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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection:** BLEDSOE, RALPH: Files  
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 (September 1987) [7]

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**Date:** 08/15/2000

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. letter	Beverly J. Berger to Frederick Bernthal, re UNEP ozone meetings, 2p	9/23/88	P5
2. memo	Bledsoe to Nancy Risque, re EPA statements on CFC reductions, 1p	9/27/88	P5
3. memo	Reagan to VP et al, re negotiation of an international protocol, 2p <i>R 6/26/06 NLSFOO-013 #45</i>	6/25/87	P1/F1

### RESTRICTIONS

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

C. Closed in accordance with restrictions contained in donor's deed of gift.



J. ROY SPRADLEY, JR.

Assistant to the Under Secretary for Oceans and Atmosphere

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Washington, D. C. 20230

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377-4060



U. S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Office of Administrator  
Washington, D.C. 20230

18 Sept

To : *Ralph*

From: J. R. Spradley

*Thought this would  
be of aid to you.*

*J.R.*




UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

18 SEP 1987

MEMORANDUM TO:           Distribution

FROM:                    J. R. Spradley 

SUBJECT:                Montreal Protocol on Substances That  
                          Deplete The Ozone Layer

Attached is a copy of the Final Act of the Conference of Plenipotentiaries that adopted the Montreal Protocol on Substances That Deplete the Ozone Layer in Montreal on September 16, 1987. Also attached is a brief summary of the principal provisions in the Protocol. Under the Protocol, Parties will freeze production and consumption of controlled substances in 1990 and reduce usage by 50% in 1999.

The Protocol is now open for signature and ratification. Of the States participating in the Conference, some 22 States (Belgium, Canada, Egypt, Finland, France, FRG, Ghana, Italy, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, Portugal, Senegal, Sweden, Switzerland, Togo, U.K., U.S., and Venezuela), and the EEC signed the Protocol. The USSR and Australia signed The Final Act but not the Protocol.



MONTREAL PROTOCOL ON SUBSTANCES THAT  
DEplete THE OZONE LAYER (SIGNED IN  
MONTREAL ON 16 SEPTEMBER 1987, BY THE  
UNITED STATES)

o VOTING

Entry Into Force (EIF)	Occurs 1 January 1989 if: (1) 11 States representing 2/3 of <u>global consumption</u> ratify the Protocol and (2) the Vienna Convention is ratified.
Reconsideration of 50% reduction	2/3 of Parties representing 2/3 of <u>Protocol</u> consumpt- ion
Other adjustments and reductions	2/3 of Parties representing 50% of <u>Protocol</u> consumpt- ion
New substances	2/3 of Parties to adopt and to ratify. Not binding on States not ratifying.

o CONTROLS

Freeze on CFCs at 1986 base	Begins 7 months after EIF of Protocol
Freeze on Halons at 1986 base	Begins 37 months after EIF of Protocol
20% Reduction on CFCs	Begins 1 July 1993
50% Reduction on CFCs	Begins 1 July 1998

o FORMULA: Consumption = Production (P) + Imports (I) -  
Exports (E)

Caps both consumption and production at 1986 base.  
Provides some flexibility in production to meet the  
basic domestic needs of LCDC Parties and for industrial  
rationalization.

	C=P+I-E	P	P.FLEX
Freeze	100%	100%	+ 10%
20% Reduction	80%	80%	+ 10%
50% Reduction	50%	50%	+ 15%

o TRADE

Imports from non-parties

Banned one year after EIF

Exports to non-parties

from LCDC parties

Banned 1 January 1993

from non-LCDC parties

Not subtracted in calculating consumption beginning 1 January 1993

Imports of products containing controlled substances from non-parties

Parties to consider restrictions within 3 years after EIF

Imports of products made with controlled substances from non-parties

Parties to consider restrictions within 5 years after EIF

o SPECIAL CLAUSES

USSR

Allows USSR production now under construction to be added to 1986 base.

CANADA

Allows small producers (under 25 kilo-tons) to transfer production.

EEC

Allows EEC (or any other REIO) to transfer consumption among members. All members must be Parties.

Low Consuming Developing Countries (LCDCs)

Allows LCDCs to delay implementation of controls for up to 10 years and to increase consumption by up to 0.3 kilograms per capita.

MONTREAL PROTOCOL ON  
SUBSTANCES THAT DEplete THE OZONE LAYER

FINAL ACT

1987

## FINAL ACT

1. The Conference of Plenipotentiaries on the Protocol on Chlorofluorocarbons to the Vienna Convention for the Protection of the Ozone Layer was convened by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to decision 13/18 adopted by the Governing Council of UNEP on 23 May 1985.

2. The Conference met at the Headquarters of the International Civil Aviation Organization, Montreal, with the kind support of the Government of Canada, from 14 to 16 September 1987.

3. All States were invited to participate in the Conference. The following States accepted the invitation and participated in the Conference:

Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Congo, Costa Rica, Czechoslovakia, Denmark, Democratic Yemen, Egypt, Finland, France, Germany, Federal Republic of, Ghana, Greece, Indonesia, Israel, Italy, Japan, Kenya, Korea, Republic of, Luxembourg, Malaysia, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Senegal, Spain, Sweden, Switzerland, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

4. The European Economic Community also participated.

5. Observers from the following States attended the proceedings of the Conference:

Dominican Republic, Ecuador, Hungary, India, Kuwait, Poland.



3. Consideration of the draft Protocol to the Vienna Convention for the Protection of the Ozone Layer.
  4. Report of the Credentials Committee.
  5. Adoption of the Protocol to the Vienna Convention for the Protection of the Ozone Layer.
  6. Adoption of the Final Act of the Conference.
  7. Signature of final instruments.
  8. Closure of the Conference.
12. The Conference adopted as its rules of procedure document UNEP/IG.79/2 proposed by the secretariat.
13. In conformity with the rules of procedure, the Conference established the following Committees:

Committee of the Whole:

Chairman: The President of the Conference

General Committee:

Chairman: The President of the Conference

Members: The Vice-Presidents of the Conference, the Rapporteur and the Chairman of the Drafting Committee

Drafting Committee:

Chairman: Mr. Jon J. Allen (Canada)

Members: Argentina  
Australia  
France  
Japan  
United Kingdom  
United States

Credentials Committee:

Chairman: Ambassador Jose M. Bustani (Brazil)

Members: Finland  
Germany, Federal Republic of  
Indonesia  
Kenya  
Mexico  
Norway



IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Montreal, this sixteenth day of September one thousand nine hundred and eighty seven in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

1. RESOLUTION ON THE MONTREAL PROTOCOL

The Conference,

Having adopted the Montreal Protocol on Substances that Deplete the Ozone Layer,

Noting with appreciation that the Protocol was opened for signature in Montreal on 16 September 1987,

Recalling the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985,

Bearing in mind the Resolution of the Conference of Plenipotentiaries on the Protection of the Ozone Layer adopted on the same day which urged in the sixth operative paragraph "all States and regional economic integration organizations, pending entry into force of a protocol, to control their emissions of CFCs, inter alia in aerosols, by any means at their disposal, including controls on production or use, to the maximum extent practicable",

1. Calls upon all States and regional economic integration organizations that have not yet done so to implement the sixth paragraph, bearing in mind the special situation of the developing countries;
2. Appeals to all States to become Parties to the Vienna Convention for the Protection of the Ozone Layer;
3. Urges all States and regional economic integration organizations, including those that have not participated in this Conference, to sign and become Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;
4. Requests the Executive Director of the United Nations Environment Programme to forward this Resolution to the Secretary General of the United Nations and to circulate it to all States and regional economic integration organizations.

## 2. RESOLUTION ON THE EXCHANGE OF TECHNICAL INFORMATION

The Conference,

Having adopted the Montreal Protocol on Substances that Deplete the Ozone Layer,

Realizing the importance of reducing as quickly as possible the emissions of these substances,

Recognizing the need for an early exchange of information on technologies and strategies to achieve this,

1. Requests the Executive Director of the United Nations Environment Programme (UNEP), pending the first meeting of the Parties, to make appropriate arrangements to facilitate the exchange of information on technology referred to in Articles 9 and 10 of the Protocol;

2. Appeals to interested States and regional economic integration organizations to sponsor, at the earliest opportunity, in cooperation with UNEP, a workshop with the aim of:

- (a) exchanging information on technologies and administrative strategies for reducing emissions of the substances listed in Annex A to the Protocol and for developing alternatives, taking into account paragraph 2 of Annex II to the Vienna Convention for the Protection of the Ozone Layer; and
- (b) identifying areas in which further research and technical development are required,

3. Urges all interested parties to participate in and contribute to such a workshop and to make expeditious use of the information so gained in order to reduce the emissions of those substances and to develop alternatives.

### 3. RESOLUTION ON REPORTING OF DATA

The Conference,

Having adopted the Montreal Protocol on Substances that Deplete the Ozone Layer,

Convinced that the timely reporting of complete and accurate data on the production and consumption of controlled substances is critical to the effective and efficient implementation of this Protocol,

1. Calls upon all Signatories to take, expeditiously, all steps necessary to acquire data and report on the production, import and export of controlled substances in a complete and timely fashion in accordance with Article 7 of the Protocol and taking into account paragraph 1 of Article 4 of the Vienna Convention for the Protection of the Ozone Layer;
2. Invites Signatories to consult with other Signatories, and to seek advice and assistance from the United Nations Environment Programme (UNEP) and other relevant international organizations, as necessary, in designing and implementing data reporting systems;
3. Calls upon the Executive Director of UNEP to convene, within six months of the adoption of this Resolution, a meeting of governmental experts with the assistance of experts from relevant international organizations to make recommendations for the harmonization of data on production, imports and exports to ensure consistency and comparability of data on controlled substances.

#### 4. TRIBUTE TO THE GOVERNMENT OF CANADA

The Conference,

Having met in Montreal from 14 to 16 September 1987 at the gracious invitation of the Government of Canada,

Convinced that the efforts made by the Government of Canada and by the civic authorities of Montreal in providing facilities, premises and other resources contributed significantly to the smooth conduct of its proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of Canada and the City of Montreal to the members of the delegations, observers and the secretariat attending the Conference,

Expresses its sincere gratitude to the Government of Canada, to the authorities of Montreal and, through them, to the Canadian people and in particular to the population of Montreal for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

The Parties to this Protocol,

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

Mindful of their obligation under that 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 that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations,

Acknowledging that special provision is required to meet the needs of developing countries for these substances,

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

Considering the importance of promoting international co-operation in the research and development of science and technology relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

HAVE AGREED AS FOLLOWS:



## ARTICLE 2: CONTROL MEASURES

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the twelve-month period commencing on the first day of the thirty-seventh month following the date of the entry into force of this Protocol, and in each twelve month period thereafter, its calculated level of consumption of the controlled substances listed in Group II of Annex A does not exceed its calculated level of consumption in 1986. Each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties. The mechanisms for implementing these measures shall be decided by the Parties at their first meeting following the first scientific review.

3. Each Party shall ensure that for the period 1 July 1993 to 30 June 1994 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, eighty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the period 1 July 1998 to 30 June 1999, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:
- (i) adjustments to the ozone depleting potentials specified in Annex A should be made and, if so, what the adjustments should be; and
  - (ii) further adjustments and reductions of production or consumption of the controlled substances from 1986 levels should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be.
- (b) Proposals for such adjustments shall be communicated to the Parties by the secretariat at least six months before the meeting of the Parties at which they are proposed for adoption.
- (c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing at least fifty per cent of the total consumption of the controlled substances of the Parties.
- (d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.
10. (a) Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:
- (i) whether any substances, and if so which, should be added to or removed from any annex to this Protocol; and
  - (ii) the mechanism, scope and timing of the control measures that should apply to those substances;
- (b) Any such decision shall become effective, provided that it has been accepted by a two-thirds majority vote of the Parties present and voting.
11. Notwithstanding the provisions contained in this Article, Parties may take more stringent measures than those required by this Article.

5. Each Party shall discourage the export, to any State not party to this Protocol, of technology for producing and for utilizing controlled substances.
6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances.
7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances.
8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 3 and 4 may be permitted from any State not party to this Protocol if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2 and this Article, and has submitted data to that effect as specified in Article 7.

#### ARTICLE 5: SPECIAL SITUATION OF DEVELOPING COUNTRIES

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita. Any such Party shall be entitled to use either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for its compliance with the control measures.
2. The Parties undertake to facilitate access to environmentally safe alternative substances and technology for Parties that are developing countries and assist them to make expeditious use of such alternatives.
3. The Parties undertake to facilitate bilaterally or multilaterally the provision of subsidies, aid, credits, guarantees or insurance programmes to Parties that are developing countries for the use of alternative technology and for substitute products.

ARTICLE 9: RESEARCH, DEVELOPMENT, PUBLIC AWARENESS  
AND EXCHANGE OF INFORMATION

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

- (a) best technologies for improving the containment, recovery, recycling or destruction of controlled substances or otherwise reducing their emissions;
- (b) possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and
- (c) costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the secretariat a summary of the activities it has conducted pursuant to this Article.

ARTICLE 10: TECHNICAL ASSISTANCE

1. The Parties shall, in the context of the provisions of Article 4 of the Convention, and taking into account in particular the needs of developing countries, co-operate in promoting technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party or Signatory to this Protocol may submit a request to the secretariat for technical assistance for the purposes of implementing or participating in the Protocol.

3. The Parties, at their first meeting, shall begin deliberations on the means of fulfilling the obligations set out in Article 9, and paragraphs 1 and 2 of this Article, including the preparation of workplans. Such workplans shall pay special attention to the needs and circumstances of the developing countries. States and regional economic integration organizations not party to the Protocol should be encouraged to participate in activities specified in such workplans.

- (d) establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;
- (e) review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;
- (f) review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;
- (g) assess, in accordance with Article 6, the control measures provided for in Article 2;
- (h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;
- (i) consider and adopt the budget for implementing this Protocol; and
- (j) 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 as observers. Any body 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 12: SECRETARIAT

For the purposes of this Protocol, the secretariat shall:

- (a) arrange for and service meetings of the Parties as provided for in Article 11;
- (b) receive and make available, upon request by a Party, data provided pursuant to Article 7;
- (c) prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

#### ARTICLE 16: ENTRY INTO FORCE

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.
2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

#### ARTICLE 17: PARTIES JOINING AFTER ENTRY INTO FORCE

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

#### ARTICLE 18: RESERVATIONS

No reservations may be made to this Protocol.

#### ARTICLE 19: WITHDRAWAL

For the purposes of this Protocol, the provisions of Article 19 of the Convention relating to withdrawal shall apply, except with respect to Parties referred to in paragraph 1 of Article 5. Any such Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraphs 1 to 4 of Article 2. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

## ANNEX A

## CONTROLLED SUBSTANCES

Group	Substance	Ozone Depleting Potential *
Group I		
	CFC1 <sub>3</sub> (CFC-11)	1.0
	CF <sub>2</sub> Cl <sub>2</sub> (CFC-12)	1.0
	C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> (CFC-113)	0.8
	C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> (CFC-114)	1.0
	C <sub>2</sub> F <sub>5</sub> Cl (CFC-115)	0.6
Group II		
	CF <sub>2</sub> BrCl (halon-1211)	3.0
	CF <sub>3</sub> Br (halon-1301)	10.0
	C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> (halon-2402) (to be determined)	

\* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

ANNOUNCEMENT OF OZONE PROTOCOL SIGNING

WE ARE PLEASED TO ANNOUNCE THAT THE U.S. WILL TODAY SIGN IN MONTREAL A PROTOCOL TO THE 1985 VIENNA CONVENTION TO PROTECT THE OZONE LAYER THAT PROVIDES A MECHANISM TO CONTROL OZONE DEPLETING CHEMICALS. THE PROTOCOL HAS TAKEN NEARLY TWO YEARS TO NEGOTIATE AND PROVIDES A FREEZE ON PRODUCTION OF OZONE DEPLETING SUBSTANCES AT 1986 LEVELS, INITIALLY REDUCTION TO 80 PERCENT OF THAT LEVEL IN 1994 AND 50 PERCENT OF 1986 LEVELS BY 1999. A PRESS RELEASE ON THE AGREEMENT IS AVAILABLE IN THE PRESS OFFICE.

Drafted: OES/ENV:ADSens:dah

Cleared: OES/E:WANitze  
PA: POakley



September 16, 1987

FACT SHEET

PROTOCOL TO CONTROL OZONE DEPLETING SUBSTANCES

On September 16, 1987 the U.S. signed in Montreal a protocol to the 1985 Vienna Convention for the Protection of the Ozone Layer that provides specific mechanisms to control emissions of ozone-depleting substances.

Most major producing and consuming countries, including the EC and Japan, joined in signing the protocol. These countries represent about seventy percent of global consumption and eighty percent of global production of ozone-depleting substances.

Two principal features of the protocol are an obligation relating to the control of emissions of ozone-depleting substances (Article 2) and the restriction of trade in controlled substances with States not party to the protocol (Article 4). On control measures, the text provides for:

- o A freeze at 1986 levels on consumption of chloro-fluorocarbons 11, 12, 113, 114, and 115 in the second year after entry into force, and of halons 1211, 1301 and 2402 in the fourth year after entry into force.
- o Long-term scheduled reductions (of twenty percent by 1994, then an additional thirty percent by 1999) of chlorofluorocarbon consumption.
- o Periodic assessments of the control provisions, based upon scientific, environmental, technical and economic information, which could result in addition or removal of chemicals from the list of controlled substances or a change in the reduction schedule or the emission reduction target.

With respect to trade with non-parties, the protocol includes

- o A ban on imports from non-parties of the controlled substances within one year of the protocol's entry into force.

- o A ban or restrictions on imports of products containing controlled substances from non-parties within four years of entry into force.
- o Consideration within five years of entry into force of restriction on imports of products produced with controlled substances from non-parties.
- o A prohibition against concluding new agreements which provide non-parties with financial assistance for producing the controlled substances.

The decision to reduce consumption by a total of fifty percent can only be rescinded or amended by two-thirds of the parties representing at least two-thirds of total consumption, allowing us in effect a veto. To ensure that the economic burden of these controls is equitably shared, the protocol will only enter into force when 11 countries representing sixty-seven percent of global consumption have ratified the agreement.

The protocol provides a limited grace period from compliance with the control measures for low-consuming countries who adhere to the protocol. The protocol contains a mechanism to add new substances to the controlled list or delete substances. It also requires an annual report by each party of its production, imports and exports of controlled substances, and measures for treatment of parties that are not in compliance with obligations under the protocol.

In tandem with the negotiations, the Administration engaged in an extensive domestic regulatory review process, including a thorough assessment of the risks and risk management options. Industries which produce and use ozone-depleting substances have actively participated in assessing risk and policy options. We have consulted closely as well with other interested groups as we have developed our negotiating positions -- including discussion with members of the Congress and their staffs.

# The Washington Post

AN INDEPENDENT NEWSPAPER

## The Ozone Treaty

**T**HE REAGAN administration deserves enormous credit for the part it played in achieving the world ozone treaty signed this week. On most environmental issues the administration has been more laggard than leader. On this the reverse has been true. Environmental administrator Lee Thomas and Secretary of State George Shultz were able to brush aside the minority of objecting ideologues within the administration and produce a sound position.

The treaty signed in Montreal under U.N. auspices must still be ratified, but that is thought likely. It deals with chlorofluorocarbons, or CFCs, compounds widely used—in air conditioning, refrigeration, the manufacture of a wide variety of foam products and as solvents—because, among their other attributes, they are cheap, durable and neither flammable nor toxic. But when released into the atmosphere, as almost all eventually are, these compounds rise to mix with and dilute the ozone layer that shields the Earth from ultraviolet radiation. A thinning of the ozone layer is thought likely to lead to more skin cancer, crop

and other plant damage and serious climatic changes.

The treaty would freeze CFC production in 1990 at 1986 levels, then cut it in half by 1999. By itself this might not be enough to stop attenuation of the ozone layer. But the 50 percent cut is thought likely to stimulate development of alternate compounds, which will then supplant the offending CFCs. The chemical industry feels confident that it can produce such compounds. That may have helped to make this an easier treaty to negotiate; the affected interest group had less to lose. But the industry has behaved in exemplary fashion even so.

Some people hope the ozone treaty will become the example for other such agreements. We don't know if it can, but it is an extraordinary achievement on its own terms, the more so because of how quietly it was brought about. A major environmental threat has apparently been deflected with very little of the shouting that usually accompanies such problems—maybe *because* there was so little shouting. Good for everyone involved.



United States Department of State

Washington, D.C. 20520

September 19, 1988

TO: Agriculture - Norten Strommen  
AID - Pat Koshel  
CEA - Robert Hahn  
CEQ - Dinah Bear  
Commerce - Michael T. Kelley  
Commerce/NOAA - Arthur Patterson  
Defense - William Parker  
DPC - Mark Readinger  
Energy - Ted Williams  
EPA - Scott Hajost  
HHS - Hal Thompson  
Interior - Bob Sturgill  
Justice - Jim Byrnes  
NASA - Bob Watson  
NSF - Bob Corell  
OMB - Ed Watts  
OSTP - Beverly Berger  
Treasury - Cathy Jabara  
USTR - Bob Reinstein

FROM: OES/E - Andrew D. Sens, Acting <sup>AD</sup>

SUBJECT: UNEP Ozone Meetings

To follow through on the interagency work outlined in Bill Nitze's memo of August 31, I would ask that each working group meet as soon as possible to coordinate preparation of presentations and position papers for the Hague. The position papers should include proposed terms of reference for each of the expert panels to be convened under Article 6, with a plan for carrying out the assessments and for U.S.G. participation in the panels. The presentations and position papers should be completed and cleared by working group agencies and my office by October 3.

All agencies with relevant responsibilities should participate in each interagency working group, since the working groups will constitute the interagency clearance process for presentations and position papers on individual issue areas. Additions to the interagency working groups are Treasury to the group on Economic Impacts; OSTP to the groups on Atmospheric Science, Effects, and Substitutes and Alternatives; and Interior to the groups on Effects and on Substitutes and Alternatives. Any agency which wishes to participate in any additional working groups should inform Suzanne Butcher (647-9312).

-2-

Bill Nitze will chair an interagency meeting, to which all addressees are invited, on Wednesday, October 5 at 2:00 in Room 7835. Working groups will report on their issue areas. The general guidance will be revised on the basis of comments received and the positions developed by the working groups, for interagency review at the October 6 meeting.

cc: OES/E - Mr. Nitze  
E - Martin Bailey  
EB/DCT - Dick Jones  
L/OES - David Small  
IO/T - Mike Strachan  
EUR/RPE - Michael Brownrigg  
EAP/EP - Priscilla Stowe

**ROUTING AND TRANSMITTAL SLIP**

Date

18 Sept 87

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. <i>Ralph</i>		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	<input checked="" type="checkbox"/> For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

*This is a copy of the updated State Dept press release and fact sheet that I sent to Nancy's office. State never released these to the press.*

**DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions**

<b>FROM:</b> (Name, org. symbol, Agency/Post) <i>Blg</i>	Room No.—Bldg.
	Phone No.

5041-102

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**OPTIONAL FORM 41 (Rev. 7-76)**  
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## NEW CABINET SHAKE-UP

## Will a sudden show of spine save Cory Aquino?

■ When Corazon Aquino's cabinet showed up for a meeting in Manila one day last week, a single piece of blank white paper rested conspicuously at each place around the conference table. With little comment, ministers wrote out brief resignations. Those few pen strokes gave the Philippine leader what may be one last chance to put her government in order or else see it fall—most likely to a military that has been left even more restive by a recent mutiny that almost succeeded.

Exactly who demanded the resignations is unclear. Some officials said it was Aquino herself. Others said it was a "spontaneous" decision by loyalists doubtful that she can survive without a show of toughness in the present crisis. The ploy, after all, worked once before. When coup rumors shook Manila last November, Aquino bought time with a shake-up that allowed her to get rid of Defense Minister Juan Ponce Enrile, a persistent critic.

That reshuffling was far less painful for Aquino than the latest one. Although Aquino did not immediately accept any resignations last week, she



Aquino returns to palace after key cabinet session

knew the military would not be placated—crucial to her survival—without the sacrifice of her chief aide and confidant, Executive Secretary Joker Arroyo. He was among the 29 officials offering to resign. His firing was chief among demands of the mutineers in late August. The anti-Arroyo feeling ran strong even among those who stayed loyal—a sentiment that surfaced last week when Vice President Salvador Laurel held a series of "public dialogues" with troops. Many said they sympathized with the rebels, 2,000 of whom are said to have followed

Col. Gregorio Honasan into the mountains to plot another attack.

The Army has been at odds with Arroyo ever since the beginning of Aquino's rule 18 months ago. A former human-rights lawyer, he has a long record of defending leftists regarded by the military as security risks. Barracks-room suspicions were deepened further when Arroyo advised Aquino to negotiate a settlement with Communist insurgents.

As much as his ouster would please the military figures and industrialists who have become disillusioned

with Arroyo and the government, the action would be no cure-all. The nation's economy remains frail. Honasan's renegades, like the Communist guerrillas, won't be impressed by new faces behind ministry desks. At best, Corazon Aquino again seemed to have bought time. How much depends mostly on whether the generals take the shake-up as it was intended—a sign of toughness—or as evidence of weakness that might invite still more bullying. ■

by William L. Chaze with Walter A. Taylor in Manila

## THE OZONE PROBLEM

## A global pact to patch the roof

■ It has been more than a decade since two American scientists warned that the chemicals in spray cans might be destroying the earth's ozone shield—the vital layer of the atmosphere that protects life on earth from cancer-causing ultraviolet light. The push for controls quickly won many converts in the U.S., but most of the world remained indifferent to the threat. No longer. This week, the industrialized countries will put the final touches on a pact to cut the use of the chemicals, called chlorofluorocarbons, or CFC's, by 50 percent over a decade.

An administration seldom accused of being overzealous in protecting the environment has found itself in an unfamiliar role. Faced with mounting scientific evidence—and industry fears that Congress might impose unilateral restrictions on U.S. makers while the Europeans continued to turn tidy profits—the U.S. has lobbied hard for international action. Congress in 1978 banned CFC's in aerosol cans. Only the Scandinavian countries followed suit: One third of



At center: Ozone hole over Antarctica

the CFC's manufactured in Europe are still used in cans. Throughout the world, the chemicals are used extensively in refrigerators and air conditioners and for cleaning electronic components. The U.S. produces a third of the world's CFC's; Europe, nearly half. Japan, which may refuse to sign the treaty, makes 11 percent.

Meanwhile, scientific evidence has all but cinched the case that the threat to the ozone layer is more than an environmentalist's bad dream. Scientists at the Jet Propulsion Laboratory last week published the results of detailed atmospheric measurements taken in Antarctica, where a gaping "hole" has opened up in the ozone layer. Wherever ozone

was missing, the scientists also found high concentrations of chemicals formed by the breakdown of CFC's.

Yet the debate continues over how urgently action is needed. Environmentalists point out that, even if production is held to current levels, CFC's will continue to build up for decades as they slowly migrate to the ozone layer. They call for an immediate 85 percent cut. Industry counters that there is time to smooth the costly transition to CFC substitutes. And auto makers say it will take more than \$1 billion to redesign car air conditioners to accept the substitutes. ■

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
WASHINGTON, D.C. 20506**

September 23, 1988

Dear Dr. Bernthal:

I am greatly concerned about the approach being taken by your office to the upcoming UNEP ozone meetings. In a memorandum dated August 31, 1988, your staff sought comments on the following statement included as guidance to U.S.G. participants:

"If the international assessment reconfirms the findings of the Ozone Trends Panel, the United States Government expects that the Parties to the Protocol will decide in 1990 to phase out virtually all production of the controlled chemicals over a reasonable time period, probably by the end of end of the century."

Such a statement implies a change in U.S. domestic policy, and as such, must be addressed in the DPC process. In order to avoid confusion on this point, you may wish to instruct your staff accordingly.

I am also greatly concerned about the process established for interagency clearance of presentations and position papers for the UNEP ozone meetings in The Hague from October 17 to 28, 1988. The process is described in a memorandum from your office, dated September 19, 1988. The key language in that memo is that:

"... the working groups will constitute the interagency clearance process for presentations and position papers on individual issue areas."

While participation of agency staff on the working groups can greatly facilitate policy level clearance by keeping the agencies' policy people informed and prepared for a quick-turn-around review, such staff participation is not an acceptable substitute for review by policy level officials themselves. In addition, there are to be at least five of these working groups, each with a very tight schedule for producing a final draft. Even if policy officials were willing to accept a review by staff only, I do not believe that all of the agencies concerned with ozone issues have sufficient staff expertise to allow participation in the preparation and review of papers in all five of the working groups at the same time.

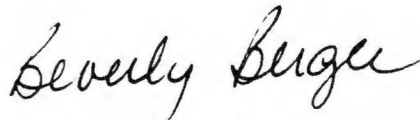


The history of stratospheric ozone issues in this Administration makes it absolutely clear that departments and agencies have a wide variety of concerns and views about these issues. In some areas their views have been in substantial disagreement. While U.S. support of the Montreal protocol establishes a basic U.S. policy, the potential areas of disagreement are unlikely to have been resolved.

For these reasons, interagency review of the presentations and position papers by policy level officials is required. Given your responsibility to ensure that effective interagency coordination on international science and technology issues occurs prior to international negotiations, we await hearing your proposed approach to implementing policy level, interagency clearance processes in a timely fashion for all matters relating to the UNEP meeting, including delegations and U.S. attendees, presentations, position papers, agenda, and related cables.

We look forward to working together constructively on this and other important issues that impact the broad economic and security interests of the nation.

Sincerely,



Beverly J. Berger, Ph.D.  
Assistant Director for Life Sciences

Dr. Frederick M. Bernthal  
Assistant Secretary for Oceans and  
International Environmental and  
Scientific Affairs  
Department of State  
Washington, D.C. 20520

cc: Dr. Ralph Bledsoe, DPC  
Amb. Michael Smith, USTR  
Mr. Robert Dawson, OMB  
Mr. Earl Gjelde, DOI  
Ms Shellyn McCaffrey, DOC

CONFIDENTIAL ATTACHMENT


THE WHITE HOUSE

WASHINGTON

September 27, 1988

MEMORANDUM FOR NANCY RISQUE

FROM:

RALPH BLEDSOE 

SUBJECT:

EPA Statements on CFC Reductions

Attached are copies of 1) the Washington Post article on EPA's statements on elimination of chlorofluorocarbons (CFCs), 2) a letter from Beverly Berger to Fred Bernthal, expressing concerns about State's activities in implementing the stratospheric ozone protocol, and 3) the memorandum from the President to department and agency heads, outlining his policy decisions on this subject. Note the last paragraph of the President's memorandum:

"It is the U.S. position that the ultimate objective is protecting the ozone layer by eventual elimination of realistic threats from man-made chemicals, and that we support actions determined to be necessary based on regularly scheduled scientific assessments."

Lee Thomas' statements, if the press have been fairly accurate, would appear to be consistent with the President's wishes to eventually eliminate all ozone-depleting chemicals. Beverly argues that the President has wisely called for "elimination of realistic threats," and science does not support the view that CFCs are the threats that Lee says they are. She says NASA scientists support her on this. Lee's statement could also have been intended to spur nations that haven't ratified the protocol.

The concerns raised by Beverly about State's approach, and indirectly about the EPA statements, are that a greater reduction is being proposed than is called for in the protocol. She objects to this occurring prior to the scientific review that was planned for 1990, and she points out that this "implies a change in U.S. domestic policy."

A phone call to Lee should clear up any concerns about whether he is proposing something contrary to the President's policies. I suspect he is operating very much within the policy bounds. The same goes for Fred Bernthal. The election fallout, however, is a different question.

cc: Kay Woodward

CONFIDENTIAL ATTACHMENT

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OF CLASSIFIED ENCLOSURE(S)



# EPA Urges Halt in Use of CFCs

*Report Indicates Threat to Ozone Layer 'Worse Than Anticipated'*

By Michael Weisskopf  
Washington Post Staff Writer

Nothing short of an immediate halt in the use of chlorofluorocarbons (CFCs) can save the stratospheric ozone layer from further, dangerous depletion, the Environmental Protection Agency reported yesterday.

The EPA analysis, projecting a more extensive and faster-moving threat than previously realized, prompted U.S. officials to call for a new diplomatic initiative to accelerate the phase-down schedule for CFCs. It also spurred the CFC industry for the first time to call for a regulated phaseout of the substance, which is used widely as a refrigerant, plastic foamer and computer-chip solvent.

Major CFC-using nations signed a protocol in Montreal last fall, pledging then to halve consumption within a decade. The protocol is expected to go into effect in July but without participation of some developing nations.

But even with full global participation, the EPA reported yesterday, the concentration of ozone-depleting chemicals will at least double in the next 87 years, threatening further erosion of the invisible layer high above the Earth that screens out ultraviolet rays and prevents skin cancer, cataracts and higher temperatures.

In the past 25 years, concentrations of those chemicals have increased by half of that projected amount, resulting in a 3 percent depletion of the ozone layer over North America and Europe.

EPA Administrator Lee M. Thomas said the analysis paints an "alarming picture" and an "even worse scenario than anticipated," necessitating rapid ratification of the Montreal protocol and further diplomatic steps to eliminate the chemicals.

Another official said the EPA will press for elimination by 1998 of CFCs and other ozone-eroding substances called halons, used in fire extinguishers. The protocol calls for a freeze on halon consumption in 1992. The EPA also will seek to freeze use of methyl chloroform, the most common industrial solvent, which also depletes the ozone layer but was not addressed in the protocol, the official said.

All three substances do not break down in the lower atmosphere like other pollutants. Instead, they waft into the stratosphere 20 miles above the Earth, where, bombarded by solar rays, they disintegrate and release molecules—chlorine for CFCs and methyl chloroform and bromine for halons—that gobble up the ozone layer.

In Montreal, EPA officials predicted that halving CFCs and freezing halons would be enough to protect the ozone shield. The consensus was that no damage had yet been done.

But in March, National Aeronautics and Space Administration scientists released a report showing a 3 percent erosion in ozone over heavily populated portions of North America and Europe. The depletion paralleled the rise of CFCs in the past 25 years, which raised stratospheric concentrations of chlorine from .6 parts per billion (ppb) to 2.7 ppb.

Yesterday's report said that chlorine will continue its dangerous buildup even if every country agrees to the terms of the Montreal protocol. If methyl chloroform emissions grow at recent rates, chlorine concentrations would rise from 2.7 ppb to 8 ppb by the year 2075.

Even with a methyl chloroform freeze, chlorine levels would hit 6

ppb in 2075, the EPA's Office of Air and Radiation projected.

To stabilize chlorine and bromine levels during the next 100 years will require an "immediate, 100 percent reduction" in the use of CFCs and halons and a freeze on methyl chloroform, said John Hoffman, co-author of the report.

The report said that if the protocol is ratified by nearly all developed nations and 65 percent of developing nations, future chlorine growth would come from chemicals not covered in the agreement, chiefly methyl chloroform; unlimited CFC emissions from nonparticipating nations, and remaining emissions by developed nations.

Bromine concentrations would be expected to increase by a smaller amount.

Eileen Clausen of the EPA's air program, said trying to eliminate CFCs earlier than 1998 would be disruptive to U.S. business.

The CFC Alliance, an organization of businesses that produce and use the substance in everything from car air conditioners to fast-food containers, called yesterday for "additional control measures beyond 1998, with the ultimate objective of phasing out" CFCs "to the maximum extent possible."

Du Pont, the world's largest manufacturer of CFCs, announced plans earlier this year to phase out the product early next century.

~~CONFIDENTIAL~~

THE WHITE HOUSE

WASHINGTON

June 25, 1987

MEMORANDUM FOR THE VICE PRESIDENT  
THE SECRETARY OF STATE  
THE SECRETARY OF TREASURY  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE SECRETARY OF INTERIOR  
THE SECRETARY OF AGRICULTURE  
THE SECRETARY OF COMMERCE  
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
THE SECRETARY OF ENERGY  
THE SECRETARY OF EDUCATION  
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET  
U.S. TRADE REPRESENTATIVE  
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

The negotiation of an international protocol for regulation of chemicals believed capable of future depletion of stratospheric ozone is of great importance in our efforts to adopt sound environmental policies. Pursuant to this, and after considering the extensive work and recommendations of the Domestic Policy Council over the past several months, the following will guide the U.S. delegation in its negotiating activities leading to an international protocol on protection of the ozone layer, which we hope to be able to conclude later this year.

It is important that all nations that produce or use ozone-depleting chemicals participate in efforts to address this problem. The U.S. delegation will attempt, therefore, to ensure that the protocol enters into force only when a substantial proportion of the producing/consuming countries have signed and ratified it. I expect this to be well above a majority of the major producing/consuming countries.

In order to encourage participation by all countries, it is recognized that lesser developed nations should be given a limited grace period, up to the year 2000, to allow some increases in their domestic consumption. And, the U.S. delegation will seek to negotiate a system of voting for protocol decisions that gives due weight to the significant producing and consuming countries.

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CU1 NARA, DATE 6/26/04

To achieve a majority of the health and environmental benefits derived from retention of the ozone layer, and to spur industry to develop substitutes for chemicals in question, the U.S. delegation will seek a freeze at 1986 levels on production/consumption of all seriously ozone-depleting chemicals, including chlorofluorocarbons (CFCs) 11, 12, 113, 114, 115; and Halons 1201 and 1311, to take effect one or two years after the protocol entry into force. The earliest expected date for entry into force is 1988.

The U.S. delegation will also seek strong provisions for monitoring, reporting, and enforcement to secure the best possible compliance with the protocol, but they need not seek a system of credits for emissions reduction resulting from the 1978 U.S. ban of non-essential aerosols.

In addition to a freeze, the U.S. delegation will seek a 20% reduction from 1986 levels of CFCs 11, 12, 113, 114 and 115 four years after entry into force of the protocol, and following a 1990 international review of updated scientific evidence. The 20% reduction should take place automatically, unless reversed by a 2/3 vote of the parties. The U.S. delegation will seek a second-phase CFC reduction of an additional 30% from 1986 levels, which would occur about eight years after entry into force of the protocol, and following scientific review. This would occur automatically, unless reversed by a 2/3 vote of parties.

The U.S. delegation will seek a trade provision in the protocol that will best protect U.S. industry in world markets, by authorizing trade restrictions against CFC-related imports from countries that do not join or comply with the protocol provisions. It is our policy to insure that countries not be able to profit from not participating in the international agreement, and to insure that U.S. industry is not disadvantaged in any way through participation.

It is the U.S. position that the ultimate objective is protecting the ozone layer by eventual elimination of realistic threats from man-made chemicals, and that we support actions determined to be necessary based on regularly scheduled scientific assessments.

*Ronald Reagan*

**ALLIANCE FOR RESPONSIBLE CFC POLICY**  
1901 N. FT. MYER DRIVE, SUITE 1204  
ROSSLYN, VIRGINIA 22209  
(703) 841-9363

cc: Ralph  
FUI

September 28, 1987

The Honorable Lee Thomas  
Administrator  
Environmental Protection  
Agency  
401 M. Street  
Suite 1200, West Tower  
Washington, D.C.

Dear Mr. Thomas

On behalf of the members of the Alliance for Responsible CFC Policy, I would like to commend you, Deputy Assistant Secretary of State Benedick, and your staffs for the efforts leading to the successful conclusion of the UNEP Diplomatic Conference. We would also like to offer the following observations on the "Montreal Protocol on Substances that Deplete the Ozone Layer."

The Alliance has consistently advocated international protective measures rather than unilateral ones; unilateral control of CFCs will not protect the environment, but will impose needless economic penalties on the U.S. economy. The Montreal Protocol achieves many of the Alliance's goals established when we issued our Policy Statement exactly one year prior to the signing of the Protocol. However, the protocol provides a degree of environmental protection far greater than what we think is necessary at this time from a scientific viewpoint. It also establishes a framework that should avoid undue economic penalty to any one nation. The Alliance, therefore, remains committed to the continued efforts to resolve the ozone depletion issue through the international process.

We are pleased that broad international participation will be required before the Protocol goes into effect, that the Protocol covers all of the fully halogenated CFCs and the Halons in commercial use, that no attempt is made to single out specific CFC uses, and that reasonable provisions are made for developing nations and for appropriate trade restrictions.


We remain convinced that a freeze alone would avoid any potentially serious environmental problem which might have occurred many decades down the road with greatly increased emissions of CFCs and Halons. The 20% and 50% reductions are not required to avoid that scenario. They each thus provide an extra margin of safety. We should all keep that in mind over the coming years, when we expect to hear conflicting assessments of additional environmental data.

Our economic analysis continues to indicate that a freeze would have provided the economic incentive to spur research and development on substitute chemical compounds and technologies. We are confident that the restrictions in the Protocol will provide more than ample economic incentive to bring appropriate substitutes into the market, given favorable results of pending toxicological tests. We remain concerned, however, that the reduction schedule contained in the Protocol attempts to go too far too fast.

Alliance members will now have the opportunity to review and comment on the Protocol as we move toward U.S. ratification. We fully expect that the United States will ratify the Protocol next Spring, and that enough other nations will also adopt it so that it will go into effect in 1989.

We look forward to working with you and your staff as you implement the Protocol through the rulemaking process. We will be commenting on issues related to the rulemaking process in the near future. For now, however, you have our congratulations for this significant achievement.

Very truly yours,



Richard Barnett  
Chairman

RB: sct

cc: The Honorable John D. Negroponte  
Assistant Secretary of State

**ALLIANCE FOR RESPONSIBLE CFC POLICY**  
1901 N. FT. MYER DRIVE, SUITE 1204  
ROSSLYN, VIRGINIA 22209  
(703) 841-9363

October 19, 1987

The Honorable Lee Thomas  
Administrator  
Environmental Protection Agency  
401 M Street, SW  
Suite 1200, West Tower  
Washington, D.C. 20460

Dear Mr. Thomas:

The Alliance for Responsible CFC Policy, a coalition of more than 500 U.S. companies that use or produce chlorofluorocarbons (CFCs), has been a participant since 1980 in efforts by government policymakers to ascertain whether further regulation of CFC compounds should be promulgated. It has been the Alliance's goals to ensure that any regulatory decisions be based upon the most up-to-date scientific information available; that any efforts to pursue further CFC controls be done at the international level and not unilaterally; and, importantly, that no specific use of CFCs be unfairly singled out for regulatory restriction. The Alliance remains committed to these goals. We are pleased, therefore, to provide you with the following comments concerning EPA's implementation of the recently concluded international agreement on CFCs.

On September 16, 1986, the Alliance issued a Policy Statement calling for the negotiation of an international agreement to limit the rate of growth of chlorofluorocarbon production capacity, the establishment of industry efforts to reduce CFC emissions through conservation, recycling, recapture or containment, the pursuit of research and development of alternative CFC compounds and emissions reducing technologies and processes, and the continued research on the effect of CFCs on the atmospheric science.

The "Montreal Protocol on Substances that Deplete the Ozone Layer," which was signed on September 16, 1987 by 24 nations and the European Economic Community, establishes an international framework to freeze the consumption and production of the fully-halogenated chlorofluorocarbons at 1986 levels, and ultimately reduce their use by 50% by June 30, 1999. The Protocol goes far beyond what we believe is necessary from a scientific viewpoint to protect the environment. However, unlike the U.S. aerosol ban, it also begins the process that will establish to an extent a more level playing field for U.S. CFC industries with respect to our international competitors in the European Economic Community, Japan and elsewhere.



We expect that the Protocol will be ratified by the U.S. Senate and will take effect in 1989. It is appropriate, therefore, that the Alliance now address the practical question of how the Environmental Protection Agency should plan for implementation of this agreement.

Any proposed rules concerning CFC regulations should be clearly linked to the Montreal Protocol. The rules should in no way go beyond the Protocol, accelerate or be more stringent than the Protocol. The Agency should utilize the scientific, economic and technologic assessment process that is provided under the Protocol and not work outside of its framework. In order for the protocol to be effective, the United States must remain committed to its provisions and work within the Protocol framework and seek to ensure that our global competitors are doing the same.

It is our current understanding that the Agency plans to propose regulations by December 1, 1987 in response to its court ordered mandate. While we agree that the rulemaking process for the implementation of the Protocol should be pursued in an expeditious manner, we do not believe that the proposal must be done under the requirement of the NRDC v. Thomas agreement.

The framework established by the Montreal Protocol is clearly delineated with the freeze on production and consumption of the fully-halogenated CFCs at 1986 levels effective in the twelve month period of July 1, 1989 through June 30, 1990 (assuming the protocol takes effect on January 1, 1989). The Alliance believes the proposal to be issued on December 1, 1987 need only address this first step of the Protocol. It is not necessary or prudent to attempt to propose rules immediately to implement to the scheduled reduction steps of 20% in 1993 and an additional 30% in 1998. This is particularly true given the wideranging technological issues that must be considered for the CFC producers and each user industry segment. We believe that the agency should continue its efforts to assess appropriate means to implement the scheduled reductions, and needs to continue to consult with the regulated community regarding available technologies to reduce consumption and determine when and for what application effective, safe substitutes will be available. This assessment could alter the types of programs to be implemented in the U.S. in order to be in compliance with the protocol. Furthermore, the first scientific, economic and technological assessment is scheduled to begin in 1989 and to be completed in 1990.

In sum, the Alliance believes that a rule proposal on December 1 consistent with the first protocol control step (the freeze at 1986 levels) and the establishment of a process to implement the remaining steps in a timely fashion is the appropriate course of action to be pursued.

Your staff has distributed a paper on possible regulatory options under consideration for implementation of EPA's ozone protection programs. The five options listed were marketable permits, production quotas, command and control, fees, or a hybrid combining two or more of the above choices.

In a talk by one of your staff members last week, we were informed that there are only three options currently under consideration -- marketable permits, production quotas, or a hybrid combining one of these economic incentive measures with selected engineering controls/bans. The Alliance comments at this time are limited, therefore, to these three options.

The Alliance believes that regulations to implement the CFC protocol must meet several criteria:

The rules should be simple, fair, enforceable and should also:

- ensure that the U.S. remains in compliance with the Montreal Protocol;
- encourage the development of CFC substitutes and emission control technologies;
- encourage broadest industry participation in search of the technological solutions;
- be easily administered;
- not single out a specific CFC product or user industry;
- minimize to the extent feasible through market forces the potential for adverse economic impacts on users as a result of the supply reduction schedule contained in the protocol.

After lengthy consideration of these criteria and the regulatory options currently under consideration by EPA, the Alliance concluded that the production quota system (including imports) comes closest to meeting the criteria listed above at least for purposes of implementing the first stage of the Montreal Protocol. A production quota system is simple to understand, administer and enforce. It would not unfairly single out any specific CFC industry segment, but would encourage broad participation in the search for CFC substitutes and emission control technologies. It would be fair to a great extent because it would allow the market to allocate the restricted supply without placing a greater uncertainty on any one industry.

The marketable permits system is troubling in several respects. First, to the extent that such a system would include a fee of sufficient size for the purchase of a CFC permit, which would result in a consumption freeze, we would view this as a taxing mechanism and, therefore, not currently within the authority of the agency. Furthermore, a marketable permit system would encourage industries that are relatively insensitive to short-term price increases to hoard permits, potentially inflating cost and damaging smaller businesses who cannot afford to participate competitively in such a situation. Also, such a system may also encourage speculators or others not involved currently in the CFC using industries to enter the market in an attempt to take advantage of the restricted supply situation. If, instead, the Agency were to attempt to allocate these permits, e.g., to historical CFC users, we believe this process would be too difficult to administer and too inefficient as well as impare the competitive marketplace. The Alliance views all of these market disruptions as unacceptable.

In view of the difficulties in administration, uncertainties as regards the achievement of regulatory goals and the uncertain legalities we submit that the marketable permit system is unsatisfactory on its own or as part of some type of future hybrid program.

As the Alliance has previously indicated, a freeze of CFC production and use is all that is necessary to protect the environment and to provide the economic incentives for industry to pursue research and development of new CFC compounds and other emission reduction technologies. Our scientific and economic analysis continues to support this proposition. The Alliance recognizes, however, that ratification of the Montreal Protocol would obligate the U.S. to comply with its reduction schedule and as a result significantly shortens the time period in which to accomplish the economic development goal. The 20% and 30% reduction steps create a significant uncertainty for all of the user industries and the producers and therefore may require a more concentrated effort in order to ensure the availability of substitute chemical compounds and technologies when these reduction steps occur.

A production quota system ensures that the United States complies with the obligations of the Montreal Protocol. Concern has been expressed, however, that this system does not necessarily ensure a smooth transition for the CFC user industries. It may be desirable to develop a hybrid program that incorporates the production quota in the initial phase and also ensures that all CFC user industries are actively pursuing the programs of research and emission reduction efforts necessary to reduce the demand for the current CFCs. Such a program could also have the added benefit of minimizing CFC price increases in the interim period prior to the commercial availability of acceptable substitutes.

The Alliance does not favor the establishment of "engineering controls/bans" as was recently described by EPA staff. A great deal of concern has been expressed concerning EPA's ongoing technical assessment effort for the many user industries and the manner in which EPA has expressed an interest in participating in and guiding industry research and development.

The Alliance does not believe that "engineering controls/bans" would be appropriate at this time, either alone or as part of a hybrid program, nor do we believe the timetable of the protocol requires that such controls be pursued immediately. The CFC user industries working with their suppliers are the best judge of what can and cannot be done in the next several years to reduce reliance on and emissions of the current fully-halogenated CFC compounds. If EPA believes that a hybrid program is necessary to complement a production quota system then we encourage the Agency to propose a process to be followed in the next several years to develop voluntary and/or mandatory programs specific to each industry. Such a process of negotiated rulemaking specific to each industry segment will ensure that all CFC industries will have ample opportunity to structure a program that best addresses the concerns, abilities, and economic needs of each industry; will encourage that all industries pursue some ozone protection strategy; and will ultimately reduce pressure on CFC demand, thereby discouraging price increases of the current compounds, while encouraging development of the new compounds and technologies.

Such a program, combined with a production quota system, should ensure U.S. compliance with the Montreal Protocol and a smoother transition for U.S. industries, and meet all of the criteria listed at the outset.

The Alliance Board of Directors has adopted the following statement concerning the upcoming EPA Rulemaking:

The Alliance for Responsible CFC Policy supports a production quota control strategy for implementing the United Nations Environment Programme's protocol for limiting CFC growth and the development of industry segment programs with EPA through the regulatory negotiation process for conservation, containment, recycling and substitution. Such programs are encouraged to be developed by each industry segment and be based on realistic technological and economic studies.

The Alliance believes that a program consistent with this policy statement implemented as we have discussed above will provide a manageable program for compliance with the Montreal Protocol. We trust that you will take these views into account as you prepare your proposed rules.

Page Six  
Thomas

The Alliance will provide you with the results of our economic analysis in the near future. We look forward to working with you as we progress towards implementation of the Montreal Protocol.

Sincerely,

A handwritten signature in cursive script that reads "Richard Barnett".

Richard Barnett  
Chairman

RB:scf

# An Exemplary Ozone Agreement

It was a milestone in the annals of international politics: diplomats saw the future, didn't like it and decided to change it. The result: a meeting of 49 nations in Montreal and an agreement last week to freeze, then eventually reduce their use of chlorofluorocarbons (CFC's), man-made chemicals that destroy the ozone layer protecting earth from deadly radiation. "For the first time, the nations of the world agreed to cooperate on an environmental problem before there were widespread harmful effects," said U.S. Deputy Assistant Secretary of State Richard Benedick.

CFC's are widely used in plastic foams, aerosol sprays and refrigeration systems. For years they have been wafting into the stratosphere—eating away at the ozone and letting more radiation reach the earth's surface, where it causes skin cancer, reduces crop productivity and harms aquatic



RON LEVINE—FIRST LIGHT

**CFC-busters:** *Thomas (right) and Canadian counterpart*

life. "This is as important as an arms agreement," said atmospheric scientist Michael Oppenheimer of the Environmental Defense Fund, a New York-based lobbying group.

Scientists have been warning about the CFC problem since 1974. Already the air over

Antarctica suffers a seasonal "ozone hole," a vast space in the stratosphere with only half the ozone there used to be. Worldwide, the ozone layer is now about 3 percent thinner than it was a decade ago. At the rate it was deteriorating, the U.S. Environmental Protection Agen-

cy estimates, there would have been 40 million more cases of cancer in the United States in the next 88 years. Even under the Montreal pact, which freezes CFC consumption at 1986 levels beginning in 1989 and cuts it 50 percent by 1999, the ozone layer will thin by about 2 percent in 70 or so years, causing an estimated 7 million extra cancer cases.

Despite the high stakes, the agreement threatened to founder several times during the talks. At one point the United States proposed that any treaty take effect only after ratification by nations representing 90 percent of CFC production. Finally Washington agreed the pact would become law after ratification by countries accounting for just two-thirds of global output.

But because of two exemptions, some environmentalists charge that the treaty is not as good as it looks. First, developing countries will be allowed to increase CFC use 10 percent a year for 10 years if that is thought vital to their economies. Second, the Soviet Union will be permitted to finish CFC plants already under construction in its current five-year plan. As a result, CFC use may fall by only 35 percent rather than the mandated 50 percent. Yet where the treaty fails, the marketplace may succeed. Because manufacturers may no longer use all the CFC's they want, a search for substitutes may phase out CFC's sooner than the treaty envisions.

Whatever the ultimate effects of the Montreal agreement, it is notable as much for the example it sets as for anything it accomplishes. U.S. EPA head Lee Thomas, one of the prime movers behind the ozone agreement, is optimistic that nations will now jointly tackle other environmental perils. High on his list: ocean pollution and the global warming—or "greenhouse effect"—caused by an accumulation of carbon dioxide and other gases.

SHARON BEGLEY with  
MARY HAGER in Washington

## Vindication for a Blacklist Victim

For a victim of cold-war witch-hunting, Penn Kimball did all right for himself. He was an adviser to New York Gov. W. Averell Harriman and Connecticut Sen. William Benton, wrote for *The New York Times* and *Time* magazine and recently retired as a professor at Columbia's prestigious Graduate School of Journalism. He did so well, in fact, that it took him 30 years to find out he was a victim of a witch hunt. It's taken him an additional 10 to set the record straight, but last week Kimball, 71, felt sure of vindication.

Though a U.S. district court in New York has yet to announce its verdict, Kimball expects soon to drop his \$10 million suit against the FBI, the State Department and the CIA in return for an unequivocal statement that he and his late

wife were never disloyal. He also expects the government to admit it erred in 1946 when he, as a Foreign Service candidate, was secretly declared a security risk. Investigators apparently relied on rumors from people suspicious of Kimball's liberal politics—or the beers he shared with suspected communists.

It wasn't until 1977 that Kimball, out of curiosity, asked to see what information the Feds had on him; only then did he learn he'd been blacklisted. How much it changed his life Kimball will never know—though in his 1983 book, "The File," he says it may have cost him an FCC post in the Kennedy administration. As for his \$10 million claim, the suit was mainly a way of getting the government's attention, he says. A serious bid for the money "would have taken another 10

years to get to the Supreme Court where Chief Justice Bork and Justices Hatch and Meese would be sitting." Instead, Kimball is going back to Columbia—this time for a Ph.D. in American government.

DAVID GATES

### A decade's crusade: Kimball

ROBERT McELROY—NEWSWEEK



# A Breath of Fresh Air

*Delegates of 24 nations sign a historic pact on ozone*

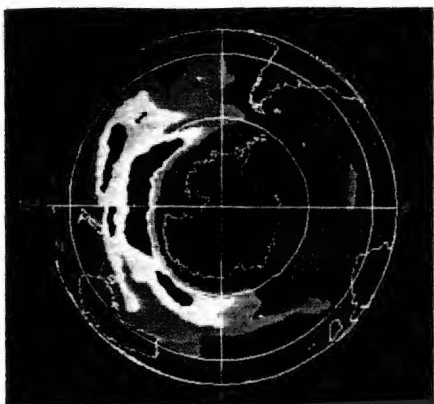
To paraphrase that famous remark about the weather, everyone talks about the ozone layer, but no one does anything about it. Though evidence has mounted that man-made compounds called chlorofluorocarbons (CFCs) are destroying the screen of ozone-enriched air that helps shield the earth from the sun's dangerous radiation, the world's nations have been slow to develop a consensus on how to cope with the problem.

Last week the world, or at least a part of it, finally did something. At a conference in Montreal sponsored by the United Nations Environment Program, 24 countries signed a milestone accord that promised to halve production and use of ozone-destroying chemicals by 1999. "There has never been an agreement like this on a global scale," exulted Winfried Lang of Austria, chairman of the conference. Said Lee Thomas, administrator of the U.S. Environmental Protection Agency: "The signing shows an unprecedented degree of cooperation among nations of the world in balancing economic development and environmental protection."

The Montreal Protocol is aimed at reducing CFCs, which are used as coolants in refrigerators and air conditioners and are an important ingredient in aerosols and plastic foams. The pact would limit the use of an ozone-destroying group of fire-suppressant chemicals called halons, which some scientists believe cause as much as 20 times the damage of CFCs. Scientists estimate that overall as much as 7% of the ozone belt, which stretches six to 30 miles above the earth, has already been destroyed. Moreover, researchers have found evidence of "holes" in the shield, including one above Antarctica that approaches the size of the continental U.S. As the world's ozone layer deteriorates, the sun's radiation could lead to a dramatic increase in skin cancer and cataracts, along with a lowered resistance to infection. It could damage plant life, both directly and as a result of a general warming trend; that warming could lead to a disastrous rise in sea levels.

Among the protocol's signers are the U.S., Canada, Japan and the twelve-nation European Community; the U.S. and the E.C. annually produce about three-fourths of the world's 1 million tons of CFCs. The only major producer of CFCs that has not yet endorsed the treaty is the Soviet Union, whose representatives said the document would have to be studied in Moscow first. However, Vladimir Zakharov, the chief Soviet delegate, predicted his country would eventually approve the pact.

The Montreal negotiations, which capped nearly five years of talks, lasted nine days and involved some 150 scientists, environmentalists and industry representatives. The protocol allows develop-



Satellite picture of the Antarctic "hole"

*The dark center ring marks the spot.*

ing countries to increase CFC use for ten years, in the interest of making more available to them items like refrigerators. It permits the Soviet Union, which plans its economy in five-year cycles, to go ahead with production scheduled through 1990. Thus the amount of the chemicals produced worldwide will actually grow by as much as 15% in the coming decade, cutting the real decrease by 1999 to just 35%.

The agreement will take effect only after each of the signatory countries has ratified it and developed respective laws and sanctions, according to Mostafa Tolba, executive director of the U.N. group; he expects that process to take about a year. Even if the pact fulfills its goal, Tolba estimates, the world's ozone will diminish by at least 2% more during the next century. That is not a minor affair: every 1% depletion is believed to result in a 6% increase in skin cancers. Moreover, major potential

users of CFCs, like India, may prove reluctant to cooperate with the accord, lest it handicap their development.

The costs of the treaty could prove considerable. CFCs have become popular because they are generally safe to apply and relatively cheap to produce. But Joseph Steed, environmental manager for Du Pont, whose annual production of CFCs (under the brand name Freon) is valued at \$600 million, warns that adoption of the protocol will mean a lengthy and expensive search for alternatives and that the costs will be passed on to consumers.

Nonetheless, most of those present at Montreal praised the agreement. The treaty has inspired Canadian officials to renew their campaign to reach an accord with the U.S. on another environmental danger: acid rain and snow that result from the sulfurous emissions of coal-fired power plants. The U.S. Environmental Protection Agency acknowledges that half the acid rain that falls on eastern Canada originates south of the U.S.-Canada border. "The Americans can agree on target dates and objectives in reducing ozone-destroying chemicals," observed Clifford Lincoln, Quebec Environment Minister. "Why not do the same with acid rain?"

The charge drew a sharp rebuttal from the EPA's Lee Thomas, who cited a 25% reduction in offending emissions over the past decade, despite rising U.S. coal consumption. As if to bolster the defense, a Reagan Administration group formed in 1980 to study the problem asserted the next day in an interim report that there was little evidence of environmental damage from acid rain and "no demonstrated effects" on human health. That assertion, retorted Canada's Environment Minister, Tom McMillan, was nothing other than "bad science and bad policy."

—By Glenn Garellik

Reported by Peter Stoler/Ottawa and Nancy Traver/Montreal



Soviet beachgoers in Yalta: making the world safe again for sunbathers

Mary Beth  
FYI  
330

THE WHITE HOUSE  
WASHINGTON

September 29, 1987

MEMORANDUM FOR NANCY J. RISQUE

FROM: ROBERT E. JOHNSON *Robert E Johnson*

SUBJECT: Press Conference on the Findings of the Recent  
Ozone Expedition in Antartica

Background: On September 16, 1987 the United States and twenty-one other nations signed an international protocol aimed at protecting the stratospheric ozone layer. The outline of the protocol is contained in the attached fact sheet. Representatives of the NASA-NSF-NOAA expedition which tested the ozone layer in Antartica will present their findings at a press conference tomorrow. Their major findings are summarized below.

Discussion: The over 150 scientists who participated in the expedition have written a consensus document which will be made public at the press conference. The major research findings and conclusions of the document are:

- o The ozone hole identified over Antartica is fifteen percent larger than the largest previously measured hole of 1985.
- o Available evidence indicates that the reduction of the ozone levels measured during the experiments resulted from both meteorological and chemical conditions. A dehydrated air mass depleted nitrogen from the atmosphere which set the stage for chlorine oxides to break down the ozone. (Although the science which supports this scenario is not definitive, these findings strongly suggest that CFCs and Halons are a major cause of ozone depletion.)
- o The expedition's report strongly discourages speculation over an assessment of the global implications of these findings. The data from the experiments has not been completely analyzed and data concerning the likelihood of similar meteorological conditions occuring elsewhere does not exist.

United States scientists have taken the lead in developing the science on ozone depletion. They will continue to play a leadership role in the rigorous scientific review of this data - predicted to last until 1990, the year the protocol is scheduled to come into force.

These science findings demonstrate the President's leadership and wisdom in instructing the United States delegation to obtain a



protocol keeping in mind "that the U.S. position...is protecting the ozone layer by eventual elimination of realistic threats from man-made chemicals, and that we support actions determined to be necessary based on regularly scheduled scientific assessments."

Attachment

September 16, 1987

FACT SHEET

PROTOCOL TO CONTROL OZONE DEPLETING SUBSTANCES

On September 16, 1987 the U.S. signed in Montreal a protocol to the 1985 Vienna Convention for the Protection of the Ozone Layer that provides specific mechanisms to control emissions of ozone-depleting substances.

Most major producing and consuming countries, including the EC and Japan, joined in signing the protocol. These countries represent about seventy percent of global consumption and eighty percent of global production of ozone-depleting substances.

Two principal features of the protocol are an obligation relating to the control of emissions of ozone-depleting substances (Article 2) and the restriction of trade in controlled substances with States not party to the protocol (Article 4). On control measures, the text provides for:

- o A freeze at 1986 levels on consumption of chloro-fluorocarbons 11, 12, 113, 114, and 115 in the second year after entry into force, and of halons 1211, 1301 and 2402 in the fourth year after entry into force.
- o Long-term scheduled reductions (of twenty percent by 1994, then an additional thirty percent by 1999) of chlorofluorocarbon consumption.
- o Periodic assessments of the control provisions, based upon scientific, environmental, technical and economic information, which could result in addition or removal of chemicals from the list of controlled substances or a change in the reduction schedule or the emission reduction target.

With respect to trade with non-parties, the protocol includes

- o A ban on imports from non-parties of the controlled substances within one year of the protocol's entry into force.

- o A ban or restrictions on imports of products containing controlled substances from non-parties within four years of entry into force.
- o Consideration within five years of entry into force of restriction on imports of products produced with controlled substances from non-parties.
- o A prohibition against concluding new agreements which provide non-parties with financial assistance for producing the controlled substances.

The decision to reduce consumption by a total of fifty percent can only be rescinded or amended by two-thirds of the parties representing at least two-thirds of total consumption, allowing us in effect a veto. To ensure that the economic burden of these controls is equitably shared, the protocol will only enter into force when 11 countries representing sixty-seven percent of global consumption have ratified the agreement.

The protocol provides a limited grace period from compliance with the control measures for low-consuming countries who adhere to the protocol. The protocol contains a mechanism to add new substances to the controlled list or delete substances. It also requires an annual report by each party of its production, imports and exports of controlled substances, and measures for treatment of parties that are not in compliance with obligations under the protocol.

In tandem with the negotiations, the Administration engaged in an extensive domestic regulatory review process, including a thorough assessment of the risks and risk management options. Industries which produce and use ozone-depleting substances have actively participated in assessing risk and policy options. We have consulted closely as well with other interested groups as we have developed our negotiating positions -- including discussion with members of the Congress and their staffs.