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CCAP [Climate Change Action Plan] Implementation: Adequacy [1]

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PROGRESS IN THE GREEN ROOM

SPRING 1994

An Update on EE Action Items in the Climate Change Action Plan • Office of Energy Efficiency and Renewable Energy • U.S. Department of Energy

DOE & Green Room Participate in Successful White House Conference on Climate Action

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The conference was attended by more than 900 people, including representatives from States (Governors' offices, environmental agencies, and energy offices), local governments, a wide variety of private sector participants, a full range of non-governmental organizations, academia, Congressional staff, media (trade and national), international organizations, and Federal managers and staff responsible for implementing the CCAP. The agenda included a plenary session with opening remarks from Vice President Al Gore and the Director of the White House Office on Environmental Policy, Kathleen McGinty, as well as a ceremony entitled "Showcasing Partnerships: Recognition of Leadership in Climate Action," recognizing organizations and new initiatives which are making a significant contribution to the Plan's success. DOE Secretary Hazel R. O'Leary, USDA Deputy Secretary Richard Rominger, and EPA Assistant Administrator for the Office of Air and Radiation, Mary Nichols made the presentations.



Vice President Gore, speaking to a packed crowd at the White House Conference on Climate Action, is flanked by (from L-R) Jane Garvey from DOT, GWU President Stephen Trachtenberg, Mary Nichols of EPA, DOE Secretary Hazel O'Leary, and Katie McGinty from the White House. (Not shown: Department of State Assistant Secretary Elinor Constable and USDA Deputy Secretary Richard Rominger)

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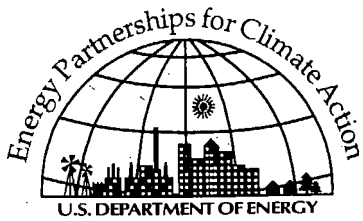


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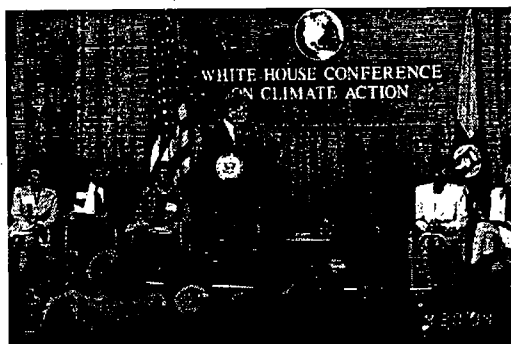
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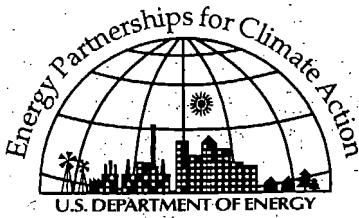


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The conference was attended by more than 900 people, including representatives from States (Governors' offices, environmental agencies, and energy offices), local governments, a wide variety of private sector participants, a full range of non-governmental organizations, academia, Congressional staff, media (trade and national), international organizations, and Federal managers and staff responsible for implementing the CCAP. The agenda included a plenary session with opening remarks from Vice President Al Gore and the Director of the White House Office on Environmental Policy, Kathleen McGinty, as well as a ceremony entitled "Showcasing Partnerships: Recognition of Leadership in Climate Action," recognizing organizations and new initiatives which are making a significant contribution to the Plan's success. DOE Secretary Hazel R. O'Leary, USDA Deputy Secretary Richard Rominger, and EPA Assistant Administrator for the Office of Air and Radiation, Mary Nichols made the presentations.



Vice President Gore, speaking to a packed crowd at the White House Conference on Climate Action, is flanked by (from L-R) Jane Garvey from DOT, GWU President Stephen Trachtenberg, Mary Nichols of EPA, DOE Secretary Hazel O'Leary, and Katie McGinty from the White House. (Not shown: Department of State Assistant Secretary Elinor Constable and USDA Deputy Secretary Richard Rominger)

Ten interactive breakout sessions chaired by senior Administration officials offered panelists and participants the chance to discuss and address integrated environmental innovations, DOE's CCAP implementation planning process, opportunities for States and local governments to become involved in climate change activities, program-specific workshops, new initiatives, and international support for joint implementation. Lunch, which took place under the 200,000 square foot tent on the GWU quad area, featured Congressman Philip R. Sharp and Senator Joe Lieberman making remarks on "Climate Action and Public Policy."

Throughout the day, technology exhibits from each agency (DOE, EPA, USDA, and DOT) were displayed and focused on new and innovative technologies related to specific actions in the CCAP. Some of the DOE technologies exhibited were a ground source heat pump, a condensing furnace/water heater, a solar hot water heater, as well as a gas engine-driven heat pump. The remaining area of DOE's space was host to the GWU solar-powered race car; the Office of Energy Efficiency and Renewable Energy's CCAP exhibits; a Green Room table; and a rotating globe displaying areas of the world which use photovoltaic, geothermal, wind, and biomass energy systems.

continued on next page

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cc: To: Peter
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March 24, 1994

Christine A. Ervin
Assistant Secretary
Energy Efficiency and Renewable Energy
Department of Energy
Washington, DC 20585

Christine,
Dear Ms. Ervin:

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages *21*

To <i>WES Warner</i>	From <i>Peter S. Fox-Penner</i>
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GENERAL SERVICES ADMINISTRATION

We are writing to convey NRDC's comments on the draft Climate Action program plans prepared for the March 21-22 workshop. As you know, NRDC strongly supports effective implementation of the existing Climate Change Action Plan as well as additional policies and measures needed to reduce greenhouse gas emissions. Our comments are intended to provide constructive suggestions to help ensure that each initiative in the Action Plan achieves its maximum potential in terms of reducing greenhouse gas emissions. In our view, DOE has made important progress in developing implementation plans, but significant modifications are still needed to assure that each program is as effective as possible. We urge you to personally ensure that the appropriate changes are made, both on paper and on the ground.

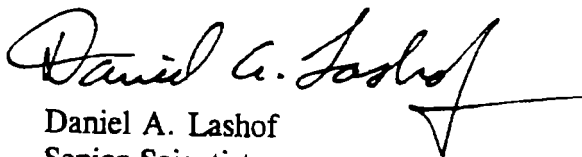
NRDC appreciates the spirit of openness with which DOE is developing its program plans and its commitment to seek stakeholder input. We stress, however, that DOE must always recall that the public is its ultimate customer. Achieving the public policy objectives embodied in the Energy Policy Act and the Climate Change Action Plan will require aggressive leadership from DOE. While the Department should continue to be responsive to stakeholder input, it is essential to recognize that consensus may not always be possible or desirable. Indeed, the purpose of a number of the initiatives in the Action Plan is to encourage individual firms and public sector organizations to break away from status quo positions that may represent the current consensus of a trade association or other entity. The Department must show a willingness to target its resources to where they can be most effective and provide leadership that challenges organizations to move beyond current practices.

Our detailed comments are provided in an attachment; we also attach the comments of the Consortium for Energy Efficiency, which we fully endorse. Our comments urge an acceleration of the timelines for a number of activities (e.g., Actions 4, 6, 7, 12, 13) and additional focus on influencing the key decision makers (e.g., Actions 1, 8, 12, 26, 27), as well as many other specific refinements. In addition, a greater effort must be made to link the program milestones provided for each initiative to the specific program results (MMTs of carbon reduction) expected in the Climate Change Action Plan. DOE must be able to

demonstrate that if the program milestones are achieved the required emission reductions will result. If DOE concludes that certain initiatives cannot be expected to achieve the results projected in the Action Plan, this must be explicitly acknowledged so that the Administration can develop additional measures to achieve the President's commitment.

Again, we appreciate having had the opportunity to review the preliminary draft implementation plans. We are confident that with your leadership, DOE's energy efficiency and renewable energy initiatives will achieve substantial benefits for the environment and the economy if Congress appropriates the funds requested in the FY 1995 budget.

Sincerely,



Daniel A. Lashof
Senior Scientist



Marika Tatsutani
Senior Research Associate

cc: Peter Fox-Penner
Eric Peterson

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significantly compromised. The plan to continue to conduct research, tool development, and training is fine as far as it goes. However, it appears to contain few specific goals, little in the way of a timeline, and no estimates of resource requirements.

If DOE really intends to "expand its IRP program so as to lead the United States toward lower greenhouse gas emissions" a more proactive role will be needed, including constructive intervention in targeted state regulatory proceedings (EERE will have to coordinate with the Policy Office in this area). In particular, we are concerned that DOE's proposal to allow its research and training agenda to be driven by customer requests (where customers appear to include primarily utility and commission staff) may preempt a more active, agenda-setting role for DOE. DOE's chief "customer" ought to be the *public*, which has a vital interest in a utility industry that provides high quality energy services at lowest societal cost and risk for the long-term. The need for leadership in articulating these broader concerns and in suggesting innovative and compelling directions for the future evolution of the industry is becoming all the more acute in a context where, as DOE correctly notes, the pace of change in energy markets is rapid.

Surprisingly, the plan for this action never mentions a key opportunity to leverage better IRP processes at the state level: EAct requires all states to give formal consideration to the adoption of IRP and associated regulatory reforms. DOE can both help states by providing them with sound information (particularly on regulatory reforms such as decoupling and DSM performance incentives) and by insisting that states give serious and comprehensive consideration to the question of adopting IRP in the first place. If states claim that they have already answered the question on the basis of a weak IRP process that does not meet the essential goals and premises of IRP as defined by EAct, DOE should make every effort to identify these shortcomings and help the state strengthen its existing policies. EAct grants to states should be integrated with DOE's efforts in this area to specifically provide assistance to states considering IRP.

In terms of structuring DOE's efforts to deliver training and technical assistance, it would seem sensible to take advantage of existing programs and mechanisms, while, of course, maintaining a reasonable level of quality control. The best option will likely be some combination of programs run by DOE and by outside experts. Rather than offer "vouchers" to attend programs, it might be better for DOE to fund a limited number of quality, existing providers to expand their training activities and offer them at low or no cost. At the same time, DOE, working with LBL and others such as NARUC, could continue to organize and offer regional and national-level programs and conferences. Providing IRP experts for short-term assignments on-site could also be very worthwhile use of resources.

Finally, the IRP program should be directly linked with Climate Challenge. Support for robust IRP, together with the requisite regulatory reforms, ought to be a minimum condition for recognition under Climate Challenge.

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ACTION 29 - TRANSFORMER STANDARDS:

Because this action involves accelerating an efficiency standards-setting process already provided for under EPCa, it is relatively straightforward and adequately described in the implementation plan. One suggestion we would make is that DOE accelerate the schedule for rulemaking as much as possible within EPCa guidelines.

In order to follow-through with this action, DOE needs to make the determination that standards are technologically feasible and justified in terms of cost and energy savings, and then set the standards at the maximum feasible and cost-effective level. Once again, DOE is planning for extensive involvement in this process by stakeholders. This is fine, however it should not be allowed to delay or hinder the timely setting of standards at appropriately stringent levels.

ACTION 37 - METHANE RECOVERY FROM LANDFILLS:

This action to promote methane recovery at landfills once again relies on cost-shared sponsorship of development and demonstration projects. The challenge, as with many of the renewable technologies, will be to find private sector sponsors and to overcome regulatory and other barriers that impede utility entry into this market.

Unfortunately, this action is only sketchily described. Activities to address regulatory barriers and identify research needs await guidance from a symposium to be held on March 25, 1994. More detailed planning for this action is apparently going to take place over the rest of the year. Under the circumstances, we urge DOE to proceed with fleshing out its plans as soon as possible after the March symposium. We would also emphasize the importance of close coordination with EPA offices charged with enforcing new landfill emissions control regulations. Practically speaking, these regulations are likely to provide the strongest immediate impetus for energy recovery at landfills.

ACTION CC - CLIMATE CHALLENGE:

This program description contains little new information compared to the Action Plan, and takes a step backward by failing to distinguish between utilities that have made commitments to return their emissions to 1990 levels by 2000 and other utilities that may (or may not) make some other kind of commitment. This program has the potential to support or undermine other aspects of the Action Plan. The Technical Annex to the Action Plan shows that the Plan envisions total emissions from the utility sector declining by 22 MMT between 1990 and 2000. If this is to be the case most utilities should be able to commit to

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returning their actual emissions to 1990 levels by 2000 (without relying on various offsets). If utilities are allowed to make much weaker commitments and still be called Climate Challenge Participants, the result will be to undermine the plan rather than reinforce it.

ACTION CW - CLIMATE WISE:

This program plan appears to be moving in the right direction, recognizing that a number of detailed design issues remain to be resolved. We support promoting participation in the full range of voluntary commitment programs as a key component of the ClimateWise program umbrella. Indeed it is essential that ClimateWise is seen as promoting and complementing the technology specific programs, not competing with them. A focus on the industrial sector is also appropriate, and in particular the program should emphasize on non-electric energy consumption, which is not directly addressed by other initiatives.

The ClimateWise pledge campaign may be useful, but only if the pledge represents a commitment to undertake significant action beyond the requirements of current laws and regulations, and if the pledge does not detract from the significance of becoming, e.g., Motor Challenge or Energy Star Buildings partners. To address these concerns we recommend rewriting the draft pledge to read: "Identify and Commit to Actions to Significantly Reduce Greenhouse Gas Emissions Over and Above Reductions that may Result from Compliance with Existing Laws and Regulations." For example, many companies will be required to provide employee mass transit and car pool programs under Clean Air Act State Implementation Plans. Allowing programs that minimally comply with this requirement to qualify under ClimateWise would dilute the meaning of the pledge. ClimateWise must not be allowed to become an easy way to gain recognition, resulting in reduced incentives to join other partnership programs. Therefore any company that joins ClimateWise but does not indicate that it is joining Green Lights, Energy Star Buildings, Motor Challenge, etc., as part of its commitment should be sent additional information on these programs and encouraged to join. If a company continues to resist joining these other initiatives DOE/EPA should make every effort to understand the reasons for the company's reluctance.

Regarding specifics of the program design, we are concerned that the term "honor roll" may be confusing and convey a greater degree of achievement than "ClimateWise Company," when in fact the opposite is the case. We recommend replacing "honor roll" with "ClimateWise pledge roll" or something to that effect. We are also concerned that a proliferation of awards could diminish the significance of all the recognition programs. While separate awards for major energy-intensive industrial categories is probably appropriate, individually recognizing 20 different SIC code groups is unlikely to be productive. Also, rather than reserving awards restricted to small companies, it would make more sense to recognize both absolute reductions and relative (percentage) reductions.

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EVALUATION FRAMEWORK

The primary purpose of the evaluation framework should be to ensure that Action Plan implementation is on track to meeting U.S. treaty obligations and President Clinton's commitment to return greenhouse gas emissions to 1990 levels by 2000. The framework recognizes that the ultimate measure of success is MMTs of emissions reduced, but that intermediate measures are necessary. The first job of the evaluation activity must be to examine the milestones prepared for each initiative and ensure that if the program milestones are achieved the required emission reductions will result. In many cases program milestones will have to be reformulated to include more specific indicators of market penetration (e.g. number of motor system owned or controlled by companies committing to the Motor Challenge, total commercial floor space in cities participating in Rebuild America, etc.). Once appropriate milestones are established the evaluation activity will be in a position to track meaningful intermediate progress as well as ultimate results.

Regarding specifics in the evaluation paper, the Common Activity Groups identified reflect DOE's traditional approaches but do not adequately capture two key activities called for in the action plan: voluntary commitments through public-private partnerships (e.g., Motor Challenge, Climate Challenge) and market aggregation/market-pull programs (e.g., golden carrots, and renewables consortia). These are critical distinctive approaches, and it would be a mistake to force these activities to be considered forms of "demonstrations" or "coordination." Finally, reductions in non-greenhouse gas pollutants should be considered one of the outcomes to be tracked in the evaluation process in addition to the greenhouse gas reductions.



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Recommendations of the Consortium for Energy Efficiency (CEE) Concerning Implementation of the Climate Change Action Plan

The Consortium for Energy Efficiency (CEE) has been invited to review the Department of Energy's preliminary draft implementation plan ("plan") concerning the Climate Change Action Plan. This memorandum summarizes CEE's recommendations as to the plan generally as well as to Plans # 4, 6, and 13 specifically.

CEE is pleased that the importance of "Golden Carrot"™ or market transformation efforts is recognized in the Plan. CEE urges, however, that in implementing these Golden Carrot initiatives the Plan rely on existing successful consortia like CEE that are already performing such Golden Carrot initiatives---and in which both the Department of Energy and the Environmental Protection Agency already play major roles in helping to guide such initiatives---rather than start all over again and form new consortia to undertake these Golden Carrot efforts.

CEE already has organized a diverse network of stakeholders made up of electric and gas utilities, environmental and public interest groups, and government agencies around its Golden Carrot initiatives, and the Plan should support such existing consortia as the foundation for the Plan's Golden Carrot efforts. Market transformation efforts are consensus-building efforts that will rise or fall based on the degree of utility participation in them. DOE and other Federal agencies should utilize CEE and other consortia that already have demonstrated success at utility consensus-building, providing them resources and technical support, rather than duplicating these efforts, which would unnecessarily delay the implementation of Golden Carrot initiatives.

In all of these initiatives, the emphasis must be on how these efforts directly benefit the end-users of these products.

CEE would encourage DOE to co-fund or fund research and development activities that present the potential for cost-effective energy savings in various segments of the market, especially those technologies that have practical application by or for the end-user and are supported by the electric and gas utilities. DOE support of these activities will ensure that there are technologies in the pipeline that have Golden Carrot potential.

1. General recommendations concerning the plan

"Golden Carrot" (SM) efforts, or market transformation efforts in general, are specifically mentioned with regard to commercial buildings (Plan # 4), residential programs (Plan # 6), and industrial electric motor systems (Plan #13). Golden Carrot efforts are voluntary initiatives in which utilities offer financial or other incentives to encourage manufacturers to produce and market higher efficiency products. The most well-known example of such a program is the Super Efficient Refrigerator Program. Golden Carrots need to be specifically tailored to the technology being encouraged; they may involve "winner-take-all" contests, multi-utility uniform specifications for high-efficiency products receiving incentives, procurement initiatives, educational efforts, or a combination of these approaches. CEE is pleased that the importance of Golden Carrot or market transformation efforts is recognized in Plans 4, 6, and 13 but has specific recommendations, discussed below, as to how best to undertake these initiatives.

CEE believes that Golden Carrot initiatives would also be useful in helping to accomplish the goals of various other portions of the plan. Specifically, Golden Carrot efforts should be among the options considered in Plan # 1 (Rebuild America/ Energy Star regarding commercial buildings); Plan #9 (regarding advanced roofing products); Plan #14 (concerning industrial process technologies); Plan # 25 (commercializing high-efficiency gas technologies); and more explicitly in the Climate Challenge Action Plan (as a specific means of reducing greenhouse gases through energy efficiency).

CEE is pleased to be included as a founding/core member of the geothermal heat pump consortium in Plan #26, but CEE strongly believes that for this effort to be successful a Golden Carrot initiative to encourage high-efficiency geothermal heat pumps should be specifically included as part of Plan # 26's scope.

With regard to Action Plan #27, involving plans for DOE to expand its Integrated Resource Planning (IRP) program, CEE urges that DOE both stress the need for regulatory recognition of utilities' market transformation efforts and work to facilitate this. CEE urges that DOE assist in establishing appropriate methods that utility regulators can use to analyze and support such efforts. To facilitate this process, CEE has established a committee on market transformation measurement and evaluation to formulate a protocol that could be used to help evaluate Golden Carrot and other market transformation efforts. Baseline databases will need to be established to perform such evaluations, and CEE already has an active database committee exploring this issue. CEE hopes to work closely with the National Association of Regulatory Utility Commissioners (NARUC), DOE, and the EPA in its market transformation measurement and evaluation endeavor and urges that Action Plan #27 include DOE's encouragement of appropriate regulatory recognition of market transformation efforts. It should be noted that Section 111(a)(8) of the Energy Policy

Act of 1992 encourages regulatory commissions to provide decoupling and shared-savings incentives for utilities' demand-side management efforts.

2. Recommendations concerning Plan # 4 and Plan # 6

CEE is pleased that Plan #4 and Plan # 6 recognize the importance of Golden Carrot or market transformation efforts to encourage manufacturers to produce and market high-efficiency residential and commercial products. Since its inception, CEE has had a strong ongoing partnership with the Federal government to promote these efforts. In order to maximize the success of these efforts, however, CEE offers the following suggestions:

a. DOE and EPA, along with other Federal entities, have already helped a number of stakeholders to form or advance the Consortium for Energy Efficiency and other efforts for the purpose of encouraging the introduction of energy-efficient, environmentally friendly technologies into the markets through market transformation or Golden Carrot efforts. DOE does not need to reinvent the wheel and form yet new consortia to undertake Golden Carrot efforts. DOE can and should rely on utilizing existing organizations like CEE---which has grassroots support from electric and gas utilities, environmental groups, state agencies, and others--- to perform these efforts.

It should be noted that the Climate Change Action Plan specifically states that residential Golden Carrot initiatives "will be designed and implemented through the non-profit Consortium for Energy Efficiency (CEE)...." Following on the heels of the successful Super Efficient Refrigerator Program, CEE has already launched two initiatives, including a major initiative to encourage high-efficiency commercial packaged air conditioners and heat pumps. CEE is currently exploring twelve other technologies to determine if they would be appropriate for future Golden Carrot efforts; among these is an initiative to encourage compact fluorescent lighting that could be launched later this year.

Three of the residential technologies (ground source heat pumps, heat pump water heaters, and gas heat pumps) for which CEE already has exploratory committees are identified as potential priorities under Plan # 6; heat pump water heaters are also stressed under Plan # 4 for commercial use.

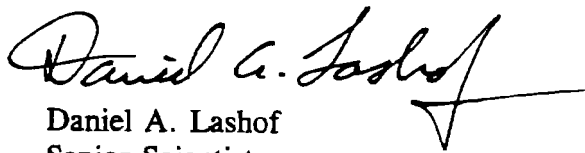
With regard to the commercial technologies highlighted in Plan #4, in addition to CEE's current efforts with regard to heat pump water heaters, CEE has an active exploratory subcommittee working on a potential market transformation initiative concerning chiller systems, which, like Plan #4, would address the entire system and how component parts interact with each other.

CEE has already developed expertise on how to carry out market transformation initiatives and through almost three years of effort has already built up a

demonstrate that if the program milestones are achieved the required emission reductions will result. If DOE concludes that certain initiatives cannot be expected to achieve the results projected in the Action Plan, this must be explicitly acknowledged so that the Administration can develop additional measures to achieve the President's commitment.

Again, we appreciate having had the opportunity to review the preliminary draft implementation plans. We are confident that with your leadership, DOE's energy efficiency and renewable energy initiatives will achieve substantial benefits for the environment and the economy if Congress appropriates the funds requested in the FY 1995 budget.

Sincerely,



Daniel A. Lashof
Senior Scientist



Marika Tatsutani
Senior Research Associate

cc: Peter Fox-Penner
Eric Peterson

**COMMENTS OF THE NATURAL RESOURCES DEFENSE COUNCIL
ON DOE'S PRELIMINARY DRAFT PROGRAM PLANS
FOR THE CLIMATE CHANGE ACTION PLAN**

March 24, 1994

ACTION 1 - REBUILD AMERICA/ENERGY STAR BUILDINGS:

The March 18 draft is a substantial improvement over previous versions. Additional focus is needed, however, to ensure that the program is targeted to maximize actual emission reductions. DOE should increase the share of resources devoted to technical support and consider replacing the competitive solicitation approach with an approach employing strategically chosen cooperative agreements. We suggest three major program elements:

a) Utility DSM Support. Rather than providing funding directly to utilities through a competitive solicitation, DOE should use its resources and expertise to develop and promote model commercial sector DSM program elements. Under this approach DOE would select the best elements from the existing DSM programs and design new elements (e.g. addressing duct losses). DOE could then promote this program with utilities participating in the Climate Challenge as well as through its IRP intervention program.

b) Rebuild America Cities. The community-based approach outlined in the draft should be targeted at the 25 largest cities in the United States in order to ensure that the program reaches decision makers that control a sufficient quantity of floor space to achieve the program goals. DOE should support and work with the International Council for Local Environmental Initiatives (ICLEI), and start its program by focusing on those cities that have made a political commitment to achieve greenhouse gas emission reductions as part of ICLEI's Urban CO₂ program (Portland, Minneapolis, Dade County, Denver, and San Diego). Other early targets should be cities participating in the Clean Cities program, the largest urban areas in the U.S., and cities that have otherwise demonstrated a strong commitment to achieve results (New York, Los Angeles, Chicago, Baltimore/Washington, San Jose). In each participating location DOE should provide saturation marketing for Green Lights and Energy Star Buildings, provide training seminars of local A&E and construction firms, promote Fair Leases to create incentives for energy efficiency in leased space, and promote model DSM programs with the local utility and state commission.

c) Technical Support for Energy Star Buildings. EPA is unlikely to have sufficient resources to provide adequate technical support for all participants. DOE should provide funds to make its expertise available to Energy Star Building participants, and to provide targeted support in selected cities.

The approach outlined here would allow DOE to effectively complement EPA's strengths (marketing to national corporations) and reach the major commercial building markets in the

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United States. The final program plan should be integrated with EPA's Energy Star Buildings program plan so that a coherent approach is presented.

ACTION 3 - STATE REVOLVING FUND:

This is a relatively straightforward implementation of an EPACT provision. The criteria for selecting states should be strengthened to include a requirement that states adopt building codes at least as stringent as the ASHRAE and CABO model standards and an evaluation of the performance of existing programs in the state to retrofit public buildings. Performance should be measured both in terms of energy saved per dollar invested and in terms of percentage reductions in energy consumption for those buildings that have been retrofit. This second measure is critical, because once a building has been retrofit once the remaining efficiency opportunities will probably be lost. Priority should also be given to states that are taking action to adopt model building codes and have joined EPA's Green Lights and Energy Star Buildings programs.

The after-the-fact program evaluation needs to be fleshed out. How will DOE gather data on the energy and carbon savings resulting from the program? Will states that receive money be required to report the results of their efforts to the 1605 data base?

ACTION 4 - EMERGING TECHNOLOGIES:

This plan should be made much more specific regarding target technologies and program activities. The timelines should be accelerated by operating through the existing Consortium for Energy Efficiency rather than contemplating multiple initial stakeholder conferences and potential new consortia. See also the comments of the Consortium for Energy Efficiency.

DOE's approach to "stakeholder" involvement has the potential to unite the most resistant elements of the appliance industry, resulting in a least-common-denominator approach. The whole idea behind the CEE approach is to give individual manufacturers an incentive to break with the trade association consensus. DOE should work with EPA, CEE, and individual manufacturers to flesh out proposals in detail before anything is presented to a larger group for reactions, modifications, and buy-in.

The "market push" and "market pull" concepts laid out in the document are very confusing. The basic approach should be quite simple:

1. Technology Push. Support for individual equipment manufacturers to help develop innovative concepts into market-ready products.

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2. **Market Pull.** Fund CEE to establish Golden Carrot consortia of utilities and large end-users (including DOD and GSA) to provide a guaranteed initial market for products meeting specific performance goals for specific end-uses.

The bulk of the plan should then be devoted to specifying the priority technologies for 1 (e.g. ground-coupled heat-pump water heaters; chillers using a low-GWP refrigerant and a linear compressor) and the priority end-uses for 2 (e.g., residential water heating, commercial water heating with a capacity of 1000-2000 gallons per day and 10,000-20,000 gallons/day; 20 ton and 100 ton chillers). The plan should then lay out a specific schedule of which solicitations will be issued when (starting with the first one on October 1, 1994). Finally, the milestones/metrics must be much more specific to be useful: What percentage reductions are expected, from what end-uses, in how many square feet of floor space, by when?

NOTE: The examples given above are just intended to give a sense of the level of specificity needed, not to suggest actual priorities. CEE has already completed an initial screen of candidate end uses.

ACTION 5 - TRAINING PROGRAMS:

This plan is reasonably specific in terms of target audiences and generally appears to have the right focus. We wonder why Building Designers and Architects of Commercial buildings are not targeted, however. This is clearly an important market segment. Is the conclusion that it is already adequately addressed by the Green Building Council, AIA, AEE, and ASHRAE? If so, this should be stated. Our perception is, however, that a relatively small infusion of funds to those organizations could be very helpful.

It is disappointing that resource needs by target audience have not yet been identified, at least for FY 94 and 95. At least some of the specific activities for FY 95 should also already be planned, so the effort can begin on October 1.

ACTION 6 - MARKET-PULL:

See Action 4.

ACTION 7 - APPLIANCE STANDARDS:

This plan does not present an "enhanced" appliance standard program. The schedule perpetuates delays from the last Administration and inconsistent with legislative mandates. The plan should be to get back on schedule as quickly as possible. With the additional resources provided under the plan the schedule should be accelerated and the time allotted

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between proposed rules and final rules should be reduced. In addition, DOE should take action on standards for which they have authority but not mandates in EPACT (e.g., lamps and small motors). DOE should also examine the potential for standards in other areas and propose legislation (e.g., windows, fixtures, packaged commercial refrigeration equipment).

The Eight Product Rule Proposal is a great start! The final rule should be issued no later than November 1994.

ACTION 8 - HERS/EEMS:

This document lays out a vision and outlines a real plan intended to get there. It comes close to being a model for other plans to emulate. We are concerned, however, that a key requirement for success does not receive sufficient attention and that the proposed activities will not be sufficient to achieve the intended results.

As a prerequisite to an effective EEMs strategy, the mortgage underwriting community (FHA, VA, Fannie Mae, Freddie Mac) must be persuaded to provide uniform streamlined procedures for securing EEMs. Without this the other activities outlined in the plan simply won't be able to deliver actual energy efficiency retrofits in the numbers needed to achieve the required emission reductions. The various past attempts to get lenders to offer uniform workable programs have simply not succeeded. The FHA and VA pilot programs are not well coordinated with each other and are not responsive to the needs of home buyers and energy service providers. The Fannie Mae pilot fails to remove any of the key barriers to the use of EEMs, by requiring buyers to qualify and provide additional down payment for the additional loan amount. These problems should be addressed via high level contacts (e.g. a Presidential directive to FHA and VA; a letter from the President to the Chairmen of Fannie and Freddie; a meeting between Secretary O'Leary and the Chairmen of Fannie and Freddie) and use of Community Redevelopment Act guidelines to encourage local lenders to promote EEMs.

In addition, we urge DOE to propose financial incentives to make EEMs more attractive to lenders and home buyers. For example, the government could indemnify lenders against the risk of default on the efficiency portion of any properly executed EEM. Alternatively, a nearly equivalent financial incentive could be created by making the income from the efficiency portion of EEMs tax exempt to lenders. Real estate agents and lenders should be required to inform home buyers of the availability of EEMs, and utilities should be encouraged to pay for HERS and buy down the interest or principle of EEMs.

NRDC Comments, March 24, 1994**ACTION 9 - COOL COMMUNITIES:**

This plan appears to be reasonably on track and has specific milestones. It is unclear, however, how DOE plans to go about enlisting 25 communities and 10 federal facilities per year. Have 25 candidate communities been identified for 1995? Will DOE directly approach Mayors, Parks Departments, City Councils, citizen groups? Will DOE issue an open solicitation, or will it identify candidates and specifically attempt to enlist them? Marketing of Cool Communities should be coordinated with marketing of Rebuild America.

ACTION 10 - BUILDING STANDARDS:

This plan appears to be reasonably on track and has specific milestones. The plan should be more specific about how DOE plans to establish a training program for code officials, i.e., fund a non-profit code compliance institute. Grants to states should be tied to action to adopt model codes.

ACTION 11 - RESIDENTIAL PROGRAMS:

This program approach has merit and should be pursued if a minimum threshold of builders shows interest (regardless of whether NAHB as a whole supports it). The proposed award thresholds of 50%, 35% and 20% more efficient than CABO MEC appear reasonable. To the maximum extent possible, available HERS should be used as the tool for determining if a home qualifies for a particular achievement award level.

ACTION 12 - MOTOR CHALLENGE:

This plan completely lacks the "Challenge" component of Motor Challenge. It provides a reasonable outline for an information dissemination program, but it lacks the MOU-based "Partners" component that has been so essential to the success of Green Lights. In fact, the paper says that the "program draws no sharp distinction between partners and stakeholders." This is a fundamental mistake. The program must define "partners" as companies that make a commitment to survey all their motor drive systems and make cost-effective efficiency improvements within five years. Suppliers of equipment and design services are "allies." All others can be endorsers or stakeholders, whatever. The point is that to succeed, Motor Challenge must get corporate level commitments from a growing base of partners. The goal should be to make being a Motor Challenge partner a badge of good corporate citizenship. Some "stakeholders" may not like this (because there would by definition be some level of negative stigma from being a non-partner), but the goal has to be to get a critical mass of participants, not to get consensus.

NRDC Comments, March 24, 1994

Proceeding with some showcase demonstrations in 94 may be O.K., as long as it stays on schedule. In any case, a full-scale marketing effort to sign up real partners (i.e. firms making a corporate level commitment to implement all cost-effective motor system upgrades) must be launched at the beginning of FY 95. Survey protocols, design tools, etc., should be refined on a continuing basis using the results from the demonstrations, etc. The effort to sign up partners, however, must not be delayed while waiting to make these refinements.

ACTION 13 - GOLDEN CARROT FOR MOTOR SYSTEMS:

The time line for this program is inexplicably protracted. CEE is ready to get started. They should be funded immediately. Because multiple Golden Carrot competitions are probably needed to address different market segments, these should be sequenced in some orderly fashion, rather than spending 1.5 years and \$300,000 on endless market assessments and roundtables, followed by a single solicitation next June. A better explanation is needed of the specific program activities to be supported by DOE funds.

ACTION 14 - POLLUTION PREVENTION:

Responsibility for carrying out this action appears to rest heavily on an Oversight Committee (to disseminate information and identify R&D opportunities) and on state energy offices (to create "One Stop Shops.") Because so much of the implementation has been deferred to other actors, the plan suffers from an overall vagueness and lack of specificity.

The action is expected to accelerate the adoption of energy-efficient technologies largely through education, information dissemination and training. Experience suggests, however, that unless carefully targeted and aggressively promoted, such information-only efforts cannot be relied upon to result in significant levels of actual technology adoption. Nor do states necessarily possess the expertise to deal with complex industrial processes. The plan only mentions the very critical factors of financing and economic incentives in passing; again this area is left for consideration by the Oversight Committee.

The plan also fails to provide a clear description of the role and structure of the so-called "one-stop shops" it proposes. It is unclear, for instance, how these differ from existing services being provided by State Energy Office's and other trade and economic development institutions. Whatever they do, one stop shops must have effective marketing plans so that they actually attract customers; if possible, they should incorporate a financing mechanism and be coordinated with existing utility and other state programs.

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As an alternative to this relatively diffuse program, DOE should work with the stakeholder oversight committee to identify a few promising industrial processes or technologies and to promote these aggressively and directly. If, on the other hand, this program is going to serve primarily as information resource, it must be more clearly linked and coordinated with other actions. It would be helpful to identify the industrial stakeholders currently on the oversight committee.

ACTION 15 - EADC's:

This comparatively well-developed action expands on an existing, relatively successful DOE program which both promotes energy efficiency investment in the manufacturing sector and creates a pool of trained professionals with efficiency expertise. We note some concern about whether schools have the resources or expertise to be conducting industrial process assessments and making recommendations in this area. If not, DOE should provide additional resources to allow schools to develop this expertise and/or enlist the help of outside experts. This action might also be better leveraged by linking it to other CCAP actions, utility programs, and incentive/financing programs. As well as recognizing outstanding industrial partners, the EADC program should also recognize outstanding schools, thereby attaching institutional prestige to successful student and faculty efforts. Finally, DOE should consider accelerating the timetable for its life-cycle cost manual from the proposed initiation date of FY 96. Resource requirements for this program are not provided beyond FY 95.

ACTION 16 - NICE³:

Again, this action contemplates expansion of an existing program and relies on voluntary industry responses to DOE solicitations. The plan needs to be more comprehensive and describe better the integration of DOE's activities with those of EPA and others. The timetable, as currently presented extends only one year; it would be helpful to have longer range plans and to show how projected benefits are linked to specific participation targets and milestones relative to a current baseline of activity. We note that current project criteria do not appear to include any follow-up or evaluation obligations.

Although the plan states that "each grantee undertakes technology transfer as a condition of the grant", this crucial element of the program is not described in sufficient detail. In fact the ten criteria listed for selecting projects do not include plans for technology transfer. We note that DOE is concerned with protecting industry's intellectual property rights, raising the question whether, in its efforts to be sensitive to this concern, DOE may hinder its ability to disseminate technologies or expertise gained through projects.

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This action item is supposed to be undertaken jointly by EPA and DOE, however lines of responsibility do not seem to be clearly drawn. DOE simply mentions that it is keeping EPA "in the loop", that it has "initiated contact", and that EPA hasn't yet decided "what they are willing to commit". One does not get the impression of agencies working closely together!

ACTION 26 - WIND:

This action claims that "an implementation strategy has been developed to combine Federal resources with those of other stakeholders to accelerate wind technology demonstration" -- what is that strategy beyond setting up yet another collaborative? The plan cites the American Wind Energy Association's goal of 10,000 MW of wind by 2000. What is DOE's goal? Does it have one? (Again resource requirements are not given beyond FY 95)

DOE identifies lack of "an established infrastructure for manufacturing, installation, and servicing" as the primary barrier to adoption of wind technology, however it is not at all clear that this is the chief obstacle. Rather, lack of familiarity on the part of utilities, high first cost compared to current conventional alternatives, the absence of immediate capacity needs in many parts of the country, and a lack of robust integrated resource planning processes that compel adequate consideration of renewables and their benefits may constitute the chief barriers in many cases. Thus a successful DOE commercialization effort must address these barriers as well as infrastructure needs.

DOE's turbine verification program appears to be well on track. However, DOE should provide more detail on the "commercialization competitive solicitation" - specifically where the utility commitments are coming from, how DOE plans to stimulate proposals, and whether DOE has considered linking utility participation to Climate Challenge or other programs.

ACTION 26 - PHOTOVOLTAICS:

The utility PV group seems to be further along than the wind group and this action seems to be better developed than the corresponding wind action. However, like the wind action, little certainty appears to exist as to how many firm utility commitments can be elicited to begin actual PV installation. The plan vaguely mentions "State Working Groups"; do these already exist? If not, how will they be constituted and what will they do (besides meet)? Will they specifically include public utility commissions and local utilities and will they explicitly address barriers that may inhere in the existing state regulatory structure?

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The plan also does not specify who is directing the technology analysis (RETA) component of the program. Are the labs involved? Industry? Note that this effort should be coordinated with PVMaT (PV Manufacturing Initiative) so that RETA can provide the latest technical and cost information. DOE should also consider whether the UPVG at all overlaps with the PVUSA collaborative; if so, it may be worth integrating these two collaboratives, rather than setting up a new, separate group. The plan also mentions an "EPA program" -- what is the EPA program and how, specifically, will DOE's efforts be coordinated with it?

Finally, the write-up for this action summarizes linkages to other CCAP actions; at present the PV commercialization effort (and presumably the other renewable actions) are anticipated to complement these other actions simply by increasing awareness and generating better information about renewable technologies. As mentioned previously, DOE should consider making the linkages between actions more direct, by, for example, making participation in the TEAM-UP effort one of the activities through which utilities could demonstrate their commitment to Climate Challenge.

ACTION 26 - GEOTHERMAL POWER:

This action raises a few questions. Does DOE already have cooperation and commitment from the federal utilities? (Is commitment from and coordination with these utilities expected simply by virtue of having them represented in working groups?) On what basis has the estimated leveraging of geothermal industry resources been calculated?

On the direct heat application side, the "similar program" conducted in the early 1980's does not appear to have had very impressive results. How is the new program different?

Once again, the Outreach program anticipates dissemination of information through collaborative working groups. The action timetable, however, doesn't include formation of these working groups. (See comments on Action 26, Biomass, with respect to the value of collaborative processes.) Otherwise, the timetable seems a bit sluggish in terms of issuing solicitations and getting projects underway.

ACTION 26 - GEOTHERMAL HEAT:

There already appears to be a lot of enthusiasm and activity around this particular action (which also appears to overlap with a number of other actions). EPA even seems to be enlisted in working with DOE on it. Geothermal heat pump (GHP) technology has the additional advantage of strong backing from the electric utility industry and some history of successful promotion through utility DSM programs. What's less clear is whether everything

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going on in the federal government to promote GHP's is being coherently coordinated. DOE and EPA should consider streamlining and focussing their activities on GHP's, and should strive to get maximum leverage out of existing interest on the part of the electric utility industry. (In the long list of activities listed in Table 2, for instance, one questions the value of conducting "national teleconferences" and developing "consumer-oriented television programs.")

Specifically, DOE and EPA should concentrate on promoting GHP's through aggressive utility DSM programs and market transformation efforts. They should pay particular attention to utility programs that have successfully increased penetration of GHP's. Rather than set up a whole separate GHP promotion program, DOE should support EPA's work with the Consortium for Energy Efficiency to apply existing market transformation models to this technology.

ACTION 26 - BIOMASS:

As with the other renewable technologies, DOE's demonstration activities look promising, but the crucial link will be getting utilities to continue to commit to projects that effectively deploy the technologies being demonstrated. Thus, DOE must place significant emphasis on technology transfer and on leveraging its activities in integrated resource planning and the Climate Challenge program to give utilities some incentive to adopt these technologies.

As a participant in a current biomass collaboratives, NRDC is skeptical of the ability of such collaboratives to directly stimulate technology adoption and investment. If DOE continues to make support for collaboratives a significant part of its commercialization program for biomass (and other renewables), it must define very clearly what the objectives of these collaboratives will be and how those objectives serve the goal of technology deployment. For example, a collaborative could be established for the very specific purpose of recommending changes to the Farm Bill that would support biomass energy crop development. In addition, DOE must continue to maintain strong support for guidance and assessment with regard to the environmental impacts of biomass energy development. DOE and USDA-supported demonstration efforts must always, explicitly, reinforce sustainable agriculture and sound forestry management practices.

ACTION 27 - INTEGRATED RESOURCE PLANNING:

This action is particularly central to a number of other activities proposed under the Action Plan. Without a solid foundation of integrated resource planning (IRP), the ability to leverage crucial utility support for efficiency and renewable technology deployment will be

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February 2, 1994

ALAN J. ROTH, STAFF DIRECTOR AND CHIEF COUNSEL
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Ms. Eleanor G. Constable
 Assistant Secretary of State
 for Oceans and International
 Environmental and Scientific Affairs
 Department of State
 2201 C Street, N.W.
 Washington, D.C. 20520

Dear Ms. Constable:

This week Mr. Rafe Pomerance and others from the State Department briefed the staff of the Committee on Energy and Commerce and others concerning the United States' position on the agenda of the Ninth Session of the International Negotiating Committee for a Framework Convention on Climate Change beginning next week in Geneva, Switzerland. I understand that the briefing was very helpful and informative.

In general, the Administration's approach is reasonable and sound, particularly in supporting joint implementation. However, one area of concern to me relates to an agenda item regarding the adequacy of commitments in Article 4.2(a) and (b) of the United Nation's Framework Convention on Climate Change. I understand that this agenda item stems from the provisions of Article 4.2(d), which states:

The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later

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than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met.

Reportedly, the proposed position is that the U.S. will agree that paragraphs (a) and (b) are inadequate for the next century, but the U.S. will not make any recommendation for changing them. I have some difficulty with that position, particularly at this early stage of the implementation of the Convention. I understand that these paragraphs may be inadequate because they fail to impose any specific commitments on non-Annex I countries and thus are not truly global in nature. However, I understand that the U.S. is reluctant to highlight this serious failure for fear of the sensitivities of some countries, even though your Department recognizes that such global action is key to solving this problem. While I appreciate that reluctance, I am concerned that the proposed U.S. position will give Europe and other countries a political advantage. I fear that they will take the opportunity to focus criticism on the U.S. for not supporting Convention changes at this time, in order to take the spotlight off their shortcomings.

That would be unfortunate, particularly since the Clinton Administration deserves great credit for having developed and made public its National Action Plan several months ago. Except for Ireland, the other countries in Europe and elsewhere lag far behind the United States in this regard. In fact, I understand that some are resisting the idea of open reporting of their emissions and other data important to measuring the effectiveness of countries' policies and programs for curbing emissions.

The State Department's November 16, 1993, reply to the letter of July 29, 1993, from Subcommittee Chairman Phil Sharp and me clearly shows in the enclosed table the laggard implementation by the OECD and other countries. In that letter, the Department said it was "considering alternatives for establishing a process to review the Convention commitments" and that the Administration, at that time, had no "specific proposals regarding modification" of the Convention. Obviously, the situation has not changed.

I urge that the Administration reconsider the proposed position for Geneva. The Convention will not go into force until later this year and the Parties have not yet met. Many actions under the Convention have not been taken by the Europeans or others. In fact, the Europeans are high on rhetoric, but short on action. The U.S. has taken a commanding lead under President Clinton, and the focus should be on the other Annex I countries who, thus far, have not followed our example.

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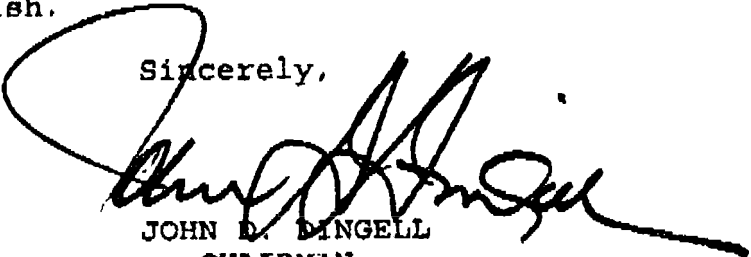
It may well be that with some experience we will find that the Convention is inadequate for reasons beyond the lack of global commitments for all countries, but I do not believe it is wise for the United States to lead with its chin on this matter at this time, particularly since the U.S. lacks specific proposals regarding modification of the Convention commitments. After all, international agreements are heavily dependent on the goodwill and performance of the Parties. Much under the Convention can be achieved now without engaging at this early stage in trying to change the document. Moreover, "appropriate action" under Article 4.2(d) may not be the adoption in 1995 of amendments to the Convention by Protocol or otherwise. The Convention does not require amendments or Protocols as the only way to deal with any inadequacy.

Rather than agreeing that the existing paragraphs are inadequate, why not merely suggest that a process be established to review the adequacy of the commitments to see what, if any, appropriate action in 1995 or 1998 is needed. That process should look at commitments for non-Annex I countries as well. Further, it is not clear to me that a review of the best scientific information and technical, social and economic information by the U.S., as required by Article 4.2(d), has been done by the U.S. or others.

When your Department, in consultation with other agencies, is prepared to develop proposals for appropriate action of any kind, I request that you broadly consult with this Committee, labor, business, environmentalists, consumers, and others.

With every good wish.

Sincerely,



JOHN D. DINGELL
CHAIRMAN

Enclosure

cc: The Honorable Carlos J. Moorhead, Ranking Minority Member
Committee on Energy and Commerce

The Honorable Philip R. Sharp, Chairman
Subcommittee on Energy and Power

The Honorable Michael Bilirakis, Ranking Minority Member
Subcommittee on Energy and Power

Ms. Eleanor G. Constable
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The Honorable Warren Christopher, Secretary
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The Honorable Hazel R. O'Leary, Secretary
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The Honorable Ronald H. Brown, Secretary
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Mr. Robert E. Rubin, Assistant to the President
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Dr. John H. Gibbons, Assistant to the President
for Science and Technology

Mr. Rafe Pomerance, Deputy Assistant Secretary
of State for Environment and Development

Ms. Kathleen A. McGinty, Deputy Assistant to
the President and Director of the White House
Office on Environmental Policy

Statement of the U.S. Delegation
at the 9th Session of the
Intergovernmental Negotiating Committee
Framework Convention on Climate Change

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Adequacy of Commitments, Article 4.2 (a) and (b)

Thank you, Mr. Chairman.

My government welcomes this first discussion of the adequacy of Article 4.2(a) and (b) of the United Nations Framework Convention on Climate Change. You will understand if I do not quote these paragraphs -- apparently, many have found them difficult to follow.

The Framework Convention, which will enter into force next month, establishes a critical objective for our efforts now and for many years to come. That ultimate objective is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It notes that this level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

How close are we today to this objective? At present, we have a great deal to learn. But let us start from what we know. If we assume that today's atmospheric concentrations of greenhouse gases are not dangerous, what would it take to stabilize them? In its First Assessment Report nearly four years ago, the Intergovernmental Panel on Climate Change (IPCC) calculated with confidence that the long-lived gases would require immediate reductions in emissions from human activities of over 60 percent to stabilize their concentrations at today's levels; methane would require a 15 to 20 percent reduction.

Are we yet on a path to reducing global emissions from human activities? No, we are not. Emissions are increasing. Are we yet on a path that will stabilize atmospheric concentrations of greenhouse gases? No, we are not. As the IPCC also noted in 1990, the atmospheric concentrations of carbon dioxide, at 353 ppmv in 1990, is now about 25 percent greater than the pre-industrial (1750-1800) value of about 280 ppmv, and higher than at any time in at least the last 160,000 years. And it's growing. Are we even approaching the threat of climate change with the long term perspective it demands? No, we are not. Our convention takes us to the end of the decade -- we have not yet begun to look beyond that date, less than six years hence.

Mr. Chairman, last fall President Clinton released our Climate Change Action Plan, which is designed to reduce our emissions of greenhouse gases to their 1990 levels by the year 2000. As I noted in my opening remarks, we are justifiably proud of this plan. Developing it involved an enormous effort, both public and private. And that effort continues as we implement each of its specific actions.

In addition, through programs such as "Climate Wise" and "Climate Challenge", we are forging new partnerships between government and industry. We are enlisting the enormous resources, ingenuity and creativity of the private sector in pursuit of environmental goals voluntarily adopted. We are changing the way people think and the way they respond.

Having undertaken such an effort, we are as aware as some -- and more aware than others, who have yet to act -- of how complex and difficult coming to grips with this problem can be. Still, the threat we face in global warming does not make our actions optional.

Mr. Chairman, this threat will not disappear in the year 2000. Despite our efforts, atmospheric concentrations continue to rise. We must begin now to look beyond the millennium -- to consider approaches and initiatives that will sustain the momentum begun.

For this reason, and for others, we do not consider that Article 4.2(a) and (b) adequately addresses policies and measures to be taken beyond the year 2000, and we urge this Committee to begin a serious effort to explore how we may all further the objective of the convention. The actions of Annex I Parties are clearly important. They have agreed to take the lead in modifying longer-term trends in human emissions. Later this year, we will have an opportunity to review the progress they have made. Notwithstanding these near term efforts, climate change will remain a serious long term problem that will necessitate further action. Moreover, climate change is a global problem that requires broad international participation. Many are concerned that our collective efforts to date to address it are not sufficient.

We do not come to this session with specific proposals. We come today with experience, resolve and belief that all nations and all peoples share a common concern for the world they will leave to their children. Recognizing our common but differentiated responsibilities, we must begin to chart a path to the future. We must be willing to discuss, explore, develop and act on proposals that will move us forward.

Mr. Chairman, we anticipate that some may say it is too soon. Some may suggest that we wait awhile, gain some experience under the convention and defer consideration of the future. Some may urge that we need new science and propose that we await the IPCC's Second Assessment Report. Some may urge that we await the development and evaluation of the National Action Plans Annex I countries will submit next fall.

In our view, time is a precious commodity. As the IPCC noted four years ago:

"Continuation of present day emissions are committing us to increased future concentrations, and the longer emissions continue to increase, the greater would reductions have to be to stabilize at a given level. If there are critical concentration levels that should not be exceeded, then the earlier emission reductions are made, the more effective they are."

Most of the countries represented here are involved in preparing the IPCC's Second Assessment Report; while we anticipate further elaboration of many issues, we believe that the existing science is sufficiently compelling for us to act.

As I said, Mr. Chairman, we will table no specific proposals today. We hope instead to begin a process here that will lead to the consideration of future actions. We have no pre-conceptions; a very broad range of possibilities awaits us. We must begin to identify and evaluate the options. The U.S. is beginning a domestic process that will engage the private sector, the environmental community and the Congress in developing ideas and approaches for the period beyond the year 2000. We will work also closely with others to determine what more can be done.

But as President Clinton directed his administration in reversing the policy of the past, "we must produce a cost-effective plan...that can continue the trend of reduced emissions." And time is not our friend.

Thank you, Mr. Chairman.

Statement of the U.S. Delegation
Opening Plenary
9th Session, Intergovernmental Negotiating Committee
U.N. Framework Convention on Climate Change
Geneva, Switzerland
February 7, 1994

Thank you, Mr. Chairman.

It gives me great pleasure to present to this Committee the U.S. Climate Change Action Plan, copies of which have been made available to all delegations.

In April 1993, President Clinton made the U.S. domestic commitment that initiated our plan preparation process: "to reducing our emissions of greenhouse gases to their 1990 levels by the year 2000 ... and produce a plan that will continue the trend of reduced emissions." He stressed that the plan should be a "clarion call, not for more bureaucracy or regulation or unnecessary cost, but instead for ... ingenuity and creativity to produce the best and most energy efficient technology."

The plan we are presenting today meets the President's commitments.

This plan is not the formal document that will be submitted to meet our Article 4 commitments. Nevertheless, it will form the cornerstone of that submission, particularly its mitigation component. Let me briefly describe some of our plan's most salient points:

- o Our plan returns U.S. greenhouse gas emissions to their 1990 levels by the year 2000 -- and meets a domestic commitment that goes beyond any required in the convention.
- o Our plan includes measures to address all significant greenhouse gases in all sectors of the economy.
- o Our plan focuses on voluntary programs, and by doing so, has enabled us to enlist the full participation and growing support of our private sector.
- o Our plan fosters partnerships between the private sector and the government and stimulates development of new technologies.
- o Our plan includes a pilot program of joint implementation to help us (and the international community) gain experience in evaluating investments in other countries for emissions reductions benefits.

- o And our plan sets up a process for active monitoring of progress toward meeting our goal -- including for taking additional measures to meet that goal, if such measures are warranted -- and for developing longer term strategies for emissions reductions.

The United States is proud of our commitment to reduce our greenhouse gas emissions and of the specific measures we take in our plan to meet the U.S. commitment. We look forward to seeing the plans of others showing the measures through which they will meet their own commitments.

We also urge all countries -- not only under Article 4.2 but also under Article 4.1 -- to undertake a thorough review of their domestic situations, and to work, as we are, to find opportunities to mitigate and adapt to climate change that are tailored to fit their own circumstances. And we urge countries fully and openly to share their information internationally so that we can learn from each other and collectively benefit from our separate efforts.

We recognize the considerable effort inherent in the preparation of such documents. But we recognize also the value that such preparation brings. Developing a domestic process for projecting our future emissions, and deciding what measures will be needed to combat these increases, has required us to look at all sectors of our economy and to examine areas of inefficiency and take steps to correct them. Many of these steps will ultimately prove cost-effective -- but they would never have been considered without the impetus provided by the convention reporting requirement.

Mr. Chairmen, we wish to take this opportunity briefly to address several other issues that we believe will be important to our work during the next two weeks -- and leading up to the first session of the Conference of the Parties in March of 1995.

First, let me say that we had hoped that the Global Environment Facility would have completed its restructuring and replenishment efforts in time for this meeting. However, we are pleased with the obvious progress that has been made and we are confident that this effort will be realized in the very near future. In the meantime, Working Group II has a full agenda and must work diligently to prepare for entry into force of the convention and the second phase of the GEF.

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That brings me to my second point. To date, Annex I countries have focused on developing guidelines and criteria for their reporting -- guidelines which will be considered at this session. We need now also to consider the format and content for the communications of non-Annex I Parties under Article 12.1, communications for which Annex II countries must meet the agreed full costs.

In the U.S. Country Studies Initiative, we have been offering support to developing countries and economies in transition to help them enhance their technical capabilities, to inventory their net emissions of greenhouse gases, assess their vulnerability to climate change, and evaluate their options. We urge other countries to move forward and provide similar assistance.

We also urge countries to consider the non-governmental resources that must be tapped if we are to address this problem successfully. I refer to the need to mobilize private sector resources -- both financial and technical -- through opportunities like joint implementation, the development of commercially viable and environmentally sound technologies, and enhancements of global research, training and public awareness efforts.

Finally, Mr. Chairman, we would like to congratulate all countries that have ratified the convention and to urge other countries to speed their own ratification processes. However, we are keenly aware of the considerable amount of work that awaits us in this session, and in the 10th and 11th sessions, as we move to the first meeting of the Conference of the Parties. We believe that it will only be through a concerted international effort, with all countries fully engaged, that we will be able to meet this global challenge successfully.

Thank you.



United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs*

Washington, D.C. 20520

DATE: 2/3/94

TO:

NAME: Marc Chupka fax: 456-2710
Eileen Clausen fax: 395-1590
Bill Burton fax: 456-2271

NUMBER OF PAGES, INCLUDING THIS PAGE: 4

FROM:

NAME: Jonathan C. Pershing TEL: (202) 647-4069
ORG: OES/EGC FAX: (202) 647-0191

MESSAGE:

Attached is a revised version of the adequacy statement which includes changes agreed to at the White House meeting of this afternoon.

cc: Dirk Forristex fax: 586-7644
Dennis Tirpak fax: 260-6405

Statement of the U.S. Delegation
at the 9th Session of the
Intergovernmental Negotiating Committee
Framework Convention on Climate Change

Adequacy of Commitments, Article 4.2(a) and (b)

Thank you, Mr. Chairman.

My government welcomes this first discussion of the adequacy of Article 4.2(a) and (b) of the United Nations Framework Convention on Climate Change. You will understand if I do not quote these paragraphs -- apparently, many have found them difficult to follow.

The Framework Convention, which will enter into force next month, establishes a critical objective for our efforts now and for many years to come. That ultimate objective is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It notes that this level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

How close are we today to this objective? At present, we have no way of knowing. But let us start from what we know. If we can assume that today's atmospheric concentrations of greenhouse gases are not dangerous, what would it take to stabilize them? In its First Assessment Report nearly four years ago, the Intergovernmental Panel on Climate Change (IPCC) calculated with confidence that the long-lived gases would require immediate reductions in emissions from human activities of over 60 percent to stabilize their concentrations at today's levels; methane would require a 15 to 20 percent reduction.

Are we yet on a path to reducing emissions from human activities? No, we are not. Each year emissions are increasing. Are we yet on a path that will stabilize atmospheric concentrations of greenhouse gases at even triple their current levels? No, we are not. As the IPCC also noted in 1990, the atmospheric concentration of carbon dioxide, at 353 ppmv in 1990, is now about 25 percent greater than the pre-industrial (1750-1800) value of about 280 ppmv, and higher than at any time in at least the last 160,000 years. And it's growing. Are we even approaching the threat of climate change with the long term perspective it demands? No, we are not. Our convention takes us to the year 2000 -- we have not yet begun to look beyond that date, less than six years hence.

-2-

Mr. Chairman, last fall President Clinton released our Climate Change Action Plan, which is designed to reduce our emissions of greenhouse gases to their 1990 levels by the year 2000. As I noted in my opening remarks, we are justifiably proud of this plan. Developing it involved an enormous effort, both public and private. And that effort continues as we implement each of its specific actions.

In addition, through programs such as "Climate Wise" and "Climate Challenge", we are forging new partnerships between government and industry. We are enlisting the enormous resources, ingenuity and creativity of the private sector in pursuit of environmental goals voluntarily adopted. We are changing the way people think and the way they respond.

Having undertaken such an effort, we are as aware as some -- and more aware than others, who have yet to act -- of how complex and difficult coming to grips with this problem can be. Still, the threat we face in global warming does not make our actions optional.

Mr. Chairman, this threat will not disappear in the year 2000. The increase in human emissions is unrelenting. Despite our efforts, atmospheric concentrations continue to rise. We must begin now to look beyond the millenium -- to consider approaches and initiatives that will sustain the momentum begun.

For this reason, and for others, we do not consider that Article 4.2(a) and (b) adequately addresses policies and measures to be taken beyond the year 2000, and we urge this Committee to begin a serious effort to explore how we may all further the objective of the convention. The actions of Annex I Parties are clearly important. They have agreed to take the lead in modifying longer-term trends in human emissions. Later this year, we will have an opportunity to review the progress they have made. Notwithstanding these near term efforts, climate change will remain a serious long term problem that will necessitate further action. Moreover, climate change is a global problem that requires broad international participation. Many are concerned that our collective efforts to date to address it are not sufficient.

We do not come to this session with specific proposals. We come today with experience, resolve and belief that all nations and all peoples share a common concern for the world they will leave to their children. Recognizing our common but differentiated responsibilities, we must begin to chart a path to the future. We must be willing to discuss, explore, develop and act on proposals that will move us forward.

-3-

Mr. Chairman, we anticipate that some may say it is too soon. Some may suggest that we wait awhile, gain some experience under the convention and defer consideration of the future. Some may urge that we need new science and propose that we await the IPCC's Second Assessment Report. Some may urge that we await the development and evaluation of the national action plans Annex I countries will submit next fall.

In our view, time is a precious commodity. As the IPCC noted four years ago:

"Continuation of present day emissions are committing us to increased future concentrations, and the longer emissions continue to increase, the greater would reductions have to be to stabilize at a given level. If there are critical concentration levels that should not be exceeded, then the earlier emission reductions are made the more effective they are."

Most of the countries represented here are involved in preparing the IPCC's Second Assessment Report; while we anticipate further elaboration of many issues, we believe that the existing science is sufficiently compelling for us to act.

As I said, Mr. Chairman, we will table no specific proposals today. We hope instead to begin a process here that will lead to the consideration of future actions. We have no pre-conceptions; a very broad range of possibilities awaits us. We must begin to identify and evaluate the options. We will work closely with others to determine what more can be done.

But as President Clinton directed his administration in reversing the policy of the past, "we must produce a cost-effective plan...that can continue the trend of reduced emission." And time is not our friend.

Thank you, Mr. Chairman.

**CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW
ENVIRONMENTAL AND ENERGY STUDY INSTITUTE
ENVIRONMENTAL DEFENSE FUND • FRIENDS OF THE EARTH
GREENPEACE • NATIONAL AUDUBON SOCIETY
NATURAL RESOURCES DEFENSE COUNCIL
SIERRA CLUB • UNION OF CONCERNED SCIENTISTS**

January 24, 1994

The Honorable Rafe Pomerance
Deputy Assistant Secretary for Environment and Development, OES/E
Bureau of Oceans and International Environmental and Scientific Affairs
Department of State
2201 C Street, NW
Washington, DC 20520-7818

Dear Mr. Pomerance:

The upcoming ninth session of the Intergovernmental Negotiation Committee for a Framework Convention on Climate Change (INC) represents a critical juncture for U.S. leadership to combat global warming. As you know, INC 9 will be the first meeting following release of the Clinton Administration's Climate Change Action Plan and will include the first substantive discussion of the "adequacy of commitments" in the Climate Convention negotiated by the Bush Administration. As such it is essential for the United States to decisively demonstrate its seriousness in addressing this issue by taking the following steps at INC 9:

- Call for strengthening the treaty in preparation for proposing amendments or protocols necessary to reduce emissions of carbon dioxide and other greenhouse gases to 25% below 1990 levels by 2005.
- Work to develop policies, program priorities and eligibility criteria for the financial mechanism that ensure that funding provided under the convention serves to encourage climate-protecting development paths consistent with local goals, rather than merely partial amelioration of the impacts of traditional development projects.
- Negotiate for rigorous guidelines for national communications that include analysis of emission projections through at least 2010 and ensure "consistency, transparency, and comparability" as agreed at INC 8.

In addition to aggressively pursuing these negotiating objectives, it is important for the United States to forcefully reiterate the commitments made by the President in April (including the commitment to develop a plan for continuing emission reductions after the

Mr. Pomerance
January 24, 1994
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year 2000). The Action Plan should be described as a living document designed to achieve the President's commitments, emphasizing the ongoing working groups set up to make recommendations for additional actions for both pre- and post-2000, as well as the procedures for monitoring, assessment, and revision.

Our views on the critical issues facing INC 9 are elaborated below:

Strengthening the Treaty

INC 9 will feature the first substantive discussion of the review of the adequacy of commitments in Article 4.2(a) and (b) that is required to be carried out by the first Conference of the Parties. As suggested by the Secretariat paper (A/AC.237/47), the primary point of reference for the review should be the objective of the Convention contained in Article 2. Although the IPCC is conducting substantial additional analysis that will be available at COP 1, the best currently available scientific information clearly indicates that the existing commitments are not adequate to achieve stabilization of greenhouse gas concentrations in the atmosphere at any foreseeable level, let alone a level that would prevent dangerous anthropogenic interference with the climate system. Even if all Annex I countries permanently capped emissions at 1990 levels, greenhouse gas concentrations would continue to increase throughout the 21st Century. As the current commitments do not provide any clear guidance on emission levels following their return to 1990 levels, we do not see how the COP can fail to conclude that these commitments are inadequate.

If the COP concludes that the current commitments are inadequate it must take "appropriate action, which may include the adoption of amendments to the commitments..." We believe it is essential for the Parties to be prepared to act at COP 1. Given the requirement that proposed amendments or protocols be circulated six months prior to the COP, it is essential for the United States to indicate at INC 9 its belief that the treaty should be strengthened so that specific proposals can be proposed and debated during INC 10.

Financial Mechanism

While key issues remain to be resolved regarding the restructuring of the Global Environment Facility itself (see joint letter to Ms. Susan Levine, January 4, 1994), the key issue for the INC is the development of policies, program priorities and eligibility criteria to guide the operation of the financial mechanism. The underlying principle behind this guidance must be the need to encourage development paths that meet local needs in a sustainable manner consistent with the objective of the Convention. While it makes sense to focus initially on funding activities under Article 12, as agreed at INC 8, inventories and

Mr. Pomcrance
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National Communications

Effective national communications are critical to successful implementation of the Climate Treaty. The process of developing national communications should ensure that each Party carry out needed data collection and analysis, not simply report whatever information it has at hand. Guidance on national communications should be as detailed as possible to ensure (1) that all reports include a common set of elements (consistency), (2) that the reported values can be understood and reconstructed (transparency), and (3) that values from different Parties' communications can be directly compared and aggregated where appropriate (comparability).

The United States should ensure that the guidance does not fall victim to a least-common-denominator approach. Rather, all Annex I Parties should be required to provide specific quantitative estimates of future emissions with and without the individual measures (or related packages of measures) contained in its national plan. This analysis should be conducted through at least the year 2010, including options for achieving a range of emission reductions below 1990 levels. Reports should include analyses of policies and measures that result in increases, as well as decreases, in greenhouse gas emissions, and should identify the emissions implication of significant international trade flows (e.g., imports and exports of steel, aluminum, and petrochemicals).

* * *

The first Conference of the Parties is little more than one year away. Substantial progress must be made at INC 9 in order to prepare for this critical meeting. We look forward to working with you and to the United States providing critical leadership in confronting the global climate change threat.

Sincerely,

Dan Becker
Director, Global Warming and Energy Program
SIERRA CLUB

Brent Blackwelder
Vice President
FRIENDS OF THE EARTH

Mr. Pomerance
January 24, 1994
Page 5

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Vice President for Government Relations
NATIONAL AUDUBON SOCIETY

Carol Werner
Director, Energy and Climate Program
ENVIRONMENTAL AND ENERGY STUDY INSTITUTE

Response to Global Climate Coalition

Background

The U.S. will attend a meeting of parties and signatories to the Climate Change Convention beginning February 7. On the agenda is the question whether the existing commitments of industrial countries -- to aim at reducing greenhouse gas emissions to 1990 levels by 2000 -- are "adequate" to meet the Convention's objective of preventing harmful climate change.

The U.S. position -- cleared by all relevant agencies and White House offices -- is to state that we believe the existing commitments are not adequate because:

- o Even if current commitments are fully met, atmospheric concentrations of greenhouse gases are still on a path to tripling over pre-industrial levels.
- o Current commitments do not address the long-term; they do not extend beyond 2000.
- o Current commitments are not global; they apply only to industrial countries.

Our position is to state this conclusion now because the inadequacy of current commitments is scientifically obvious. A delay would lack credibility and deprive us of influence in the discussion of potential additional measures, which could be adopted as soon as March 1995.

It will be far more productive to use the time between now and then working with other countries to assess and find consensus on potential additional measures, than to spend the time fighting a foregone conclusion on an "adequacy" finding.

Issue

The Global Climate Coalition (GCC) -- the most conservative industry group -- has objected to our as "premature." GCC makes five points:

Point 1. There is no new scientific information. We should wait for additional scientific reports from the Intergovernmental Panel on Climate Change (IPCC).

Response: Our conclusions on adequacy are based on key scientific findings from the IPCC's current reports. There is virtually no chance these findings will change in subsequent reports.

Point 4. We cannot tell whether current commitments are adequate until countries submit their National Action Plans later this year.

Response. Our conclusion is based on the assumption that all countries fully meet their commitments to meet 1990 levels by 2000 -- even though there is evidence that a number of countries will fall short. Even under this most favorable assumption, current commitments are not adequate for the reasons given above.

Points 2 and 5. The economic impacts of climate change or additional mitigation efforts are not known with any reasonable certainty. Further measures could hurt the economy. Decisions should not be taken without a process involving the public, business, the scientific community, members of Congress, and relevant agencies.

Response: The U.S. will not make specific proposals for further mitigation measures at this meeting. Neither domestic nor international decisions on further measures will be taken without a thorough and open process of analyzing options.

- o Our Climate Change Action Plan already commits us to a thorough, open "beyond-2000" process of determining what we can and should do to meet the President's commitment to continue the trend of reduced emissions after the turn of the century.
- o We will urge a similar process be undertaken internationally over the coming year.

Point 3. Concluding that current commitments are inadequate "could be seen as a repudiation of voluntary actions" in our Climate Change Action Plan and "could discourage participation."

Response: The measures in the Climate Change Action Plan deal with the short-term period between now and 2000. The primary focus of our "adequacy" conclusion is on the period after 2000. There is no reason why attention to the long-term should discourage action in the short-term.

The Climate Change Action Plan itself puts industry on notice --

- o That we will need to address post-2000 emissions, and
- o That we may have to strengthen the plan if it appears that we will fall short of meeting our commitment to reach 1990 levels by 2000.

***IWG/GEA SUBGROUP ON GLOBAL CLIMATE**

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NIH	Mary Gant	301-482-6196	301-496-0563
NOAA	Tom Laughlin	202-482-6196	202-482-4307
NSC	Eileen Claussen	202-395-4985	202-395-1590
NSC	David Doniger	202-395-6938	202-395-5695
NSF	Robert Corell	703-306-1500	703-306-0372
ODP	Brian Burke	202-456-7777	202-456-7739
OEP	Marc Chupka	202-456-6551	202-456-2710
OMB	Bob Tuccillo	202-395-4993	202-395-6899
OMB	Janet Pillar	202-395-4605	202-395-5651
OSTP	Bob Watson	202-456-6202	202-395-3719
OSTP/IPCC	Richard Moss	202-554-6446	202-554-7830
OVP	David Rhodes	202-395-6014	202-395-6042
Treasury	Michael Kaplan	202-622-1242	202-622-1228
USDA	Gary Evans	703-235-9018	703-235-9046
USTR	Sandy Gaines	202-395-7320	202-395-3911

*Where agencies have provided a specific point of contact for the Subgroup on Global Climate, they are listed; where a specific point of contact for this Subgroup has not yet been provided, points of contact for the NSC/IWG are listed; to provide a specific point of contact for the Subgroup on Global Climate please call Granville Sewell (State/OES/EGC) at (202) 647-4069; fax: (202) 647-0191.

SEEGC Doc 4543:revised:10/6/93

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OES/OA	Dorothy Bergamaschi	202-647-0239	202-647-1106

February 3, 1993

MEMORANDUM FOR MACK MCLARTY

THROUGH: Bill Burton
FROM: Heather Ross
SUBJECT: Climate Change

✓CEA/ Joe
Stiglitz
✓

The Global Climate Coalition has sent you a letter today (attachment 1) asking that the U.S. not take the position in Geneva next week that commitments under the Framework Convention on Climate Change are inadequate. This is the language of the current State Department draft (attachment 2).

* || Saying that the commitments are inadequate is saying that the President's Action Plan announced in October is not sufficient to meet our treaty obligations. This is a major step. While many people believe it to be true, it is not a matter of agreed scientific fact. As the State Department draft says, at present we have no way of knowing how close we are to the Convention objective.

The Convention calls for the adequacy of commitments to be reviewed by the Conference of the Parties at its first meeting, scheduled for March 1995. The group meeting in Geneva must prepare for that meeting, and has been asked for "preliminary conclusions on the scope of the review, expected inputs and their timing and scheduling, and on institutional responsibilities relating to the delivery of products needed" as well as whether COP1 "will have sufficient information in time to carry out a meaningful review of the adequacy of commitments, and if not, what additional work would be required."

The U.S. proposes to short-cut all that and announce a conclusion on the topic to be reviewed before preparations for the review have even begun. Why reach to do this now, when it is clearly out of line with the Convention process and timetable, when we offer no information to support it of the sort the group is seeking to assemble, when it has not been vetted with major stakeholders with whom we are trying to proceed cooperatively on this issue, and when we have no game plan on how to play out this risky new hand. There will be many other opportunities to do this, if we wish, with better consideration and consultation.

The President's original Earth Day commitment on climate change got careful West Wing attention, which it deserved; officially declaring that commitment inadequate, with the open-endedly higher claim on national resources that entails, deserves at least as much care.

February 4, 1994

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: EILEEN CLAUSSEN

SUBJECT: Climate Change Policy

You asked me for an update on our climate change policy in light of your conversation with Bob Rubin. The short answer is that there has been no change in the policy that the President announced in his April Earth Day speech and amplified in his October unveiling of the Climate Change Action Plan.

Background

The U.S. will attend a Geneva meeting of parties and signatories to the Climate Change Convention over the next two weeks. On the agenda is the question of whether the industrial country commitment in the Convention itself -- to aim at reducing greenhouse gas emissions to 1990 levels by 2000 -- is "adequate" to meet the Convention's objective of preventing harmful climate change. This leads up to a March 1995 meeting at which the parties will consider for the first time whether to make any changes to the Convention.

The U.S. position for this meeting (which was cleared by all relevant agencies and White House offices) is to state that we believe the existing commitments in the convention are not adequate because:

- Current commitments are not global; they apply only to industrial countries, and
- Current commitments do not address the long-term; they do not extend beyond 2000.

The U.S. will not make any specific proposals for further commitments at this meeting. (We will clearly have a thorough and open process before any further steps are taken).

This is not a change in U.S. policy. In fact, it would be a change in policy not to state that current commitments are inadequate. In April, the President committed the U.S. to reach 1990 emission levels by 2000, and to continue the trend of reduced emissions post-2000. He reiterated these commitments in October when releasing the Climate Change Action Plan. The plan itself states that further measures are needed for the post-2000 period; it establishes a process chaired by the NEC, OSTP, and OEP to report to the President on options by the end of this year. A second process, chaired by the same three offices, is to

develop options specifically for motor vehicle emissions. Both processes will involve broad participation by industrial, environmental, congressional and other stakeholders. (I am taking part in both processes.) In Geneva, we will urge that a similar open process of addressing options be undertaken internationally. We will almost certainly be faster and more careful domestically, and will not propose anything internationally that has not been fully vetted and agreed.



GLOBAL CLIMATE COALITION

February 3, 1994

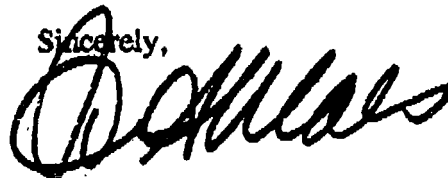
Marc Chupka

Associate Director for Air, Energy and Transportation
Room 360
Old Executive Office Building
Washington, DC 20500

Dear Marc:

I understand there was a meeting this morning with Rob Long, who is a member of the GCC, and Mr. Pearlman. I am sorry I was not available to be there to brief you on this vital issue. However, as Executive Director of the GCC, which is the lead business group on this issue, I am always available should you wish to discuss this issue further. Attached is a list of our member organizations.

Sincerely,



John Shlaes
Executive Director



GLOBAL CLIMATE COALITION

February 3, 1994

Mr. Thomas F. McLarty
Chief of Staff to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. McLarty:

The Global Climate Coalition (GCC) has been briefed by members of the State Department that the US delegation to the 9th Intergovernmental Negotiating Committee (INC) meeting will state that the commitments of the industrialized countries under the Framework Convention on Climate Change are "not adequate". We are very concerned this may be perceived as the first step towards mandatory targets and timetables.

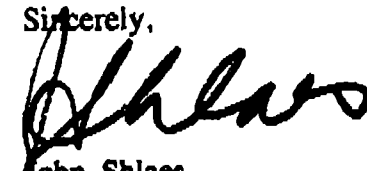
The GCC believes this is an inappropriate policy position for the US government and that it is premature to consider reopening the treaty because:

1. There is no new scientific information to justify such a change in policy. The Intergovernmental Panel on Climate Change (IPCC) Second Assessment Report is not due to be completed until the fourth quarter of 1995. Scientific data since the signing of the Framework Convention does not support increased concern over the possibility of man-induced global warming.
2. The relevant technical, social, and economic impacts of climate change and the cost of mitigation efforts are not established with any reasonable degree of certainty. Mitigation efforts which go beyond those called for in the treaty and in President Clinton's Climate Change Action Plan could have a significant negative effect on the US and international economy.
3. The Climate Change Action Plan, with its correct emphasis on voluntary actions to reduce greenhouse gas emissions, is less than four months old. Many businesses and trade associations have indicated that they will participate in cost effective voluntary action plan programs, such as Climate Challenge, Motor Challenge and Green Lights. To conclude that the efforts now being undertaken are "not adequate", even before these programs are underway, could be seen as a repudiation of voluntary actions and could discourage participation by many organizations in these programs.
4. National Action Plans by developed countries, including the U.S., are currently unavailable or unassessed and are not required to be filed until eight months from now. All of these plans must be evaluated before a determination of "adequacy" can be made.

5. There has been no "process" for the development of a US position on the adequacy of treaty commitments. Such a process should include careful evaluation of the views of the public, the business and scientific communities, the members of Congress and the various agencies within the federal government working with voluntary programs.

Industry has worked in good faith with the U.S. government in the development of the treaty, and President Clinton's Climate Change Action Plan and its implementation. Precipitous action by the United States to change the treaty before it is implemented is not in keeping with the spirit of government/industry partnerships and cooperation. We urge the Administration to review the points we have made and revise its position.

Sincerely,



John Shlaes
Executive Director

enclosures



GLOBAL CLIMATE COALITION

GLOBAL CLIMATE COALITION MEMBERSHIP

Board Membership

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 American Automobile Manufacturers Association
 American Electric Power Service Corporation
 American Forest & Paper Institute
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 American Iron & Steel Institute
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Bureau of Oceans and International
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FYI: Attached is the INC secretariat
paper on Adequacy

Topic 86 A/AC.237/47:COMMITM.ART.4.2(A)+(B)
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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
 FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
 Ninth session
 Geneva, 7-18 February 1994
 Item 2 (d) of the provisional agenda

MATTERS RELATING TO COMMITMENTS

REVIEW OF ADEQUACY OF COMMITMENTS IN ARTICLE 4.2(A) AND (B)

Note by the Interim secretariat

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I. INTRODUCTION

A. Committee mandate

1. The work plan adopted by the Committee at its sixth session included task A.4, "Review of adequacy of commitments in Article 4.2(a) and (b)" (A/AC.237/24, para. 44). The task was assigned to Working Group I. It was noted that issues to be considered would include:

- The nature and sources of information to be taken into account
- Requests for such information in time for the Conference of the Parties (COP) process
- The role of the Subsidiary Body for Scientific and Technological Advice (SBSTA)

2. It was also noted that the second assessment report by the Intergovernmental Panel on Climate Change (IPCC) would not be ready before September/August 1995 (now expected at the end of 1995), but that a special report would be prepared by the IPCC in mid-1994 (now expected in November 1994). The Committee would, however, be kept informed of progress in the work of the IPCC through the Interim secretariat and the chairman of the IPCC.

3. The Committee, at its seventh session, decided not to include the review of adequacy of commitments in the list of priorities for Working Group I at the eighth session (A/AC.237/31, para. 49). However, that session saw some headway made in the consideration of the process for the communication and review of information, which also touched upon the review of adequacy of commitments (A/AC.237/41, paras. 57-66). As a result, the Committee asked the Interim secretariat to provide additional information for the ninth session to facilitate discussion on the first review of the adequacy of commitments (A/AC.237/41, para. 64).

B. Convention provisions

4. Article 4.2(d) calls specifically on the COP (COP 1), at its first session, to review the adequacy of Article 4.2(a) and (b), which contains commitments by developed country Parties included in Annex I relating to the limitation of greenhouse gas emissions and the protection and enhancement of sinks and reservoirs. Article 4.2(d) further provides that "such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in [Article 4] subparagraphs (a) and (b)". Article 4.2(d) further stipulates that the second review of these subparagraphs shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the COP, until the objective of the Convention is met.

C. Scope of the note

5. The intention of the present note is to provide the Committee with information and suggestions on how to approach the first review of the adequacy of commitments in Article 4.2(a) and (b) (hereafter referred to as "review of the adequacy of commitments"). Section II outlines the working hypothesis for the scope of the review on which the interim secretariat has based the content of this note. Section III describes the various inputs to the review of the adequacy of commitments. Section IV presents possible options available to the COP for responding to the outcome of such a review.

6. This note draws upon the Convention and makes use of the documentation prepared for the eighth session, especially document A/AC.237/36 and Add.1. It also draws upon and reflects aspects of documents A/AC.237/44 on methodological questions, A/AC.237/45 on the first review of information and A/AC.237/46 on the roles of the subsidiary bodies.

D. Possible action by the Committee

7. As this will be the first opportunity to consider the review of the adequacy of commitments, the Committee may wish to have a thorough exchange of views on the issue. Preliminary conclusions on the scope of the review, expected inputs and their timing and scheduling, and on institutional responsibilities relating to the delivery of products needed at the first session of the COP would be useful. In this regard, the Committee's decision regarding possible interim arrangements to carry out the tasks of the subsidiary bodies prior to COP 1 will be of particular importance for the process of reviewing the adequacy of commitments. The Committee may wish to give indications of whether COP 1, based on current work programmes and schedules, will have sufficient information in time to carry out a meaningful review of the adequacy of commitments, and if not, what additional work would be required. In the latter case, it would be important to indicate who should undertake the work and when the results should be available. The Committee may also wish to consider possible scenarios for COP 1, in particular the type of decisions that could result from the review and any follow-up actions that might be initiated. Some attention will have to be paid to ensuring consistency between conclusions on this document and on relevant aspects of document A/AC.237/46 on the roles of the subsidiary bodies.

II. SCOPE OF THE REVIEW

8. In preparing this note, the interim secretariat has been guided by the following working hypothesis on the scope of the review. The subject of the review would be the adequacy of subparagraphs (a) and (b) of Article 4.2 in their entirety, with particular attention to the commitments contained therein. The primary point of reference for the review has been assumed to be the ultimate objective of the Convention contained in Article 2 and the progress towards its achievement. In this hypothesis,

the process for the review of the adequacy of commitments is assumed to be separate from the review of the implementation of these commitments although the aggregate assessment resulting from the latter review would be relevant to the consideration of possible follow-up action. It has also been assumed that the reviews to be undertaken by the COP in fulfillment of its responsibilities under Article 7.2(a) and (b), namely, to examine periodically the implementation of the Convention as a whole, the obligations of the Parties and the institutional arrangements, are distinct from the reviews of the adequacy of Articles 4.2(a) and (b) and will be undertaken at future sessions of the COP.

III. INPUTS TO THE FIRST REVIEW OF THE ADEQUACY OF COMMITMENTS IN ARTICLE 4.2(A) AND (B)

9. As concluded at the eighth session, the review of the adequacy of commitments would be based primarily on a compilation and a synthesis of information on the global situation (A/AC.237/41, para. 63). A technical analysis and a compilation and synthesis of the information in national communications would also contain input, particularly with regard to the aggregate effect of measures, relevant to the consideration of any follow-up actions.

10. The sources of the inputs to the first review of the adequacy of commitments are considered in document A/AC.237/46 on the roles of the subsidiary bodies. That document recommends that the main responsibility for the function of supporting the COP in the review of the adequacy of commitments should rest with the Subsidiary Body for Implementation. The Committee's decision on how the work of the subsidiary bodies should be carried out prior to COP 1 will be particularly relevant to the process for the first review of the adequacy of commitments.

A. Information on the global situation

11. Article 4.2(d) provides that the review of the adequacy of commitments in Article 4.2(a) and (b) shall be carried out in the light of scientific, technical, social and economic information - referred to here as information on the global situation. COP 1, and any forum undertaking preparatory work in the interim, would have available to it information on the global situation from competent scientific bodies, notably:

(a) The IPCC first assessment report (1990);

(b) The supplement to the IPCC first assessment report (1992);

(c) The special report of the IPCC to be available in November 1994 which is expected to include updated information on carbon dioxide and the carbon cycle, other trace gases and atmospheric chemistry, atmospheric aerosols, radiative forcing, the relative importance of emissions of different greenhouse gases, emissions scenarios and sensitivity studies; and

(d) Any compilation and synthesis of the above information prepared under the authority of the interim SBSTA or the Committee acting on its behalf, as decided by the Committee pursuant to its consideration of document A/AC.237/46.

12. Other sources of information on the global situation could also be taken into account. It is not clear, however, whether the interim arrangements and the time-frame leading up to COP 1 would allow for their consideration; even a compilation and synthesis of information from the IPCC on the global situation might be difficult to achieve and to make available in the official languages in time for COP 1. In this respect, an early decision on the actions to be taken prior to COP 1, including any role for interim subsidiary bodies or for the Committee, as well as any supporting work by the interim secretariat would help lay the groundwork for the review of the adequacy of commitments.

13. In reviewing the information on the global situation, special attention might be paid to the following (to the extent that it is available):

(a) The science of climate change, including the trends in atmospheric concentrations of greenhouse gases, the sensitivity of global mean surface temperatures to doubling of CO₂, and trends in the global mean surface temperature;

(b) Scientific developments regarding impacts, especially regional impacts, sensitivities of ecosystems, vulnerability of food production and impacts on sustainable economic development;

(c) Knowledge of greenhouse gas sinks;

(d) Technical and/or economic developments related to response options either to mitigate or to adapt to climate change; and

(e) Scientific judgements of key uncertainties.

14. The Committee may wish to provide further guidance on the type and format of the information on the global situation that should be provided to COP 1 for its review of the adequacy of commitments. Any areas requiring additional work would have to be identified as a matter of priority.

B. Information communicated by Annex I Parties

15. It may be assumed that, in accordance with Article 10.2(b), COP 1 would have at its disposal relevant information from national communications in a form appropriate to its needs. In addition to the national communications themselves, it would have before it an analysis of national communications and a compilation and synthesis of the information provided, including the overall effects of policies and measures (see A/AC.237/41, paras. 61 and 62 and A/AC.237/45). The synthesis report transmitted to the COP should consider, in particular, how the effects of the steps taken by Parties relate to the benchmarks.

set out in Article 4.2(a) and (b) and to the objective of the Convention. This information would be especially relevant to any consideration of possible follow-up to the review of adequacy of commitments.

16. The Committee may wish to provide further guidance on the type and format of the information to be included in the analysis, compilation and synthesis documents.

IV. POSSIBLE FOLLOW-UP TO THE REVIEW

17. COP 1 could conclude, in the light of the available information, that:

- (a) Article 4.2(a) and (b) is adequate and that
 - (i) No further action is required at COP 1, or
 - (ii) COP 1 should establish the date for the second review.

(b) Article 4.2(a) and (b) is not adequate and some follow-up action is required.

Decisions along the following lines could be envisaged:

- (i) Amendments to Article 4.2(a) and (b), or amendments to add relevant new provisions to the Convention, are necessary and should be:
 - considered, and possibly adopted, at COP 1, or
 - negotiated through a process initiated at COP 1.
- (ii) A protocol to the Convention is necessary and should be negotiated through a process initiated at COP 1;
- (iii) A resolution by the Parties should be adopted.

18. These options are reviewed below. An option under which the Parties are unable to reach agreement on the adequacy of commitments is not considered here. The option of negotiating an annex to the Convention is also not pursued because of the provisions of Article 16.1 limiting annexes to "lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character." In addition, the note does not address the specific content of possible amendments or protocols.

A. Article 4.2(a) and (b) is adequate

19. COP 1 may conclude that the information on the science of climate change and the relevant technical, social and economic information, do not necessitate any adjustment in the commitments contained in Article 4.2(a) and (b). This could result in a decision to conclude the agenda item or, alternatively, to fix a date for the second review. The Convention requires that the second review take place "not later than 31 December 1998". On the assumption that the COP continues to meet annually, such a

review could take place at COP 2 (1996), COP 3 (1997) or COP 4 (1998). The release of the second assessment report by the IPCC in late 1995 could be relevant in this regard. There would also have to be coordination with the decision on the periodicity of subsequent national communications and their review (see A/AC.237/45).

B. Article 4.2(a) and (b) is not adequate -- further action required

20. The following paragraphs review a number of considerations relevant to each option including legal issues and timing.

1. Amendment of the Convention

21. COP 1 could decide that the best way to address any perceived inadequacies in Article 4.2(a) and (b) and to agree on further steps would be through a process of amending the Convention. Amendments to the Convention are dealt with in Article 15, the key provisions of which are as follows:

(a) Any Party may propose amendments;

(b) Amendments shall be adopted at an ordinary session of the COP;

(c) The text of any proposed amendment shall be communicated to the Parties by the secretariat at least six months prior to the meeting at which it is proposed for adoption; and

(d) Adoption shall be by consensus or, failing that, by a three-fourths majority vote of the Parties present and voting.

22. Amendments can, in general, take the form of minor adjustments to the text of an agreement designed to clarify certain provisions or to add additional provisions. Alternatively, they can take the form of entire new articles or sections that would bring additional new substantive provisions to an agreement. When an agreement is composed of many interrelated sections that have been negotiated to establish a balance between them, amendments should take into account this integration. Depending on the prevailing political climate, amendments can take considerable time to develop, adopt and accept. Amendments also have the potential to develop different regimes among Parties to the Convention because only those Parties which accept the amendments are bound by them.

23. In the context of COP 1, it is conceivable that a Party, on the basis of its own analysis of available information on the global situation, could propose an amendment in time for consideration by COP 1. This would mean that the text of the proposed amendment would have to be available and circulated to Parties six months before COP 1, that is, around mid-September 1994. Even though there are no qualifications in the Convention with respect to the basis for proposing an amendment, it would be expected that any proposal would be based on solid information

and justification. Although the COP would not have met to effect a review of the adequacy of commitments at the time the amendment is proposed, an analysis of information on the global situation could indicate the desirability of the Parties adopting measures to amend the commitments in Article 4.2(a) and (b). It could be expected that any proposed amendment would be considered in the context of the interim arrangements to carry out the functions of the subsidiary bodies prior to COP 1.

24. In this scenario, any proposed amendments would be considered at COP 1 immediately after completion of the review of the adequacy of commitments. This could result in a decision to adopt the proposed amendments, to reject the proposed amendments, or to give them further study. The latter scenario could entail one of the subsidiary bodies, or some other ad hoc open-ended body under the Convention, being asked to examine the proposals and report back to the next session of the COP.

25. In the event that no amendments are submitted prior to COP 1, the Parties could still, on the basis of a determination that Article 4.2(a) and (b) is not adequate and that further steps were required, consider amending the Convention. In this case, the COP could ask one of the subsidiary bodies, or some other ad hoc open-ended body under the COP, to consider or negotiate possible amendments for consideration at COP 2. The six-month circulation provision would have to be borne in mind.

2. Negotiating a protocol

26. COP 1 could decide that the best way to address any perceived inadequacies in Article 4.2(a) and (b) and to agree on further steps would be through the negotiation of a protocol to the Convention rather than by opening the text of the Convention. (Although technically possible for COP 1 to adopt a protocol proposed by a Party, this option is not considered here.) Protocols are dealt with in Article 17, the key provisions of which are that:

- (a) The COP may adopt protocols at any ordinary session;
- (b) The text of any protocol shall be communicated to the Parties at least six months before a session;
- (c) The requirements for entry into force of any protocol shall be established by that instrument; and
- (d) Decisions under any protocol shall be taken only by the Parties to that protocol.

27. Protocols enable Parties to elaborate on important issues in an agreement without renegotiating the text of that agreement. They can establish new commitments or address the timing of implementation. They can be focused on a particular problem, gas, policy instrument or sector and have the advantage of allowing the Parties to deal with the subject in some detail. The negotiation and adoption of protocols, however, can take as

long as, or longer than, the negotiation of a convention. This is particularly true because protocols are normally more detailed and technical and can therefore take considerable time to ratify. They are legally binding only upon the Parties ratifying, accepting or approving them. Thus, as with amendments, there is the potential for the development of different regimes among Parties.

28. If COP 1 were to decide that the negotiation of a protocol should be initiated it would have to decide on the appropriate forum for such negotiations. Options include one of the subsidiary bodies or an ad hoc open ended working group. It would also have to agree on the mandate of the forum. For example, it could be asked to develop options for consideration by the COP or actually to negotiate a draft protocol. The COP would also have to provide guidance on when results should be reported back to it. Most important, the COP would have to decide on the subject matter of any protocol. It could also provide guidance on how the institutional frameworks of the Convention and a protocol should relate to one another.

C. Adoption of a resolution by the Parties

29. COP 1 might conclude that the best way to address any perceived inadequacies in Article 4.2(a) and (b) would be through the adoption of a resolution that would clarify or interpret the relevant text, provide guidance to the Parties in implementing the Article, or reflect a political statement of will by the Parties. Such a resolution would be adopted in accordance with the decision-making procedures laid down in the rules of procedure and would be included in the report of COP 1. It would not, however, be legally binding.

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MESSAGE TO MARC:

ATTACHED ARE: (1) New, one-page memo concerning review of adequacy of commitments; and (2) Note of the INC Secretariat concerning such review, INC Document No. A/AC.237-47 (16 December 1993).

I LOOK FORWARD TO THE ^{4:30} 4 O'CLOCK MEETING.



Donald H. Pearlman

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U.S. POSITION AT INC ON "ADEQUACY OF COMMITMENTS"

The proposed U.S. statement at next week's INC meeting, that the commitments in Article 4.2(a) and (b) "are not adequate," is neither warranted nor prudent for two reasons: (i) it goes well beyond the scope of the issue on the INC agenda, which contemplates discussion of the process for review of adequacy of commitments; and (ii) in any event, it is inappropriate.

THE INC AGENDA CONTEMPLATES DISCUSSION OF PROCESS FOR REVIEW, NOT VALUE JUDGMENTS CONCERNING ADEQUACY OF COMMITMENTS

- The INC Secretariat's "Note" concerning the agenda item called "Review of Adequacy of Commitments in Article 4.2(a) and (b)" clearly directs INC discussion to the process by which the Conference of the Parties (COP) would engage in such review. The Note (copy attached):
 - States that "[p]reliminary conclusions on the scope of the review, expected inputs and their timing and scheduling, and on institutional responsibilities relating to the delivery of products needed at the first session of the COP would be useful."
 - Suggests that the INC "may wish to give indications of whether COP 1 . . . will have sufficient information in time to carry out a meaningful review of the adequacy of commitments, and if not, what additional work would be required."
 - At no time indicates that nations would express their views at the INC as to whether or not the commitments are adequate.
- U.S. expression of its opinion that the commitments are or are not adequate is not responsive to the agenda or the issues to be discussed, as framed by the INC Secretariat. There is no justification for expressing judgments about adequacy of commitments when the issue before the INC is the process by which the COP should engage in its "review" of adequacy.

A VIEW THAT COMMITMENTS ARE INADEQUATE IS INAPPROPRIATE

- Because of lack of any new assessments from IPCC, there is no basis for informed judgment that the Article 4.2(a) and (b) commitments are "inadequate."
- The proposed U.S. statement of "inadequacy" would invite Convention amendments or protocols that create risk of efforts to enact domestic legislation that will be viewed with grave concern by industry. That U.S.-invited risk will chill the current, substantial, and voluntary efforts of industry to find cost-effective ways to constrain greenhouse gas emissions.
- Focus on alleged "inadequacy" of Annex I Parties' commitments ignores the real issue: the huge growth of emissions in other nations and their current lack of commitments.

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16 December 1993Original: **ENGLISH**

**INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE**
Ninth session
Geneva, 7-18 February 1994
Item 2 (d) of the provisional agenda

MATTERS RELATING TO COMMITMENTS**REVIEW OF ADEQUACY OF COMMITMENTS IN ARTICLE 4.2(A) AND (B)**Note by the interim secretariat**CONTENTS**

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- The role of the Subsidiary Body for Scientific and Technological Advice (SBSTA)

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C. Scope of the note

5. The intention of the present note is to provide the Committee with information and suggestions on how to approach the first review of the adequacy of commitments in Article 4.2(a) and (b) (hereafter referred to as "review of the adequacy of commitments"). Section II outlines the working hypothesis for the scope of the review on which the interim secretariat has based the content of this note. Section III describes the various inputs to the review of the adequacy of commitments. Section IV presents possible options available to the COP for responding to the outcome of such a review.

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8. In preparing this note, the interim secretariat has been guided by the following working hypothesis on the scope of the review. The subject of the review would be the adequacy of subparagraphs (a) and (b) of Article 4.2 in their entirety, with particular attention to the commitments contained therein. The primary point of reference for the review has been assumed to be the ultimate objective of the Convention contained in Article 2 and the progress towards its achievement. In this hypothesis, the process for the review of the adequacy of commitments is assumed to be separate from the review of the implementation of these commitments although the aggregate assessment resulting from the latter review would be

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relevant to the consideration of possible follow-up action. It has also been assumed that the reviews to be undertaken by the COP in fulfillment of its responsibilities under Article 7.2(a) and (e), namely, to examine periodically the implementation of the Convention as a whole, the obligations of the Parties and the institutional arrangements, are distinct from the reviews of the adequacy of Articles 4.2(a) and (b) and will be undertaken at future sessions of the COP.

III. INPUTS TO THE FIRST REVIEW OF THE ADEQUACY OF COMMITMENTS IN ARTICLE 4.2(A) AND (B)

9. As concluded at the eighth session, the review of the adequacy of commitments would be based primarily on a compilation and a synthesis of information on the global situation (A/AC.237/41, para. 63). A technical analysis and a compilation and synthesis of the information in national communications would also contain input, particularly with regard to the aggregate effect of measures, relevant to the consideration of any follow-up actions.

10. The sources of the inputs to the first review of the adequacy of commitments are considered in document A/AC.237/46 on the roles of the subsidiary bodies. That document recommends that the main responsibility for the function of supporting the COP in the review of the adequacy of commitments should rest with the Subsidiary Body for Implementation. The Committee's decision on how the work of the subsidiary bodies should be carried out prior to COP 1 will be particularly relevant to the process for the first review of the adequacy of commitments.

A. Information on the global situation

11. Article 4.2(d) provides that the review of the adequacy of commitments in Article 4.2(a) and (b) shall be carried out in the light of scientific, technical, social and economic information -- referred to here as information on the global situation. COP 1, and any forum undertaking preparatory work in the interim, would have available to it information on the global situation from competent scientific bodies, notably:

- (a) The IPCC first assessment report (1990);
- (b) The supplement to the IPCC first assessment report (1992);
- (c) The special report of the IPCC to be available in November 1994 which is expected to include updated information on carbon dioxide and the carbon cycle, other trace gases and atmospheric chemistry, atmospheric aerosols, radiative forcing, the relative importance of emissions of different greenhouse gases, emissions scenarios and sensitivity studies; and
- (d) Any compilation and synthesis of the above information prepared under the authority of the interim SBSTA or the Committee acting on its behalf, as decided by the Committee pursuant to its consideration of document A/AC.237/46.

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12. Other sources of information on the global situation could also be taken into account. It is not clear, however, whether the interim arrangements and the time-frame leading up to COP 1 would allow for their consideration; even a compilation and synthesis of information from the IPCC on the global situation might be difficult to achieve and to make available in the official languages in time for COP 1. In this respect, an early decision on the actions to be taken prior to COP 1, including any role for interim subsidiary bodies or for the Committee, as well as any supporting work by the interim secretariat would help lay the groundwork for the review of the adequacy of commitments.

13. In reviewing the information on the global situation, special attention might be paid to the following (to the extent that it is available):

(a) The science of climate change, including the trends in atmospheric concentrations of greenhouse gases, the sensitivity of global mean surface temperatures to doubling of CO₂, and trends in the global mean surface temperature;

(b) Scientific developments regarding impacts, especially regional impacts, sensitivities of ecosystems, vulnerability of food production and impacts on sustainable economic development;

(c) Knowledge of greenhouse gas sinks;

(d) Technical and/or economic developments related to response options either to mitigate or to adapt to climate change; and

(e) Scientific judgements of key uncertainties.

14. The Committee may wish to provide further guidance on the type and format of the information on the global situation that should be provided to COP 1 for its review of the adequacy of commitments. Any areas requiring additional work would have to be identified as a matter of priority.

B. Information communicated by Annex I Parties

15. It may be assumed that, in accordance with Article 10.2(b), COP 1 would have at its disposal relevant information from national communications in a form appropriate to its needs. In addition to the national communications themselves, it would have before it an analysis of national communications and a compilation and synthesis of the information provided, including the overall effects of policies and measures (see A/AC.237/41, paras. 61 and 62 and A/AC.237/45). The synthesis report transmitted to the COP should consider, in particular, how the effects of the steps taken by Parties relate to the benchmarks set out in Article 4.2(a) and (b) and to the objective of the Convention. This information would be especially relevant to any consideration of possible follow-up to the review of adequacy of commitments.

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16. The Committee may wish to provide further guidance on the type and format of the information to be included in the analysis, compilation and synthesis documents.

IV. POSSIBLE FOLLOW-UP TO THE REVIEW

17. COP 1 could conclude, in the light of the available information, that:

(a) Article 4.2(a) and (b) is adequate and that

- (i) No further action is required at COP 1, or
- (ii) COP 1 should establish the date for the second review.

(b) Article 4.2(a) and (b) is not adequate and some follow-up action is required. Decisions along the following lines could be envisaged:

- (i) Amendments to Article 4.2(a) and (b), or amendments to add relevant new provisions to the Convention, are necessary and should be:
 - considered, and possibly adopted, at COP 1, or
 - negotiated through a process initiated at COP 1.
- (ii) A protocol to the Convention is necessary and should be negotiated through a process initiated at COP 1;
- (iii) A resolution by the Parties should be adopted.

18. These options are reviewed below. An option under which the Parties are unable to reach agreement on the adequacy of commitments is not considered here. The option of negotiating an annex to the Convention is also not pursued because of the provisions of Article 16.1 limiting annexes to "lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character." In addition, the note does not address the specific content of possible amendments or protocols.

A. Article 4.2(a) and (b) is adequate

19. COP 1 may conclude that the information on the science of climate change and the relevant technical, social and economic information, do not necessitate any adjustment in the commitments contained in Article 4.2(a) and (b). This could result in a decision to conclude the agenda item or, alternatively, to fix a date for the second review. The Convention requires that the second review take place "not later than 31 December 1998". On the assumption that the COP continues to meet annually, such a review could take place at COP 2 (1996), COP 3 (1997) or COP 4 (1998). The release of the second assessment report by the IPCC in late 1995 could be relevant in this regard. There would also have to be coordination with the decision on the periodicity of subsequent national communications and their review (see A/AC.237/45).

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B. Article 4.2(a) and (b) is not adequate -- further action required

20. The following paragraphs review a number of considerations relevant to each option including legal issues and timing.

1. Amendment of the Convention

21. COP 1 could decide that the best way to address any perceived inadequacies in Article 4.2(a) and (b) and to agree on further steps would be through a process of amending the Convention. Amendments to the Convention are dealt with in Article 15, the key provisions of which are as follows:

- (a) Any Party may propose amendments;
- (b) Amendments shall be adopted at an ordinary session of the COP;
- (c) The text of any proposed amendment shall be communicated to the Parties by the secretariat at least six months prior to the meeting at which it is proposed for adoption; and
- (d) Adoption shall be by consensus or, failing that, by a three-fourths majority vote of the Parties present and voting.

22. Amendments can, in general, take the form of minor adjustments to the text of an agreement designed to clarify certain provisions or to add additional provisions. Alternatively, they can take the form of entire new articles or sections that would bring additional new substantive provisions to an agreement. When an agreement is composed of many interrelated sections that have been negotiated to establish a balance between them, amendments should take into account this integration. Depending on the prevailing political climate, amendments can take considerable time to develop, adopt and accept. Amendments also have the potential to develop different regimes among Parties to the Convention because only those Parties which accept the amendments are bound by them.

23. In the context of COP 1, it is conceivable that a Party, on the basis of its own analysis of available information on the global situation, could propose an amendment in time for consideration by COP 1. This would mean that the text of the proposed amendment would have to be available and circulated to Parties six months before COP 1, that is, around mid-September 1994. Even though there are no qualifications in the Convention with respect to the basis for proposing an amendment, it would be expected that any proposal would be based on solid information and justification. Although the COP would not have met to effect a review of the adequacy of commitments at the time the amendment is proposed, an analysis of information on the global situation could indicate the desirability of the Parties adopting measures to amend the commitments in Article 4.2(a) and (b). It could be expected that any proposed amendment would be considered in the context of the interim arrangements to carry out the functions of the subsidiary bodies prior to COP 1.

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24. In this scenario, any proposed amendments would be considered at COP 1 immediately after completion of the review of the adequacy of commitments. This could result in a decision to adopt the proposed amendments, to reject the proposed amendments, or to give them further study. The latter scenario could entail one of the subsidiary bodies, or some other ad hoc open-ended body under the Convention, being asked to examine the proposals and report back to the next session of the COP.

25. In the event that no amendments are submitted prior to COP 1, the Parties could still, on the basis of a determination that Article 4.2(a) and (b) is not adequate and that further steps were required, consider amending the Convention. In this case, the COP could ask one of the subsidiary bodies, or some other ad hoc open-ended body under the COP, to consider or negotiate possible amendments for consideration at COP 2. The six-month circulation provision would have to be borne in mind.

2. Negotiating a protocol

26. COP 1 could decide that the best way to address any perceived inadequacies in Article 4.2(a) and (b) and to agree on further steps would be through the negotiation of a protocol to the Convention rather than by opening the text of the Convention. (Although technically possible for COP 1 to adopt a protocol proposed by a Party, this option is not considered here.) Protocols are dealt with in Article 17, the key provisions of which are that:

- (a) The COP may adopt protocols at any ordinary session;
- (b) The text of any protocol shall be communicated to the Parties at least six months before a session;
- (c) The requirements for entry into force of any protocol shall be established by that instrument; and
- (d) Decisions under any protocol shall be taken only by the Parties to that protocol.

27. Protocols enable Parties to elaborate on important issues in an agreement without renegotiating the text of that agreement. They can establish new commitments or address the timing of implementation. They can be focused on a particular problem, gas, policy instrument or sector and have the advantage of allowing the Parties to deal with the subject in some detail. The negotiation and adoption of protocols, however, can take as long as, or longer than, the negotiation of a convention. This is particularly true because protocols are normally more detailed and technical and can therefore take considerable time to ratify. They are legally binding only upon the Parties ratifying, accepting or approving them. Thus, as with amendments, there is the potential for the development of different regimes among Parties.

28. If COP 1 were to decide that the negotiation of a protocol should be initiated it would have to decide on the appropriate forum for such negotiations. Options include one of the subsidiary bodies or an ad hoc open ended working group. It would also have to agree on the

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mandate of the forum. For example, it could be asked to develop options for consideration by the COP or actually to negotiate a draft protocol. The COP would also have to provide guidance on when results should be reported back to it. Most important, the COP would have to decide on the subject matter of any protocol. It could also provide guidance on how the institutional frameworks of the Convention and a protocol should relate to one another.

C. Adoption of a resolution by the Parties

29. COP 1 might conclude that the best way to address any perceived inadequacies in Article 4.2(a) and (b) would be through the adoption of a resolution that would clarify or interpret the relevant text, provide guidance to the Parties in implementing the Article, or reflect a political statement of will by the Parties. Such a resolution would be adopted in accordance with the decision-making procedures laid down in the rules of procedure and would be included in the report of COP 1. It would not, however, be legally binding.

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