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United States Department of State

Washington, D. C. 20520

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May 29, 1987

**ACTION MEMORANDUM**  
*SS 70*

(Copy of  
Original Signed Letter  
Given to Scott Thayer,  
6/1/87, 10:30 a.m. - BKK

TO : The Secretary  
FROM : OES - John D. Negroponte *Smith for*

SUBJECT: Ozone Negotiations: Letter to Attorney General Meese

ISSUE FOR DECISION

Whether to write to Attorney General Meese, in his capacity as Chairman of the Domestic Policy Council (DPC), expressing your strong support for the current U.S. position in the international negotiations on protection of the ozone layer, and to propose seeking a decision from the President, if necessary, in order to avoid further delay caused by opposition from certain DPC agencies.

BACKGROUND

After several months of negotiation under auspices of the United Nations Environment Programme, an international accord on protection of the stratospheric ozone layer is within reach, largely on U.S. terms. Many regard this issue as the most important priority on the global environmental agenda. Due mainly to efforts by the Department, USIA, and Lee Thomas, many nations have changed their positions and followed the U.S. lead in considering a freeze in production of chlorofluorocarbons (CFCs), followed by significant reductions. A Conference of Plenipotentiaries is scheduled for mid-September in Montreal to complete the negotiation and sign the protocol.

The U.S. position in this negotiation was developed through intensive interagency deliberations (which included the Justice Department) leading up to, and following, the approval by Allen Wallis of a Circular 175 authority last November. Recently, however, some agencies in the DPC -- primarily Interior and OSTP -- have raised questions both about the underlying science and about the effects of CFC reductions on US industry. Interior argues that since European Community (EC) countries and Japan did

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REVIEW AUTHORITY: Adolph Eisner, Senior Reviewer

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not follow the US near-total ban of CFCs as aerosol propellants in 1978, they should be required to do so before further reductions are scheduled. The US in fact proposed this four years ago, and it was rejected on the grounds that, even with the aerosol ban, US per capita use of CFCs exceeds the EC, and that most of the long-lived CFCs which will continue for decades to damage the ozone layer originated from US production.

Positions proposed by Interior and OSTP would undo the progress achieved to date and make the Administration appear less serious about protecting the ozone layer than the EC and many other countries (see articles at Tab B from the Washington Post and Wall Street Journal). Such a U.S. policy reversal would damage our international credibility, unleash major domestic criticism, and probably result in unilateral U.S. control actions.

Lee Thomas and I believe that the U.S. position is responsible and pragmatic, prudently addressing the environmental risks while providing a market stimulus and a reasonable time-frame for industry to develop alternative products. We believe that the DPC process is not functioning well, and could cause needless embarrassment to the Administration on an issue which is attracting growing attention from Congress and public interest groups. We therefore propose that you write directly to Meese in an effort to re-establish a credible U.S. negotiating position. The National Security Council staff concurs in this judgment.

Under Secretary Wallis approved this letter before he left today. I would be pleased to discuss further details if you wish.

Recommendation:

That you sign the letter to Mr. Meese at Tab A.

Attachments:

Tab A - Letter to Mr. Meese

Tab B - Washington Post and Wall Street Journal Articles, May 29

Drafted: OES/E:SButcher/REBenedick:st *REB*  
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Clearances: D: Mr. Timbie  
E: Mr. Bailey  
L: Ms. Verville } *by REB*  
EB: Mr. Cundiff  
EPA:Mr. Thomas  
NSC:Mr. Pugliaresi (subs)

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