



**Great Lakes Chemical Corporation**

# **FUMIGATION FAX**

---

December 2003

Volume 8, Issue 16

---

## **Montreal Protocol Supports Methyl Bromide Production at Least at Current Levels Beyond 2005** *(But postpones final decision until March 2004)*

The Parties to the Montreal Protocol met in Nairobi Kenya from November 10<sup>th</sup> to 14<sup>th</sup>. The main agenda item – how much Methyl Bromide would developed nations be allowed to produce for Critical Uses in 2005? When Methyl Bromide was added to the Protocol in 1992, it was recognized that alternatives might not be available for all applications. Provision was made to allow continued use of Methyl Bromide for those applications until economically viable alternatives could be found. With the final phase down step due on January 1<sup>st</sup> 2005, the time to agree on those Critical Use Exemptions (CUE's) was now.

The United States had applied for 22mlbs of Methyl Bromide CUE's for 2005, some 4.5mlbs more than allowed production in 2003, and equivalent to 39% of the amount made in 1991 (the baseline year). The US Congress underscored US agriculture's need for this amount with the introduction of a Bill that would approve the full amount, regardless of the Montreal Protocol's decision. The Montreal Protocol's technical review committee (TEAP) agreed that 7mlbs should be approved unconditionally but "noted" that the US need for the remaining 15mlbs was surprising given the apparent success of alternatives in other countries.

The Nairobi meeting was a stand off between the demands of the US and Europe's desire to ensure continued phase out of methyl bromide. The Europeans, frustrated by the slow adoption of alternative technologies, even in some of their own member states such as Italy, attempted to introduce a cap limiting CUE's to no more than 30% of the '91 baseline. The US argued strongly that Parties had never agreed to such a limit when the Protocol was adopted. The US also argued that they had been a leader in the Protocol, playing within the rules to eliminate the use of many ozone depleting substances, funding research into alternatives and providing financial and technical aid for developing nations to implement their phase out schedules. Claudia McMurray, head of the US delegation summed it up when she addressed the Meeting. "Is it fair to deny our critical use exemption when we have played by the very rules on which we all agreed in Decision 9/6, rules that clearly indicated we would be entitled to uses where we could show that there are, and I quote, 'no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of the environment and health and are suitable to the crops and circumstances of the nomination'" . . . "a process that would single out the United States, willfully ignore our national needs and reject the work of the Protocol's technical and scientific bodies is clearly not one we should adopt".

But ultimately the Meeting could not reach a conclusion and decided to convene an unprecedented "extraordinary" Meeting of the Parties in Montreal in March to try to resolve the impasse. They also asked TEAP to further review each application in order to eliminate the "noted" category and reach a firm recommendation.

So, despite investing \$100's of millions in alternatives research and funding for developing nations; reducing methyl bromide use by over 60% since 1998; working through seven revisions over three years to implement a CUE process, agreed by the Montreal Protocol ten years ago...US agriculture still does not know if it will be allowed to use methyl bromide after 2004. Although, in proposing a 30% cap, the US opponents concede that that amount will be necessary at least for 2005. Therefore, methyl bromide users can be confident, that more than 17Mlbs will be produced for non-QPS applications in 2005 (equal to the annual amount produced in 2003 and 2004).

Beyond 2005, methyl bromide remains a political football decreasingly influenced by the true technical and economic arguments. The US has played within the rules of the Montreal Protocol's CUE process that were defined in 1996 but has been thwarted by environmentalist dogma and perception that US policy is driven by the unilateralist interest of big business. Congress would be right to pass the methyl bromide bill to protect the livelihoods of the thousands of individual food industry stakeholders affected by the Montreal Protocol's dithering. The methyl bromide stakeholders will continue to play within the rules, and support the CUE process. But, if the Montreal Protocol insists on changing the rules mid-game, it is the US government's job to take care of its own constituents.

**ALWAYS READ AND FOLLOW LABEL DIRECTIONS**



**Great Lakes  
Chemical Corporation**

**Agricultural Products Business**  
**One Great Lakes Blvd., PO Box 2200**  
**West Lafayette, IN 47996**  
**Ph: 800-378-9451; fax: 765-497-6666**  
**E-mail: [mhowland@glcc.com](mailto:mhowland@glcc.com)**