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ORIGIN OES-09

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REVIEW AUTHORITY: Theodore Sellin, Senior Reviewer

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NAIROBI ALSO FOR UNEP PERMREP, BRUSSELS A SO FOR USEC

E.O. 12356: N/A  
TAGS: SENV, ETRD, UNEP  
SUBJECT: MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete  
THE OZONE LAYER

REF: STATE 319737

1. THIS IS AN ACTION CABLE. SEE PARAS 5, 6, 7, 8, 12,  
AND 13.

2. SUMMARY: THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
(EPA) ANNOUNCED ON DECEMBER 1 PROPOSED REGULATIONS TO  
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IMPLEMENT THE SUBJECT PROTOCOL. THE PRESIDENT WILL  
TRANSMIT THE PROTOCOL TO THE SENATE THIS MONTH. A  
NOVEMBER 3 SENATE RESOLUTION CALLED FOR RAPID  
RATIFICATION. ADDRESSEES SHOULD ENSURE THAT HOST

ALL INTERESTED PARTIES ARE URGED TO ATTEND THE JANUARY CONFERENCE AND TRADE FAIR IN WASHINGTON ON SUBSTITUTES AND ALTERNATIVES TO CFC'S AND HALONS. END SUMMARY

3. ON DECEMBER 1, EPA PROPOSED DOMESTIC REGULATIONS TO RESTRICT PRODUCTION AND CONSUMPTION OF OZONE-DEPLETING CHEMICALS. IN ANNOUNCING THE PROPOSED RULE, EPA

ADMINISTRATOR LEE THOMAS NOTED, "THESE RULES WILL FULLY IMPLEMENT THE MONTREAL PROTOCOL TO PROTECT THE STRATOSPHERIC OZONE LAYER. OUR PROPOSAL CONSTITUTES THE AMERICAN RESPONSE TO THE GLOBAL COMMITMENT TO REDUCE THE RISKS OF STRATOSPHERIC OZONE DEPLETION."

4. THE PROPOSED REGULATION, BASED ON AN ALLOCATED QUOTA SYSTEM, IS OPEN FOR PUBLIC COMMENT FOR SIXTY DAYS AND IS SCHEDULED TO BE PROMULGATED IN FINAL BY AUGUST 1, 1988. ITS CONTROLS ARE TO TAKE EFFECT ON A SCHEDULE IN ACCORDANCE WITH THE PROTOCOL.

5. WE ARE POUCHING THE PROPOSED RULE TO ALL ADDRESSEES. ACTION ADDRESSEES ARE REQUESTED TO PROVIDE COPIES OF THE PROPOSED RULE TO ALL APPROPRIATE HOST GOVERNMENT OFFICIALS (E.G., MINISTRIES OF ENVIRONMENT, INDUSTRY, TRADE, AND FOREIGN AFFAIRS) AND OTHER INTERESTED PARTIES. RESOLUTION 2 OF THE FINAL ACT ON SUBSTANCES THAT DEplete THE OZONE LAYER ENCOURAGES EXCHANGE OF INFORMATION ON TECHNOLOGIES AND ADMINISTRATIVE STRATEGIES  
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FOR REDUCING EMISSIONS OF CONTROLLED SUBSTANCES. THE PREAMBLE TO THE PROPOSED RULE CONTAINS A DISCUSSION OF CONTROL STRATEGIES CONSIDERED AND OTHER INFORMATION WHICH WILL BE OF INTEREST TO COUNTRIES CONSIDERING RATIFICATION AND IMPLEMENTATION OF THE PROTOCOL. IT INCLUDES, FOR EXAMPLE, A SUMMARY OF STEPS EPA BELIEVES VARIOUS INDUSTRIAL SECTORS COULD TAKE TO REDUCE CFC AND HALON USE. (A NUMBER OF REPLIES TO REF REQUESTED ADDITIONAL INFORMATION ON THE AVAILABILITY OF SUBSTITUTES AND ALTERNATIVES.)

6. ALSO IN ACCORDANCE WITH RESOLUTION 2 AND IN RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION ON SUBSTITUTES AND ALTERNATIVES, ADDRESSEES SHOULD URGE INTERESTED PARTIES TO PARTICIPATE IN THE CONFERENCE AND TRADE FAIR ON

UNCLASSIFIED U.S. Department of State Case No. F-2008-03441 Doc No. C17575142 Date: 12/20/2016  
SUBSTITUTES AND ALTERNATIVES TO CFC'S AND HALONS JANUARY  
13-15, 1988 IN WASHINGTON, D.C. THE CONFERENCE IS  
COSPONSORED BY THE CONSERVATION FOUNDATION, EPA AND  
ENVIRONMENT CANADA. BROCHURES WERE POUCHED TO ALL  
ADDRESSEES IN OCTOBER. TO REGISTER, CONTACT CONFERENCE  
COORDINATOR AT THE CONSERVATION FOUNDATION, 202/293-4800.

7. LIMITED FUNDING WILL BE AVAILABLE TO BRING LDC  
PARTICIPANTS TO THE JANUARY CONFERENCE. IF POSTS CAN  
IDENTIFY INDIVIDUALS WHO OTHERWISE COULD NOT FUND TRAVEL  
BUT WHOSE PARTICIPATION COULD (1) HASTEN HOST GOVERNMENT  
RATIFICATION OF THE PROTOCOL AND/OR (2) MAKE A DIFFERENCE  
ON INVESTMENT DECISIONS WHICH WILL AFFECT THE ENVIRONMENT

AND COMPETITION WITH U.S. EXPORTERS WHO WILL BE SUBJECT  
TO U.S. REGULATIONS, PLEASE CABLE NOMINATION AND  
JUSTIFICATION ASAP. NOMINEES COULD INCLUDE, FOR EXAMPLE,  
REPRESENTATIVES OF RELEVANT INDUSTRY ASSOCIATIONS IN  
COUNTRIES WHERE RATIFICATION HINGES ON GOVERNMENT  
CONSULTATION WITH INDUSTRY AS TO THEIR ABILITY TO ADAPT  
TO THE PROTOCOL'S REQUIREMENTS.

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8. AT MONTREAL, THE NETHERLANDS ALSO EXPRESSED INTEREST  
IN HOSTING A WORKSHOP ON TECHNOLOGIES AND ADMINISTRATIVE  
STRATEGIES FOR REDUCING EMISSIONS OF CONTROLLED  
SUBSTANCES, AS RESOLUTION 2 CALLS FOR. FOR THE HAGUE:  
PLEASE ASK WILLEM KAAKEBEEKE WHETHER THE NETHERLANDS  
PLANS TO FOLLOW THROUGH ON THIS AND IF THEY HAVE A DATE  
SET. WE WILL BE HAPPY TO PARTICIPATE.

9. AS REPORTED IN NAIROBI 36070, THE PROBLEM WITH UN  
RELEASE OF CERTIFIED TEXT HAS BEEN RESOLVED, AND TREATY  
SERVICES OF ALL NATIONS' FOREIGN MINISTRIES SHOULD HAVE  
RECEIVED DEPOSITARY NOTIFICATION C.N.239.1987.TREATIES-1  
FROM UN (DATED 10/27/87, BUT RECEIVED BY USUN 11/10/87).

10. TRANSMITTAL OF THE PROTOCOL TO THE SENATE WAS  
DELAYED BY DELAY IN RECEIPT OF CERTIFIED TEXT FROM UN,  
BUT CERTIFIED TEXT HAS NOW BEEN RECEIVED AND NECESSARY  
DOCUMENTATION PREPARED. IN A WHITE HOUSE CEREMONY THIS  
MONTH, THE PRESIDENT WILL SIGN THE TRANSMITTAL TO THE  
SENATE.

11. ON NOVEMBER 3, THE SENATE PASSED A RESOLUTION

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CALLING FOR STEPS TOWARD RATIFICATION TO BE TAKEN AS  
QUICKLY AS POSSIBLE. THE RESOLUTION REFLECTS BROAD  
SUPPORT FOR THE PROTOCOL AND ADDITIONAL CONCERN RAISED BY  
RECENT SENATE HEARINGS ON THE PRELIMINARY RESULTS FROM  
THE ANTARCTIC. TEXT WILL BE POUCHED.

12. ALL ADDRESSEES SHOULD ENSURE THAT HOST GOVERNMENTS,  
INCLUDING FOREIGN MINISTRIES, ARE FAMILIAR WITH THE  
PRELIMINARY ANTARCTIC FINDINGS INDICATING THAT THE LOSS  
OF OZONE WAS GREATER THAN EVER PREVIOUSLY RECORDED (SEE  
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PARA 9 OF REF AND FACT SHEET WHICH WAS POUCHED). WHILE  
THE SCIENTISTS ARE STILL ANALYZING THEIR DATA, WE BELIEVE  
THE PRELIMINARY FINDINGS CONFIRM THE WISDOM OF THE  
MONTREAL PROTOCOL. A MAJOR SCIENTIFIC SYMPOSIUM ON  
ANTARCTIC OZONE (COSPONSORED BY NASA, NOAA, NSF, CMA, WMO  
AND UNEP) IS PLANNED FOR MAY 1988 IN COLORADO, WHEN MORE  
COMPLETE RESULTS FROM THE 1987 ANTARCTIC EXPEDITIONS WILL  
BE AVAILABLE.

13. WE APPRECIATE RESPONSES TO REF, AND URGE CONTINUED  
EXCHANGE WITH HOST GOVERNMENTS AND REPORTING ON THIS  
SUBJECT. SHULTZ

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