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<DIST>
SIT: EOB VAX
<PREC> IMMEDIATE <CLAS> UNCLASSIFIED <OSRI> RUEHMT <DTG> 151840Z SEP 87
<ORIG>FM AMCONSUL MONTREAL
<TO>TO SECSTATE WASHDC IMMEDIATE 8545
<SUBJ>SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)
-- STATUS REPORT

<TEXT>BT
UNCLAS SECTION 01 OF 02 MONTREAL 03047
FROM USMISSION ICAO
DEPT. FOR OES, J. NEGROPONTE AN PASS TO WHITE
HOUSE/DPC R. BLEDSOE, EPA, USTR, COMMERCE, ENERGY.
E.O. 12356: N/A
TAGS: SENV, ETRD, UNEP
SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)
-- STATUS REPORT

REF: A) MONTREAL 2997 B) MONTREAL 3027
.. FOLLOWING IS STATUS AS OF 11:00 TUESDAY
FOLLOWING LATE-NIGHT AND EARLY MORNING MEETINGS.

. ENTRY INTO FORCE AND VOTING: THE US
DELEGATION HAS TAKEN A STRONG STAND ON THESE
ISSUES, BUT FACED STRONG OPPOSITION.
RESOLUTION OF ALL OTHER ISSUES APPEARS TO BE
WITHIN REACH. ATMOSPHERE DEVELOPING IS THAT IF
THE NEGOTIATIONS STALEMATE ON THIS ISSUE, ALL
FINGERS WILL POINT AT U.S. THE USG THEREFORE
NOW NEEDS TO DECIDE WHETHER WE CAN ACCEPT THE
FOLLOWING PACKAGE:

ART. 15 (ENTRY INTO FORCE): ELEVEN COUNTRIES
REPRESENTING TWO-THIRDS OF GLOBAL CONSUMPTION:
ART. 2, PARA 4 (TO CHANGE THE FIFTY PERCENT
REDUCTION): TWO-THIRDS OF PARTIES REPRESENTING
TWO-THIRDS OF PARTIES' CONSUMPTION;
ART. 2, PARA 5 (FURTHER ADJUSTMENTS AND
REDUCTIONS): DECISIONS, WHICH WOULD BE BINDING
ON ALL PARTIES, REQUIRE TWO-THIRDS OF PARTIES
REPRESENTING FIFTY PERCENT OF PARTIES'
CONSUMPTION:

ART. 2, PARA 5BIS (ADDITION OF CHEMICALS):
TWO-THIRDS OF PARTIES. NO REQUIREMENT FOR A
PERCENTAGE OF CONSUMPTION IS NEEDED. ADDITION
OF CHEMICALS WOULD BE SUBJECT TO ARTICLE 9 OF
THE CONVENTION, AND THUS WOULD BE BINDING ONLY
ON PARTIES WHICH RATIFY THE AMENDMENT.

. REIO: PARTICIPANTS CONSIDER THIS A MATTER
TO BE WORKED OUT BETWEEN THE U.S. AND EC. IN
DISCUSSIONS WITH REPRESENTATIVES OF EC
COMMISSION AND MEMBER STATES, WE HAVE DEVELOPED
LANGUAGE WHICH WOULD PROVIDE THAT PARTIES WHICH
ARE MEMBERS OF A REIO MAY JOINTLY FULFIL THEIR
OBLIGATIONS UNDER ARTICLE 2 RESPECTING
CONSUMPTION PROVIDED (1) THAT THEIR TOTAL
COMBINED CALCULATED CONSUMPTION DOES NOT EXCEED
THE LEVELS REQUIRED BY ART. 2; (2) THAT ALL
MEMBER STATES OF THE REIO ARE PARTIES TO THE
PROTOCOL; AND (3) THAT THE ORGANIZATION HAS

NOTIFIED THE SECRETARIAT OF THE MANNER IN WHICH IT WILL IMPLEMENT THIS PROVISION.

5. GRANDFATHER CLAUSE FOR PRODUCTION PLANNED BEFORE ADOPTION OF THE PROTOCOL: SOVIETS WOULD AGREE TO DROP ALL ART. 2 BRACKETED REFERENCES TO 1990 IF THE FOLLOWING ADDITIONAL PARAGRAPH IS ADDED:

QUOTE A PARTY NOT OPERATING UNDER ARTICLE 5 THAT HAS FACILITIES FOR THE PRODUCTION OF CONTROLLED SUBSTANCES LISTED IN ANNEX A UNDER CONSTRUCTION OR CONTRACTED FOR PRIOR TO 16 SEPTEMBER 1987, AND PROVIDED FOR IN NATIONAL LEGISLATION PRIOR TO 1 JANUARY 1987, MAY ADD THE PRODUCTION FROM SUCH FACILITIES TO ITS 1986 BASE FOR PURPOSES OF THIS ARTICLE, PROVIDED THAT SUCH FACILITIES ARE COMPLETED BY 31 DECEMBER 1990 AND THAT SUCH PRODUCTION DOES NOT RAISE THE ANNUAL PER CAPITA CONSUMPTION OF THE CONTROLLED SUBSTANCES OF THE PARTY ABOVE 0.5 KG. END QUOTE THIS WOULD PROVIDE AN INCENTIVE FOR THE USSR, SOUTH KOREA AND MALAYSIA TO JOIN THE PROTOCOL AND THEREFORE BE OBLIGATED TO REDUCE CONSUMPTION BY 50 PERCENT BY 1999, ALONG WITH THE DEVELOPED COUNTRIES. IF THEY DID NOT JOIN THE PROTOCOL, THEY WOULD NOT BE LIMITED AT ALL. WHILE SOUTH KOREA AND MALAYSIA WOULD IN THAT CASE BE HIT BY THE TRADE ARTICLE, THE USSR, WHICH DOES NOT EXPORT OUTSIDE THE EAST BLOC, WOULD NOT BE AFFECTED BY THE TRADE ARTICLE. THE HEAD USSR REPRESENTATIVES STATES IN A MEETING WITH OVER A DOZEN OTHER DELEGATION HEADS THAT WITH THIS

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UNCLAS SECTION 02 OF 02 MONTREAL 03047

FROM USMISSION ICAO

DEPT. FOR OES, J. NEGROPONTE AND PASS TO WHITE

HOUSE/DPC, R. BLEDSOE, EPA, USTR, COMMERCE, ENERGY.

D.O. 12356: N/A

PAGS: SENV, ETRD, UNEP

SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)

PARAGRAPH, THE SOVIETS COULD SIGN THE PROTOCOL.

THIS PROVISION IS BEING SUBMITTED TO AFTERNOON

PLENARY AS PROPOSED BY CONFERENCE PRESIDENT

LANG, AND IS LIKELY NOT BE BE OPPOSED.

1. TRADE/DEVELOPING COUNTRIES: NO CHANGE IN PACKAGE DESCRIBED IN REF A, PARA 6.

2. EFFECTIVE DATES: INTENSE DISCUSSION DEVELOPED WHEN IT BECAME CLEAR THAT THE EC INTERPRETED ARTICLE 2 REQUIREMENTS TO BE EFFECTIVE ONLY IN THE YEAR FOLLOWING THE INDICATED DATE (E.G., WE INTERPRETED REQUIREMENT FOR A 20 PERCENT REDUCTION QUOTE BY JANUARY 1, 1994 UNQUOTE AS MEANING THAT FULL-YEAR 1993 CONSUMPTION HAD TO BE 20 PERCENT BELOW 1986 LEVEL; EC INTERPRETED IT TO MEAN FULL-YEAR 1994 CONSUMPTION HAD TO BE 20 PERCENT BELOW 1986). RESULT WAS TO SPLIT THE DIFFERENCE -- NEW TEXT WILL BE CLEAR THAT EFFECTIVE YEAR FOR CALCULATING THE FREEZE IS THE TWELVE MONTHS

BEGINNING ON THE FIRST DAY OF THE SEVENTH MONTH
AFTER EIF: FOR THE PARA 3 (20 PERCENT) REDUCTION
IT WOULD BE JULY 1, 1993-JUNE 30, 1994; AND FOR
THE PARA 4 (50 PERCENT) REDUCTION IT WOULD BE
JULY 1, 1998-JUNE 30, 1999. STOHR

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#3047

<SECT>SECTION: 01 OF 02 <SSN> 3047 <TOR> 870915150038 MSG000180025238

<SECT>SECTION: 02 OF 02 <SSN> 3047 <TOR> 870915150121 MSG000180025281

I. Article 2 = Control Measures

① Base year: Soviets are arguing for a 1990 base year from which reductions will be based. They are ~~being~~ inflexible, ~~on the issue~~ but isolated, on this issue and some members of US delegation feel they may not sign the protocol.

Presidential guidance: "In addition to a freeze, the US delegation will seek a 20% reduction from 1986 levels..." ~~clearly instructs the delegation to negotiate 1986 as the base year~~

Concern: Guidance is clear - 1986 as base year, but will Soviets sign?

② Regulatory measures: Consensus has built around a 10 year period for the ^{reductions period} w/ a firm anchor date of 1 Jan 99 for the full 50% reduction from 1986 levels. The EC is pressing for the first 20% reduction to be anchored on 1 Jan 94. E

Presidential guidance: "... the US delegation will seek a 20% reduction from 1986 levels of CFCs ... four years after entry into force ... and following a 1990 international review ... The US 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 ..."

Concern: Guidance is for "about eight years" for full reductions, consensus is for a 10 year period.

Halves:

③ EC accepts coverage of Halves in the protocol, with a freeze on consumption after three years of entry into force.

Presidential guidance: "... the US delegation will seek a freeze at 1986 levels on production/consumption of... Halves 1201 and 1311, to take effect one or two years after the protocol entry into force."

Concern: guidance is for 2 years, but EC insists on 3 years.

④ Decision-Making: US proposal to require $\frac{2}{3}$ majority representing at least 90% of global consumption, ^{in order to reverse ~~initial~~ ~~reduction~~} was universally rejected. US is now working for 67%. Outcome so far undetermined.

Presidential guidance: "~~The 20% reduction sh~~" And, the US delegation will seek to negotiate a system of voting for protocol decisions that gives due weight to the significant producing and consuming countries... The 20% reduction should take place automatically unless reversed by a $\frac{2}{3}$ vote of the parties... The... reduction... of an additional 30%... would occur automatically, unless reversed by a $\frac{2}{3}$ vote of parties."

Concern: ~~what is the appropriate~~ how to interpret guidance

⑤ Control Formula: EC firmly committed to production controls while US, ~~and~~ Canada and New Zealand are firmly committed to consumption controls. Nordic/Japanese have offered a compromise the US delegation ^{feels it} can accept. It is a combined formula which uses both consumption and production figures and ~~for~~ ^{has} neutral effect on global consumption (except for an additional consumption margin for low consuming LDCs).

Presidential guidance: "... it is recognized that less developed nations should be given a limited grace period, up

to year 2000, to allow some increases in their domestic consumption... the U.S. delegation will seek a freeze at 1986 levels on production/consumption of all seriously ozone-depleting chemicals... (The decision memorandum is silent on whether the 20% and 30% reductions are based upon production, consumption, or a combination).

Concern: Will EC refuse to sign over this? *guidance does not specify choice between production and consumption*

II. Article ~~III~~ 4 (Control of Trade)

Brazil remains firmly opposed to not exempting trade restrictions on LDC non-parties. ~~The~~ A list of products containing controlled substances are to be drawn up by parties at a later time with ~~controlled substances~~ controls applying to non parties ~~at~~ within 4⁵ years of entry into force.

we must get Brazil's language out of its net

Presidential Guidance: "The US delegation will seek... 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, and... and to insure that US industry is not disadvantaged..."

Concern: non-parties must receive trade restrictions, will Brazil sign

III. Article 15 (Entry Into Force)

Remains a major stumbling block. There are three firmly held positions: ① US 90% production approach ② no weighting at all ③ 60% ~~production~~ ^{production} approach. The US delegation has held firm to its 90% position but has failed to garner any support. Predictions are this issue will carry over into diplomatic conference.

Presidential Guidance: "The US 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."

Concern: Is 60% approach production or consumption? What % is enough?

IV Article 5 (Low Consuming Countries)

get production language out!

10 year exemption for developing countries only during which LDCs could increase ^[production] consumption up to $\phi.3$ KG/capita (US ^{delegation} asking for lower number but can live w/ $\phi.3$), but once achieving it (if w/in 10 years) must freeze and then - at the 10th year after entry into force - begin reducing at the rates and time frame called for in the protocol. Therefore, all LDCs would reduce CFC consumption/production 10 years after developed countries.

Presidential Guidance: "... 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."

Concern: none, within guidance

Lesson

helped get LT and State together on EIF
and got an argument up vs others —
LT in on this to help control process

what about acid rain?

RR leads signing delegation (what does this mean in plr mtg
who heading negotiations → Nitze + Negroponte + Serra

Issues to be resolved

- entry into force (% = not til very end)
 - ✓ LDCs (.2 vs .3)
- voting (of controls and other matters) and on reductions $\frac{2}{3}$ + weighting
 - ✓ Compliance (tmt of non-compliance parties as non-parties) Arts 2/4
 - ✓ trade articles "serious drafting error"
- REIOs (ECs)
- Soviets pen on Helms

clean text on Monday morning

~~less~~ cable to explain the remaining brackets



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Environment
Programme



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Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

Montreal, 14-16 September 1987

, Draft Montreal Protocol on Substances that Deplete the Ozone Layer

M87-141

DRAFT MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

PREAMBLE

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 1: DEFINITIONS

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22nd March 1985.
2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.
3. "Secretariat" means the secretariat of the Convention.
4. "Controlled substance" means a substance listed in Annex A to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of the substance listed.
5. "Production" means the amount of controlled substances produced minus the amount destroyed by technologies to be approved by the Parties.
6. "Consumption" means production plus imports minus exports of controlled substances.
7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.
8. "Industrial rationalization" means the transfer of existing production between Parties for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

ARTICLE 2: CONTROL MEASURES

1. Each Party shall ensure that within 12 months of the first day of the month following the date of entry into force of this Protocol, 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] [1990]. By the end of the same period, each Party producing one or more of the controlled substances in Group I shall ensure that its calculated level of production of these substances does not exceed its calculated level of production in [1986] [1990], except that such level may have increased by no more than [10 per cent] based on the [1986] [1990] 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 within three years of the date of entry into force of this Protocol, 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] [1990]. Each Party producing one or more of these substances shall ensure that its calculated level of production of these substances does not exceed its calculated level of production in [1986] [1990], except that such level may have increased by no more than [10 per cent] based on the [1986] [1990] 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 by 1 January 1994 its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed annually 80 percent of its calculated level of consumption in [1986] [1990]. Each Party producing one or more of these substances shall by the same date ensure that its calculated level of production of the substances does not exceed annually 80 per cent of its calculated level of production in [1986] [1990]. 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 10 percent of its calculated level of production in [1986] [1990].

4. Each Party shall ensure that by 1 January 1999 its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed 50 per cent of its calculated level of consumption in [1986] [1990]. Each Party producing one or more of these substances shall by the same date ensure that its calculated level of production of these substances does not exceed 50 per cent of its calculated level of production in [1986] [1990]. 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 15 per cent of its calculated level

of production in [1986] [1990]. This paragraph will apply unless the Parties decide otherwise at a meeting by a two-thirds majority of Parties present and voting [representing at least [0 per cent] [60 per cent] [two-thirds] of the total calculated level of consumption of the Parties of these substances]. This decision shall be [examined] [made] in the light of the assessments referred to in Article 6.

[4bis. Any Party whose calculated level of production in [1986] [1990] of the controlled substances in Group I of Annex A was less than 25 kilotonnes/year may, for the purposes of industrial rationalization, transfer to or receive from any other Party, production in excess of the limits set out in paragraphs 1, 3 and 4 provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article.]

4ter. Any transfer of production pursuant to paragraph 4bis shall be notified to the secretariat, no later than the time of the transfer.

5. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

- (i) adjustments to the calculated ozone depleting potentials specified in Annex A should be made and, if so, what adjustments; and
- (ii) further adjustments and reductions of production or consumption of the controlled substances from [1986] [1990] levels should be undertaken and, if so, the scope, amount and timing of any such adjustments.

(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 [0 per cent] [60 per cent] [two-thirds] 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 Depository. Unless otherwise provided in the decisions, the decisions shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depository.

5bis.(a) Based on the assessments made pursuant to Article 6 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 annexes 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 [representing at least [0 per cent] [60 per cent] [two-thirds] of the total calculated level of consumption of the controlled substances of the Parties].

[6. Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations under this Article provided that neither their total combined production nor their total combined consumption exceed the levels required by this Article.

The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in production or consumption with which the agreement is concerned.]

7. Notwithstanding the provisions contained in this Article, Parties may take more stringent measures than those required by this Article.

ARTICLE 3: CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2 and 5 each Party shall, for each Group of substances in Annex A, determine its calculated levels of:

- (a) production of the controlled substances, by:
 - (i) multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A; and
 - (ii) adding together, for each such Group, the resulting figures;
- (b) imports and exports, respectively, of the controlled substances. By following, mutatis mutandis, the procedure set out in subparagraph (a); and
- (c) consumption of the controlled substances, by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b), provided that beginning on 1 January 1993 any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of any Party.

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES

1. Within one year of the entry into force of this Protocol, each Party shall ban the import of the controlled substances from any State not Party to this Protocol.

1.bis Beginning on January 1, 1993, no Party operating under Article 5 may export any controlled substances to any State not Party to this Protocol.

2. Within three years of the entry into force of this Protocol, the Parties shall, in accordance with Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances. Within one year of the annex having become effective, Parties not having objected to it shall ban the import of such products from any State not Party to this Protocol.

3. Within five years of the entry into force of this Protocol, the Parties shall determine the feasibility of banning or restricting, from States not Party to this Protocol, the import of products produced with, but not containing, controlled substances. If determined feasible, the Parties shall, in accordance with Article 10 of the Convention, elaborate in an annex a list of such products and within one year of the annex having become effective, Parties not objecting to it shall ban or restrict the import of the products from any State not Party to this Protocol.

4. Each Party shall discourage the export, to any State not Party to this Protocol, of technology for producing and utilizing the controlled substances.

5. 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 the controlled substances.

6. Paragraphs 4 and 5 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of the controlled substances, promote the development of alternative substances or otherwise contribute to the reduction of emissions of controlled substances.

7. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 2 and 3 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 developing country Party whose annual calculated level of consumption of the controlled substances is less than 0.3 kilogrammes 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, provided that such party shall not exceed an annual calculated level of consumption of 0.3 kilogrammes per capita. Any such country shall be entitled to use the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or the average of its annual calculated level of consumption of 0.3 kilogrammes per capita in those years, 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 to developing country Parties 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 developing country Parties for the use of alternative technology and substitute products.

ARTICLE 6: ASSESSMENT AND REVIEW OF CONTROL MEASURES

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 on the basis of available scientific, environmental, technical, and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.

ARTICLE 7: REPORTING OF DATA

1. Each Party shall provide to the secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances for the year 1986 or the best possible estimates of the data where actual data are not available.

2. Each Party shall provide statistical data to the secretariat on its annual production, [with separate data on amounts destroyed by technologies to be approved by the Parties], exports, and imports of these substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of the year to which the data relate.

ARTICLE 7BIS: NON-COMPLIANCE

At their first regular meeting, the Parties shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

**ARTICLE 8: 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 the 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 the controlled substances or otherwise reducing their emissions;
- (b) possible alternatives to the controlled substances, to products containing such substances, and to products manufactured with them;
- (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 the 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 9: TECHNICAL ASSISTANCE

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

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

3. At their first meeting, the Parties shall begin deliberations on the means of fulfilling the obligations set out in Article 8 above, 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.

ARTICLE 10: MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The secretariat shall convene the first meeting of the Parties not later than one year after entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the Parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of such a request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. At their first meeting the Parties shall:

- (a) adopt by consensus rules of procedure for their meetings;
- (b) begin preparation of workplans pursuant to paragraph 3 of Article 9;
- (c) adopt by consensus the financial rules;
- (d) consider and approve the procedures and institutional mechanisms specified in Article 7Bis.
- (e) establish the panels and terms of reference referred to in Article 6.

4. The functions of the meetings of the Parties shall be to:

- (a) review the implementation of this Protocol;
- (a)bis decide on the adjustments referred to in paragraph 5 of Article 2;
- (a)ter decide on the addition to, insertion in or removal from annexes of substances and on related control measures in accordance with paragraph 5bis of Article 2;
- (b) establish where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 8;
- (c) review requests for technical assistance submitted pursuant to paragraph 2 of Article 9;
- (d) review reports prepared by the secretariat pursuant to Article 11 (c);

- (e) assess, in accordance with Article 6, the control measures provided for in Article 2;
- (f) consider and adopt as required proposals for amendment of this Protocol;
- (g) consider and adopt the budget for implementation of this Protocol;
- (h) 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 11: SECRETARIAT

For the purposes of this Protocol the secretariat shall:

- (a) arrange for and service meetings of the Parties as provided for in Article 10;
- (b) receive and make available, upon request by a Party data provided pursuant to Article 7;
- (c) prepare and distribute to the Parties regularly reports based on information received pursuant to Articles 7 and 8;
- (d) notify the Parties of any request for technical assistance received pursuant to Article 9 so as to facilitate the provision of such assistance;
- (e) encourage non-parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of the Protocol;
- (f) provide, as appropriate, the information referred to in sub-paragraphs (c), (d) and (g) to such non-party observers;
- (g) perform such other functions for the achievement of the purposes of the Protocol as may be assigned to it by the Parties.

ARTICLE 12: FINANCIAL PROVISIONS

1. The funds required for the operation of this Protocol, including those for the functioning of the secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties at their first meeting shall adopt by consensus financial rules for the operation of this Protocol.

ARTICLE 13: RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

ARTICLE 14: SIGNATURE

This Protocol shall be open for signature by States and by regional economic integration organizations at Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

ARTICLE 15: ENTRY INTO FORCE

1. This Protocol shall enter into force on the first of January 1989, provided that at least eleven instruments of ratification, acceptance, approval or accession to the Protocol have been deposited by States or regional economic integration organizations [representing at least [0] [60] [90] percent of 1986 estimated global production of the controlled substances], and the provisions of paragraph 1 of Article 16 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, this Protocol shall enter into force on the ninetieth day following the date that these conditions have been fulfilled.
2. For the purposes of paragraph 1, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such 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 15BIS: 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 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 16: RESERVATIONS

No reservations may be made to this Protocol.

ARTICLE 16BIS: WITHDRAWAL

1. For 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. Such parties may withdraw from this protocol, by giving written notification to the Depository, four years after assuming the obligations specified in paragraphs 1 to 4 of Article 2.
2. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depository, or on such later date as may be specified in the notification of the withdrawal.

ARTICLE 17: AUTHENTIC TEXTS

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

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

DONE AT MONTREAL THIS.....DAY OF

ANNEX A

CONTROLLED SUBSTANCES

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

* These ODP values are estimates based on existing knowledge and will be reviewed and revised periodically.

<DIST>
SIT: EOB VAX
<PREC> IMMEDIATE <CLAS> UNCLASSIFIED <OSRI> RUEHMT <DTG> 141723Z SEP 87

<ORIG>FM AMCONSUL MONTREAL

<TO>TO SECSTATE WASHDC IMMEDIATE 8536

<SUBJ>SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL) --
STATUS REPORT

<TEXT>BT

UNCLAS SECTION 01 OF 02 MONTREAL 03027

FROM USMISSION ICAO

DEPT. FOR OES, J. NEGROPONTE AND PASS TO WHITE
HOUSE/DPC, R. BLEDSOE, EPA, USTR, COMMERCE, ENERGY.

E.O. 12356: N/A

TAGS: SENV, ETRD, UNEP

SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL) --
STATUS REPORT

REF: MONTREAL 2997

~BEGIN SUMMARY~

1. SUMMARY: PROGRESS WAS MADE OVER WEEKEND PRIOR TO
DIPLOMATIC CONFERENCE, PARTICULARLY IN TRADE AND LDC
AREAS. NO MAJOR CHANGE ON EIF, REIO AND SOVIET
ISSUES. CURRENT STATUS IS AS FOLLOWS, KEYED TO DRAFT
MONTREAL PROTOCOL FAXED THIS A.M..

2. CONTROL ARTICLE: ALTHOUGH 1986 BASE YEAR IS
PREFERRED OPTION FOR NEARLY ALL PARTICIPANTS, 1990 IS
STILL IN BRACKETS AT REQUEST OF SOVIETS. (SOVIET
PROBLEM REMAINS AS DESCRIBED REFTTEL.) ARTICLE CALLS
FOR FREEZE IN 1989; 20 PERCENT REDUCTION BY 1994; 50
PERCENT REDUCTION BY 1999. FORMULA REMAINS
CONSUMPTION-BASED WITH HIGHER PRODUCTION LEVELS
ALLOWED. PROTOCOL COVERS CFCS 11, 12, 113, 114 AND
115. HALONS ARE IN PROTOCL, AND FROZEN AT 1986
LEVELS 3 YEARS AFTER ENTRY INTO FORCE.

3. ENTRY INTO FORCE: ISSUE IS STILL UNRESOLVED AND
PERCENTAGE IS BRACKETED AS 0 PERCENT, 60 PERCENT, 90
PERCENT. THERE IS APPRECIATE OF U.S. VIEW ON
PERCENTAGE REQUIREMENT, ALTHOUGH STRONG OPPOSITION TO
90 PERCENT. SENTIMENT IS BUILDING TO BASE THIS ON
CONSUMPTION (RATHER THAN PRODUCTION) TO SYMBOLIZE
STAKE OF CONSUMER COUNTRIES AS WELL.

4. REIO: INFORMAL DISCUSSIONS WITH THE EC AND,

~END SUMMARY~

SEPARATELY WITH SOME EC-MEMBER COUNTRIES, REVEAL SOME
PREDISPOSITON TO CONSIDER CHANGES IN LANGUAGE OF EC'S
PROPOSAL ON REIOS, BUT OPPOSITION TO TOTAL DELETION
OF PROVISION DUE TO THEIR CONCERN ABOUT RESTRICTIONS
ON TRADE AMONG MEMBER STATES THAT ARE PARTY TO THE
PROTOCOL.

5. VOTING: WEIGHTED VOTING (ARTICLE 2, PARAS. 4, 5,
AND 5 BIS) STILL SHOWN AS QUOTE TWO-THIRDS MAJORITY
OF PARTIES REPRESENTING (0 PERCENT) (60 PERCENT)
(TWO-THIRDS) OF THE TOTAL CALCULATED CONSUMPTION
LEVEL. NORDICS ARE IN LEAD IN BUILDING PRESSURES
AGAINST ANY WEIGHTED VOTING REQUIRMENT HERE. ARTICLE
, PARA. 5 STILL PROVIDES FOR WEIGHTED VOTING
(BRACKETED) ON ADJUSTMENTS TO REDUCTION SCHEDULE AND

TO CALCULATED OZONE DEPLETION POTENTIALS, WHICH WOULD BE BINDING ON ALL PARTIES PARA. 5(C) AND 5 (D). ARTICLE 2, PARA. 5 BIS PROVIDES FOR WEIGHTED VOTING (BRACKETED) ON ADDITIONS OR REMOVAL OF SUBSTANCES FROM CONTROLS. HOWEVER, REFERENCE HERE TO ARTICLE 9 OF CONVENTION MEANS THAT INDIVIDUAL PARTIES WOULD HAVE TO RATIFY DECISIONS ON NEW CHEMICALS (I.E. IT IS NOT AUTOMATICALLY BINDING ON PARTIES).

6. COMPLIANCE AND REPORTING: ARTICLE 7 BIS PROVIDES THAT PARTIES WILL AT THEIR FIRST MEETING CONSIDER AND APPROVE PROCEDURES AND MECHANISMS FOR DETERMINING NON-COMPLIANCE. THIS PROTECTS CONCEPT THAT PARTIES IN NON-COMPLIANCE WOULD BE TREATED AS NON-PARTY, AS THIS WOULD, IN ANY EVENT, NEED TO BE INSTITUTIONALIZED AT PARTIES' FIRST MEETING WHETHER OR NOT IT FORMALLY APPEARS IN ARTICLE 7 BIS. GENERAL SENTIMENT (TOLBA AND OTHER DELEGATIONS) IS THAT ATTEMPT TO INSIST ON MORE EXPLICIT REFERENCE HERE WOULD ONLY TRIGGER EXTENSIVE AND UNPRODUCTIVE DISCUSSION. U.S. INTENDS TO MAKE DECLARATION EMPHASIZING THAT TREATMENT AS NON-PARTIES IS TRADITIONAL PRACTICE ACCORDING TO VIENNA CONVENTION ON TREATIES AND THAT WE CONSIDER IT WOULD ALSO APPLY TO THIS PROTOCOL; THIS DECLARATION WOULD BECOME PART OF FINAL ACT. REPORTING OF DATA NOW SHOWN DUE QUOTE NINE MONTHS AFTER THE END OF THE YEAR TO WHICH THE DATA RELATE UNQUOTE.

7. TRADE AND LDCS: FOLLOWING HARD NEGOTIATIONS, SIGNIFICANT PROGRESS WAS MADE. PROVISIONAL ENDORSEMENT BY U.S., EC, JAPAN AND SEVERAL LDC DELEGATIONS WAS ACHIEVED ON THE FOLLOWING PACKAGE:.

- REFERENCE TO EXPORTS DROPPED IN PARAGRAPH 1 OF ARTICLE 4.

- NEW PARAGRAPH (1 BIS) ADDED TO ARTICLE 4 BANNING

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#3027

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JNCLAS SECTION 02 OF 02 MONTREAL 03027

FROM USMISSION ICAO

DEPT. FOR OES, J. NEGROPONTE AND PASS TO WHITE

HOUSE/DPC, R. BLEDSOE, EPA, USTR, COMMERCE, ENERGY.

E.O. 12356: N/A

TAGS: SENV, ETRD, UNEP

SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL) --

BULK EXPORTS FROM ANY LDC PARTY TO ANY NON-PARTY

BEGINNING IN 1993.

- SPECIAL LDC EXEMPTION (I.E. REFERENCE TO ARTICLE 5) IN PARAGRAPH 7 OF ARTICLE 4 DELETED.

- CLAUSE ADDED TO ARTICLE 3 (CALCULATION OF CONTROL LEVELS) PROVIDING THAT, BEGINNING JANUARY 1, 1993, ONLY EXPORTS TO PARTIES CAN BE SUBTRACTED FROM PRODUCTION IN CALCULATING CONSUMPTION LEVEL.

- 0.3 KG. PER CAPITA ACCEPTED AS LOW-CONSUMING DEVELOPING COUNTRY CEILING IN ARTICLE 5, WITH 10 YEARS AS LENGTH OF GRACE PERIOD.

- TUNISIAN PROPOSAL IN ARTICLE 5 FOR GUARANTEED PRODUCTION RIGHTS DROPPED.

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#3027

<SECT>SECTION: 01 OF 02 <SSN> 3027 <TOR> 870914135629 MSG000179934989
<SECT>SECTION: 02 OF 02 <SSN> 3027 <TOR> 870914135659 MSG000179935018

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WHITE HOUSE SITUATION ROOM

DECLASSIFIED

11/6/15

State Waver

db MARADATE 1/25/2017

PAGE #1 OF #3

PRT: BLESDOE
SIT: EOB VAX

<PREC> IMMEDIATE <CLAS> CONFIDENTIAL <DTG> 111252Z SEP 87

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC IMMEDIATE 8515

~~CONFIDENTIAL~~ SECTION #1 OF #4 MONTREAL 02997

FROM USMISSION ICAO

DEPT. FOR OES, J. NEGROPONTE AND PASS TO EPA,

L. THOMAS AND WHITE HOUSE/DPC, R. BLESDOE

E.O. 12356: DECL: OADR

TAGS: SENV, ETRD, UNEP

SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)

-- STATUS REPORT

1. ~~ENTIRE TEXT~~.

2. FOLLOWING PROVIDES STATUS AS OF 5 P.M. THURSDAY OF FAST-PACED NEGOTIATIONS WHICH HAVE INVOLVED NIGHT SESSIONS SINCE MONDAY. WHILE SIGNIFICANT PROGRESS IS BEING MADE, COMPLEX ISSUES REMAIN. SCHEDULE CALLS FOR AVAILABILITY OF COMPLETE TEXT (WITH BRACKETED LANGUAGE) BY FRIDAY AFTERNOON. HOWEVER, THIS MAY NOT BE ACHIEVABLE, AND THERE ARE RUMORS NOW OF WEEKEND SESSIONS. BECAUSE OF UNANTICIPATED DEADLOCKS THURSDAY, UNEP EXECUTIVE DIRECTOR TOLBA CANCELLED TRIP TO ADDRESS WILDLIFE CONFERENCE IN COLORADO, WHICH WOULD HAVE KEPT HIM AWAY FROM CONFERENCE THURSDAY NIGHT TO SATURDAY NIGHT. USDEL WILL CABLE FULL TEXT IMMEDIATELY AS IT BECOMES AVAILABLE. GIVEN TRADE-OFFS ON LINKAGES AMONG VARIOUS ARTICLES, IT DOES NOT SEEM USEFUL TO SEND TEXT PIECEMEAL. MUCH OF WHAT FOLLOWS REPRESENTS TENTATIVE, INFORMAL VIEWS AND DECISIONS, SINCE EVERYONE IS WAITING TO SEE HOW PIECES (DEVELOPED IN NUMEROUS WORKING GROUPS) FIT TOGETHER, AND WHAT TRADE-OFFS CAN BE MADE.

3. ATMOSPHERICS - NEGOTIATIONS ATTENDED BY 31 COUNTRIES, PLUS EUROPEAN COMMUNITY. IN CONTRAST TO PREVIOUS ROUNDS, DEVELOPING COUNTRY PARTICIPATION IS MUCH MORE ACTIVE AND BETTER COORDINATED THROUGH ATTENDANCE OF CHINA, PERU, INDONESIA, KUWAIT, YEMEN, PHILIPPINES AND TUNISIA IN ADDITION TO ARGENTINA, BRAZIL, COLOMBIA, EGYPT, GHANA, KENYA, MEXICO, AND VENEZUELA. DISCUSSIONS CHARACTERIZED BY DETERMINED OPTIMISM THAT EFFECTIVE PROTOCOL CAN AND MUST BE ACHIEVED BY END OF DIPLOMATIC CONFERENCE NEXT WEDNESDAY. INDIVIDUAL EC MEMBER STATES MUCH MORE OPEN AND ENGAGED THAN IN PAST WHEN THEY DEFERRED TO COMMISSION: AND U.S.-EC RELATIONSHIP ALSO CLOSER AND MORE COOPERATIVE. A MAJOR BREAKTHROUGH IS JAPAN, WHICH IS PASSIVELY, IF NOT OPENLY, SUPPORTING NEARLY ALL U.S. POSITIONS, REPRESENTING CRITICAL CHANGE IN PRIOR JAPANESE POSITION ON HALONS AND 50 PERCENT

REDUCTION. JAPANESE REPS ARE NEARLY CERTAIN THAT JAPAN WILL SIGN PROTOCOL NEXT WEEK, BARRING TECHNICAL DELAY IN FINAL INSTRUCTION FROM TOKYO.

4. STATUS AND PRINCIPAL ISSUES (BY ARTICLE).

(A) ARTICLE 1 (DEFINITIONS AND SCOPE) - DEFINITIONS BEING ADJUSTED, IN PARTICULAR TO FIND NON-QUANTITATIVE MEANS OF DEFINING BULK SUBSTANCES (I.E., AS A REPLACEMENT FOR QUOTE 20 PERCENT BY WEIGHT OR

VOLUME UNQUOTE EXPRESSION). NO MAJOR PROBLEMS, ALTHOUGH U.K. HAS PROPOSED DEFINITION OF CONTROLLED SUBSTANCES THAT EXCLUDES CFC 502, WHICH CONTAINS 50 PERCENT OF CFC 113. U.S. IS OPPOSING THIS PROPOSAL AND HAS OFFERED ALTERNATIVE DEFINITION.

(B) ARTICLE 2 CONTROL MEASURES) -

(I) BASE YEAR - SOVIETS ARGUING FOR 1990 BASE YEAR BECAUSE THEIR 1986-1990 NATIONAL PLAN CALLS FOR NEW CFC PRODUCTION CAPACITY TO MEET INTERNAL CONSUMPTION. U.S., EC, NORDICS, CANADA, NEW ZEALAND, OBJECTING, WHILE TRYING TO EXPLORE OPTIONS WHICH MIGHT ENCOURAGE ACCESSION BY SOVIETS AS WELL AS OTHER MEDIUM/LOW-CONSUMING COUNTRIES. THURSDAY A.M. SOVIETS INSISTED ON LEeway TO REACH 0.5 KG. PER CAPITA TO ESTABLISH THEIR BASE FOR FUTURE REDUCTIONS, WHICH WOULD IMPLY ADDITION TO GLOBAL PRODUCTION OF APPROXIMATELY 70-80,000 KILOTONS ABOVE EXISTING SOVIET PRODUCTION. THEY ARGUE THAT BECAUSE OF THEIR LOW EXISTING PER CAPITA CONSUMPTION AND LOW HISTORIC CONTRIBUTION TO THE OZONE DEPLETION PROBLEMS, THEY SHOULD BE GIVEN FLEXIBILITY TO INCREASE DOMESTIC CONSUMPTION BEFORE EMBARKING ON PHASE-DOWN SCHEDULE.

SOVIETS ARE ADAMANT, BUT ISOLATED. THEY ALSO SEEM TO BE CONCERNED ABOUT NOT SIGNING PROTOCOL, AND SEEM GENERALLY CONFUSED BY THE FAST AND COMPLEX

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CONFIDENTIAL SECTION #2 OF #4 MONTREAL 02997

FROM USMISSION ICAO

DEPT. FOR OES, J. NEGROPONTE AND PASS TO EPA,

L. THOMAS AND WHITE HOUSE/DPC, R. BLESDOE

E.O. 12356: DECL: OADR

TAGS: SENV, ETRD, UNEP

SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)

PAGE OF NEGOTIATIONS ON THE CONTROL ARTICLE IN TOLBA'S QUOTE INFORMAL UNQUOTE WORKING GROUPS, WHICH ARE HELD ONLY IN ENGLISH.

(II) REGULATORY MEASURES - SCENARIO OF CFC FREEZE - 20 PERCENT REDUCTION - ADDITIONAL 30 PERCENT REDUCTION APPEARS TO HAVE BEEN ACCEPTED BY ALL. ISSUE REMAINS OVER TIMING, WITH CONSENSUS BUILDING FOR 10-YEAR PERIOD (RATHER THAN 8 YEARS) WITH FIRM ANCHOR DATE OF JANUARY 1, 1999 FOR REACHING SECOND REDUCTION STEP (I.E., 50 PERCENT TOTAL REDUCTION). EC (PRESSED BY U.K. AND FRANCE) SUGGESTS FIRST CUT OF 20 PERCENT TO TAKE EFFECT JANUARY 1, 1994, RATHER THAN IN 4 YEARS AFTER ENTRY INTO FORCE (EIF), AS IN PREVIOUS TEXT. FREEZE IS NOW AGREED AT ONE YEAR AFTER EIF

(SEE ARTICLE 15, BELOW).

(III) HALONS - AFTER MOVE BY EC COMMISSION, PLUS U.K. AND FRANCE, TO ELIMINATE HALONS FROM PROTOCOL AND COVER THEM MERELY WITH CONFERENCE RESOLUTION CALLING FOR QUOTE FUTURE DECISION BY PARTIES UNQUOTE, EC NOW APPARENTLY WILLING TO ACCEPT HALONS WITHIN PROTOCOL, WITH A FREEZE ON CONSUMPTION AFTER THREE YEARS OF EIF, AS IN EARLIER TEXT. THIS WOULD BE IN EXCHANGE FOR AGREEMENT TO STRETCH OUT 50 PERCENT REDUCTION FROM 4 TO 10 YEARS (SEE PRECEDING PARAGRAPH).

(IV) DECISION-MAKING - AFTER INITIAL U.S. EFFORT TO MAKE DECISIONS ON POSSIBLE REVERSAL OF CONTROLS AND OTHER ADJUSTMENTS TO PROTOCOL (E.G., ADDITION/SUBTRACTION OF CHEMICALS; FURTHER REDUCTION STEPS) TO REQUIRE QUOTE TWO-THIRDS MAJORITY REPRESENTING AT

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WHITE HOUSE SITUATION ROOM

PAGE 02 OF 03

LEAST 90 PERCENT OF GLOBAL CONSUMPTION UNQUOTE WAS UNIVERSALLY REJECTED, U.S. IS CURRENTLY PUSHING FOR 67 PERCENT. DEBATE ON THIS NOT SUFFICIENTLY ADVANCED TO JUDGE LIKELY OUTCOME, WITH MANY COUNTRIES CLEARLY FAVORING NO WEIGHTING FACTOR AT ALL.

(V) CONTROL QUOTE FORMULA UNQUOTE - FORMULA FOR CONTROLLING PRODUCTION/CONSUMPTION REMAINS A CENTRAL ISSUE, ALTHOUGH PROGRESS HAS BEEN MADE IN RESOLVING SPLIT OVER ADJUSTED PRODUCTION (C EQUALS P PLUS I MINUS E) AS FAVORED BY U.S., CANADA, NEW ZEALAND AND NORDICS AND E.C. STRAIGHT PRODUCTION APPROACH. BILATERALS ON SUNDAY AND TOLBA GROUP DISCUSSIONS MONDAY MADE CLEAR THAT THE EC ARRIVED JUST AS COMMITTED TO PRODUCTION CONTROLS AS U.S., CANADA AND NEW ZEALAND WERE TO CONSUMPTION CONTROLS. NORDICS AND JAPANESE FAVORED CONSUMPTION CONTROLS, BUT MADE CLEAR THEY WERE WILLING TO ACCEPT THE COMBINED CONTROLS IN THE SEVENTH REVISED DRAFT TEXT AS A QUOTE COMPROMISE UNQUOTE.

USDEL BELIEVES THAT PROPOSAL DESCRIBED BELOW REPRESENTS SOUND CONCEPT COMPATIBLE WITH U.S. OBJECTIVES AND INTERESTS. APPROACH IS TO PROVIDE FOR GAP BETWEEN CONSUMPTION AND PRODUCTION TARGETS FOR INDIVIDUAL COUNTRIES (AT EACH STAGE OF FREEZE/REDUCTION SCENARIO) WHICH WOULD ALLOW THE EXCESS PRODUCTION CAPACITY TO MEET THE NEEDS OF DEVELOPING COUNTRIES AND ALSO PROVIDE FOR QUOTE RATIONALIZATION UNQUOTE OF PRODUCTION AMONG PRODUCING COUNTRIES BY ENABLING, E.G. U.S. TO INCREASE PRODUCTION TO MEET CANADIAN NEEDS IF LATTER CLOSES PLANT WHICH BECOMES INEFFICIENT AFTER REDUCTION

CONTROLS TAKE EFFECT. BECAUSE PRODUCTION INCREASES IN SOME COUNTRIES WOULD BE OFFSET BY DECREASES IN OTHER COUNTRIES, THE NET EFFECT ON GLOBAL CONSUMPTION WOULD BE NEUTRAL (EXCEPT FOR THE ADDITIONAL CONSUMPTION MARGIN ALLOWED TO LOW-CONSUMING DEVELOPING COUNTRIES (SEE ARTICLE 5 BELOW).

(G) ARTICLE 3-CALCULATION OF CONTROL LEVELS - ONLY ISSUE INCLUDES CONCERN OF SEVERAL COUNTRIES ABOUT ACCURACY OF OZONE DEPLETION POTENTIALS AND

SUGGESTION THAT THEY BE DROPPED AS A FACTOR IN CALCULATING EMISSIONS. USDEL BELIEVES THIS WILL BE TURNED ASIDE, AS WE AND OTHERS HAVE ARGUED FOR THE NEED TO INCLUDE DEPLETING POTENTIAL.

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#2997

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C O N F I D E N T I A L SECTION 03 OF 04 MONTREAL #2997 FROM USMISSION ICAO

DEPT. FOR OES, J. NEGROPONTE AND PASS TO EPA, L. THOMAS AND WHITE HOUSE/DPC, R. BLEDSOE E.O. 12356: DECL: OADR

TAGS: SERV, ETRD, UNEP

SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)

ARTICLE 4 - (CONTROL OF TRADE) - ISSUES SEEM WELL ON WAY TO RESOLUTION ALONG LINES OF U.S.

PREFERENCE/GUIDANCE. HOWEVER, FULLY-AGREED TEXT NOT POSSIBLE AT THIS TIME, DUE PRIMARILY TO BRAZILIAN ATTEMPTS TO EXEMPT TRADE RESTRICTIONS ON LDC NON-PARTIES. WITH RESPECT TO PARAGRAPH 2, LIST OF PRODUCTS CONTAINING

CONTROLLED SUBSTANCES WOULD BE DRAWN UP BY PARTIES AT LATER TIME, WITH CONTROLS APPLYING TO NON-PARTIES, WITHIN 4 YEARS OF EIF. AGREEMENT WAS REACHED ON PARAGRAPH 7 EXEMPTION, WITH U.S. PROPOSED LANGUAGE OF QUOTE COMPLIANCE AS DETERMINED BY

THE PARTIES UNQUOTE ACCEPTED.

(E) ARTICLE 5 - (LOW-CONSUMING COUNTRIES) - USDEL MANAGED TO GET TITLE (AND CONCEPT) AMENDED TO RESTRICT THIS EXEMPTION/GRACE PERIOD TO DEVELOPING COUNTRIES (I.E., WHICH WOULD ELIMINATE USSR FROM POSSIBLE QUALIFICATION). DEVELOPING COUNTRIES, LED BY BRAZIL, ARGENTINA, GHANA, VENEZUELA AND CHINA ARE NOW PRESSING FOR CFC CONSUMPTION LEVEL TO BE SET AT 0.3 KG/CAPITA (RATHER THAN 0.1 OR 0.2 AS IN PREVIOUS TEXT.) USDEL INSISTING ON LOWER NUMBER, BUT PREPARED TO ACCEPT 0.3 FIGURE IN INTEREST OF ATTRACTING CHINA AND OTHER LDCS. THIS IS CONSISTENT WITH INTERAGENCY DISCUSSIONS IN WASHINGTON LAST WEEK AND U.S. INDUSTRY VIEWS EXPRESSED PRIVATELY DURING THESE NEGOTIATIONS. CONSENSUS HAS BEEN REACHED THAT GRACE PERIOD WILL EXTEND FOR 10 YEARS. DURING THAT TIME LDCS THAT REACH AGREED-UPON CONSUMPTION LEVEL AS CONSUMPTION GROWS WOULD THEN BE FROZEN AT THAT LEVEL.

DEVELOPING COUNTRIES WOULD THEN FOLLOW THE REDUCTION SCHEDULE TO 80 PERCENT AND THEN 50 PERCENT, DELAYED BY TEN YEARS FROM THE YEARS WHEN OTHER COUNTRIES MUST COMPLY. DEVELOPING COUNTRIES NOW ABOVE THE AGREED LEVEL (0.2 OR 0.3) WOULD BE REQUIRED TO REDUCE TO THAT LEVEL BUT NOT TO MAKE FURTHER REDUCTIONS DURING THE INITIAL 10 YEAR GRACE PERIOD.

(F) ARTICLE 6 - (REVIEW AND ASSESSMENT) - USDEL INTRODUCED LANGUAGE TO ENSURE THAT SCIENTIFIC/TECHNICAL/ECONOMIC REVIEW, AND ASSESSMENTS BY PARTIES, ARE KEPT TO MAIN DECISION POINTS OF REGULATORY CONTROL SCHEDULE. WE FURTHER PROPOSED ESTABLISHMENT OF EXPERTS PANEL ON

TECHNOLOGICAL/ECONOMIC ASPECTS IN ADDITION TO PREVIOUSLY AGREED-UPON SCIENTIFIC GROUP.

(G) ARTICLES 7 - 17, DATA-TECHNICAL ASSISTANCE MEETING OF PARTIES, ETC. WITH EXCEPTION OF ARTICLE 15, BELOW, NO MAJOR ISSUES REMAIN. U.K. RAISED DATA CONFIDENTIALITY ISSUE EARLY IN WEEK BUT HAVE NOT PRESSED ANY LANGUAGE CHANGES; AND JAPAN QUESTIONING FINANCIAL MECHANISM.

(H) ARTICLE 15 (ENTRY INTO FORCE) - AS ENVISIONED, THIS REMAINS MAJOR STUMBLING BLOCK.

UNEP EX DIR TOLBA CHARACTERIZED EIF THIS A.M. AS QUOTE THE MAJOR PROBLEM, GIVEN TRIO OF FIRMLY HELD POSITIONS UNQUOTE. HE DESCRIBED THESE AS QUOTE FAMOUS AND WELL-KNOWN U.S. 90 PERCENT PRODUCTION APPROACH: WHICH HE OBSERVED HAD NO SUPPORT; (2) THOSE COUNTRIES WHICH FAVOR NO WEIGHTING AT ALL; AND (3) HIS OWN COMPROMISE OF 60 PERCENT. (ACTUALLY, USSR SUPPORTED 90 PERCENT. EC AND JAPAN APPEAR TO HAVE NO PROBLEM WITH 60 PERCENT.) PROBLEM OF EIF REQUIREMENT WAS EXACERBATED WHEN EC COMMISSION REPRESENTATIVE BRINKHORST ADMITTED THAT EC ASSESSMENT WOULD NOT CARRY WITH IT THE ABILITY TO BRING IN AND COMMIT ALL MEMBER NATIONS. RATHER, MEMBER STATES ENJOY SOVEREIGNTY OF JOINING OR NOT JOINING, SO THAT EACH WOULD PROBABLY JOIN SEPARATELY, ADDING THEIR VOTES AND INDIVIDUAL CONSUMPTION PERCENTAGES SERIALY. THUS, THE IMPRESSION OF U.S. AND ALL OTHERS UP UNTIL NOW

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C O N F I D E N T I A L SECTION 04 OF 04 MONTREAL #2997 FROM USMISSION ICAO

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WHITE HOUSE SITUATION ROOM

PAGE 03 OF 03

DEPT. FOR OES, J. NEGROPONTE AND PASS TO EPA,
L. THOMAS AND WHITE HOUSE/DPG, R. BLEDSOE
E.O. 12356; DECL: OADR
TAGS: SENV, ETRD, UNEP
SUBJECT: OZONE PROTOCOL NEGOTIATIONS (MONTREAL)
THAT WHEN E.C. JOINS IT WOULD REPRESENT OVER
40 PERCENT OF GLOBAL PRODUCTION WAS ERRONEOUS. AT
THIS POINT ANY SUPPORT U.S. HOPED TO GET FOR
SOMETHING CLOSE TO 90 PERCENT REQUIREMENT EVAPORATED.
BRINKHORST STATED THAT THE 9 EC MEMBERS IN
ATTENDANCE WILL ALL SIGN AND RATIFY.
(NON-ATTENDEES ARE IRELAND, GREECE AND PORTUGAL.)
HE ALSO PROPOSED ADDING QUOTE DATES CERTAIN
UNQUOTE TO ENTRY INTO FORCE AND THE CONTROL
SCHEDULE WHICH WOULD CALL FOR E.O.,
EIF TO OCCUR BY JANUARY 1, 1989 WITH THE
FREEZE TWELVE MONTHS LATER AND REDUCTION
STEPS AS DESCRIBED ABOVE. (EIF WOULD STILL BE
SUBJECT TO NUMBER OF RATIFICATION AND
PERCENTAGE OF GLOBAL CONSUMPTION REQUIRED.) WHILE
LARGELY SYMBOLIC, THE EIF DATE WOULD
HELP THE COMMISSION AND MORE PROGRESSIVE EC MEMBERS
TO GENERATE PRESSURE ON OTHER EC MEMBERS TO
RATIFY (ACCORDING TO BRINKHORST AND REPS OF
FRG, BELGIUM AND DENMARK).

NEGOTIATIONS CONTINUING ON THIS
ISSUE, WITH U.S. HOLDING FIRM TO ITS 90 PERCENT
POSITION. THIS WILL UNDOUBTEDLY BE
ONE OF SEVERAL ISSUES CARRIED OVER INTO
DIPLOMATIC CONFERENCE. IT IS CLEAR THAT MOST
COUNTRIES WILLING TO ACCEPT 11 COUNTRY
RATIFICATIONS, RATHER THAN 9, TO BRING PROTOCOL,
INTO EFFECT.

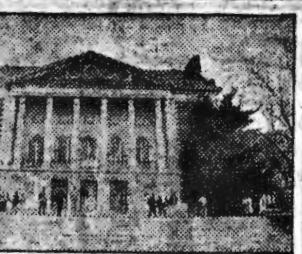
(1) REIO ISSUE: THE EC REMAINS INSISTENT THAT
THE PROTOCOL INCLUDE PROVISIONS WHICH
PERMIT REIO-MEMBER STATES TO FULFILL THEIR
OBLIGATIONS UNDER ARTICLE 2 (CONTROL MEASURES)
JOINTLY. THEIR NEW PROPOSAL LIMITS JOINT TREATMENT
ONLY TO MEMBER STATES OF SUCH ORGANIZATIONS THAT
ARE PARTIES TO THE PROTOCOL AND REQUIRES
THAT SUCH STATES' JOINT PRODUCTION/CONSUMPTION
NOT EXCEED LEVELS SET IN ARTICLE 2. SIGNIFICANTLY,
THE NEW PROPOSAL DOES NOT PROVIDE FOR GROUP
COMPLIANCE FOR ARTICLE 4 (CONTROL OF TRADE WITH
NON-PARTIES). PROTOCOL WILL MOST LIKELY BE
QUOTE MIXED UNQUOTE AGREEMENT FOR THE EC, THAT IS,
BOTH THE ORGANIZATION AND MEMBER STATES WILL BECOME
PARTIES. EC COMMISSION REPRESENTATIVES
HAVE INDICATED THAT THEY EXPECT ALL OR VIRTUALLY
ALL EC-MEMBER STATES TO JOIN THE PROTOCOL, AND HAVE
STRESSED THE STRONG ENFORCEMENT ROLE THE COMMISSION
INTENDS TO PLAY VIS-A-VIS ITS MEMBER STATES
REGARDING IMPLEMENTATION OF THE PROTOCOL. U.S.
AND OTHER DELEGATIONS ARE STUDYING THE NEW
EC PROPOSAL IN CONJUNCTION WITH OTHER DEVELOPMENTS.
STOHR
BT
02997

~~CONFIDENTIAL~~

TIMING

assuming protocol activates on 1 Jan 89 (as it appears that it will):

CFC freeze	1 July 89	(7 months after EIF)
Halon freeze	1 Jan 92	(3 years after EIF)
CFC 20% reduction	1 Jan 94	(4½ yrs after freeze)
CFC further 30% reduction	1 Jan 99	(10½ yrs after freeze)



ING THE LEGACY
AT MCKINLEY HIGH SCHOOL

PHOTOS BY CRAIG HERNDON—THE WASHINGTON POST

Charles (Master Gunny) Washington gives ROTC student Tyrone Robinson a hands-on lesson in telling left from right.

Three Teachers Who Make a Difference

Continued in a series of four articles

By Athelia Knight
Washington Post Staff Writer

Master Gunny) Washington looked at seven students in his Navy ROTC class to help them understand the little they knew about history. None of them was alive when Dr. Martin Luther King Jr. was gunned down. None had any firsthand knowledge of the violence of the

anything about that, but he was determined to get them to think about it. He already had a plan. At their last class meeting, showing some of King's followers being beaten by whites as they tried to inter-race in Nashville. King's followers were shocked. At the end, a student turned to Washington and asked: "What would have happened if Dr. King had been violent?"

Washington had an idea. At the next class meeting, he split them into two groups, violent versus non-violent. He asked them to argue the following question: "Was the best way to desegre-

gation to become embroiled in a free-for-all match, with Washington egging

them on, moving around the room in his gray pin-striped suit and matching gray cowboy boots, either challenging an illogical statement or acting as a devil's advocate.

"We're going to use some psychology . . ." began Taurice McMillan, leader of the nonviolent group.

"Damn the psychology," Washington chimed in. "My thing is, if we can't get it, let's blow up their stuff."

McMillan shook his head, saying violence was senseless, that it solved nothing. The leader of the violent group, Lionell Ben, interrupted. "I'm tired of getting hit over the head singing 'We Shall Overcome,'" he said.

Delighted, Washington slid into a chair and let the debate go on without him. As the class neared the end, he posed a final question: "Have we [blacks] ever in history accomplished anything through violence?" As the bell rang and the students filed out into the hallway, the debate raged on.

If there is a secret to success at McKinley, it seems to be shared by teachers such as Washington, social studies teacher Leroy Swain and French teacher Vernon Williams, who are able to motivate their students to come to class, turn in their homework assignments on time and participate in discussions.

See MCKINLEY, A16, Col. 1

Parents and administrators allege a negative slant in the Post series.

Page A17

Would Be Curbed To Protect Atmosphere

By Michael Weisskopf
Washington Post Staff Writer

MONTREAL, Sept. 15—Diplomats from 45 nations late today swept away the final obstacles to an international agreement designed to halve within a decade the industrialized world's consumption of ozone-depleting chemicals.

The U.N.-sponsored conference convening here is expected Wednesday to approve the agreement, which would curb chlorofluorocarbons (CFCs), the chemicals that break down the ozone layer of the stratosphere. That upper atmosphere ozone serves as a barrier to cancer-causing ultraviolet radiation.

The agreement would represent the first international air-pollution controls.

"There is a high likelihood of a protocol tomorrow [Wednesday]," said Winfried Lang of Austria, the conference chairman. He said last-minute obstacles were resolved in intense negotiating sessions.

Lang said that under compromises worked out in the negotiations, the Soviet Union would be given "special treatment" that permits increases in production and consumption of CFCs in line with its ongoing five-year plan and the nations of the European Economic Community would be treated as a unit for purposes of the agreement.

Today's negotiating breakthrough caps a nine-month effort to restrict CFCs—gaseous chemicals used in a vast array of products, ranging from air conditioners to solvents that clean computer chips. About \$750 million in CFCs are produced annually in the United States.

Unlike other pollutants, the CFCs do not break down in the lower atmosphere. In the upper atmosphere, they release chlorine that erodes the stratospheric layer of

See OZONE, A27, Col. 5

INSIDE

Yesterday in passage to tighten national campaign Page A3

ainers sitting the

Wright Rebukes Reagan
House Speaker Wright said President Reagan was undermining their Central American peace initiative by criticizing efforts of regional leaders. Page A28

D.C. Studies New Stadium
Mayor Barry announced a consultant's study to

New-Found Fervor for Politics

Evangelicals Give Robertson an Instant Base

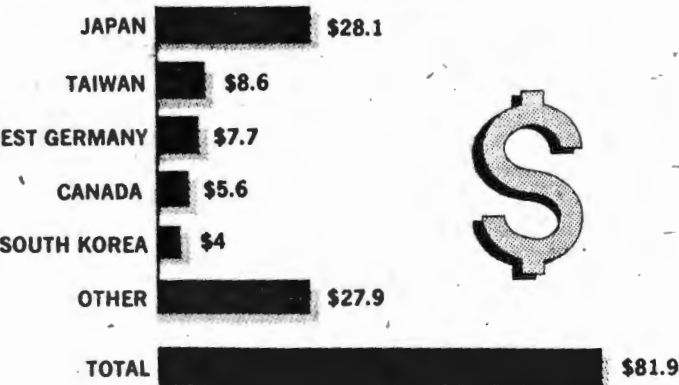
By T.R. Reid
Washington Post Staff Writer

SIoux FALLS, S.D.—Lillian Bingham looked up from her checkbook, a puzzled expression creasing her

Bingham's comments—and her financial contribution—are being replicated time and again in churches and meeting halls around the country these days. Thousands of

U.S. MERCHANDISE TRADE DEFICIT

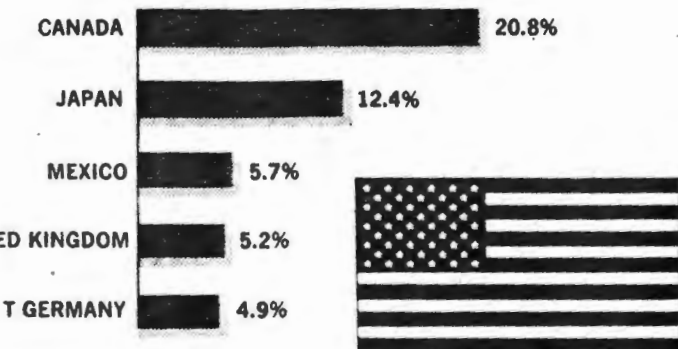
JANUARY THROUGH JUNE 1987, IN BILLIONS



Bureau of Economic Analysis, U.S. Commerce Department

WHO'S BUYING AMERICAN EXPORTS?

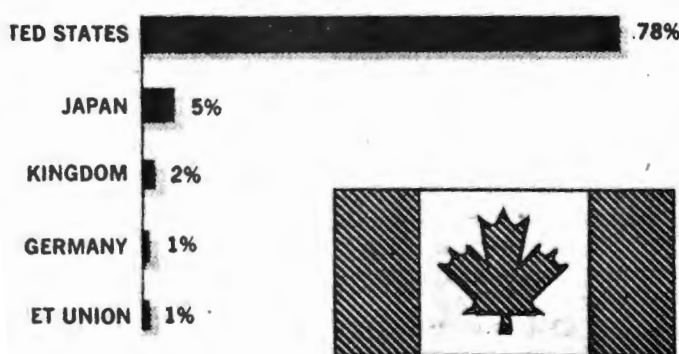
SELECTED COUNTRIES BY PERCENTAGE, 1986



Bureau of Economic Analysis, U.S. Commerce Department

WHO'S BUYING CANADIAN EXPORTS?

SELECTED COUNTRIES BY PERCENTAGE, 1986



Statistics Canada

THE WASHINGTON POST

es than into Canada, and Canadian tariffs on dutiable higher than the U.S. av-

Canadian firms obviously benefits of sometimes e-way street. The To-s skeptical editorially g barriers that, among tions, make it difficult investors to buy C-

worried many producers about their security of access to the U.S. market. Opponents of a trade deal have argued that these exemplify the bad faith of Americans.

Mulroney's key demand in the negotiations is for creation of some form of what he describes as a "dispute-settling mechanism" that would make it more difficult for

Ozone-Protection Treaty Expected to Be Approved

OZONE, From A1

ozone, which protects against the harmful effects of ultraviolet radiation, including skin cancer, eye disease and crop damage.

The agreement, which would become effective a year after its ratification by nations representing two-thirds of the world's CFC consumption, would freeze each participating nation's consumption at 1986 levels. Four years later, the parties would be required to reduce their consumption by 20 percent and six years later by another 30 percent.

An exception would be granted to less-developed nations whose annual per capita consumption of CFCs is below two-thirds of a pound. They would be permitted to import enough of the chemicals to bring their consumption up to that level.

To accommodate increased consumption in the Third World, producer nations would be able to increase CFC output by 10 percent over 1986 levels. But they would be required to cut production when consumption cuts become effective four and six years after ratification.

Except for exports to the Third World, the agreement would provide a number of controversial trade restrictions, including a ban on imports of bulk CFCs from non-signatory nations within a year of ratification and a ban four years later on imports of products containing the chemicals.

The trade restrictions were the most contentious issue resolved today, involving the largest CFC producers—the United States and the EEC nations, which manufacture 30 percent and 45 percent of the world's output of the chemicals respectively.

The EEC insisted on being treated as a unit, permitting some members to exceed the limits as long as the community as a whole complies.

Representatives of the 12 member nations of the EEC argued that such an exemption is necessary to uphold the provisions of the community's 30-year-old charter. Under the proposed CFC pact, nations that reach their consumption ceiling would be prohibited from importing more of the chemicals.

U.S. officials objected to treating the European Community as a whole, claiming that such action could give an unfair advantage to certain European producers in competition with U.S. manufacturers.

The Soviet Union, which represents about 10 percent of world CFC output but consumes much less, threatened to boycott the agreement because its limitations interfered with its five-year plan to construct new CFC plants by 1990.

Lang said the problem was resolved by permitting increased production of the chemicals from Soviet plants under construction before last January. But the new output cannot raise annual per capita consumption of CFCs in the Soviet Union higher than 1.1 pound.

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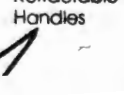
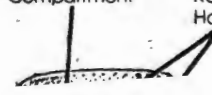
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ACCORD IS REACHED TO PROTECT OZONE

Industrial Countries Agree to Limit Use of 2 Chemicals Harming Atmosphere

By PHILIP SHABECOFF
Special to The New York Times

MONTREAL, Sept. 15 — Clearing some last-minute hurdles, negotiators from major industrial countries reached agreement tonight on a protocol to limit and eventually roll back global consumption of chemicals that are destroying the earth's protective ozone layer.

The agreement must still be voted on Wednesday by the nations taking part in the meeting here, now numbering 46. It then must be ratified by countries representing at least 66 percent of global consumption of the chemicals, chlorofluorocarbons and halons.

The United States had originally insisted that countries representing at least 90 percent of world production sign the treaty before it became binding. But it agreed to a lower number when all of the other delegations here opposed that position.

Lee M. Thomas, the Administrator of the United States Environmental Protection Agency and head of the United States delegation, hailed the protocol as an international instrument that would set a precedent for dealing with global environmental concerns.

Destroying the Green Shield

Chlorofluorocarbons are used to manufacture refrigerants, solvents, plastic foams and for a wide variety of other purposes. Halons are used as fire suppressants. Both have been found to destroy ozone in the atmosphere.

Ozone serves as a shield protecting the earth's surface from harmful ultraviolet radiation from the sun. As the ozone shield deteriorates as a result of chlorofluorocarbon and halon emissions caused by human activity, increasing ultraviolet radiation is expected to lead to more skin cancer, eye disease and neurological damage in humans, as well as damage to crops, forests and aquatic life.

The protocol would freeze all consumption of chlorofluorocarbons at levels prevailing in 1985. The freeze would take effect by Jan. 1, 1990. An exception was allowed for the Soviet Union, which would be permitted to freeze at levels prevailing in 1990, when its five-year plan expires.

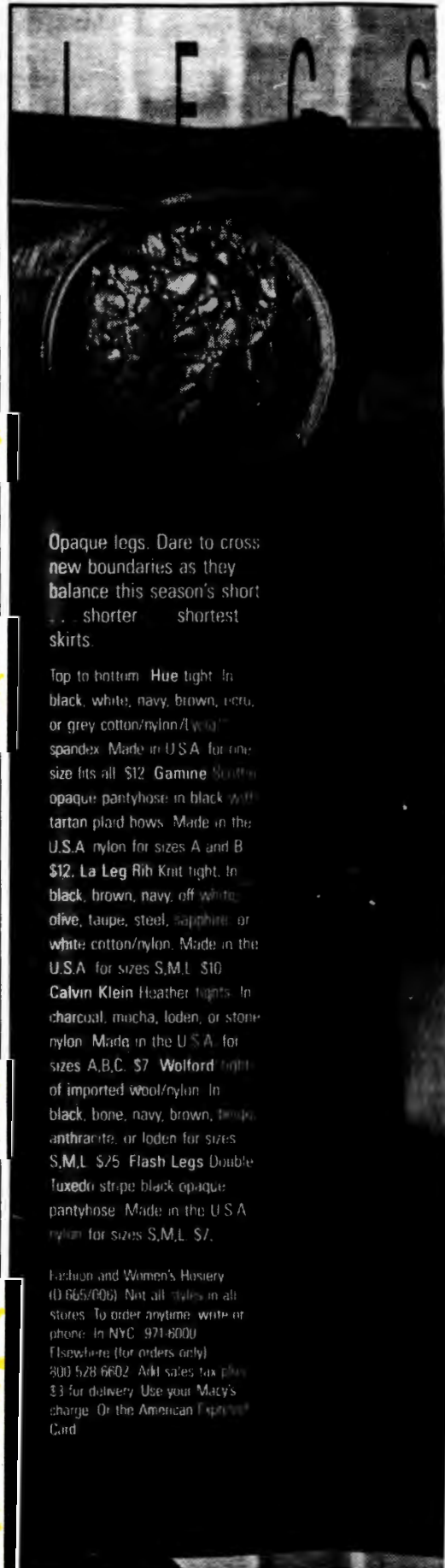
Chlorofluorocarbon consumption would then be rolled back by 20 percent by 1994 and an additional 30 percent by 1999. But global production of the chemicals would be permitted to rise as much as 10 percent over 10 years in order to meet the needs of developing countries for industrial growth.

European Community's Hurdle

Halons consumption levels would be frozen by 1994, but no rollbacks are planned for these chemicals yet.

The major last-minute hurdle faced by the negotiators was a demand by the European Community that its 12 member nations be treated as a single entity and that consumption limits not apply to any one member country.

Mr. Thomas said the United States objected to this plan because it would give the European Community a trade advantage not enjoyed by others joining in the protocol. A compromise was reached that would allow the Community to be treated individually, but only after each member state ratified the protocol individually.



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Pending Treaty Worries Chlorofluorocarbon Industry

Makers and Users Hunt for Substitutes Less Harmful to Earth's Ozone

By ELLIOTT D. LEW

Staff Report of THE WALL STREET JOURNAL.
About 40 nations are working this week to complete a treaty designed to protect the Earth's ozone layer by limiting the emission of some of the chemicals known as chlorofluorocarbons into the atmosphere.

The prospect has the five U.S. makers of the chemicals and thousands of users in a wide range of industries wondering what to do until substitutes reach the market in five to 10 years.

"The treaty may jeopardize the life of existing equipment and is going to cause us to spend a lot on engineering new products," says Richard C. Barnett, chairman of the Alliance for Responsible CFC Policy, a group of some 500 makers and customers of chlorofluorocarbons, also known as CFCs. "Beyond that, we aren't sure what the impact will be," he adds.

U.S. manufacturers sell about \$750 million of the compounds annually to about 5,000 customers in the refrigeration, air-conditioning, automotive, plastic-foam and electronics industries, according to the alliance.

Those industries in turn produce each year \$27 billion in goods and services directly dependent on chlorofluorocarbons. Moreover, some \$135 billion of installed equipment and products require the availability of the compounds for maintenance and repair, according to the alliance.

The treaty, being negotiated under the auspices of the United Nations Environmental Program, would take effect in 1989, when world-wide emissions of the most commonly used chlorofluorocarbons would be capped at 1986 levels. The treaty also is expected to call for phasing in by 1996 a 50% cut in emissions based on 1986 levels, pending the outcome of continuing scientific findings on the ozone-depletion problem.

A dispute at the treaty conference in Montreal continued yesterday over how many countries need to agree to the treaty for it to take effect, but a U.N. official said he hoped a compromise could be reached by tomorrow.

Huge Impact Predicted

The economic impact of the cap alone could be huge, with prices at least doubling for existing compounds, alliance officials say. They predict that consumers will pay more for such things as automobile air conditioners and that some companies that rely heavily on the chemicals, such as foam-insulator contractors, could be forced out of business.

Chlorofluorocarbons are synthetic compounds of chlorine, fluorine, carbon and sometimes hydrogen that are ideal for use in refrigeration, air-conditioning and insulation systems and as industrial solvents because they don't burn, explode or corrode, and don't irritate or poison people.

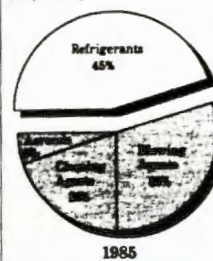
The problem occurs when chlorofluorocarbons escape or are released into the atmosphere. Scientists believe the compounds travel to the ozone layer that protects the Earth from ultraviolet rays and decompose, releasing chlorine that attacks the ozone.

If trends in use of the compounds continue, scientists theorize that people would be exposed to increased ultraviolet radiation, which could lead to more skin cancers and other environmental damage.

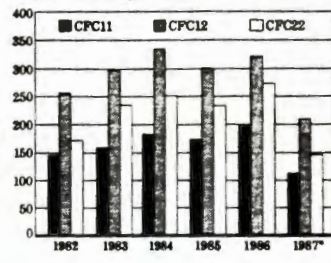
Developing less-destructive compounds is the ultimate answer, says the alliance. But the group says the available substitutes—chlorofluorocarbons that wouldn't be covered by the treaty because they

U.S. Production of Chlorofluorocarbons

Volume by application
(In percent)



Refrigerants
(In millions of pounds)



Source: Alliance for Responsible CFC Policy, International Trade Commission

*First six months

don't deplete the ozone as much—are generally neither as safe for workers and consumers nor as adaptable to a broad range of industrial uses as existing compounds.

One substitute, CFC 22, is already in significant use for certain commercial and residential air-conditioning systems, says the alliance's Mr. Barnett, who is also vice president and general manager of York International Corp., a York, Pa.-based maker of air-conditioning equipment. But CFC 22 has qualities that make it too costly or inappropriate for most other applications.

Years of Tests Required

Industry officials estimate that substitutes now available or under development could be used in 50% to 60% of current applications of CFC 11 and CFC 12, the two compounds most often employed in refrigeration, air-conditioning and insulation products. But bringing most of those substitutes to market will require two to three years of toxicity tests plus time to adapt equipment and develop production capacity. Only two of the five U.S. makers, Du Pont Co. and Allied-Signal Inc., are developing alternatives.

For example, Du Pont, which accounts for 20% to 25% of world chlorofluorocarbon production and is the largest domestic producer, has stepped up development of CFC 134a, a compound that doesn't contain ozone-depleting chlorine, but which researchers hope will perform as well as current compounds in a wide range of applications, though at much higher cost. Allied-Signal is also working on CFC 134a.

Despite the time it will take to bring any product to market, Du Pont says it isn't too worried about business disruptions. "We figure five to seven years will allow for an orderly phase-out (of restricted compounds) and an orderly phase-in of new materials," a spokesman says. "And that assumes you don't run into any real problems along the way."

Pennwalt Corp., on the other hand, is moving aggressively to adapt a commercially available product for use as an immediate replacement for CFC 12.

"Of the five domestic CFC producers, we have the only available alternative product for some uses of CFCs," claims Peter McCarthy, a vice president of the Philadelphia-based company with 8% to 10% of the domestic chlorofluorocarbon market.

Pennwalt says the product, a blend of CFC 142b and CFC 22, was developed as a substitute for a propellant in aerosol cans in 1978, after the U.S. acted unilaterally to control aerosol uses of chlorofluorocarbons. The company says the blend could conceivably replace all CFC 12.

Some industry analysts, however, say Pennwalt will have a big selling job because its product costs twice as much as current compounds and customers might not see the blend as a long-term solution to their problems. Nevertheless, "There will be a market out there when regulation occurs," asserts Peter M. Miller, manager of Pennwalt's chlorofluorocarbon division.

The case of automobile air conditioners illustrates some of the problems chlorofluorocarbon users have with existing sub-

stitutes. "Basically, there is nothing we can dump into our existing air conditioning unit without developing new compressors, lubricants and hoses," says Gerald F. Stofflet, assistant director of automotive emission control at General Motors Corp.'s environmental activities staff.

Moreover, he says, GM isn't interested in using an interim compound until a better substitute comes along, and "the only other option is to buy higher priced CFC 12 or not offer air conditioning. Anyway you go, the consumer gets hit" because the costs would be passed along, he adds. But Mr. Stofflet says the increase of \$15 a unit probably wouldn't be noticed much in air conditioners that cost \$600 to \$700 each.

Companies are also exploring ways to recover and recycle the chemicals that would be limited by the treaty. Alliance officials say this would be relatively easy to accomplish in the electronics industry. But GM's Mr. Stofflet says it will take almost as long to develop commercially the recov-

ery of chlorofluorocarbons from automobile air conditioners as it will to develop acceptable substitutes.

For other major users, neither substitutes nor recovery hold out much hope in the short term. Some makers of polyurethane foam insulation, for example, won't have an acceptable substitute for five to seven years, says Dennis Ross, a vice president with Celotex Corp., a Tampa, Fla.-based building materials unit of Jim Walter Corp.

Foam Companies Threatened

Moreover, because chlorofluorocarbons account for anywhere from a quarter to two-fifths of the cost of the finished product, foam companies, unlike auto makers, are very sensitive to price moves. "We feel like the bug flying in the middle of an interstate that knows it's not going to make it to the side of the road without getting squashed," says L.L. Cockrell, co-owner of RPC Industries Inc., a Hampton, Va., foam-blowing contractor. "If the price of foam doubles or quadruples, a lot of workers will be out on the street, and businesses will have \$100,000 of scrap in the backyard," he adds.

The alliance opposes those parts of the pending treaty calling for emission reductions. It argues that the cap at 1986 levels would be sufficient to head off a depletion problem and spur industry to develop adequate substitutes far less threatening to the ozone layer. The alliance doesn't expect the treaty to reflect its view.

Despite their reservations, alliance officials say the treaty is better than any potential unilateral U.S. action, which, they argue, would harm the U.S.'s competitiveness abroad. Several bills are before Congress that call for the U.S. to phase out use of certain chlorofluorocarbons in short order.

"Those measures are Draconian and could potentially cause more problems for the economy than solve for the environment," says the alliance's Mr. Barnett.

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CORRECTIONS & AMPLIFICATIONS

TRACOR INC.'s president is Mellon C. Baird. An earlier edition incorrectly identified Tracor's chairman and chief executive officer, Frank McBee, as president.

CML GROUP INC. will begin trading Thursday on the New York Stock Exchange under the symbol CML. An earlier edition incorrectly stated that the stock had begun trading last week.

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The New York Times/Chester Higgins Jr.
Senator Manfred Ohreny booking yesterday.

in the conspiracy with Mr. n, a Manhattan Democrat, the Senator Howard E. Babrooklyn Democrat, and Frank top staff aide to Mr. Ohreny, too, pleaded not guilty. rges are the latest episode in of corruption scandals that

ued on Page B6, Column 1

Catholics' Pope Says

aching was quite clear that are not called to the priest-bishop Weakland's words, ke of the pain women feel as lass citizens in a church they re uncommonly blunt for a ddress to the Pope. pe also urged the bishops to e couples to practice birth

ed on Page A21, Column 1

DOZENS OF NATIONS APPROVE ACCORD TO PROTECT OZONE

24 Sign and Others Back Pact to Reduce Chemicals That Damage Earth's Shield

By PHILIP SHABECOFF
Special to The New York Times

MONTREAL, Sept. 16 — Hailing a milestone in international cooperation to safeguard the environment, delegates from rich and poor nations approved an agreement today intended to protect the earth's fragile ozone shield.

Under the agreement, participating nations will first freeze and later reduce consumption of widely used chemicals that, according to emerging scientific consensus, destroy ozone molecules in the upper atmosphere.

The ozone shields the earth by blocking some ultraviolet radiation from the sun. Any increase in that radiation resulting from a thinning of the ozone layer will cause skin cancer and other harm to humans and damage crops, forests and other natural systems, scientists say.

'Historically Significant'

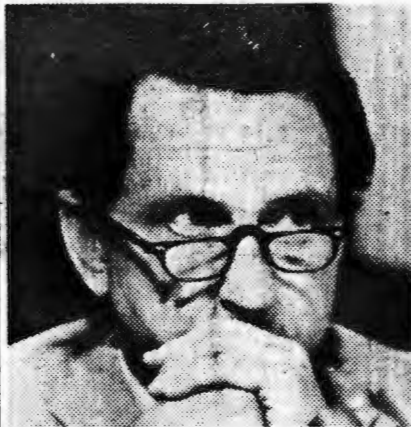
"This is perhaps the most historically significant international environmental agreement," said Deputy Assistant Secretary of State Richard E. Benedick, the chief United States negotiator here. "For the first time the international community has initiated controls on production of an economically valuable commodity before there was tangible evidence of damage."

While the agreement was reached only after "very complex and difficult" scientific, economic and geographic issues were resolved, he said, "it shows that the world community can sit down and engage in international risk assessment and risk management."

Environmentalists here, while praising the agreement, expressed concern that it did not go far enough to restrict emissions of the damaging chemicals.

The chemicals, called chlorofluorocarbons or CFC's, are used in a wide variety of applications including air conditioning and refrigeration, aerosol sprays, foam insulation, packaging and solvents. Industry representatives here estimated that annual world production is about \$2.2 billion but that in-

Continued on Page A11, Column 1



Associated Press

Senator Arlen Specter

"You have written that the Court doesn't have a legitimacy in using the First Amendment to interfere with what a state has done."

Judge Robert H. Bork

"I have never said that the Court did not have a legitimate role under the First Amendment to interfere with what the state has done."



The New York Times/Jose R. Lopez

Senator Dennis DeConcini

"You leave this Senator unsatisfied as to how we . . . can conclude that you're going to protect the citizens of this country in interpreting the Constitution as it relates to sex."

"In the gender cases that I have decided as a Court of Appeals judge, I have decided more of them in favor of the female claim than I have the other way."



Some Gains Toward Summit Seen In the Shultz-Shevardnadze Talks

By DAVID K. SHIPLER
Special to The New York Times

WASHINGTON, Sept. 16 — Soviet-American efforts to set the stage for a summit meeting were reported to have made modest progress today as Secretary of State George P. Shultz, Foreign Minister Eduard A. Shevardnadze and their aides held long sessions on arms control, human rights and regional conflicts.

Fragmentary accounts of the talks indicated that both sides had hinted at flexibility on some of the positions that divide them on arms control, and officials said serious work was being done in a cordial atmosphere

he achieved in the first half of next year.

Mr. Gorbachev is reported to have asked President Reagan to allow Soviet officials to inspect an American radar site in Thule, Greenland, which the Russians and some American experts assert violates the 1972 Anti-Ballistic Missile Treaty. American officials said the request was made in a letter from Mr. Gorbachev that was handed to Mr. Reagan on Tuesday by Mr. Shevardnadze.

As Mr. Shevardnadze and Mr. Shultz held their second day of talks, a dispute

Dozens of Nations Approve Pact To Curb Ozone-Killing Chemicals

Continued From Page A1

dustries that use them now have annual sales of many billions of dollars.

Twenty-four nations plus the European Community signed the protocol today. Forty-nine countries signed a document approving the meeting's actions, but some — including the Soviet Union — did not sign the protocol itself, in many cases because delegates did not have the authority.

Before coming into force, the agreement must be ratified by at least 11 nations, representing at least two-thirds of global use of the chemicals. United Nations officials here said they expected all major producing nations to ratify it.

Lee M. Thomas, Administrator of the Environmental Protection Agency, who signed the protocol for the United States, said the agreement "has the potential to serve as a model for other international actions as we increasingly learn there are global environmental problems that have to be dealt with on a global scale."

These are the major provisions of the protocol:

¶ In 1989, when it takes effect, participating nations are to freeze use of chlorofluorocarbons at levels of 1986.

¶ By 1994, the consumption must be reduced by 20 percent.

¶ By 1999, consumption is to be cut 30 percent more.

¶ Use of halons, chemicals used as fire suppressants, is to be frozen at 1986 levels by 1994, but reductions would not be required.

Allowance for Developing Nations

While all of the developed countries must limit and then roll back chlorofluorocarbon consumption, the protocol allows developing countries to increase their use if it will help their economic

development. To meet possible needs of poorer countries, producing countries would be able to increase their annual production of CFC's by as much as 10 percent a year over the next 10 years.

Thus, while all of the major producing countries are expected to adhere to the protocol, the decline in total emissions of the chemicals will depend on how much is used by poor countries.

United States officials here, however, said that because the tough restrictions on CFC use would force industry to develop safe alternatives quickly, it was just as likely that the chemicals could be forced off the market by substitutes even more rapidly than envisioned by the protocol.

U.S. Bars CFC's in Aerosols

The United States, along with Canada and Scandinavian countries, voluntarily ended the use of CFC's in aerosol sprays in the 1970's. But other industrial countries, including Japan and those in the European Community, continued to use them. Industry representatives here said those countries would be able to meet their obligations under the protocol almost entirely through abandoning the aerosols.

Mr. Mustafa K. Tolba, the executive director of the United Nations Environment Program, who convened the negotiations, has said he would call an emergency meeting to reopen the protocol if new scientific evidence indicated stronger action was needed.

Mr. Thomas of the E.P.A. said further action against the global warming problem, caused by emissions of carbon dioxide, chlorofluorocarbons and other gases, was a likely candidate for future international cooperation.

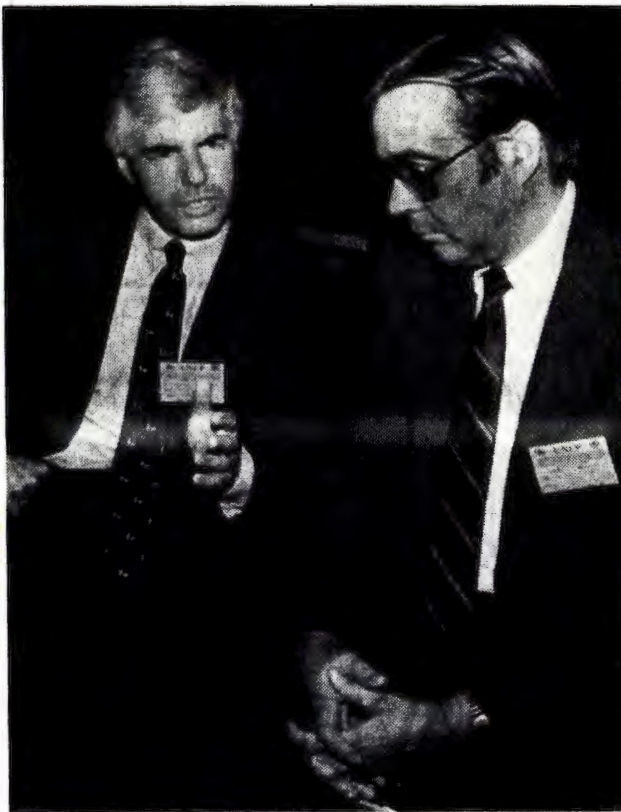
A scientific expedition is now examining the ozone hole that appears over the Antarctic each September and is expected to report its findings before the end of the year. Scientists are not yet sure whether that hole is caused by man-made chemicals, but in any case, worry about a gradual worldwide thinning of the ozone layer lay behind today's agreement.

Some of the impetus for the agreement came from the chlorofluorocarbon industry in the United States, which was facing the prospect of regulatory action by Congress and thus a competitive disadvantage in world markets.

Comment From Industry

Kevin Fay, executive director of the Alliance for Responsible CFC Policy, a United States industry group, called the agreement a "significant step." But he also said that the schedule for compliance seemed to be "too tight" and that the industry would have to examine the agreement closely to see if it gave the United States "a level playing field" in world markets.

Environmentalists here praised the agreement as a major step in dealing



Lee Thomas, right, administrator of the Environmental Protection Agency, conferring with his Canadian counterpart, Thomas MacMillan, before signing of accord at meeting yesterday in Montreal.

Radiation blocked by ozone causes cancer.

with the threat to ozone and a precedent for future action.

David Wirth, a lawyer for the Natural Resources Defense Council, an American environmental group, said, "Lee Thomas and the United States deserve a lot of credit for proposing this agreement and for following up with measures that got the agreement here." Such praise for a Reagan Administration environmental official from an environmentalist is rare.

But Mr. Wirth and other environmentalists said the agreement was not strong enough to give adequate protection to the ozone layer and included too many loopholes, including the special provisions for the developing countries and permission to the Soviet Union to complete CFC-producing plants now under construction or under contract.

The environmentalists contend that an 85 percent reduction in CFC's over

the next five years is necessary to stabilize the ozone layer.

But officials of the Environmental Protection Agency said the protocol would dramatically reduce radiation damage.

They said the agency's computer models indicated that if the actions required by the protocol were observed, they would avert 132 million cases of skin cancer and 27 million deaths from skin cancer that would otherwise have occurred among people born before 2075. The data also show that about 1.5 million cases of eye cataracts would be averted.

Even with the new controls, there is expected to be a 2 percent depletion of the ozone layer by the middle of the next century. This will cause some 7 million extra skin cancer cases among people born between now and 2075, according to an estimate by Canada's Environment Ministry.

The destruction of the ozone layer by chlorofluorocarbons was first hypothesized 23 years ago by two American scientists, F. Sherwood Rowland and Mario J. Molina. As recently as a year ago, many of the major CFC-producing nations opposed any stringent control on production and use of the chemicals.

Chemical Industry Sees Rush To Invent Safer Alternatives

By JONATHAN HICKS

An international agreement to limit production of chlorofluorocarbons and halons will touch off a race in the \$2.2 billion industry to develop chemical alternatives that are not hazardous to the earth's ozone layer, officials at several American chemical companies said yesterday.

The five United States manufacturers of chlorofluorocarbons said the agreement would not significantly hurt their sales or earnings because the chemicals represent only a small percentage of their businesses.

But the chemical industry executives said the agreement — signed yesterday by the United States, the European Community and 23 other nations — would compel them to place more money into research and development. "Our costs for research and development have already gone up, and they

will go up much more," said Charles Coe, a spokesman for Allied-Signal Inc.

Tighter Supplies Predicted

Some industry officials said the agreement to limit the production of the chemicals would result in a tighter supply as demand for the products in which they were contained grew. They acknowledged that this would lead to slightly higher prices for the chemicals and the products that contain them, most notably refrigerator compressors, air-conditioning equipment and some insulation materials.

"When it comes to access, there is going to be an instant shortage," said Peter Miller, manager of the chlorofluorocarbon department of the Pennwalt Corporation in Philadelphia. "The prices are going to get so high that companies will be forced to find alternatives."

Mr. Coe said chemical companies would probably study methods of recovering chlorofluorocarbons from old appliances so that they can be recycled rather than released into the atmosphere, as is the case when the products are abandoned.

'Catastrophic' Effect on Industry

"For us, this thing borders on being catastrophic for our CFC business," said Robert L. Jeanson, a vice president of Kaiser Chemicals, the Cleveland-based subsidiary of the Kaiser Aluminum and Chemical Corporation. "It is a business that we've been in for over 20 years, and now it's essentially being phased out."

Mr. Jeanson said the larger companies, such as E. I. du Pont de Nemours & Company and Allied-Signal, would probably be first in developing substitutes because of their larger budgets for research and development.

Du Pont executives agreed that the research would be costly and long. "By our estimates, any substitution will take about seven years to develop," said Craig Skaggs, a spokesman for Du Pont, the largest maker of chlorofluorocarbons. "Because of all the testing, the tremendous amount of toxicology testing you have to do internally and with the Federal Government, it's going to take some time."

Demjanjuk Trial Delayed

JERUSALEM, Sept. 16 (Reuters) — The trial of John Demjanjuk, held up when one of his judges had a heart attack, will resume on Oct. 28, the Israeli radio reported today. Mr. Demjanjuk, a 67-year-old former Ohio autoworker accused of being a sadistic guard at the Nazi death camp at Treblinka during World War II, went on trial before a three-judge Jerusalem court in February.

Washington Talk: How Government Works

New Push in Indochina To Find U.S. Missing

Special to The New York Times

BANGKOK, Thailand, Sept. 16 — A former United States Congressman arrived in Bangkok today with six relatives of American servicemen unaccounted for in Laos or Vietnam since the 1960's. The group plans to release 2,500 balloons Thursday with messages offering large rewards to those who can produce a missing American.

The delegation, headed by former Representative William Hendon, a North Carolina Republican, has raised \$2.4 million to offer to citizens of Laos, Cambodia and Vietnam to bring out any American serviceman still alive and in captivity.

"Nothing else has worked," Mr. Hendon said, alluding to more than a decade of negotiations with the governments of Vietnam, Laos and Cambodia. In Indochina, the United States has diplomatic relations only with Laos, where 549 Americans are still listed as missing. Another 1,776 are unaccounted for in Vietnam.

The group plans to go to northeast Thailand Thursday to inflate the balloons and send them into Laos.

WASHINGTON, Sept. 16 (AP) — The State Department said today that a private group's plan to float balloons in Indochina to advertise \$2.4 million in rewards for the rescue of American servicemen could hurt official efforts to account for the missing. The National League of Families of American Prisoners and Missing in Southeast Asia, the largest group representing the relatives of the missing, also criticized the effort.

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Nations Sign Agreement to Guard Ozone Layer

By Michael Weisskopf
Washington Post Staff Writer

MONTREAL, Sept. 16—The world's industrialized nations, except for the Soviet Union, signed an agreement today aimed at protecting the stratospheric ozone layer from destructive chemicals. It is the first international effort to control an air pollutant.

Soviet delegates at the conference here said that while they endorsed the accord they were not authorized to sign it and would take it back to Moscow for review. A delegation spokesman said he was "hopeful" of a prompt signature.

The Soviet decision did little to dim enthusiasm for the agreement which, if ratified, would cut as much as half of the world's consumption of chlorofluorocarbons (CFCs). The largest producers and consumers of CFCs, which erode the ozone barrier shielding Earth from harmful ultraviolet rays, are the United States, Japan and the European Economic Community. Their ratification alone is enough to activate the agreement.

"This is the first truly global treaty that offers protection to every single human being," said Mostafa K. Tolba, executive director of the United Nations Environment Program, which sponsored the conference.

But behind the self-congratulatory speeches several questions remained about the impact of

the accord, which was approved in the final hours of the three-day conference and only after last-minute compromises.

The general assessment by diplomats and environmentalists was that the cuts of 50 percent of CFC consumption and 35 percent production prescribed for western nations by 1999 would slow depletion of the gaseous ozone veil that filters out harmful ultraviolet radiation and protects humans against skin cancer.

But compromises that negotiators considered necessary to assure participation by the Soviet Union and developing nations "water down" the environmental benefits, according to David Wirth of the National Resources Defense Council.

Permitted modest growth in their consumption of CFCs for a limited period of time, those countries could raise current world consumption by up to 15 percent of 1986 levels, diplomats estimate.

Environmental Protection Agency Administrator Lee M. Thomas, head of the U.S. delegation, explained that limited exemptions were granted to the Soviet Union to accommodate its ongoing five-year plan for new CFC plants and to developing nations because their consumption levels are so low that it would have been unfair to hold them to the same standard as wealthier countries.

"We felt it was important to bring in those countries," Thomas said, noting that they will have to observe the same CFC phase-out sched-

ule as other signatory nations once they achieve a certain level of consumption and production.

It is unclear, however, whether the exceptions are enough to gain acceptance of the Third World's two giants—China and India. The Indians did not participate in the conference. The Chinese participated but did not sign the accord, and diplomats noted that Beijing's ambitious plans to provide refrigerators to its bulging society could include a role for CFCs, which serve as an inexpensive and accessible coolant.

Another looming issue is how fast and at what price industry can find substitutes for CFCs, a gas used to puff up foam products and clean computer chips among myriad functions. Annual U.S. production of CFCs is valued at \$750 million.

Industry officials say it will take at least five years to develop alternatives that do not migrate, as CFCs do, to the upper atmosphere, where they deplete ozone. Meanwhile, the supply of CFCs will fall short of demand once the first phase of the pact—a freeze on consumption at 1986 levels and a 10 percent CFC production cap—goes into effect as expected in 1989.

As demand for CFCs exceeds their supply, the price of finished goods containing the chemical will rise by a total of \$1 billion over 10 years, according to industry officials. Consumers buying products containing CFCs, such as air conditioners and furniture, would face small price increases, officials said.