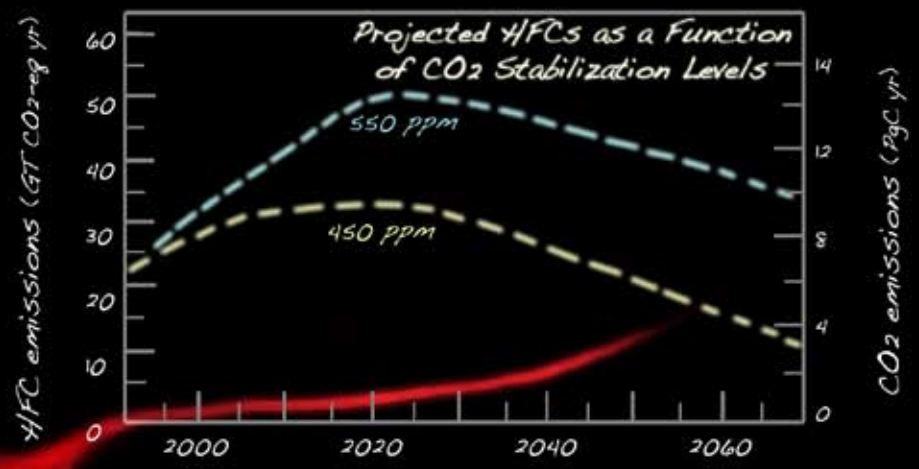
A Bridge Between Conventions: The Global Solution for HFCs



A Bridge Betwe

A joint initiative by the UNFCCC and the Montreal Protocol

HFC production and use will be an extraordinary fir

Historic Success

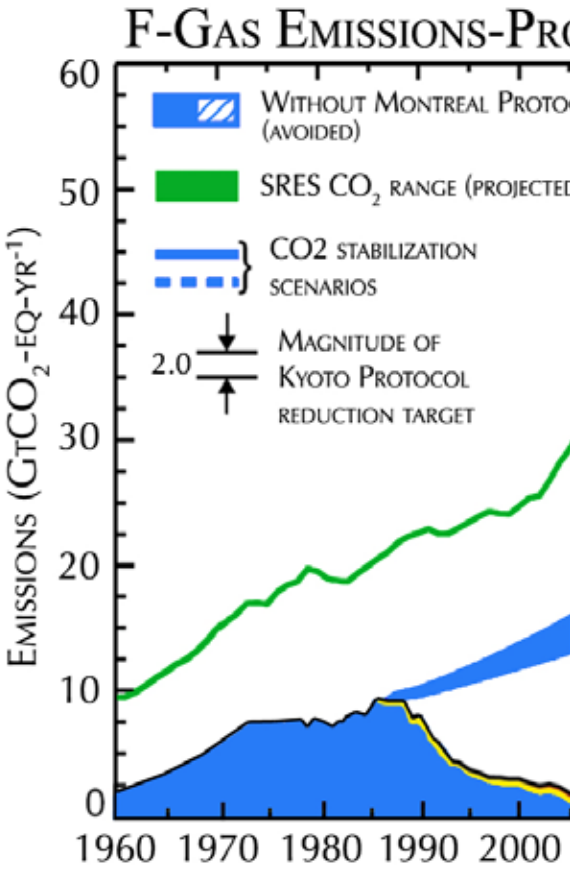
The Montreal Protocol is widely regarded as the most successful environmental accord in history. It has already achieved phase-downs of over 95% of 97 different chemicals responsible for ozone depletion in developed countries and 50-75% of these chemicals in developing countries.[1] This has prevented over 100 gigatons (Gts) of CO_2 equivalent emissions – twenty times the reductions to be achieved by the emission reductions under the Kyoto Protocol (see graph below). These results have been obtained through work with precisely the same industrial and economic sectors that now use hydrofluorocarbons (HFCs), making the Montreal Protocol the most experienced and credible entity for reducing production and use of high-Global Warming Potential (GWP) HFCs used in refrigeration, air conditioning, foam-blowing and other applications. Although generally regarded as an ozone treaty, through its ongoing phase down of CFCs and HCFCs, the Montreal Protocol has already done more to mitigate global warming than all other global efforts combined — reductions to date are estimated to have delayed onset of acute climate change by more than a decade.[2]

Universal Membership

Every nation in the world is a member of the Montreal Protocol making it the first and only international environmental accord to enjoy universal participation. Its 196 member nations operate on a consensus basis with strong interactive participation by industry, scientists, economists and civil society in developing recommendations and shaping policy. Regulations, deadlines and commitment schedules are binding and Parties typically act to implement regulations in advance of actual ratification. Through its twenty-one year history, the Montreal Protocol has developed a unique level of cooperation and trust. This has enabled an unprecedented level of effectiveness and success in resolving the acute threats formerly posed to the planetary ozone layer. To mitigate climate change caused by HFCs, there simply is no superior model for redress available or any comparable international body that could be created within a realistic or acceptable timeframe.

Sound Science

The actions of the Montreal Protocol are based on best scientific and economic information, and rely extensively on the Technology and Economic Assessment Panel (TEAP), Technical Options Committees (TOCs) and the Scientific Assessment Panel (SAP).[3] These groups provide the Parties with real-time information upon which to enact regulations. To better respond to available data and achieve its goals, the Montreal Protocol also has a unique 'adjustment' mechanism allowing the Parties to revise and accelerate phase-out schedules without formal amendment.[4] Adherence to commitments is also aided by flexibility in implementation, for while timelines for phase-downs are specific, the manner in which these targets are achieved is not, which permits Parties to meet commitments in a fashion best suited to their circumstances.[5]



Without concerted action, soaring HFC production and use could add as much as 200 Gts of CO_2 equivalent emissions to the atmosphere by 2050, effectively negating corresponding reductions that might otherwise be achieved through UNFCCC efforts.

EEN CONVENTIONS

TO CONTROL HFC EMISSIONS AND IMPLEMENT A PHASE DOWN OF

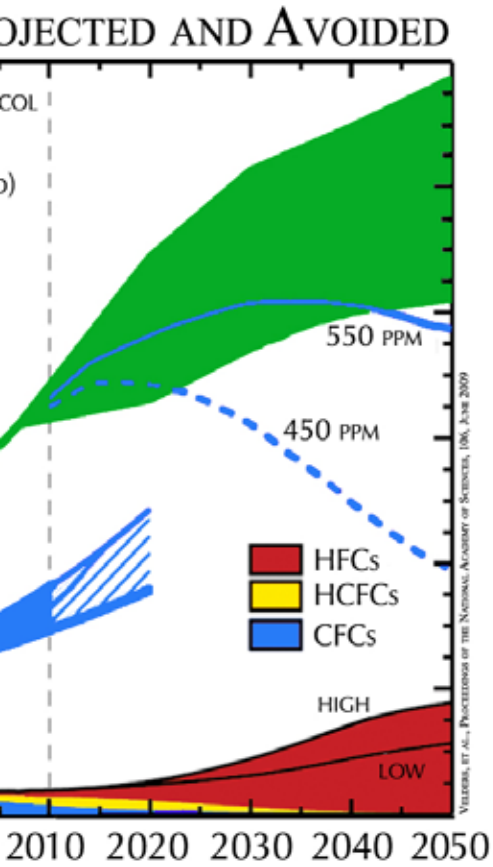
RST STEP TOWARD SOLVING THE GLOBAL CLIMATE CRISIS.

DIFFERENTIATED RESPONSIBILITIES

Parties to the Montreal Protocol have distinctive responsibilities and obligations. Developed nations are typically required to implement regulations years in advance of the schedule used for developing nations.[6] In addition to fostering action precisely where it is generally needed most and among the Parties most responsible for historic emissions, this two-tier approach reduces the risk of adverse fiscal impacts by creating extended and gentler transition schedules for less robust economies.[7] Developed nations are also obligated to contribute to financing the transitions to production and use of approved substitutes by developing nations, assisting in technology transfer, and generally facilitating successful implementation of regulations internationally by supplying monetary support.[8]

FINANCIAL MECHANISM

To address the resource needs of developing countries to meet compliance, the Montreal Protocol provides financial support through its Multilateral Fund (MLF).[9] The MLF covers incremental costs incurred as a result of efforts to phase down consumption and production,[10] and would similarly be available to aid developing countries in financing a phase-down of HFCs. Every three years, the Parties establish the MLF budget for the next three years through contributions from over forty developed nations. The MLF is managed by an Executive Committee comprised of seven industrialized nations and seven developing countries reporting annually at the meeting of the Parties.[11] At the last meeting in November 2008 in Doha, 116 projects and activities for 65 countries were approved totaling $57,347,247 plus $9,956,600 in support costs for bilateral and implementing agencies.[12]



TECHNOLOGY TRANSFER

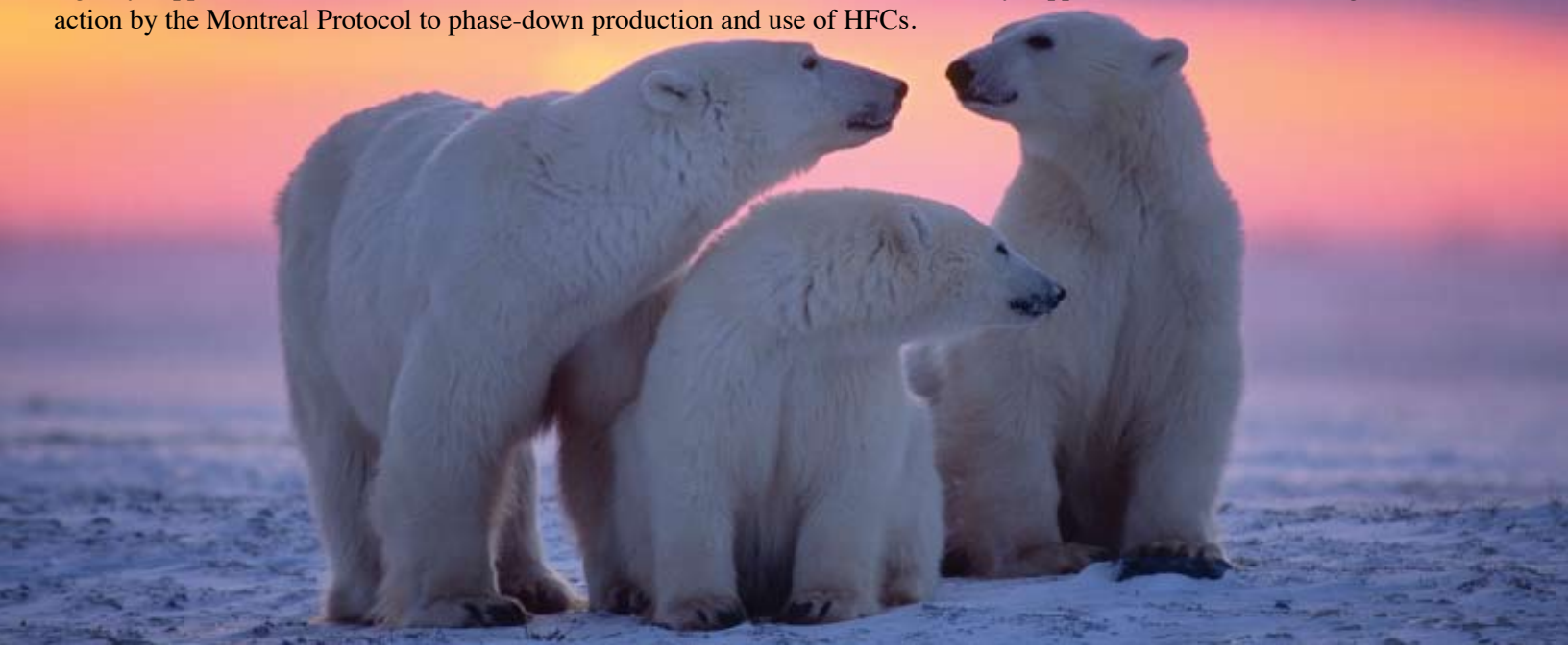
The Montreal Protocol aids technology transfer to developing countries, helping industry replace chemicals and equipment, reorganizing production processes and stimulating the redesign of products.[13] It also plays a critical role in enhancing the capacity for building and development, as well as facilitating proliferation of chemical substitutes and alternative technologies. As economically viable and energy efficient substitutes and alternatives already exist for the largest and most common sectoral uses of HFCs, a transition away from high GWP HFCs could be quickly adopted and proliferated worldwide.

Trade in legally produced, recycled or used chemical stocks is not included in national quotas as a means of encouraging the recycling of chemicals to satisfy consumption needs while facilitating the phase-out of production.[14] The Montreal Protocol also employs ozone officers at 146 national offices organized into nine networks throughout the developing world. This network of professionals implements phase down schedules agreed to under the treaty and efficiently utilizes funding supplied by the MLF.[15] This existing capacity of seasoned and capable experts is qualified and available to successfully implement an HFC phase-down tailored to match the scale and timing of the problem.

HISTORIC SUCCESS, INTERNATIONAL RESPECT, SOUND SCIENCE, DIFFERENTIATED RESPONSIBILITY, TECHNOLOGY TRANSFER AND FINANCIAL SUPPORT COMPRISE A FRAMEWORK THAT WILL ENSURE THE SUCCESS OF AN HFC PHASE DOWN UNDER THE MONTREAL PROTOCOL.

Best scientific evidence indicates the world is rapidly nearing an upper limit for greenhouse gas emissions and has a remaining 'budget' of about 700 billion tons of CO_2 equivalents before the onset of profound and enduring climate change.[16] At present emission rates, less than twenty years remain to avoid acute worldwide societal, ecological and economic disruption arising from atmospheric loading of greenhouse gases and the resulting climate change.

Any real prospect for arresting and reversing global warming will require use of all available international resources and mechanisms. A phase-down of the "super" greenhouse gases known as HFCs would prevent the release of some 200 billion tons of CO_2 equivalents by 2050 and avoid between 6-10 years of total equivalent global emissions. This phase-down can and should begin immediately by enabling the Montreal Protocol to regulate production and use of HFCs. This action would in no way diminish the UNFCCC's ability or authority to regulate HFC emissions, but rather create a parallel and reinforcing process to those efforts by allowing the Montreal Protocol to phase down the production and use of HFCs. The complex negotiations required to achieve a global agreement for the reduction of CO_2 and other GHG emissions cannot be allowed to forestall or prevent the phase-down of HFCs which can be implemented immediately to achieve rapid action to combat climate change. Canada, Mexico, the United States and a number of island nations led by Micronesia and Mauritius have already endorsed using the Montreal Protocol to phase down HFCs as a way to reinforce the UN climate process. The Environmental Investigation Agency supports this initiative and calls on other Parties to the UNFCCC to similarly support fast action confirming immediate action by the Montreal Protocol to phase-down production and use of HFCs.



PROTECTING THE ENVIRONMENT WITH INTELLIGENCE

EIA — WASHINGTON, DC

PO Box 53343
Washington, DC 20009, USA

TEL + 1 202 483 6621
FAX + 1 202 986 8626
EMAIL info@eia-global.org

www.eia-global.org

EIA — LONDON

62/63 Upper Street
London N1 0NY, UK

TEL + 44 (0) 20 7354 7960
FAX + 44 (0) 20 7354 7961
EMAIL ukinfo@eia-international.org

www.eia-international.org

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[1] Donald Kaniaru et al., *Strengthening the Montreal Protocol: Insurance Against Abrupt Change, in The Montreal Protocol: Celebrating 20 Years of Environmental Progress* 165, 165-66 (Donald Kaniaru ed., 2007).
[2] *The importance of the Montreal Protocol in protecting climate*, 104 Proc. Nat'l. Acad. Sci. 4814, 4814-19, (2007).
[3] *See* Montreal Protocol, *supra* note 3, at Art. 6. *See also* First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, Helsinki, Fin., May 2-5, 1989, *of the First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer*, at Decision I/3.
[4] *See* Montreal Protocol, *supra* note 3, at Art. 2 ¶9.
[5] *See* e.g. Montreal Protocol, *supra* note 3, at Arts. 2A-2I; UNEP, Division of technology, Industry and Economics/GRID-Arendal, Vital Ozone Graphics: Resource Kit for Journalists 26 (2007).
[6] *Id*.
[7] *See* Montreal Protocol on Substances That Deplete the Ozone Layer, *opened for signature* Sept. 16, 1987, 26 I.L.M. 1550, Art. 5. (1989) (as amended 32 I.L.M. 84) (1992).
[8] *See* Montreal Protocol, *supra* note 3, at Arts. 5(5), and 10-10A.
[9] *See* Montreal Protocol, supra note 3, at Art. 10 ¶1. Report of the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, at Annex VIII, UNEP/OzL.Pro.4/15 (Nov. 25, 1992).
[10] *See* Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, About The Multilateral Fund-Overview,
[11] See Montreal Protocol, supra note 3, at Art. 10 ¶¶ 6-7.
[12] *See* Press Release, Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, 56th Meeting Approves 116 Projects and Activities for 65 Countries (Dec. 1, 2008).
[13] *See* Multilateral Fund Overview, *supra* note 6.
[14] *See* Fourth Report, *supra* note 5, at Decision IV/24, UNEP/OzL.Pro.4/15; *see also* UNEP Backgrounder, supra note 10, at 4.
[15] UNEP, Division of Technology, Industry and Economics, OzonAction Branch, About Regional Networks of National Ozone Units.
[16] Meinshausen et al., *Greenhouse-gas emission targets for limiting global warming to 2°C*. vol. 4581 30 April 2009 | doi:10.1038/nature08017.