESENTED IN THIS ROOM. THEY THUS ADD TO THE MILLIONS OF TONS OF THESE LONG-LIVED CHEMICALS ALREADY THREATENING THE THIN AND VULNERABLE OZONE LAYER.

- TO PARAPHRASE THE LANDMARK INTERNATIONAL OZONE ASSESSMENT RELEASED LAST YEAR UNDER THE CO-SPONSORSHIP OF THE EUROPEAN COMMISSION, THE FEDERAL REPUBLIC OF GERMANY, THE UNITED STATES, AND UNITED NATIONS AGENCIES, OUR INDUSTRIAL SOCIETY IS INDEED CONDUCTING A GIGANTIC CHEMICAL EXPERIMENT ON OUR FRAGILE ATMOSPHERE. THE OZONE SHIELD THAT PROTECTS US FROM RADIATION IS IN JEOPARDY. REFINEMENTS TO SOPHISTICATED ATMOSPHERIC COMPUTER MODELS INDICATE THAT WE SHOULD FOCUS NOT ON AN ESSENTIALLY MEANINGLESS CONCEPT OF "GLOBAL AVERAGE" DEPLETION OF OZONE, BUT RATHER, ON GEOGRAPHICAL AND SEASONAL VARIATIONS IN THE THICKNESS OF THIS CRITICALLY IMPORTANT SHIELD. BOTH SATELLITE- AND LAND-BASED MEASUREMENTS SUGGEST THAT THE PROCESS OF OZONE DESTRUCTION MAY ALREADY BE UNDER WAY. AND THE MAIN BRAKE ON THIS CHEMICAL REACTION IS METHANE GAS, WHICH IS ITSELF A POLLUTANT AND A CONTRIBUTOR TO GLOBAL WARMING. MOREOVER, THE SHORT ATMOSPHERIC LIFE SPAN OF METHANE, AND THE UNCERTAINTY OF ITS FUTURE GROWTH, SUGGEST THAT RELIANCE ON METHANE TO PROTECT THE OZONE LAYER IS A VERY RISKY COURSE.

- BECAUSE THE FULLY HALOGENATED ALKANES LAST FOR SO MANY DECADES IN THE ATMOSPHERE, SUBSTANTIAL GLOBAL DAMAGE CANNOT BE AVOIDED IF WE WAIT TOO LONG BEFORE ACTING TO REDUCE THEIR EMISSIONS. THE POTENTIAL DAMAGES ARE PROFOUNDLY DISTURBING: ESTIMATES OF TENS OF MILLIONS OF SKIN CANCER CASES IN THE UNITED STATES ALONE, PLUS POTENTIOUS, IF CURRENTLY DIFFICULT TO QUANTIFY, EFFECTS ON CATARACTS AND THE HUMAN IMMUNE SYSTEM, ON MATERIALS, AND ON PLANT, ANIMAL AND FISH LIFE. ADDED TO THESE DANGERS IS THE GLOBAL WARMING TREND, TO WHICH THESE CHEMICALS ALSO CONTRIBUTE, WITH PROSPECTIVE CHANGES IN RAINFALL AND AGRICULTURE AND RISING SEA LEVELS.

- AND YET, DEAR COLLEAGUES, WHEN OBSERVERS IN THE MEETING, IT SEEMED TO THEM AS IF THIS WORKING GROUP GRASPED THE DANGER OF THE SITUATION ONLY IN THE ABSTRACT, BUT HAD GREAT DIFFICULTY IN TRANSLATING THIS KNOWLEDGE INTO MEANINGFUL ACTION.

- AFTER MY RETURN FROM GENEVA, I WAS CALLED BEFORE THE UNITED STATES SENATE AND ASKED WHY THE NEGOTIATIONS ARE MOVING SO SLOWLY, AND WHETHER SOME OF OUR ALLIES FULLY APPRECIATE THE SIGNIFICANCE OF OUR DELIBERATIONS. THEY ARE ASKING DIFFICULT QUESTIONS. FOR EXAMPLE, THEY WANT TO KNOW WHY A NUMBER OF MAJOR PRODUCING COUNTRIES HAVE NOT EVEN SIGNED OR RATIFIED THE CONVENTION FOR PROTECTION OF THE OZONE LAYER ADOPTED HERE IN VIENNA TWO YEARS AGO? AND WHY, AT THE DECEMBER MEETING, WERE SOME GROUPS RELUCTANT TO CONFRONT THE LONGER RANGE IMPLICATIONS OF CONTINUED EMISSION OF CFC'S AND RELATED CHEMICALS? WHY WERE THERE COUNTRIES UNWILLING TO MOVE BEYOND A SHORT-TERM PALLIATIVE, INVOLVING ONLY A LIMITED NUMBER OF SUBSTANCES AND LEAVING OUT PRECISELY THOSE CHEMICALS WHICH ARE GROWING FASTEST?

- MANY AMERICAN OBSERVERS CONTEND THAT SOME OF THE PROPOSALS PRESENTED IN GENEVA GIVE AN IMPRESSION OF ACTION, WHEN THE REALITY IS THAT EVEN A FREEZE ON EMISSIONS, IF NOT LINKED WITH A LONGER-TERM PHASEOUT, WOULD MEAN THAT THESE CHEMICALS WILL SIGNIFICANTLY ACCUMULATE IN THE ATMOSPHERE FOR MANY DECADERS TO COME,

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CONTINUING TO EAT AWAY AT THE THIN OZONE SHIELD. WE CALCULATE THAT, EVEN IF THE WORLD DECIDED MERELY TO HOLD CFC'S TO THEIR CURRENT VOLUME IN THE ATMOSPHERE, THIS WOULD REQUIRE AN IMMEDIATE REDUCTION OF 85 PERCENT IN EMISSIONS OF THESE CHEMICALS!!!

- IN THE UNITED STATES, PEOPLE ARE BEGINNING TO SAY THAT SOME PARTIES TO THESE NEGOTIATIONS SEEM TO BE VIEWING THE OZONE ISSUE MAINLY IN TERMS OF NARROW ECONOMIC SELF-INTEREST. FOR ITS PART, THE AMERICAN CHEMICAL INDUSTRY HAS COURAGEOUSLY ACKNOWLEDGED THE DANGER FROM CFC'S, AND APPEARS WILLING AND ABLE TO DEVELOP SUBSTITUTE PRODUCTS. BUT OTHER PRODUCING COMPANIES--MANY OF THEM ACTUALLY HERE REPRESENTING GOVERNMENTS ON OFFICIAL DELEGATIONS--CONTINUALLY EMPHASIZE THE SCIENTIFIC UNCERTAINTIES, TELL US TO WAIT, AND APPEAR WILLING TO TAKE A CHANCE ON POTENTIALLY SIGNIFICANT LONG-TERM DAMAGES TO GLOBAL HEALTH AND ENVIRONMENT--IN ORDER TO MINIMIZE THE SHORT-TERM COSTS OF THEIR OWN ADJUSTMENT!

- LADIES AND GENTLEMEN, I MUST POSE THE QUESTION TO YOU: WHAT WILL THE PUBLIC IN OUR COUNTRIES SAY WHEN THESE FACTS COME OUT--AS THEY WILL? MORE IMPORTANTLY, WHAT WILL OUR CHILDREN, WHO WILL INHERIT THE ATMOSPHERE THAT WE LEAVE TO THEM, SAY?

- MR. CHAIRMAN, THE AMERICAN PROPOSAL, WHICH WE TABLED IN GENEVA NEARLY THREE MONTHS AGO, REPRESENTS IN OUR VIEW A PRAGMATIC, RESPONSIBLE APPROACH TO THE PROBLEM OF PROTECTING THE OZONE LAYER. WE ARE NOT IN A STATE OF PANIC, BUT WE ARE CONCERNED. WE HAVE SOBERLY ASSESSED THE RISKS, AND WE FEEL THAT OUR PROPOSAL REPRESENTS A PRUDENT INSURANCE POLICY FOR THE FUTURE. WE BELIEVE THE AMERICAN PLAN WILL PROVIDE STRONG INCENTIVES FOR INDUSTRIAL RESEARCH, WHILE AVOIDING POTENTIALLY MUCH GREATER COSTS BOTH TO INDUSTRY AND TO THE ENVIRONMENT.

- DISTINGUISHED DELEGATES, I CANNOT EMPHASIZE TOO STRONGLY THE HIGH DEGREE OF INTEREST IN THE UNITED STATES IN THE OUTCOME OF THESE NEGOTIATIONS. THE SUBJECT OF PROTECTION OF THE OZONE LAYER IS FRONT-PAGE NEWS, AND IT HAS BEEN VIEWED BY TENS OF MILLIONS OF AMERICANS ON TELEVISION. NUMEROUS SENATORS AND CONGRESSMEN, BOTH REPUBLICANS AND DEMOCRATS, HAVE WRITTEN TO THE SECRETARY OF STATE AND TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, TO EMPHASIZE THE IMPORTANCE OF THESE NEGOTIATIONS, WHILE ALSO EXPRESSING CONCERN OVER THE SLOW PROGRESS.

- AND LAST WEEK, A BIPARTISAN COALITION INTRODUCED A CONCURRENT RESOLUTION IN BOTH HOUSES OF CONGRESS WHICH:

- " URGES THE PRESIDENT TO NEGOTIATE AN IMMEDIATE  
- REDUCTION IN THE USE OF CHLOROFLUOROCARBONS IN THE  
- EUROPEAN COMMUNITY AND IN OTHER NATIONS; AND URGES THE  
- PRESIDENT TO NEGOTIATE A WORLDWIDE PROGRAM AS  
- EXPEDITIOUSLY AS PRACTICABLE FOR THE ELIMINATION OF  
- FULLY HALOGENATED CFC'S AND OTHER MANUFACTURED  
- CHEMICALS THAT MAY DEplete THE OZONE LAYER. "

- AT THE SAME TIME, BILLS WERE ALSO INTRODUCED IN THE UNITED STATES CONGRESS TO STIMULATE AMERICAN INDUSTRY TO DEVELOP SAFE SUBSTITUTES FOR CFC'S, AND TO PROTECT OUR INDUSTRY FROM IMPORTS FROM COUNTRIES WHICH CONTINUE TO IGNORE THIS THREAT TO THE GLOBAL ENVIRONMENT. AS ONE DISTINGUISHED SENATOR STATED:

- "AS A MAJOR CONSUMER OF PRODUCTS THAT USE CFC'S, THE  
- UNITED STATES CAN MAKE A SIGNIFICANT DIFFERENCE TO THE  
- ENVIRONMENT IF WE STOP MAKING THEM AND REFUSE TO IMPORT

- THEM."

- MR. CHAIRMAN, A BELGIAN SCIENTIST TOLD ME THREE WEEKS AGO THAT THOSE WHO ARE COUNSELLING INACTION--OR SLOW ACTION--ARE DEMANDING MUCH MORE CERTAINTY ABOUT OZONE DEPLETION THAN WE NORMALLY DO IN OTHER SITUATIONS. HE OBSERVED THAT WHEN WE BUILD A BRIDGE, WE BUILD IT TO WITHSTAND MUCH STRONGER PRESSURES THAN IT IS EVER LIKELY TO CONFRONT. AND YET, WHEN IT COMES TO PROTECTING THE GLOBAL ATMOSPHERE, WHERE THE STAKES ARE SO MUCH HIGHER, THE ATTITUDE SEEMS TO BE EQUIVALENT TO DEMANDING CERTAINTY THAT THE BRIDGE WILL COLLAPSE AS A JUSTIFICATION FOR STRENGTHENING IT.

- LADIES AND GENTLEMEN, IF WE ARE TO ERR IN DESIGNING MEASURES TO PROTECT THE OZONE LAYER, THEN LET US, CONSCIOUS OF OUR RESPONSIBILITY TO FUTURE GENERATIONS, ERR ON THE SIDE OF CAUTION. LET US NOW GET DOWN TO BUSINESS AND PRODUCE A SERIOUS PROTOCOL.

- THANK YOU, MR. CHAIRMAN.

END TEXT OF SPEECH.

CHAPMAN

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C O R R E C T E D COPY (ADDED MISSING TEXT TO SECT 02)

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ALSO FOR UNEP PERHREP, USEC, USOECO, USIA FOR USINFO

E.O. 12356: N/A TAGS: SENV, ETRA, UNEP SUBJECT: OZONE LAYER PROTOCOL NEGOTIATIONS, VIENNA,

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HEADLINE: U.S. BLAMES EUROPE FOR LACK OF OZONE -PROTECTION ACCORD

BYLINE: By HENRY KAMM, Special to the New York Times

DATELINE: VIENNA, Feb. 27

BODY:

The United States accused some European countries and industrial concerns today of seeking to delay effective measures to protect the earth's ozone layer from destructive industrial chemicals, as a conference on the ozone threat ended without substantial movement toward an agreement.

Ambassador Richard Elliot Benedick, the leader of the American delegation to the 30-nation conference, said, 'Some participants at these negotiations seem to be concentrating more on short-term profits than on our common responsibility to conserve the environment for future generations.'

The five-day meeting, sponsored by the United Nations Environment Program, ended without serious progress on a protocol to restrict the use of chlorofluorocarbons, known as CFC's, and other compounds that deplete the ozone layer.

Chemicals Are Widely Used

The stratospheric ozone layer shields life on earth from dangerous ultraviolet radiation. The industrial chemicals that destructively interact with ozone are used as solvents, and in aerosol sprays, refrigerants, plastic foams and fire extinguishers.

Mr. Benedick, Deputy Assistant Secretary of State for the Environment, Health and Natural Resources, was the only delegation leader to hold a news conference. He took the floor after the conference chairman, Ambassador Winfried Lang of Austria, presented a briefing emphasizing the positive aspects of what he called 'a very difficult, but also very frank' meeting.

'The United States is not as optimistic as the chairman,' Mr. Benedick said. 'Unfortunately, after two difficult sessions in Geneva last December and this week in Vienna, the hardest work still remains to be done.'

'Unfortunately also, it was evident that a few countries and a few representatives from European chemical industries appear content to see these negotiations drag on inconclusively and to have effective international measures postponed far into the future.'

European Differences Cited

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Mr. Benedick expressed concern that the European Community, the second-biggest producer and user of CFC's and the leading exporter, "probably because of internal differences among member countries, was still not in a position to negotiate officially."

The American official did not identify the countries that are at odds on the issue, but the West German delegation made it clear that its position was close to that of the United States, and that Britain stood at the other extreme.

British delegates declined to define their country's stance and stressed that the community had not reached a common position, as its rules require in such negotiations. Heinrich W. Kraus, a German delegate, said that Bonn had pressed at periodic meetings of European environment ministers for a joint stance closer to the United States' and that it would continue to do so.

Mr. Lang said he envisioned a protocol freezing production at the 1986 level and a 20 percent reduction of output within three years of signing.

Mr. Benedick, however, termed a 20 percent reduction "totally unacceptable" and "simply ridiculous." In his opening address Monday, he said an immediate reduction in CFC use of 85 percent would be required merely to hold the chemicals at their current volume in the atmosphere.

West Germany, which with the Netherlands and Denmark represents the most active environmental interests in the community, is prepared to seek a 50 percent reduction, Mr. Kraus said.

SUBJECT: Terms not available



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1. SUMMARY: SECOND ROUND OF NEGOTIATIONS ON STRATOSPHERIC OZONE LAYER PROTECTION CONCLUDED FRIDAY EVENING WITH AGREEMENT ON REPORT THAT USDEL BELIEVES REPRESENTS A POSITIVE STEP FORWARD. TO PARAPHRASE U.S. MEDIA CONSENSUS ON FIRST SESSION IN GENEVA LAST DECEMBER, ALL MOVEMENT CONTINUES IN THE RIGHT DIRECTION. THE MOST SIGNIFICANT DEVELOPMENT OF THE WEEK WAS WIDENING AGREEMENT (INCLUDING EC COMMISSION, INDIVIDUAL EC MEMBERS, AND USSR) THAT THERE SHOULD BE A VIRTUALLY AUTOMATIC (TWO-THIRDS OF PARTIES CAN AMEND ANY PROVISION, ACCORDING TO 1985 VIENNA CONVENTION) REDUCTION IN CFC PRODUCTION/EMISSIONS WITHIN TWO TO SIX YEARS AFTER PROTOCOL'S ENTRY INTO FORCE, POSSIBLY FOLLOWED BY ADDITIONAL REDUCTIONS. THIS REPRESENTS MARKED PROGRESS SINCE THE DECEMBER MEETING, WHEN MANY COUNTRIES REFUSED

TO CONSIDER ANYTHING BEYOND A FREEZE. OTHER EVIDENCES OF PROGRESS INCLUDE: (1) FORMULATION OF CHAIRMAN'S QUOTE PERSONAL UNQUOTE TEXT FOR THE CRITICAL CONTROL ARTICLE 11 (SEE PARAS. 2 AND 11, BELOW) WHICH PROVIDES USEFUL STRUCTURE FOR NEXT ROUND, CONSISTENT WITH U.S. POSITION; (2) APPARENT MERGING OF HERETOFORE SEPARATE CANADIAN AND NORDIC PROPOSALS INTO THIS STRUCTURE; (3) AGREEMENT ON RANKING SUBSTANCES ACCORDING TO THEIR OZONE-DEPLETING POTENTIAL; (4) GOOD PROGRESS ON TRADE RESTRICTIONS WITH NON-PARTIES; (5) CLEAR EVIDENCE OF MOVEMENT WITHIN EC, WITH COMMISSION, BELGIUM (CURRENT EC PRESIDENT), FRG, DENMARK AND NETHERLANDS MOVING TOWARD U.S. POSITION ON SIGNIFICANT REDUCTIONS, AND UK INCREASINGLY ISOLATED; (6) SETTING OF FIRM QUOTE FORCING UNQUOTE DATE FOR DIPLOMATIC CONFERENCE (SEPTEMBER 14-18, MONTREAL), WHICH INCREASES THE INEVITABILITY OF A PROTOCOL; (7) THE FIRST FORMAL APPEARANCE (AT LEAST IN A BRACKETED TEXT) OF A REDUCTION OF AS MUCH AS 50 PERCENT FROM 1986 LEVELS; (8) AGREEMENT ON A SCIENTIFIC GROUP TO MEET SOON TO MODEL THE IMPLICATIONS FOR OZONE LAYER DEPLETION OF VARIOUS PROTOCOL OPTIONS, TO BE READY BY THE APRIL 27-30 NEXT ROUND; AND (9) AGREEMENT FOR AN INFORMAL MEETING OF QUOTE LIKE-MINDED UNQUOTE COUNTRIES IN OSLO APRIL 8-9 (WHICH COULD INCLUDE USSR AND INDIVIDUAL EC MEMBERS) TO CONSIDER THE QUOTE CHAIRMAN'S TEXT UNQUOTE. HOWEVER, THE HARDEST NEGOTIATIONS ARE STILL TO COME: REMOVING BRACKETS IN THE QUOTE CHAIRMAN'S TEXT UNQUOTE, DETERMINING PRECISELY WHICH SUBSTANCES ARE TO BE RESTRICTED, AND SPECIFYING TREATMENT OF DEVELOPING COUNTRIES, NON-PARTIES, AND LATE-SIGNERS. END SUMMARY.

2. CRITICAL POINT OF THE WEEK WAS DISCUSSION, IN FEBRUARY 26 MEETING OF CHAIRMAN'S RESTRICTED GROUP, OF THE CRUCIAL ARTICLE 11 (THE CONTROL ARTICLE), DRAFTED BY CHAIRMAN LANG (AUSTRIA) AND OFFERED AS A NONBINDING QUOTE PERSONAL UNQUOTE TEXT. HIS ORIGINAL DRAFT SHOWED A 3-YEAR INTERVAL AFTER ENTRY INTO FORCE FOR THE FIRST STEP (FREEZE) IN PARAS. 1 AND 2 OF ARTICLE (SEE PARA. 11 OF THIS TELEGRAM), AND SIX YEARS FOR THE SECOND STEP (REDUCTION) IN PARA 3. IT ALSO SHOWED A REDUCTION RANGE OF QUOTE 10-20-30 PERCENT UNQUOTE IN PARA. 3. THERE WAS NO MENTION OF ANY FURTHER AUTOMATIC OR SEMI-AUTOMATIC REDUCTION FOLLOWING THIS QUOTE 10-20-30 PERCENT UNQUOTE, (I.E. NO PARA. 4B), BUT ONLY THE COMMITMENT IN PARA. 4A TO MEET 4 YEARS AFTER ENTRY INTO FORCE AND AT FIVE-YEAR INTERVALS. USDEL HEAD (BENEDICK) OBSERVED AT CHAIRMAN'S MEETING (AND AT FEBRUARY 27 PRESS CONFERENCE, SEE BELOW) THAT THIS COULD IMPLY, ASSUMING AT LEAST 3 YEARS FOR ENTRY INTO FORCE OF PROTOCOL, THAT A MINIMAL 10 PERCENT REDUCTION IN (YET-TO-BE-SELECTED) CFC'S MIGHT ONLY OCCUR A DECADE FROM NOW. HE EMPHASIZED THAT THIS WOULD BE

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TOTALLY UNACCEPTABLE TO U.S. AND MANY OTHER COUNTRIES. WITH WELCOME COOPERATION OF EC REPS (DELBIND) AND BELGIAN (AS EC PRESIDENT), AND OF CHAIRMAN LANG HIMSELF, AND OVER THE SUBSEQUENT OBJECTION OF UK IN PLENARY (SEE PARA. 10 BELOW), WE SUCCEEDED IN MODIFYING THE CHAIRMAN'S ORIGINAL DRAFT FROM 3 YEAR INTERVALS IN PARAS. 1 AND 2 OF TEXT TO ONE TO THREE YEAR RANGE, AND FROM QUOTE 10-20-30 PERCENT UNQUOTE REDUCTION IN PARA. 3 TO 10 TO 50 PERCENT RANGE; TO ADD OPTION (B) TO PARA. 4, WHICH NOW INDICATES THE POSSIBILITY OF STILL FURTHER REDUCTIONS, AND TO REMOVE THE RELATIVELY HIGH NUMBERS FOR THE TIME INTERVALS IN PARAS. 3 AND 4 AND REPLACE THEM WITH BLANKS. WE WERE REINFORCED IN THIS EXERCISE WITH THE KNOWLEDGE THAT THE FRG, AND POSSIBLY OTHER EC COUNTRIES, ARE NOW URGING A 50 PERCENT REDUCTION (WHICH CORRESPONDS TO CURRENT PROPORTION OF EC AEROSOL PRODUCTION) AT AN EARLY DATE; FRG DELEGATION HEAD (KRAUS, ENVIRONMENT MINISTRY) POINTEDLY STRESSED THIS BOTH IN INFORMAL CONVERSATIONS AND IN PUBLIC PRESS CONFERENCES. ALSO, FINLAND ANNOUNCED ON FRIDAY THAT NORDIC COUNCIL OF MINISTERS (INCLUDING EC MEMBER DENMARK) HAD GIVEN SUPPORT TO THE CONCEPT OF 25 PERCENT REDUCTIONS IN CFC CONSUMPTION BY 1991.

3. PRESS CONFERENCE. IN WELL-ATTENDED PRESS CONFERENCE NOON FEBRUARY 27, CHAIRMAN LANG INEXPLICABLY LAPSED BACK TO THE 20 PERCENT REDUCTION INFORMALLY ADVANCED EARLY IN WEEK BY EC, OMITTING TO MENTION THE 10 TO 50 PERCENT RANGE IN HIS OWN QUOTE PERSONAL UNQUOTE TEXT, AND STATED FURTHER THAT THE U.S., CANADA AND NORDICS HAD QUOTE MOVED CLOSER UNQUOTE TO EC POSITION AND A CONSENSUS AROUND 20 PERCENT REDUCTIONS APPEARED POSSIBLE AT NEXT MEETING. BENEDICK, IN PRESS CONFERENCE IMMEDIATELY FOLLOWING AND IN SEPARATE INTERVIEWS WITH GERMAN AND AUSTRIAN TELEVISION AND RADIO, NY TIMES, AND NBC, CORRECTED THIS IMPRESSION (AS PER PARA. 2, ABOVE), EXPRESSED DISAPPOINTMENT AT SLOW PROGRESS OF NEGOTIATIONS AND OF RATIFICATION OF THE VIENNA CONVENTION ITSELF (NOTING THAT ONLY 8 COUNTRIES HAD RATIFIED TO DATE, AND THAT SUCH MAJOR PRODUCERS AS UK, JAPAN, FRANCE, AND ITALY WERE STILL NOT RATIFIED), AND STRESSED THAT, AFTER TWO HARD SESSIONS, THE MOST DIFFICULT TASK (REMOVING THE BRACKETS IN ARTICLE 11) STILL IS AHEAD.

4. CONFERENCE ACCEPTED WITH ONLY MINOR CHANGES U.S.-PROPOSED LANGUAGE ON TRADE RESTRICTIONS DESIGNED TO ENCOURAGE BROAD PARTICIPATION IN PROTOCOL BY PREVENTING IMPORTS OF CONTROLLED CHEMICALS, AND PRODUCTS CONTAINING THESE CHEMICALS, FROM NON-PARTIES. WORKING GROUP ON

DEVELOPING COUNTRY PARTICIPATION WAS ABLE TO AGREE ON SET OF PRINCIPLES WHICH GIVES PRIORITY TO ENGAGEMENT OF LDCS TO HELP REDUCE RISK TO OZONE LAYER, WHILE BUILDING CERTAIN (STILL UNDEFINED) PROVISIONS INTO THE PROTOCOL TO ENSURE THAT LDC INTERESTS ARE NOT JEOPARDIZED DURING QUOTE TRANSITION PHASE UNQUOTE TO NEW CHEMICALS AND TECHNOLOGIES. USDEL WAS PLEASED BY CONTINUED DEVELOPING COUNTRY WILLINGNESS TO SUPPORT BOTH THE FRAMEWORK AND SPIRIT OF THE NEGOTIATION PROCESS.

5. ISSUE OF SCOPE OF CHEMICALS TO BE CONTROLLED WAS NOT RESOLVED, ALTHOUGH THERE WAS SOME MOVEMENT TOWARD BROAD COVERAGE. THERE IS SOLID AGREEMENT ON NEED TO CONTROL CFC'S 11 AND 12, BUT LESS SO ON OTHERS, PARTICULARLY HALONS. HIGHLY VISIBLE SHIFT IN SOVIET POSITION TOWARD BROADER SCOPE (ALBEIT IN THE LONGER RUN) WAS PARTICULARLY HELPFUL. CANADA INTRODUCED QUOTE THREE-LIST UNQUOTE APPROACH (SIMILAR TO U.S. FALL-BACK POSITION WHICH USDEL HAD NOT YET TABLED) WHICH PROVIDES MECHANISM TO ENSURE THAT FULL RANGE OF SUSPECT CHEMICALS CAN BE INCLUDED, WITH DEGREES OF CONTROL AND/OR STUDY DETERMINED ACCORDING

TO LIST IN WHICH THEY APPEAR. JAPAN CONTINUED TO STRONGLY RESIST INCLUSION OF CFC 113.

6. EXCELLENT PROGRESS WAS MADE WITHIN THE SCIENTIFIC WORK GROUP ON A SCIENTIFIC PROCESS. DELEGATIONS WERE IN SOLID AGREEMENT WITH THE REPORT OF SCIENCE WORKING GROUP THAT: RANKED CHEMICALS BY RELATIVE OZONE DESTRUCTION POTENTIAL; RECOMMENDED MECHANISMS FOR THE CONDUCT OF PERIODIC SCIENTIFIC REVIEWS; AND IDENTIFIED NEED AND MEANS FOR CONDUCTING SYSTEMATIC OBSERVATIONS TO DETECT STRATOSPHERIC OZONE CHANGE. THE RANKING LIST CLEARLY IDENTIFIED CFC'S 11, 12, AND 113 AND THE HALONS 1211 AND 13B1 AS THE PRINCIPAL OZONE-DEPLETING SUBSTANCES.

7. MUCH TIME WAS SPENT ON DELIBERATING HOW EMISSIONS ARE TO BE CALCULATED, WHETHER ON BASIS OF PRODUCTION (EC VIEW) OR ADJUSTED PRODUCTION (U.S., CANADA, NORDICS, SWITZERLAND, AUSTRALIA AND NEW ZEALAND) WITH NO RESOLUTION. EC COMMISSION TRIED TO PLANT IDEA IN MINDS OF OTHER DELEGATIONS AND EUROPEAN NGOS THAT U.S. INSISTENCE ON AN ADJUSTED PRODUCTION FORMULA WAS TIED TO ITS EFFORTS TO GAIN TRADE ADVANTAGE. MAJOR IMPORTING COUNTRIES, PARTICULARLY NORDICS AND NEW ZEALAND, INSISTED THAT EC FORMULA WOULD PERMIT EC TO ACTUALLY INCREASE DOMESTIC CFC CONSUMPTION BY DIVERTING PREVIOUSLY EXPORTED PRODUCTS TO INTERNAL MARKET, THEREBY FORCING IMPORTING COUNTRIES PLUS NONEXPORTERS (SUCH AS U.S.) TO BEAR BRUNT OF GLOBAL FREEZE OR REDUCTION.

8. PRIVATE DISCUSSIONS INDICATE WIDE VARIANCES IN POSITIONS HELD BY EC MEMBER GOVERNMENTS, AND GROWING UNHAPPINESS OF AN INCREASING NUMBER OF MEMBERS TO BE FOUND BY A COLLECTIVE EC POSITION WHICH IS UNPOPULAR ELSEWHERE IN THE WORLD. ON FINAL DAY, SPLIT IN EC RANKS OCCURRED FOR FIRST TIME IN PLENARY, WHEN UK TRIED TO REDUCE STATUS OF CHAIRMAN'S PROTOCOL TEXT AND NETHERLANDS, FRG, AND DENMARK JOINED THE U.S., SWEDEN, NORWAY, AND EGYPT IN SUCCESSFULLY OPPOSING THE MOVE. FRANCE REMAINED SILENT ON ISSUE, AS IT DID THROUGHOUT MOST OF MEETING.

9. PARTICIPANTS: FINAL LIST OF PARTICIPANTS INCLUDED: ARGENTINA, AUSTRALIA, AUSTRIA, BELGIUM, BRAZIL, CANADA, COLOMBIA, DENMARK, EGYPT, FINLAND, FRANCE, FRG, ITALY, JAPAN, KENYA, MALAYSIA, MEXICO, NETHERLANDS, NEW ZEALAND, NIGERIA, NORWAY, PHILIPPINES, POLAND, SPAIN, SWEDEN, SWITZERLAND, THAILAND, USSR, UK, USA, YUGOSLAVIA, AND COMMISSION OF THE EUROPEAN COMMUNITIES.

10. FUTURE MEETINGS - CONFEREES AGREED TO CONVENE THIRD NEGOTIATING SESSION IN VIENNA FOR FOUR DAYS, APRIL 27-30, WITH NIGHT SESSIONS TO OFFSET LOSS OF MAY FIRST HOLIDAY. THIS WOULD ENABLE RESULTS OF WHAT WE HOPE WILL BE FINAL SESSION TO BE AVAILABLE WHEN THE EC COUNCIL WHEN IT MEETS ON MAY 20. AGREEMENT ALSO REACHED ON ACCEPTING CANADIAN OFFER TO HOST DIPLOMATIC CONFERENCE IN MONTREAL (ICAO HEADQUARTERS) SEPTEMBER 14-18, WITH INFORMAL CONSULTATIONS ON SEPTEMBER 10-11. DECISION WAS ALSO REACHED ON INTERSESSIONAL MEETING OF GROUP OF COUNTRIES INTERESTED IN DEVELOPING CONSOLIDATED PROTOCOL TEXT PRIOR TO THIRD NEGOTIATING SESSION. MEETING WILL CONVENE IN OSLO, APRIL 9-10, WITH BROAD PARTICIPATION ANTICIPATED. (SDVIETS, E.G., EXPRESSED ENTHUSIASM, INDICATING IT PROVIDES OPPORTUNITY TO ADDRESS QUOTE THE CHAIRMAN'S EC-ORIENTED PROTOCOL TEXT DRAFT UNQUOTE.) USDEL INFORMALLY PROPOSED CONCEPT OF EARLY MEETING OF EMINENT SCIENTISTS, CONVENED UNDER UNEP AUSPICES, TO REVIEW CHAIRMAN'S PROTOCOL TEXT, PARTICULARLY TO EVALUATE IMPLICATIONS FOR OZONE LAYER OF ALTERNATIVE CONTROL SCENARIOS BASED ON VARIATIONS OF THE CHAIRMAN'S BRACKETED

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TEXT. THIS ALSO WAS BROADLY SUPPORTED, AND USDEL OFFER TO UNEP TO ASSIST WITH ORGANIZATION, (UNDER DR. ROBERT WATSON OF NASA) WAS GRATEFULLY RECEIVED; WE ARE INCLINED TOWARD BRUSSELS AS VENUE.

11. TEXT OF QUOTE CHAIRMAN'S DRAFT UNQUOTE OF CONTROL ARTICLE II FOLLOWS:

-- (1) EACH PARTY, UNDER JURISDICTION OF WHICH SUBSTANCES REFERRED TO IN ANNEX A ARE PRODUCED, SHALL ENSURE THAT WITHIN (ONE TO THREE) YEARS AFTER THE ENTRY INTO FORCE OF THIS PROTOCOL THE (ANNUAL PRODUCTION AND IMPORTS) (ADJUSTED ANNUAL PRODUCTION) OF THESE SUBSTANCES DOES (DO) NOT EXCEED THEIR (ITS) 1986 LEVEL.

-- (2) EACH PARTY, UNDER THE JURISDICTION OF WHICH SUBSTANCES REFERRED TO IN ANNEX A ARE NOT PRODUCED AT THE TIME OF THE ENTRY INTO FORCE OF THIS PROTOCOL, SHALL ENSURE THAT WITHIN (ONE TO THREE) YEARS HEREINAFTER (ITS ANNUAL PRODUCTION AND IMPORTS) (ITS ADJUSTED ANNUAL PRODUCTION) DO (DOES) NOT EXCEED THE LEVEL OF IMPORTS IN 1986.

-- (3) EACH PARTY SHALL ENSURE, THAT WITHIN (BLANK) YEARS AFTER THE ENTRY INTO FORCE OF THIS PROTOCOL, LEVELS ATTAINED IN ACCORDANCE WITH PARAGRAPHS 1 AND 2 WILL BE REDUCED BY (10 TO 50) PERCENT, (UNLESS THE PARTIES BY A TWO-THIRDS MAJORITY OTHERWISE DECIDE) (IF THE PARTIES CONFIRM THIS OBLIGATION BY A TWO-THIRDS MAJORITY).

OPTION A

-- (4) PARTIES SHALL DECIDE NOT LATER THAN (BLANK) YEARS AFTER THE ENTRY INTO FORCE OF THIS PROTOCOL BY A TWO-THIRDS MAJORITY ON  
- NEW SUBSTANCES TO BE INCLUDED IN ANNEX A  
- FURTHER REDUCTION OF 1986 LEVELS.  
THESE DECISIONS SHALL BE REVIEWED IN INTERVALS OF (BLANK) YEARS.

OPTION B

-- (4) EACH PARTY SHALL ENSURE THAT, WITHIN (BLANK) YEARS AFTER THE ENTRY INTO FORCE OF THIS PROTOCOL, LEVELS ATTAINED IN ACCORDANCE WITH PARAGRAPH 3 WILL BE REDUCED BY (BLANK) (UNLESS PARTIES BY A TWO-THIRDS MAJORITY OTHERWISE DECIDE) (IF PARTIES CONFIRM THIS OBLIGATION BY A TWO-THIRDS MAJORITY).

END TEXT. WHITEHEAD

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**AN ANALYSIS OF THE  
ENVIRONMENTAL, ECONOMIC, AND TRADE IMPLICATIONS  
OF THE  
U.S.G. NEGOTIATING POSITION ON OZONE PROTECTION**

**Prepared for Lee Thomas**

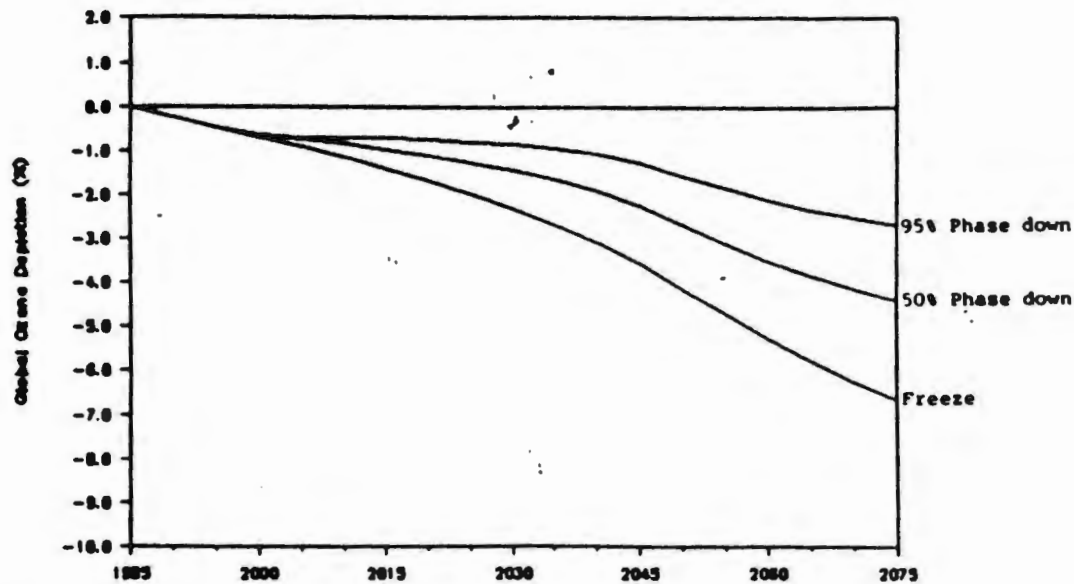
**by  
the Office of Air and Radiation**

**March 5, 1987**

The U.S. position is:

- an immediate freeze
- a long term phase down to 5% of current emissions
- covering CFC 11, 12, 113, Halon 1211, Halon 1301

Current One Dimensional Models would project



Assumes develop nations receive a .2K limit or 20% of the developed world does not comply (but not both) and they grow at 2.5% to 2050. Also assumes that the greenhouse gases that counter ozone depletion are not limited. It should be noted that 2-D models project greater depletion at higher latitudes and in the spring.

KEY U.S. INDUSTRIES

	Short (1-3 years)	Medium (3-7 years)	Long term (+7 years)
Car Air Conditioning	maintenance procedures	material engineering	134a 22 + 142b tighten systems
Home Air Conditioning	not an issue; uses CFC 22	CFC 22 replacing 12	_____
Commercial Refrigeration	industry has 502 & 22 mix; already moving	CFC 22 replacing 12 in large amounts	_____
Soft Foam-Furniture	excellent cost effective	alternative processes/total elimination possible	elimination likely
Soft Foam-Cars	possible hard foam	same as above or short	elimination likely
Solvents- Electronics	some easy gains available with engineering controls	aqueous solutions better control systems CFC 123,132b	CFC 123,132b Process Conversions
Hard Foam- Insulation	_____	_____	Vacuum refrigeration building standard changes
Hard Foam- Packaging	easy, inexpensive substitutes	_____	_____
Fire Extinguishing- Home hand held	better substitutes available	_____	_____
Fire Extinguishing- Building systems and portable	industry already reducing emissions	great reductions unnecessary emissions	industry has begun search for chemical substitutes
sterilization	large reduction	_____	_____

## Status of Chemical Substitutes

- Dupont and others can bring some production on line within 5 years
- Negotiations underway with new producer for test quantities of 134A
- Foam Industry already experimenting with 123
- Joint research with industrial users being planned
- Patents held by many companies, in many countries
  - ICI (UK)
  - Hoescht (FRG)
  - Daikin (Japan)
  - Allied, Dupont (U.S.)

International Substitutes Panel

- Chairman Dick Lagow - University of Texas
- Academic and Industrial representation
- International representation: FRG, UK, Japan
- Findings to date:
  - other compounds than 134A/123 possible
  - greenhouse implications relevant
  - toxicology should start
  - user testing should start
  - key issue in competing R & D funds: certainty of market



### Technology Diffusion

- EPA, with possible industrial support, is sponsoring technology fair for early fall
- Will bring together users and producers of existing and emerging technologies
- Will provide forum for investors in new technologies to gauge markets
- International participation expected

Costs Depend On

- Controls at lowest marginal cost
- New technology development
- Phasing in synchronization with capital life cycles

A Policy That

- Requires abrupt cutbacks now or possibly in the future
- Did not spur technology

Would be much costlier that a policy that spurs change and is staged

### Approach to Creating Efficient System

- ° Short term goal not too stringent
  - allow time for adjustment
  - stops new investment
  - secures message
  
- ° Long term goal provides clear incentive for substitutes
  
- ° Options to implement will use price system and free market to drive innovation
  - permit system
  - fees
  
- ° Government will facilitate, not direct, innovation

Short Term Expected Price Rises for Products Using CFCs

Auto Air Conditioning -	less than \$10, tightening of system could result in consumer savings
Home Air Conditioning -	None
Commercial Refrigeration -	tightening system may save money; otherwise relatively insignificant
Soft Foam Furniture -	some firms may save money, otherwise cost of most products will probably rise less 5%
Soft Foam in Cars -	small costs, longer life
Solvents (electronics) -	savings for some users; most reductions will cost less than \$1.00 per pound; very small increment or product; long term costs less clear
Hard foam: insulation -	uncertain
Hard foam: packaging -	no price rise
Fire extinguishers: - home, handheld	cost savings and superior product for consumer
Fire extinguishing: - building	cost savings likely in short to mid term, long term less clear

Trade issues are an important aspect of CFC Controls

- ~~CFCs~~ are traded globally
- If trade is not controlled, production can shift to countries with no controls, thereby reducing the effectiveness of environmental protection
- Control of bulk chemicals is necessary; control of CFC products may be desirable
- Trade controls can provide leverage to:
  - get nations to sign the protocol
  - get nations to modify their use of CFCs

Possible Trade Impacts

- Will imports displace U.S. products?
- Will U.S. exports be less competitive?

To the extent problems exist,

- can U.S. policy on protocol solve them?

Likelihood foreign price, advantage from  
 Unilateral Action  
 (assuming no trade provision)

	Imports	Exports	With Protocol/ Trade Protection
Car Air Conditioning	<ul style="list-style-type: none"> <li>• insignificant difference</li> <li>• 2 1/2 lbs. @ 50c/lb</li> <li>• equipment not more expensive or has longer life--compressor damage avoided</li> </ul>	U.S. small exporter	U.S. large part of world market; CO standards indicate that U.S. standard alters global production
Residential Air Conditioning	Use CFC-22 --	no implication	
Foam in furniture	small part of cost; most imports not foam	not relevant	not significant issue
Electronics	small part of cost; availability may be key to quality in long term	small issue short term; long term concern if availability is problem	U.S. needs electronics; Trade restrictions not likely to be Fee could countervail
Hand held home fire extinguishers	most U.S. consumption imported	not exported	U.S. policy likely to prevent importation
Labeling, packaging, etc.		NEGLIGIBLE	TRADE



## Trade Law Considerations

- GATT Article XX allows for the adoption or enforcement by any Contracting Party of trade-restricting measures:
  - necessary to protect human, animal or plant life or health; or
  - relating to the conservation of exhaustible natural resources if such restrictions are made effective in conjunction with restrictions on domestic production or consumption
  
- Under the GATT, trade may be restricted for purposes of protecting the environment, but not for purposes of protecting U.S. industry

## Potential of Effects of International Trade Policies

- Import ban on bulk CFCs
  - The U.S. is self sufficient in bulk CFCs
  - Imported 7 million kilograms of CFCs and exported 10-13 million kg in 1985; 1-2% of total consumption
  
- Producer ban on exports to non-signatories
  - most developing countries/newly industrialized import CFCs,
  - some produce CFCs, but often at higher costs
  - costs of new CFC facilities would be high and unattractive for many countries, especially with threats of future restrictions
  
- Bans on imports of products containing CFCs
  - U.S. and EC large markets would exercise great leverage
  - creates strong incentive to join
  
- Ban on products made with but not containing CFCs
  - major use in electronics
  - how to deal not yet clear; investigation underway

Available Mechanisms to Control U.S. Imports of CFCs and Related Products

- Bans on imports of restricted goods ( e.g. ban on CFC-12 in auto air conditioners once U.S. manufacturers shift to new chemicals)
- Quotas limiting products that can be imported into the U.S.
- Certification that products were made in compliance with specified procedures or met specified standards
- Inspection procedures that certify that foreign plants control CFC emissions in the manufacture of products for U.S. markets
- Import fees/higher tariffs imposed on CFCs or products containing CFCs

Potential Leverage Over Foreign Production and Use of CFCs  
from Domestic U.S. Import Restrictions

• Degree of leverage

- domestic U.S. import restrictions on CFCs and products containing/manufactured with CFCs could provide considerable leverage

• Source of leverage

- U.S. leverage is greatest for products containing/manufactured with CFCs, rather than bulk CFCs
- Automobiles: Japan, EC, Mexico, Brazil, Korea, Yugoslavia
- Semiconductors: Japan, Taiwan, Korea
- Air conditioners, etc.: Japan, Korea

Recent examples of effective U.S. trade policy

- In response to U.S. pressure, Japan set voluntary restraints on its auto industry
- In the face of threats to sharply increase U.S. tariffs of EC exports, the EC granted the U.S. improved markets for agricultural products

Ongoing Analyses of Trade Issues

- Measures of significance of CFCs in imported products
- Importance of U.S. environmental regulation to competitiveness of U.S. industry in world markets
- Documentation of importance of the U.S. market for foreign producers of CFC related products
- Selection of trade mechanisms suited to restricting imports of CFC-related products
- Further evaluation of "adjusted production" concept and alternatives
- Detection of CFCs in products imported into the U.S.



United States Department of State

Washington, D.C. 20520

March 9, 1987

UNCLASSIFIED  
(with LIMITED OFFICIAL USE attachments)

To: DPC - Dr. Bledsoe  
From: OES/E - Richard Elliot Benedick *REB*  
Subject: Control of Ozone-Depleting Chemicals

As we discussed, here is a packet of background materials on the international negotiations on a protocol to control ozone-depleting chemicals, including:

1. November 28, 1986 Circular 175 (authority to negotiate a protocol)
  2. EPA Federal Register Notice of January 10, 1986 -- Stratospheric Ozone Protection Plan (including international timetable)
  3. U.S. Position Paper for Geneva, December 1-5, 1986
  4. U.S. Position Paper for Vienna, February 23-27, 1987
  5. Reporting cable from December 1986 round
  6. Reporting cables from February 1987 round
  7. Protocol texts
  8. Analysis of Environmental, Economic and Trade Implications of U.S. Position (EPA, 2/87)
  9. Analysis of Implications of Alternative International Control Strategies (EPA, 2/87)
  10. Pending legislation
  11. Atmospheric Ozone 1985 - Introduction & Summary (NASA/WMO)
  12. EPA Risk Assessment executive summary (1/87 revised draft)
  13. *USTR memo on trade law issues (1/14/87)*
- In addition, we have asked EPA to send you documents on CFC Production and Use Data (ICF, 2/87) and on The U.S. Approach to Technology Innovation (EPA, 2/87)

cc: Ted Harris

OES/ENH:SB *13* Butcher  
3197T

Statement of  
Richard Elliot Benedick,  
Deputy Assistant Secretary of State  
for  
Health, Environment and Natural Resources  
to the  
Subcommittee on Natural Resources,  
Agriculture Research, and Environment  
Committee on Science and Technology  
U.S. House of Representatives

March 12, 1987

The United States, along with other nations of the world, is engaged in a historic effort to undertake cooperative measures to prevent potentially serious adverse effects from depletion of stratospheric ozone. The Vienna Convention for the Protection of the Ozone Layer, adopted in March 1985 under the auspices of the United Nations Environment Program (UNEP) and ratified by the United States in August 1986, was an important first step. But additional concrete measures are necessary. We are now engaged in negotiations under UNEP auspices on a protocol to the Convention which would provide for controls on ozone-depleting chemicals.

EPA is the agency with responsibility under the Clean Air Act for domestic regulation of ozone-depleting substances. The Department of State is working closely with EPA and other federal agencies to keep our domestic and international efforts congruent. We have consulted closely with representatives of U.S. industry and environmental groups as the domestic and international processes develop.

Laying the Foundation of Common Understanding of the Issue

Between the adoption of the Convention in Vienna in March 1985 and the resumption of negotiations on control measures in December 1986, the international community participated in a unique cooperative effort to improve common understanding of the nature and impacts of ozone depletion. The United States Government played a leading role in that process.

- A two-part UNEP workshop, in Rome in May 1986 and in Leesburg, Virginia in September 1986, focused on key economic issues related to the control of ozone-depleting chemicals.
- In June 1986, the U.S. co-sponsored with UNEP an international conference with over 300 participants on the effects of both ozone depletion and climate change.



- The Coordinating Committee on the Ozone Layer (CCOL), a UNEP body comprising scientists from many interested nations, assessed current knowledge of the atmospheric science and effects of ozone depletion, and presented their findings to UNEP for consideration in the development of measures to protect the ozone layer. Scientists and policymakers from EPA and NASA played a leading role.
- 150 scientists, coordinated by Dr. Robert Watson of NASA, prepared a landmark publication on the state of knowledge about atmospheric ozone, under the auspices of NASA, the World Meteorological Organization (WMO), UNEP, the European Communities, NOAA, FAA and the German Federal Ministry for Research and Technology.

At the same time, U.S. government representatives were working bilaterally with various governments to improve understanding of the nature of the problem and the options for reducing risks.

- EPA, NASA and NOAA worked with scientists in key nations to increase understanding of the risks if depletion should occur and to advance scientific assessment and monitoring capabilities.
- We discussed the issue with policymakers in key countries. For example, I traveled, with a team from EPA, to Brussels and Bonn last November for consultations in preparation for the December negotiations.

As this extensive bilateral and multilateral effort moved forward, we saw that consensus was emerging, both in the United States and in the international community, in a number of important areas:

- The ozone layer is an exceedingly valuable resource for the present and future population of the world.
- The ozone layer is likely to be adversely affected by the long-lived chlorine molecules which stem from chlorofluorocarbons.

- If ozone depletion occurs, the increase in harmful ultra-violet radiation reaching the earth could pose significant, even if currently difficult to quantify, risks.
- While many scientific questions remain to be answered, the risks are sufficiently serious to warrant control actions.
- The very nature of the ozone layer requires global cooperation if protective measures are to be effective.

### The U.S. Position

The United States Government believes that the potential risks to the stratospheric ozone layer require early and concerted action by the international community. We seek agreement on the following:

- o A near-term freeze at current emission levels of CFC 11, 12, 113, and 114, and Halons 1211 and 1301;
- o A longer-term scheduled reduction of up to 95% in emissions of these chemicals; linked to
- o Periodic reassessment based on a regular review of the science and of economic and technical considerations.

No specific time frames and no specific percentage reductions have been determined for the scheduled reductions as of the present time; studies of environmental and economic implications of various options are under way, however, to provide the basis for a U.S. position on these elements of a protocol.

We believe a protocol should:

- provide as much certainty as possible for industrial planning in order to minimize the costs of adjustment;
- 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 safer substitutes and recycling techniques;

- address all the principal man-made sources of long-lived atmospheric chlorine and bromine;
- allow flexibility for national implementation by allowing trade-offs among controlled chemicals based on their relative ozone-depleting effects;
- take into full consideration scientific uncertainties and promote future improvements in understanding by instituting a requirement for periodic reassessment of the goal and timing of limits;
- create incentives to participate in the protocol by regulating relevant trade between parties and non-parties.

Geneva, December 1986 and Vienna, February 1987

We have come a long way since March 1985 in Vienna, when many nations questioned the need for control measures. In the first round of resumed negotiations last December, representatives from all regions agreed that new measures must be taken in the near term to control emissions of ozone-depleting chemicals. However, the discussions were general, and substantial differences over the scope, stringency and time-phasing of control measures remained.

Among other participants at Geneva in December, Canada and the Nordic countries advocated strong, early action. The European Communities (EC), Japan and the USSR acknowledged the need for controls, but did not yet support the long-term measures, broad coverage, and trade provisions we believe are necessary to make the protocol effective.

Between the December and February rounds, we consulted actively with a number of nations, through discussions with environmental, foreign ministry, and trade officials in Washington and abroad, through our Embassies, official visits, and scientific exchanges. For example, a team from NASA, NOAA and EPA traveled to Moscow. We met in Washington with Canadian representatives. I traveled to Europe again. Deputy U.S. Trade Representative Smith and Assistant Secretaries of State McMinn and Negroponte raised the issue with senior officials in Tokyo. Through the USIA "Worldnet" interactive satellite hookup, Dr. Robert Watson of NASA and I discussed the issue with experts, policymakers and journalists in ten European capitals.

The February round of negotiations in Vienna brought widening agreement on many aspects of a protocol, including a near-term freeze and longer-term reductions. Other elements of progress in Vienna include:

- (1) formulation of a useful "Chairman's text" for the critical control Article II;
- (2) movement toward agreement on ranking substances according to their ozone-depleting potential;
- (3) good progress on restrictions on trade with non-parties;
- (4) an "enhanced" commitment to international cooperation on (i) research, (ii) systematic observation, and (iii) international scientific assessments;
- (5) clear evidence of movement, although not yet unanimous, within the EC;
- (6) setting of a date for the Diplomatic Conference (September 14-18 in Montreal).

#### Trade Measures

We seek a protocol which would protect the stratosphere but avoid giving unfair advantage to industries of countries which do not participate in the protocol. In Vienna, the sub-group on trade accepted with only minor changes U.S.-proposed language which would, inter alia, ban bulk imports from non-parties of controlled chemicals, and ban or restrict imports from non-parties of products containing these chemicals. Progress on this issue was particularly welcome, since in December many key participants in the negotiations were resistant to discussion of trade measures, largely because they had not yet seriously addressed the issue. Now there is recognition that trade measures such as the U.S. proposed are necessary in order to (a) protect industries in countries party to the protocol from being put at a competitive disadvantage vis-a-vis industries of non-parties; (b) create an incentive for broad participation; and (c) discourage the movement of production facilities to non-parties.

Looking Ahead

All the movement is in the right direction. But the hardest negotiations are still to come. For example, the participants must still negotiate the specific stringency and timing of controls, determine precisely which substances are to be restricted, and specify treatment of developing countries, non-parties and late-signers.

The next round of negotiations is scheduled for April 27-30 in Vienna, with an informal meeting in Oslo April 8-9 to consider the chairman's text. The United States will continue to pursue the objectives I have outlined. We will continue to consult actively with other nations and with interested sectors in the United States.

This is a difficult and complex negotiating process. We have made substantial progress, but we have a long way to go to reach an effective agreement with broad participation. Meanwhile, we must be sure that our actions domestically support and do not undercut that international process, since this is clearly a matter which the U.S. cannot resolve alone. We have entered a new era of truly global environmental management, in which we are all made more conscious of the unity and vulnerability of our planet.

3/11/87  
#3199T

1. Sixth Revised Draft Protocol Text
2. Trade Article
3. Controls Article
4. U.S. Proposed text
5. U.S. Proposed trade article



# United Nations Environment Programme



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25 February 1987

ORIGINAL: ENGLISH

Ad Hoc Working Group of Legal and Technical Experts for the Preparation of a Protocol on Chlorofluorocarbons to the Vienna Convention for the Protection of the Ozone Layer (Vienna Group)

Second Session  
Vienna, 23-27 February 1987

*Agreed that  
Trade Article  
will be incorp'd  
in text of 6th  
Revised Draft  
"Chapters"  
Also on control  
measures  
Article*

DRAFT REPORT OF THE AD HOC WORKING GROUP ON THE WORK OF ITS  
SECOND SESSION  
(continued)

SIXTH REVISED DRAFT PROTOCOL ON CHLOROFLUOROCARBONS  
PREAMBLE

THE PARTIES TO THIS PROTOCOL,

Being parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under the Vienna Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing the possibility that world-wide emissions of fully halogenated chlorofluorocarbons and other chlorine containing substances can significantly deplete and otherwise modify the ozone layer, resulting or likely to result in adverse effects on human health and the environment,

Recognizing also the potential climatic effects of chlorofluorocarbons emissions,

Determined to protect the ozone layer by taking precautionary measures to control total global emissions of chlorofluorocarbons,

Mindful of the precautionary measures for controlling emissions of chlorofluorocarbons that have already been taken at the national and regional levels,

Aware that measures taken to protect the ozone layer from modifications due to the use of chlorofluorocarbons should be based on relevant scientific and technical considerations,

Mindful that special provision needs to be made in regard to the production and use of chlorofluorocarbons for the benefit of developing countries,

Considering the importance of promoting international co-operation in the research and development of science and technology on the control and reduction of chlorofluorocarbons emissions, bearing in mind, in particular, the needs of developing countries,

HAVE AGREED AS FOLLOWS:

#### ARTICLE I: DEFINITIONS

For the purpose of this Protocol,

1. "The Convention" means the Vienna Convention for the Protection of the Ozone Layer;
2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol;
3. "The Secretariat" means the Secretariat of the Convention;
4. "Chlorofluorocarbon" or "CFC" means any fully halogenated chlorofluoroalkane.)

#### ARTICLE II: CONTROL MEASURES

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#### ARTICLE III: REVIEW OF CONTROL MEASURES

The Parties shall regularly at their meetings reassess the control measures provided for in article II, on the basis of the scientific, environmental and economic information available, and shall take all appropriate action.

#### ARTICLE IV: REPORTING OF INFORMATION

1. Within one year after the entry into force of this Protocol each Party shall inform the Secretariat about the implementation of this Protocol.
2. The Parties to this Protocol, either individually or jointly, shall submit annually to the Secretariat;
  - (a) Information on national laws, regulations, policy directives and other measures adopted to implement this Protocol;
  - (b) Any other information to indicate their implementation of this Protocol.

#### ARTICLE V: RESEARCH, DEVELOPMENT AND EXCHANGE OF INFORMATION

1. The Parties shall co-operate in promoting, directly and through competent international bodies, bearing in mind the needs of developing countries, research, development and exchange of information on:
  - (a) The best practicable technologies;
  - (b) Possible alternatives to CFCs and CFC products;
  - (c) Costs and benefits of relevant control strategies.
2. Each Party shall submit to the Secretariat a summary of activities conducted pursuant to the present article on a biennial basis.



#### ARTICLE VI: TECHNICAL ASSISTANCE

1. The Parties shall co-operate, taking into account in particular the needs of developing countries, in promoting, in the context of the provisions of article 4 of the Vienna Convention, technical assistance to facilitate participation in and implementation of this Protocol.
2. Any Party of Signatory to this Protocol in need of technical assistance in implementing it may submit a request to the Secretariat.

#### ARTICLE VII: MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.
2. Subsequent ordinary meetings of the Parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary at a meeting of the Parties, or at the written request of any of them, provided that, within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. The Parties shall by consensus adopt Rules of Procedure for their meetings.
4. The functions of the meetings of the Parties shall be:
  - (a) To review implementation of this Protocol;
  - [(b) To establish where necessary guidelines or procedures for reporting of information as provided for in article IV and V;]
  - (c) To review requests for technical assistance provided for in article VI;
  - (d) To review requests received from the Secretariat pursuant to article VIII;
  - (e) To reassess, pursuant to article III, the control measures provided for in article II;
  - (f) To consider and adopt proposals for amendment of this Protocol (in conformity with articles IX and X of the Convention;)
  - (g) To consider and adopt the budget for implementation of this Protocol;
  - (h) To consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.
5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties by observers. Anybody or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

**ARTICLE VIII: SECRETARIAT**

The Secretariat shall:

- (a) Arrange for and service meetings of the Parties provided for in article VII;
- (b) Distribute to the Parties information on each Party's year of maximum use of CFCs by sectors and the total amount of its use in that year, as reported by the Parties in accordance with article IV;
- (c) Prepare and distribute to the Parties regularly a report based on information received pursuant to articles IV and V;
- (d) Notify the Parties of any request for technical assistance received pursuant to article VI so as to facilitate the provision of such assistance to the extent possible;
- (e) Perform such other functions for the achievement of the purposes of the Protocol as may be assigned to it by the Parties.

**ARTICLE IX: FINANCIAL PROVISIONS**

- 1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol shall be charged exclusively against contributions from the Parties.
- 2. The Parties shall be consensus adopt Financial Rules for the Operation of this Protocol, including rules for assessing contributions from the Parties.

**ARTICLE X: RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION**

The provisions of the Convention relating to its protocols shall apply to this protocol.

**ARTICLE XI: SIGNATURE**

This Protocol shall be open for signature at ..... from  
..... to .....

**ARTICLE XII: ENTRY INTO FORCE**

- 1. The Protocol shall enter into force on the same date as the Convention enters into force, provided that at least nine instruments of ratification, acceptance, approval or accession to the Protocol have been deposited. In the event that nine such instruments have not been deposited by the date of entry into force of the Convention, this Protocol shall enter into force on the thirtieth day following the date of the ninth instrument of ratification, acceptance, approval or accession to the Protocol.
- 2. For the purpose of paragraph 1 any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.
- 3. After the entry into force of this Protocol, any state or regional economic integration organization shall become a Party to this Protocol on the thirtieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

ARTICLE XII bis: RESERVATIONS

(No reservations may be made to this Protocol)

ARTICLE XIII: AUTHENTIC TEXTS

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT HAVE SIGNED THIS PROTOCOL,

DONE AT .....

THIS .....  
DAY OF

26 February 1987

Ad Hoc Working Group of Legal and Technical  
Experts for the Preparation of a Protocol  
on Chlorofluorocarbons to the Vienna  
Convention for the Protection of the  
Ozone Layer (Vienna Group)

Second Session  
Vienna, 23-27 February 1987

ARTICLE II - Control Measures

1. Each party, under jurisdiction of which substances referred to in Annex A are produced, shall ensure that within [one to three] years after the entry into force of this protocol the [annual production and imports] [adjusted annual production] of these substances does [do] not exceed their [its] 1986 level.
2. Each party, under the jurisdiction of which substances referred to in Annex A are not produced at the time of the entry into force of this Protocol, shall ensure that within [one to three] years hereinafter [its annual production and imports] [its adjusted annual production] do [does] not exceed the level of imports in 1986.
3. Each party shall ensure, that within [blank] years after the entry into force of this protocol, levels attained in accordance with paragraphs 1 and 2 will be reduced by [10 to 50] percent, [unless the parties by a two-thirds majority otherwise decide] [if the parties confirm this obligation by a two-thirds majority].

Option A

4. Parties shall decide not later than [blank] years after the entry into force of this protocol by a two-thirds majority on

- new substances to be included in Annex A
- further reduction of 1986 levels.

These decisions shall be reviewed in intervals of [blank] years.

Option B

4. Each party shall ensure that, within [blank] years after the entry into force of this protocol, levels attained in accordance with paragraph 3 will be reduced by [blank] [unless parties by a two-thirds majority otherwise decide] [if parties confirm this obligation by a two-thirds majority].

# RESULTS OF TRADE SUB-GROUP:

## Article on Control of Trade

1. Within ( ) years after entry into force of this Protocol, each Party shall ban the import of the controlled substances in bulk from any state not party to this protocol (, unless such state is in full compliance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).
2. Within ( ) years after entry into force of this Protocol, each Party shall (restrict) (ban) imports of products containing substances controlled by this Protocol from any state not party to this Protocol (unless such state is in full compliance with Article ( ) and this Article, and has submitted information to that effect as specified in Article ( )). At least one year prior to the time such measures take effect, the Parties shall elaborate in an annex a list of the products to be (restricted) (banned) and standards for applying such measures uniformly by all Parties.
3. The Parties shall jointly study the feasibility of restricting or banning imports of products produced with substances controlled by this Protocol from any state not party to this Protocol (, unless such state is in full compliance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).
4. Within ( ) years after entry into force of this Protocol, each Party shall (ban) (restrict) (discourage) the export of technologies (to non-parties) for the production and use of the controlled substances (, unless such state is in full compliance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).
5. The Parties shall not provide (to non-parties) bilateral or multilateral subsidies, aid, credits, guarantees, or insurance programs for the export of products, equipment, plants, or technology for the production or use of the controlled substances (, unless such state is in full compliance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).
6. The provisions of paragraphs 4 and 5 shall not apply to products, equipment, plants or technologies which contribute to the protection of the ozone layer.)

United States Proposed Protocol Text

UNEP Negotiations on an Ozone Layer Protocol

December 1-5, 1986  
Geneva, Switzerland

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 protocol. 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 international 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 hoc panel of scientific experts, with composition and terms of reference determined by the Parties, to review advances in scientific understanding of modification 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 to the territory of non-parties
  - [b. direct investment in facilities in the territory of non-parties]for producing fully-halogenated alkanes [, 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].
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 annual 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 Article 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 distribute annually to all Parties a report of the aggregate annual emissions figures and other information submitted to it pursuant to paragraph 2.

Ad Hoc Working Group of Legal and Technical Experts  
for the Preparation of a Protocol on  
Chlorofluorocarbons to the Vienna Convention  
for the Protection of the Ozone Layer (Vienna Group)

Second Session  
Vienna, 23-27 February 1987

United States Proposed Trade Article

Article V: Control of Trade

1. Within [ ] years after entry into force of this Protocol, each Party shall ban the import of the controlled substances 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 restrict imports of products containing substances controlled by this Protocol 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]. At least one year prior to the time such restrictions take effect, the Parties shall elaborate in an annex a list of the products to be restricted and standards for applying such restrictions uniformly by all Parties.
3. The Parties shall jointly study the feasibility of restricting imports of products produced with substances controlled by this Protocol from any state not party to this Protocol.
4. Within [ ] years after entry into force of this Protocol, each Party shall ban the export of technologies to the territory of non-parties for the production and use of the controlled substances [, 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].
5. Parties shall not provide bilateral or multilateral subsidies, aid, credits, guarantees, or insurance programs for the export of products, equipment, plants, or technology for the production or use of the controlled substances.



United States Department of State

*Bureau of Oceans and International  
Environmental and Scientific Affairs*

Washington, D.C. 20520

March 20, 1987

MEMORANDUM

TO: Office of the Vice President - Ms. Linda Swacina  
Agriculture - Dr. Orville Bentley  
Commerce - Mr. Michael T. Kelley  
Council of Economic Advisers - Mr. Steve DeCanio  
Council on Environmental Quality - Mr. Alan Hill  
Defense - Mr. David Parbell  
Domestic Policy Council - Mr. Ralph Bledsoe  
Energy - Ms. Mary Walker  
EPA - Mr. Bill Long  
Interior - Mr. Martin Smith  
Justice - Mr. Thomas Hookano  
NASA - Mr. Shelby Tilford  
NOAA - Mr. Joseph Fletcher  
Office of Policy Development - Mr. Jan Mares  
Office of Science & Technology Policy -  
Mr. Richard Johnson  
OMB - Mr. David Gibbons  
Treasury - Mr. Stephen Entin  
USTR - Ms. Marian Barell Nelson  
E - Mr. Martin Bailey  
EB - Mr. Dennis Lamb  
L/OES - Ms. Debbie Kennedy  
L/EBC - Mr. Gerald Rosen

From: OES/E - Richard Elliot Benedick *REB, by [signature]*

Subject: Interagency Meeting on UNEP Negotiations to  
Control Ozone-Depleting Chemicals:  
Friday, March 27, 1987, 10:30 a.m., Room 7835

In preparation for the next round of negotiations on a protocol to control ozone-depleting chemicals (Vienna April 27-30), representatives of interested agencies are invited to a meeting on Friday, March 27, 1987, at 10:30 a.m., in Room 7835 at the Department of State. Please inform all interested offices within your agency. I hope you and/or other representatives of your agency will be able to attend.

Before the meeting, EPA will circulate analyses of the environmental and economic impact of various timing and stringency options under consideration. Drawing on this analysis, we need to refine the U.S. position in order to be able to address specific control measures at Vienna. Any other agencies having material to contribute to this process should also circulate the material before the meeting.

We also need to decide on the U.S. delegation for the April 27-30 meeting. At the February session, the U.S. delegation consisted of six accredited and three nonaccredited individuals, from the State Department, EPA, NASA, Commerce, and NOAA. Other major countries typically sent 3-4 delegates. The Office of International Conferences will pay for only one delegate beyond the head of delegation. Against this background, I would appreciate it if agencies wishing to nominate someone for the delegation would provide, by Thursday, April 2, a letter from a policy-level official of your agency to Ambassador John Negroponte, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, (with copy to me) explaining why participation of the individual is essential to the international negotiations. On the basis of those submissions, we will formulate a delegation list on April 6, for transmission to our Missions in Vienna and Nairobi.

Representatives of State, EPA, Commerce and USTR will meet on Monday, March 23 at 3:30 p.m. in Room 7835 to discuss trade among parties (production vs. "adjusted production" vs. the Chairman's draft or other hybrids). If a representative of your agency wishes to participate, please phone Suzanne Butcher at 647-9312.

Attachment: 1. Draft texts  
2. Benedick testimony, March 12, 1987



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Vicki has a  
copy

April 1, 1987

MEMORANDUM FOR:

VP - Linda Swacina  
USDA - Orville Bentley  
OPD - Jan Mares  
✓ DPC - Ralph Bledsoe/Vicki Masterman  
CEA - Steve DeCanio  
CEQ - Alan Hill/Coleman Nee  
EPA - Craig Potter/Bill Long  
State - Richard Benedick  
NOAA - Joseph Fletcher/Barbara Moore  
Commerce - Michael T. Kelley  
USTR - Marian Barell Nelson/Pep Fuller  
DOI - Martin Smith  
DOI - Becky Norton Dunlop  
DOE - Mary Walker/Ted Williams  
NASA - Bob Watson  
DOJ - Tom Hookano  
DOD - David Tarbell  
OSTP - Michael Johnson  
Treasury - Stephen Entin

FROM: Dave Gibbons, Deputy Associate Director for  
Natural Resources

SUBJECT: Stratospheric Ozone Briefings

You and/or your representatives are cordially invited to attend a series of briefings being given to OMB on scientific and economic issues relating to stratospheric ozone. The first two briefings have been scheduled as follows:

Thursday April 2, 1987, 4:30 P.M., Room 10103, NEOB

Alliance for Responsible CFC Policy

Topic - Industry's Perspective on the Science and Economics

Friday, April 3, 1987, 2:30 P.M., Room 10103, NEOB

Dr. Robert Watson - Program Manager, Upper Atmosphere  
Research Program, NASA

Topic - Atmospheric Scientific Issues and Uncertainties

We plan to have EPA give us future briefings on 1) emissions modeling and 2) economics of potential controls. We will notify you of these briefings as soon as they are scheduled.

If you and/or your representatives wish to attend, please phone Darlene Fleming (395-6827) to be cleared into the building. Individuals planning to attend will need to provide their birth date to Darlene to gain access to the New Executive Office Building.

We hope you are able to attend.

Drafting Group on Stratospheric Ozone for DPC  
Energy and Natural Resources Working Group

I. GOAL

A paper for submission to the Working Group and ultimately the DPC which (a) states where the U.S. is with respect to science, law, international negotiation, Congressional, environmental regulation, and industrial views regarding stratospheric ozone and current agreed Administration policies, and (b) proposes possible policy options for any future action by the Administration.

II. PROCESS

A drafting group with appropriate representation will prepare a paper for the submission to the Working Group and its ultimate submission to the DPC. The initial draft and the necessary drafting service will be provided by OMB.

III. MEMBERS

The members of the drafting group should include at least the following and their agencies:

Chairman-	DPC	Ralph Bledsoe or designee
	OMB	Dave Gibbons; _____ drafter
	CEA	Steve Decanio
	CEQ	Jackie Shaeffer
	OPD	Jan Mares
	EPA	Craig Potter (Air and Water) Jack Campbell (Policy)
	State	Richard Benedict
	Commerce	Mike Kelly (ITA) J.R. Spratling (NOAA)
	Energy	Ted Harris
	Interior	Marty Smith
	NASA	Bob Watson
	Justice	_____



IV. PROPOSED SCHEDULE

1. Organization/shaping meeting of group of one hour duration on Thursday or Friday, March 26 or 27 to discuss one page list of policy options prepared by OMB.
2. Initial draft paper submitted to working group by Wednesday afternoon, April 1.
3. One and one half hour discussion of draft Friday, April 3.
4. Redrafting of memorandum based on meeting and circulation to group on Monday, April 6.
5. Final discussion of paper on Tuesday, April 7 8:00 a.m.
6. Rework and submission of paper to DPC working group for their meeting on April 14.