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GLOBAL

1- Ozone Protection: The International Legal Regime, a new book By Gilbert Bankobeza, Senior Legal Counsel, UNEP Ozone Secretariat

This book critically examines the implementation of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. This successful Protocol represents a dynamic legal regime that has made significant contributions to the progressive development of international environmental law resulting from innovative legal approaches, unparalleled in the history of treaty making, such as the use of framework treaties, simplified treaty amendment procedures and 'soft law' instruments. The author addresses issues related to environmental governance, environmental financing and the non-compliance procedure. The Montreal Protocol has considerably influenced subsequent multilateral environmental agreements, such as the Climate Change Convention and the Kyoto Protocol, which have embraced similar financial mechanisms and non-compliance regimes. Furthermore, emerging principles of international environmental law such as the precautionary principle, sustainable development, state responsibility for environmental damage and common but differentiated responsibilities are analyzed in-depth, focusing on their application in the implementation of the Montreal Protocol as well as their impact on the progressive development of international environmental law.

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2- New Wood Packaging Requirements to Hit Exporters

With new international rules on the transfer of goods in wooden packaging coming into effect from September 2005, exporters around the world are gearing up to meet the requirements

The United Nations Food and Agriculture Organisation's International Standard for Phytosanitary Measures No. 15 (ISPM15) would require all solid wood packing material thicker than 6mm to be heat-treated or fumigated and stamped with an official mark.

The aim is to prevent pests, other insects and biological material from being transferred unknowingly from one country to another. Goods packed in wood material that does not comply with the ISPM15 standard will be returned to the exporter at their expense.

ISPM 15 requirements apply to all species of coniferous and non-coniferous packaging materials. The standard will not apply to wood packaging made wholly of products such as plywood, particle board, oriented strand board, medium density fibre board or products created using glue, heat and pressure or a combination of these.

Some member countries have already partially or fully implemented the standards. The EU, Australia, Canada and South Africa are also implementing bans on coniferous wood packaging and in certain cases non-coniferous hardwood packaging, meaning shipping pallets (skids), crates, and wood used to secure ocean cargo loads.

Under the ISPM15 requirements, exporters would be required to heat treat wood packaging material to a minimum core temperature of 56°C for a minimum of 30 minutes. Exporters could also use methyl bromide to fumigate the wood packing.

The new requirements are a bid by countries to prevent the transfer of invasive species of wood-born pests, such as the oriental fruitfly, the pinewood nematode, a microscopic eelworm, and the Asian long-horn beetle. The spread of these species have to date caused extensive damage to indigenous plant species and habitats in China, Japan, Brazil, the US and other countries the Food and Agriculture Organisation says.

Source: Food Production Daily, 31 May 2005, By: Ahmed ElAmin

<http://www.foodnavigator.com/news/news-ng.asp?n=60336-new-wood-packaging>

NORTH AMERICA

3- US EPA Cites Quebecor World St. Cloud for Clean-air Violations

CHICAGO (May 20, 2005) — U.S. Environmental Protection Agency Region 5 has cited Quebecor World St. Cloud Inc. for alleged violations of EPA regulations to protect stratospheric ozone at the company's printing plant at 660 Mayhew Lake Road N.E., St. Cloud, Minn.

EPA alleges that Quebecor failed to repair refrigeration equipment that leaked excessive amounts of ozone-depleting chlorofluorocarbons, or CFCs. In addition, EPA said the company violated testing, recordkeeping, notification, and retrofit and retirement planning requirements for the equipment.

"EPA's mission is to protect public health and the environment," said Acting Regional Administrator Bharat Mathur. "We will take whatever steps are needed to ensure compliance with the Clean Air Act."

These are preliminary findings of violations. To resolve them, EPA may issue a compliance order, assess an administrative penalty or bring suit against the company. Quebecor has 30 days from receipt of the notice to meet with EPA to discuss resolving the allegations.

When CFC refrigerants deplete the stratospheric ozone layer, dangerous amounts of cancer-causing ultraviolet rays from the sun strike the earth. Production of some of these chemicals was stopped in 1995, and federal law strictly controls their use and handling.

Source: US EPA, Press Release No. 05-OPA068, Contact: William Omohundro, (312) 353-8254

<http://www.epa.gov/reg5oopa/news/news05/05068.htm>

4- US EPA Reaches Agreement with Grainger

CHICAGO (May 31, 2005) — **U.S. Environmental Protection Agency Region 5 has reached an agreement with W.W. Grainger Inc. on alleged violations of federal clean-air regulations designed to protect the stratospheric ozone layer. EPA assessed a \$177,156 penalty** for the violations that apply to Grainger's business headquartered at 100 Grainger Parkway, Lake Forest, Ill.

The agreement resolves an EPA administrative complaint alleging that, among other things, Grainger sold banned products made with an ozone-depleting substance.

Grainger sold some products containing dichlorofluoroethane - a chlorofluorocarbon or CFC - including a wheel chock that is banned from sale or distribution and aerosol dispensers of cleaning fluids for electronic or photographic equipment.

EPA said Grainger failed to display proper notification where products containing the ozone-depleting substance were sold. In addition, EPA said the company sold products containing an ozone-depleting substance to unqualified buyers and to buyers that failed to show proof that they were qualified buyers. Federal regulations require that certain products containing ozone-depleting substances be sold only to commercial buyers.

EPA said Grainger has remedied the alleged violations by stopping the sale of its wheel chock, posting proper notifications and eliminating sales to non-commercial buyers.

Chlorofluorocarbons deplete the stratospheric or "good" ozone layer, allowing dangerous amounts of cancer-causing ultraviolet rays from the sun to strike the earth. Production of some of these chemicals was stopped in 1995, and federal law strictly controls their use and handling.

Source: US EPA, Press Release No. 05-OPA084, Contact: William Omohundro, (312) 353-8254
<http://www.epa.gov/reg5oopa/news/news05/05084.htm>

SOUTH EAST ASIA AND PACIFIC

5- Govt Sets Compliance with Montreal Protocol (Philippines)

The government has set into motion the country's compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer with the introduction of the Voucher System in the service and manufacturing sectors.

This move is expected to become a full-blown program by the last quarter of the year, the Department of Environment and Natural Resources said yesterday.

The Voucher System is aimed at prompting establishments to adopt a host of new equipment and practices, which will encourage them to stop using Chlorofluorocarbon (CFC), a known ozone-depleting substance.

"By year 2010, we are expected to have completely phased out the importation and use of freon in our service and manufacturing sectors in line with our commitment to the Montreal Protocol," said DENR Secretary Michael Defensor. "That is why as early as now, we have began pilot testing alternative methods and practices which in the long term will redound to our aim of providing clean air to our people."

Best known as a chemical substance that cools refrigerators and car air conditioners, most Filipinos are not aware of how widely used freon is in many service and manufacturing establishments. Freon could eventually cause damage in the atmosphere if allowed to be indiscriminately released into the air and accumulate.

Freon is also used as blowing agents for foams, propellant for aerosol and metered-dose inhalers and as cleaning agents for computer circuits. Majority of CFC consumption in the country, recorded at 75 percent, is accounted to the service sector, half of which is used to service car aircons and 26 percent to service household appliances like refrigerators and aircons.

To enable shops to give environment-friendly servicing, the DENR has set up the Voucher System, a financial grant assistance, which would allow establishments to recover and recycle CFC. This will be implemented with the assistance of the Multilateral Fund for the Implementation of the Montreal Protocol through the World Bank and Swedish International Development Cooperation Agency.

Source: HooversCom, Quoting: Manila Standard, 1 June 2005

http://www.hoovers.com/free/news/detail.xhtml?ArticleID=NR20050602670.2_f4ee000689e65865

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