



JOINT COMMENTS CONCERNING THE GREAT LAKES WATER QUALITY AGREEMENT

CANADIAN FEDERATION OF UNIVERSITY WOMEN

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ONTARIO COUNCIL

The **Canadian Federation of University Women (CFUW)** and **CFUW Ontario Council** welcome the opportunity to comment on the 2011 renegotiation of the Great Lakes Water Quality Agreement.

Since 1995, CFUW policy has given voice to our concern about the need to protect and sustain our water resources, and to the consequences of resource depletion, the degradation of natural systems, the dangers of pollution and the destruction of fragile ecosystems. Since 2004, CFUW has participated in several rounds of government consultations regarding the waters of the Great Lakes, including the last review of the GLWQA and the COA in 2007. We have also participated, as a member of the Ontario government's Great Lakes Annex Advisory Panel, in the bi-national negotiations for the Great Lakes Charter Annex Agreement in 2004. We continue to participate in a consortium of NGO and ENGO organizations who study and advocate for the health of our Great Lake waters. We attended the September 8, 2011 public meeting on the GLWQA in Toronto earlier this month.

Although the original GLWQA was signed by the governments of the United States and Canada in 1972, and has been reviewed and updated periodically over the past nearly 40 years, real progress toward achieving the stated goals of the GLWQA has been very slow. The time has come - it is long overdue - to update the protection provided by the Agreement and to speed up the progress of remediation.

Prior to the 2007 Review, the International Joint Commission (IJC) made several important comments in its 13th Biennial Report on Great Lakes Water Quality (December 2006), which still relate to the current update of the GLWQA. The IJC Report pointed out that:

- the Agreement must be improved so that persistent and emerging challenges to the Lakes can **effectively** and **definitively** be addressed;
- insufficient **funding** remains a core issue; and
- unambiguous **accountability** is central to the Agreement's success.

A renewed Great Lakes Water Quality Agreement in 2011-2012 will present new challenges, new opportunities and a pressing need for definitive new action and accountability on the part of the governments of both Canada and the United States. It is especially important in this time of financial restraint, that the vision of the Agreement and the commitment to the health of our Great Lakes is not compromised.

CFUW and CFUW Ontario Council support a renewal of the GLWQA in which:

- **the goals and targets that are set out in the Agreement are specific, measurable, accountable, results-oriented, and time-based;**
- **specific action and specific accountability on the part of the national governments of both Canada and the United States are recognized and clearly delineated;**
- **a firm commitment is made by both Parties to provide adequate and time-specific funding to support and facilitate the timely implementation of the Agreement.**
- **roles and responsibilities of state/provincial/municipal governments in the implementation process are clearly defined, and sources of funding addressed.**
- **the terms of the Agreement reflect current scientific understanding and technology, along with a mandate to support and incorporate new scientific research and findings.**

We are disappointed that the actual wording of the Agreement is not yet available for comment. We will therefore give general comments within the limitations of the Public Forum document.

A. What is being retained:

1. The purpose and the scope of the current Agreement are a good starting point for framing a new Agreement, as is the commitment finally to clean up the previously identified Areas of Concern.

It will be necessary to take a new approach both in action and in funding for the implementation of the clean-up of these problem areas, as we look at the reality that only two of the AOC's have been improved over the almost 25 years since they were identified under the current Agreement.

Addressing issues through lake-wide management plans has likewise to date met with varying degrees of success. The approach will have to be tightened and improved with stricter guidelines, benchmarks and timelines. The fact that there never was a LaMP established for Lake Huron must be corrected.

2. It is also vital to retain the mandate of "Zero Discharge" target for release of toxins into the Lakes. This is not mentioned specifically in the overview provided - but must not be lost.

B. What is being Streamlined:

1. This is a difficult area of the document to comment on without a definition of what is meant by "streamlining". Most of the failures in **RAP and LaMP** approaches were due to a lack of timely and sufficient funding, a lack of clearly defined jurisdictions, roles and responsibilities, and a lack of specific timelines and benchmarks. This lack of accountability often led to lack of funding, cancelled meetings and lack of concerted action.

Will the proposed "streamlining" lead to a clearer definition of roles, responsibilities, timelines, benchmarks and sources of funding?

2. There is a similar concern over "streamlining" of **definitions**. When definitions are not clear or missing, it becomes much easier to find a loophole, to avoid necessary action. This speaks again to accountability. It would seem that with new and emerging threats, there would be a

need for more definitions rather than a "streamlined" list. The issue that was raised of the need for a definition of "Near-shore" is one such example.

How will "streamlining" deal with this need for clarity?

3. The consolidation of Annexes can be a valuable step. It is easier to update an Annex as new science and new threats emerge without the need to reopen the whole Agreement. However it is important to retain is the specific lists appended to the current Agreement which detail what chemicals, what toxins, etc., are actionable.

C. What is being Improved/Enhanced:

1. Governance:

Drinkable, swimmable, fishable are very human-centric values. What will that mean in ecological terms? We will look for scientifically-based water quality standards in the Agreement.

The "desired endpoints" and even the "specific objectives" proposed for each lake in the Agreement will only be effective if the plans for their implementation are clearly set out with a series of timelines and benchmarks, and a specific accountability for monitoring, funding and action.

2. RAP's and LaMP's

How will these problems be "addressed". Once again we look for the identification of concerns clearly set out with a series of timelines and benchmarks, and a specific accountability for monitoring, funding and action.

How will the jurisdictions for "Nearshore" and "Lakewide" monitoring and action and funding be aligned? How will "Nearshore" be defined?

How will the Nearshore objectives, research, monitoring and action be aligned with the provisions for water quality and quantity in the Great Lakes Charter Annex Agreement and the accompanying Compact and provincial legislation?

3. Binational Management Framework

If this new committee is to have the same membership as the former committee - how will its effectiveness as an engine for action change? How will its mandate and accountability change? How will its budget be funded - and will that budget be based solely on monies for "meeting expenses" - or will it have access to funds for restorative work and research in the lakes themselves?

4. Role of Stakeholders

The recognition for an enhanced role for stakeholders in the process is a positive enhancement. However, it is not enough merely to talk "to" stakeholders and other levels of government, informing them of decisions already taken. It must be timely, two-way communication, listening as well as talking, making use of their varied expertise and engaging them in the decision-making process.

5. Roles of the IJC

This enhancement of the roles of the IJC is a much-needed improvement to the Agreement. The IJC must be given a stronger role than in the recent past. It is a binational body whose knowledge of and vision for the health and sustainability of the Great Lakes is above partisan politics and stretches farther than the next election. It is vital that the research it commissions be well funded, and that its advice and recommendations play a larger role in the implementation plans to protect the lakes.

6. Accountability

We welcome this increased emphasis of reporting on actual improvement to the ecosystem indicators. We would suggest, however, an annual reporting of ongoing action and budget allotments to the work and research being done. Thus, at the end of the three year period, the Progress Report by the parties on the improvement of ecosystem indicators will be traceable to the strategies that proved most effective.

7. Annex on Chemical Substances

We would recommend that the Annex be renamed **Annex on Toxins and Chemical Substances**. It is good to recognize the emerging threats from new non-toxic but none-the-less ecologically harmful chemical substances. But the treatment of toxins and the mandate for "zero discharge" of toxic waste must not be lost.

It is an excellent enhancement that binational coordination and collaboration on research, monitoring and surveillance, strategies, and priorities for action will be written into the Agreement.

8. Annex on Nutrients

This is another welcome enhancement - as is the focus on watershed planning. Federal/provincial/state jurisdictional responsibilities and funding sources will be an important factor in the effectiveness of this Annex.

9. Annex on Groundwater

There has been a real lack of research and understanding on this important issue. With the high concentration of large urban centres, mining and industry around the lakes, this is an important area of pollution control and water quantity.

10. Annex on Ship Source Discharges

The move to coordinate goals and targets is a good one. There should also be an agreement from both governments to pass legislation prohibiting the dumping of ballast water which respects the ecological integrity of each lake and reflects these common goals.

11. Science Annex

We welcome an increased emphasis on Science - its role in research & data gathering, in monitoring and in new understandings which will inform future action.

D. What is New

1. Annex on Aquatic Invasive Species

2. Annex on Climate Change Impacts

3. Annex on Habitats and Species

We welcome the updating of the Agreement to include each of these very important topics. We agree with the general focus and intent for each of these new Annexes as noted in the overview, and the potential impact for good each will have on the lakes. We look forward to commenting on the specific texts of each new Annex when they are released for discussion, especially in regard to how the federal/provincial/state jurisdictional issues have been addressed.

4. Notification Component

The notification of the Parties of potentially damaging facilities or activities is a first important step. However, it is a meaningless step unless there are guidelines established to deal with these "planned" activities. Will there be reference to a coordinated understanding between the Parties and the states/provinces and legislation in each jurisdiction as to what areas of the Shoreline can and cannot be used for certain new facilities and/or activities? Or binational approval of the safety plans, and zero discharge guarantees? This could be structured on the same lines as the binational agreements under the Great Lakes Charter Annex Agreement.

CFUW and CFUW Ontario Council look forward to a continuing discussion of these issues when the draft of the Agreement is released.

CFUW is a non-partisan, voluntary, self-funded organization of close to 10,000 women university graduates, students and Associate Members in 112 Clubs across Canada that works to improve the status of women and human rights, education, social, justice, and peace. CFUW holds special consultative status with the United Nations (ECOSOC) Commission on the Status of Women and belongs to the Education Sector of the Canadian Commission to UNESCO. CFUW is the largest of the 61 affiliates of the International Federation of University Women (IFUW).

Ontario Council of the Canadian Federation of University Women is composed of 57 clubs comprised of graduates living in urban and rural areas across Ontario. We are non-partisan, non-sectarian and we are totally member funded. Our members are active in public affairs, advocating on public education, justice, health and environmental issues as well as the status of women and human rights. Ontario Council is part of the Canadian Federation of University Women and has links to the International Federation of University Women.

Our comments have been prepared by Carolyn Day, CFUW Ontario Council's water policy analyst.

Sincerely,



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