

February 8, 2013

Lana Pollack, U.S. Chair
Rich Moy
Dereth Glance

Joseph Comuzzi, Canadian Chair
Lyall Knott

Re: IJC Great Lakes Water Quality Board and other Boards: Comments on composition and structure

Dear IJC Commissioners,

We are citizens and environmental organizations who have contributed to the review and renegotiation of the Great Lakes Water Quality Agreement over the past eight years. We are committed to continue working together to ensure the implementation of the Great Lakes Water Quality Protocol of 2012.

We are pleased to see that this Protocol amendment includes revised language stating that the IJC's Water Quality Board (WQB) membership may be expanded to include people from other government levels (First Nations, Métis, Tribal, municipal, watershed management agencies and other public agencies) and non-government people, including "the Public" [Article 8, 2]. We were pleased to hear at the January 23, 2013 Seminar/Webinar in Chicago that the IJC Commissioners intend to proceed with WQB restructuring in accordance with this article. Commissioners noted that questions remain regarding how WQB restructuring should be best carried out. At that time, Commissioners requested recommendations on this matter by February 15. This letter is our response to that request and specifically to issues that were raised by the Commissioners at the Chicago meeting.

Role of the IJC in the Great Lakes-St. Lawrence River Ecosystem:

The most important roles of the IJC are: 1) to evaluate the water quality conditions of the Great Lakes and St. Lawrence River ecosystem, 2) to assess the adequacy of government programs to improve and protect these conditions, and 3) to provide leadership in finding innovative forward-thinking solutions to Great Lakes-St. Lawrence River problems. An over-arching goal to fulfill all these roles is to disseminate the information and findings in a manner that is easily accessible, meaningful and understandable to the public and to allow for feedback from the public.

Role of Water Quality Board:

The WQB is the principal advisor to the Commission on the adequacy of government programs to achieve the goals of the Agreement [Article 8, 2]. Under the 2012 Protocol amendment, it is the responsibility of the WQB to: 1) review and assess the adequacy of government programs towards restoring and maintaining water quality

in the lakes, 2) identify emerging issues and preventative strategies, and 3) provide advice on the roles of relevant jurisdictions towards Agreement implementation [Article 8, 3]. We agree that these are the primary roles of the WQB.

WQB Composition:

Under the previous GLWQA, when the WQB conducted assessments of government programs, it came under criticism because of a perceived conflict of interest since the WQB was made up overwhelmingly of members of the same federal, provincial and state governments that they were supposed to critique. In addition, since the creation of the Binational Executive Committee (BEC) as a result of the 1987 Protocol, the WQB and BEC have been co-chaired by the same people. This makes it difficult for the WQB to provide the IJC with an impartial evaluation of the governments' programs, i.e., their own programs. We are pleased to see that under the 2012 Protocol the IJC plans to ensure that it receives more balanced and unbiased advice on the state of government programs from the WQB board by expanding its membership to include more non-federal, provincial or state government people.

The WQB will still lack credibility, however, if the federal, provincial and state government people continue to control the board. To avoid this situation, we urge the IJC to take the following steps:

1. Appoint more members who are from First Nations, Métis, Tribal, municipal, watershed management agencies and other public agencies, and non-government people than from the federal, provincial and state governments to ensure that non-federal, non-provincial and non-state government people make up the majority of the WQB members.
2. Use a public recruitment process. See specific recommendations on this below.
3. Ensure that the Board has the power to choose its co-chairs from among any of the members of the Board. Co-chair terms should be limited to no more than two consecutive years.

Size of the WQB:

At the Chicago seminar, the IJC Commissioners raised concerns that appointing such a majority would result in the Board becoming too large to be functional, especially considering that the Board must be made up of equal numbers of members from Canada and the United States [Article 8.2]. We strongly support the IJC's principle of equal representation from each country.

We think that the size issue can be overcome if mechanisms such as the following are put into place to enable the Board to function efficiently and effectively:

1. Clear agendas, including reports, received at least a week in advance of the meeting to allow members to properly prepare for the meetings;
2. Minutes distributed shortly after the meetings with documentation of decisions and clear assignments of next steps, including member responsibilities; and

3. Setting up issue-specific sub-committees or working groups to carry out work and report back to the full WQB.

The provision by the IJC of sufficient resources, expertise, and support is also central to efficient and effective functioning of the WQB.

WQB Member Recruitment:

We believe that the IJC should announce through some public mechanism that they are seeking Board members. This announcement should include qualifying criteria and the range of perspectives that the Commission is interested in having on the Board.

Four of the criteria that we think you should include are:

- Knowledge of and experience working on the issues covered by the 2012 Protocol;
- Knowledge of and experience working with specific sectors in the Great Lakes and St. Lawrence River community;
- Ability to credibly speak for and influence key Great Lakes-St. Lawrence River interests; and
- Breadth of knowledge and experience.

The IJC should define expertise in a more wholesome manner than simply relying upon academic credentials or a person's job description. It should also be based on a broader recognition of the expertise gained through first-hand experience of working on the Great Lakes and within the communities on these issues.

The Great Lakes Science Advisory Board & the Health Professionals Advisory Board:

Although we have not yet referenced these two boards in this letter, this should not be seen as reflecting a diminished sense of their importance. These two advisory boards are just as critical as the WQB for the IJC to achieve its important roles in the 2012 Protocol. In this letter we have focused on the Water Quality Board because we see it as the one that most needs to go through a major transformation. Also it is the Board upon which the Commissioners asked us for advice at the Chicago seminar.

We ask you, however, to apply the comments that we raised above under "WQB Member Recruitment" to these two boards. The same open recruitment process and wholesome definition of expertise should be applied.

We look forward to your response to our proposals, and to supporting you over the coming years as you carry out your unique and critical oversight role in protecting and restoring the Great Lakes and St. Lawrence River ecosystem.

For additional information on the matters in this letter, please contact John Jackson at jjackson@glu.org or at 519-744-7503.

Groups Signing this Letter

Alliance for the Great Lakes: Lyman C. Welch, Water Quality Program Director
Benedictine Sisters of Erie, PA: Pat Lupo, OSB
Bruce Peninsula Environment Group (BPEG): Ziggy Kleinau, Outreach Director
Buffalo Niagara Riverkeeper: Jill Jedlicka, Executive Director
Canadian Environmental Law Association: Sarah Miller, Coordinator & Researcher
Canadian Federation of University Women, Ontario Council: Brenda Robertson, President
Citizens Environment Alliance of southwestern Ontario: Derek Coronado, Coordinator
Citizens Environmental Coalition, Albany, NY: Barbara Warren, Executive Director
Coalition for a Nuclear Free Great Lakes: Michael J. Keegan, Chairperson
Citizens for Alternatives to Chemical Contamination: Victor McManemy, Chair
Don't Waste Michigan: Alice Hirt, Co-chair
Environmental Defence: Claire Malcolmson, Water Program Manager
Environment Erie: Amy Jo Smith, Executive Director
For Love of Water (FLOW): Liz Kirkwood, Executive Director
Freshwater Future: Cheryl Kallio, Associate Director
Great Lakes United: John Jackson, Director, Water Programs
International Institute of Concern for Public Health, Marion Odell, President
Izaak Walton League, Great Lakes Committee: Jill Crafton, Chair
Izaak Walton League, Michigan Division: Robert Stegmier, National Director from Michigan
Izaak Walton League, The Dwight Lydell Chapter: Robert Stegmier, Conservation Chair
Izaak Walton League, Ohio: Rick Graham
Kalamazoo River Cleanup Coalition: Gary Wager, Executive Director
Lake Erie Region Conservancy: Tom Fuhrman
Lake Erie Waterkeeper Inc.: Sandy Bihn, Executive Director
Milwaukee Riverkeeper: Cheryl Nenn, Riverkeeper
National Wildlife Federation: Marc Smith, Senior Policy Manager
Nature Abounds: Melinda Hughes-Wert, President
Northwatch: Brennain Lloyd, Project Coordinator
Nuclear Energy Information Service: David A. Kraft, Director
Nuclear Information and Resource Service: Diane D'Arrigo
Nukewatch, Luck, Wisconsin: Bonnie Urfer and John LaForge, Co-directors
Ohio Environmental Council: Kristen Kubitza, Director of Water Policy & Outreach
Ohio Sierra Club Nuclear Free Committee: Patricia A. Marida, Chair
Ontario Headwaters Institute: Andrew McCammon,
Port Hope Community Health Concerns Committee: Faye More, Chair
Religious Coalition for the Great Lakes: Irene Senn, Coordinator
Save the Dunes, Nicole Barker, Executive Director
Save The River, Upper St. Lawrence Riverkeeper: Lee Willbanks, Executive Director

Sierra Binational Great Lakes Committee: Wayne Howard and Lino Grima, Co-Chairs.

Sierra Club Atlantic Chapter Great Lakes Committee: Wayne Howard

Sunseed Eco-Education Ministries: Suzanne Moynihan

Wallaceburg Advisory Team for a Cleaner Habitat (WATCH): Kris Lee

Wastewater Education 501(c)3: Dendra J. Best. Executive Director

Cc: Charles Lawson
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