
CFC CONTROL PROGRAM ENFORCEMENT: IMPLEMENTING THE MONTREAL PROTOCOL

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GOAL

To meet the Montreal Protocol deadlines for reduction of CFCs.

1 INTRODUCTION

More than 25 participants from 20 countries met in three separate sessions to discuss their experiences, programs, and recommendations for reduction of CFCs to meet the terms of the Montreal Protocol. The sessions addressed the following questions:

- What are the major challenges meeting and enforcing the CFC reduction goals?
- What types of programs have countries adopted to control CFCs? What are the successes and difficulties experienced with the existing programs?
- What lessons were learned to help with future program design?

Participants included representatives from countries with CFC enforcement programs in various stages of development ranging from those with broad-based functioning programs to those just starting to develop a program. Examples of two fully functioning programs, discussed in the sessions, are included in Volume 1 of the Proceedings of the Third International Conference on Environmental Enforcement on pages 427-442.

2 PAPERS

For this special topic workshop, two papers were received. Tijink and Kesselaar reported on the Dutch policy objectives concerning the CFC-action program. In 1993 an enforcement organization started. During this year 1,600 companies were visited. In general compliance was found to be unsatisfactory; companies waited for enforcement. Rasnic and Haas gave an overview of the United States' efforts to comply with the Montreal Protocol in the framework of the Clean Air Act. In their program USEPA has relied on industry awareness and education to promote compliance. It was important to note that education is not a substitute for traditional enforcement, but is a proven method of achieving compliance in its own right.

3 CHALLENGES

Out of the discussions came conclusions that the following items are necessary:

- 3.1 Meeting goals for some developing countries, including effective financial and technical assistance

Many of the participants were from countries which are signatories to the Montreal Protocol. The Protocol requires reporting and reduction achievement which some participants from developing countries indicated would be difficult to meet, even under the extended time frame allowed by amendments to the Protocol.

3.2 Education of the public and private groups to achieve awareness

An understanding of the enforcement goals of the CFC programs were cited by many participants as critical to program success.

3.3 Replacement of CFCs with harmless substances and cleaner technology

Additional research is needed so benefits provided by CFC use can be retained while using harmless and clean technology. However, beware of new chemicals to replace CFCs. While replacements, such as the HCFCs, have been developed to reduce harmful effects on the ozone layer, new substances may have undiscovered negative effects of their own. For instance, although HCFCs appear to destroy the ozone layer more slowly than CFCs, they still affect the ozone layer, and may also increase climate change.

3.4 Worldwide access to CFC technology

Exchange of information and technology to control and reduce CFCs would increase the probability of meeting target goals, particularly for developing countries.

3.5 Consistency among nations

Challenges include development of a common understanding of the treatment of recycled CFCs, labeling issues, and import/export tracking and enforcement.

3.6 Making an inventory

Development of a comprehensive CFC inventory of producers, importers, and users is important for initiation of the enforcement effort, and for targeting priority sources.

4 PROGRAMS

4.1 Successes

4.1.1 Some industrialized countries run full programs and meet targets

Several industrialized countries have implemented broad-based programs which meet targets. Such programs include preparation of an inventory of CFC producers, importers, and users, an education program, development of priorities for maximum enforcement effectiveness and CFC reduction, a labeling program indicating which products contain CFCs, initiation of a partnership with producer and user groups, including self-reporting mechanisms, and inspections to check for compliance.

4.1.2 Some developing countries have begun limited programs

Such programs include inventories, permitting programs, and administrative reporting.

4.1.3 Research on new technologies and CFC substitutes is underway in several countries

Programs have been funded by both private and public funds.

4.1.4 CFC suppliers and producers comply easily and meet targets

The limited number of CFC suppliers and producers makes this target group easy to control.

4.2 Difficulties

4.2.1 Financial assistance to some developing countries is too slow

Some developing countries do not have staff and funding to carry out effective reduction programs. Funds are available under the Montreal Protocol, but some countries do not have information on how to access these funds.

4.2.2 CFC import goals are difficult to enforce

Even using Customs staff and capabilities, restrictions on imports are difficult to enforce. Mislabeling, both non-reporting of CFCs, and incorrect labeling of other chemicals as CFCs has complicated import enforcement.

4.2.3 Enforcement of numerous diffuse target groups

Enforcement of reduction goals for user groups like small firms and owners of home appliances and refrigerators is difficult.

5 CONCLUSIONS

To design and run an effective enforcement program:

- Start the education program early
- Clearly explain the problem and benefits of the CFC ban to the target groups

Voluntary compliance is more likely where users understand what is expected of them.

5.1 Form a partnership with industrial and other users for enforcement implementation

Work with users to set realistic goals and to enforce the program. Place the responsibility for compliance with the user. For example, one country requires self-reporting of CFC use, with non-reporting a violation.

5.2 Explore the problem of export flows (especially flows to developing countries)

Some developing country representatives mentioned the problem of shipments of used equipment and appliances containing CFCs. For example, one country receives used refrigerators, some of which do not function long and so the CFCs used for cooling escape during disposal.

5.3 Design specific legislation to prevent illegal imports

One developing country, a signatory to the Montreal Protocol, indicated they do not currently have legislation enabling them to prevent CFC imports which violate the goals of the Montreal Protocol.