

On CFC issue, it's Arizona vs. world

By James D. Flori

After Evan Mecham was deposed, many of us hoped that our state government would regain a reputation for rationality and thoughtfulness. But as the flap over the freon ban demonstrates, Arizona still has a knack for embarrassing itself before the largest possible audience.

The scientific consensus is that chemicals in the CFC family, like freon, are probably eating the ozone layer. If true, this would have disastrous consequences for the planet as a whole. Therefore, most of the world's countries agreed in 1987 to collectively wean their industries away from CFCs over a period of years. That agreement is called the Montreal Protocol. Under the terms of that protocol, 1995 is the last year that CFCs can legally be produced. Several substitutes already exist, and more are being developed.

The challenge to this logical consensus is political, not scientific. America is suffering from a fresh bout of Sagebrush Rebellion. Currently Republican fashion dictates that when you boil it down, practically every issue is a question of states rights. Armed with this philosophy, the rebels in the Arizona legislature and governor's office have chosen to wave a strange new battle flag.

"Who is the federal government," they ask, "to tell us not to use freon? Don't they know it's hot in Arizona?"

According to their theory, there is no danger from CFCs at all. Ozone depletion is a natural phenomenon. It is nothing more than "hokey science" that has led everyone else to adopt "irresponsible theories about the ozone layer" which are causing pain to the state. The bill's chief sponsor, Rep. Jean McGrath, R-Glendale, thinks "it would be nice to manufacture freon (in Arizona)."

Who is being irresponsible here?

The freon people do not pretend that they can really exempt Arizona from the global ban on CFC production and use. The legislature knows, the governor knows, and even the bill's own sponsors know that it is unconstitutional. Their struggle is symbolic. They say they want to keep the federal government out of state business, and this is their idea of sending a message on that subject to Washington.

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But really, if you wanted an issue over which to argue a principle of states' rights, you could not pick a worse candidate than destruction of the ozone layer. This is one of the most unambiguously international issues of our age, the very paradigm of a modern transnational problem.

We have picked a fight not just with Washington, but with the entire world. It ought to go without saying that he who takes on the world had better be right. The problem with this CFC gambit is that the burden of proof lies squarely on Arizona, not on the conventional wisdom of the rest of the world. From what rock of revealed science does Arizona fling this challenge into everyone's face?

Whether CFCs are really dangerous or not, and whether ozone depletion is natural or not, are questions of science. They have nothing to do with a power

struggle between levels of government in a federal system.

Circumventing global agreements on global issues is exactly the type of action that smaller sovereignties like cities and states should not be able to take. It's hot in Hong Kong, too. That doesn't mean Hong Kong should be able to do as it pleases on issues that may directly effect the health of people living in Phoenix, Arizona.

Worldwide consensus is very hard to reach. In the case of the Montreal Protocol, that consensus has been reached, and sensible people everywhere recognize it as a major milestone. The protocol itself is more important than the need of Arizona to display virility against its federal "opponent." It is embarrassing for the state to flaunt its sovereignty under such dubious circumstances, especially when the gesture is legally

weightless.

Mr. Symington hopes by this scheme to attach his name to a major event in the history of American federalism, and optimistically compares this measure to the Boston Tea Party. On the strength of that comparison, he concludes, "That's what's great about this country. Just because the federal government passes a law doesn't mean we always have to live with it." Well, actually, Mr. Governor, yes we do, according to the Constitution. That's how it is, and short of civil war, that's how it's going to stay.

Before the governor got carried away with his Tea Party fantasy, he should have considered that this entire business makes himself, the legislature, and the state of Arizona look very foolish.

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