

**Great Lakes Groups Call on Canadian and United States Federal Legislators to Ensure
Great Lakes Water Quality Agreement Will Protect Lakes**

Public interest groups highlight responsibility of US and Canada as guardians of the Great Lakes; call for more substantial public involvement.

Sixty-one public interest groups have sent a letter to Great Lakes Members of Congress in the United States and Great Lakes Members of Parliament and the Senate in Canada on the renegotiation of an agreement to protect and restore the lakes. These groups represent thousands of people in the US and Canada from around the Great Lakes Basin who rely on the Lakes for water, food and recreation

The Great Lakes Water Quality Agreement (GLWQA) is a bi-national, non-binding framework to protect and restore the Great Lakes. In the letter, the groups provided a detailed discussion of citizen expectations and goals for the Agreement, and highlighted the importance of citizen participation as the negotiation draws to a close. Their elected representatives were urged to take an active role in ensuring that their governments have renegotiated a strong Agreement to protect the Great Lakes. The letter was sent on the heels of the announcement that the two countries are planning "to report to the public on the outcome of the negotiation sessions" including "a description of the conceptual consensus reached on what should be in an amended Agreement". Even with these statements, signatories fear that this report will be no more specific nor substantial than previous communications from the governments, and will do little to address the concerns of citizens.

"This is only the third renewal of the Agreement in four decades, and thus a rare opportunity to ensure that the Agreement has the vision and broad support that will guide us through the coming decades," said John Jackson of Great Lakes United. "The Agreement will be a guide for policy and actions in the U.S. and Canada to protect and restore the Great Lakes over the next twenty years or more; it is essential that it address key issues of concern to stakeholders in the basin."

The U.S. and Canada, as the public trustees and guardians of this system, share particular responsibility for protecting it from a growing number of environmental stresses that threaten its vitality and resilience. The groups warn that unless "bold action" is taken, the Great Lakes continue to be at risk of irreparable ecological damage and decline.

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Although stakeholder groups have been actively working for the past seven years to ensure a strong agreement, activists point out that citizen participation in the process has been largely perfunctory, with no opportunity for substantive dialog on the specifics of the Agreement. "This is in complete contrast to earlier renegotiation processes," noted Jackson, who was an active participant in the 1987 renegotiation.

"The governments of both countries have a trust obligation to be stewards of the Lakes. This trust necessarily includes meaningful input and participation by non-governmental organizations and citizens," noted Lin Kaatz Chary of the Great Lakes Green Chemistry Network. "The Great Lakes hold nearly one-fifth of the fresh surface water on Earth, and the Great Lakes/ St Lawrence River is a freshwater ecosystem that is recognized globally as a unique living resource."

"Canada and the U.S. are at an important crossroads in their approach to protect the Great Lakes. Without sufficient knowledge on the details of the new GLWQA, we don't have a clear picture on how our governments will proceed with the cleanup and protection of the Great Lakes" continued Theresa McClenaghan, Executive Director, Canadian Environmental Law Association. "As stewards of the Great Lakes, which provide drinking water to over 40 million in the US and Canada, only the highest level of commitment for the Great Lakes is expected from our governments."

"The current process has not given us a basis to have any assurance that our goals will be met," added Chary. "We call on United States Secretary of State Hillary Clinton and Canadian Minister of Foreign Affairs John Baird to ensure that the goals articulated by citizens are incorporated into the Agreement and that citizens have an opportunity to see the current draft Agreement and provide further input before the Agreement is finalized."

The Great Lakes Water Quality Agreement was originally signed in 1972 under the auspices of the Boundary Waters Treaty between the two countries. For more information about the Agreement, see: [Great Lakes Water Quality Agreement, US EPA - http://www.epa.gov/glnpo/glwqa/](http://www.epa.gov/glnpo/glwqa/)

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Dear Great Lakes Members of Parliament and Great Lakes Senators

Re: Negotiations on the Great Lakes Water Quality Agreement

We, the undersigned, are 61 environmental groups in the bi-national Great Lakes basin who have been actively working for the past seven years to provide input and ensure citizen participation in the renegotiation of the Great Lakes Water Quality Agreement.

We are writing to ask you to contact Minister of Foreign Affairs John Baird and Minister of Environment Peter Kent to urge them to:

- ensure that the citizens' goals articulated in the attached document are incorporated into the Agreement;
- ensure that citizens have an opportunity to see the existing draft Agreement and to provide further input before the Agreement is finalized;
- ensure that, within six months of signing the Agreement, GLWQA Annex subcommittees, including non-government members and with other effective participation opportunities for non-government organizations, have developed action plans for achieving the commitments in the new GLWQA;
- commit to sufficient funding for full implementation of the Agreement.

This is only the third renewal of the Agreement in four decades, and thus a rare opportunity to ensure that the Agreement has the vision and specific action plans for addressing ongoing and emerging concerns that will guide us through the coming decades. Our groups have prepared a detailed document [attached] that outlines our hopes and goals for the Agreement.

The negotiators have assured us that the new Agreement will be a major step forward for the Great Lakes. In Canada the negotiators invited a Stakeholder Advisory Panel to advise on the negotiations over the past several years. Webinars and one public meeting were used to solicit broader public input. In the instances of the webinars and the public meeting, the presentations on the issues under review have only provided a basic outline of structure and concepts rather than substantive and specific language. This does not give us a basis to have any assurance that public aspirations for a visionary evolution of the agreement, including active scientific and public engagement, will be met.

This Agreement will be a guide for policy and actions in the U.S. and Canada to restore and protect the Great Lakes over the next twenty years or more; it is essential that it address key issues of concern to stakeholders in the basin and keep up with the continuously evolving challenges that threaten the resilience of this unique natural ecosystem. It must also actively engage stakeholders to ensure there is broad ownership of the Agreement, which will enable more resources to be deployed for implementation

The Great Lakes and St. Lawrence River ecosystem are global freshwater treasures and a living resource that millions in our two countries depend on. Multiple environmental stresses and societal pressures increasingly threaten the vitality and resilience of this ecosystem. The governments of both countries have a trust obligation to be stewards of the Lakes. This trust necessarily includes meaningful input and participation by non-governmental organizations and citizens. Unless we take consistent bold action, the

Great Lakes ecosystem and their public use and enjoyment are at real risk of irreparable ecological and economic damage and decline. As trustees and guardians of the lakes, the United States and Canada share a unique responsibility to safeguard nearly one-fifth of the fresh surface water that one-third of Canadians rely on for their drinking water and the living systems it supports.

Now more than ever, we ask that you urge the Departments of Foreign Affairs and Environment to assure that the new Agreement will be an aggressive and positive instrument for protecting the Great Lakes and assuring the long-term health and vitality of the Lakes.

For your convenience, if you have any questions, please don't hesitate to contact one of the three people listed below. This letter has been jointly prepared and signed by the 61 groups listed below.

Respectfully yours,

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Summary of NGO goals for a revived Great Lakes Water Quality Agreement

► **A visionary strategy for the 21st Century.** The new Agreement must retain its goals of restoring the Lakes and protecting them from toxic pollution, and also expand them to meet today's and tomorrow's challenges. This means addressing threats from climate disruption, ending the onslaught of invasive species, stopping habitat loss and preventing new pollution threats. It also means the adoption of forward looking strategies such as Green Chemistry, and a renewed emphasis on research and information-sharing, leading to proactive strategies and actions to prevent further damage and restore the ecosystem. This vision should also include an essential role for applying the precautionary principle, inherent in both sound science and public trust principles for navigable waters like the Great Lakes, in the full scale of decision-making processes.

► **A commitment to no backsliding.** Commitments to prevent toxic pollution in the lakes must remain a pillar of the Agreement, and "risk management" should not replace goals to prevent and eliminate toxic discharges into the Great Lakes. The aspirational goals of virtual elimination and zero discharge, first introduced in the U.S. Clean Water Act, and enshrined in the 1987 Great Lakes Water Quality Agreement, must be retained and strengthened. A specific list of chemicals of concern designated for priority action must also be retained in the new Agreement; this list must include not only chemicals of ongoing concern as listed in the 1987 Agreement, but additional chemicals and chemical classes of concern that have been identified since and that continue to emerge as new threats. Commitments for meeting virtual elimination of toxic substances should include adopting approaches that promote prevention such as green chemistry and informed substitution.

► **A commitment to timelines, benchmarks, and measures for success.** We need specificity, not just symbolic language. Plans without deadlines will languish just as they have for the last 24 years. We need dates, clearly identified benchmarks for measuring progress, including straightforward measures of water quality, biological health, ecological resilience and human safety. Also, in those cases where the commitment in the new Agreement is to develop a plan, the Agreement should state the date by which the plan will be completed.

► **Includes action plans – not just plans for making plans.** Negotiators have been indicating that the new agreement will be primarily made up of commitments to make plans. This will simply further delay the strong urgent actions that are need now. The new Agreement must have clearly articulated plans for cleanup and preservation, not just plans for making plans.

► **Finishes the cleanup and restoration of contaminated harbors.** Since the last revision of the Agreement in 1987, only four of the 43 contaminated "hot spots" (a.k.a. Areas of Concern) have been cleaned up enough to reach initial restoration targets. The other sites continue to degrade water quality and pose health risks. The Agreement needs to reinvigorate commitments on both sides of the border to get this job done, done well, and on a faster timeline.

► **Protects each lake from headwaters to deep waters – the watershed approach.** Lakewide management plans (LaMPs) need to recognize that many problems in the lakes start upstream, and solutions need to include tributaries and groundwater as integral parts of the ecosystem to be effective. And, while toxic pollution is a major concern (the current focus of LaMPs), so is polluted runoff from fields and streets, sewer overflows, wetland habitat loss, groundwater contamination, the spread of invasive species, the growing negative impacts of algae as a result of nutrients contamination (the most immediate threat to Lake Erie), pollution and habitat destruction from mining, and more. We must embrace the ecosystem approach by planning protection for the whole system against all the threats, and use consistent and collaborative planning approaches across all the lakes.

► **Strengthens the independent role of the International Joint Commission (IJC).** The IJC has played a critical role in advancing Great Lakes science and telling the public and our governments the hard truth about conditions in the lakes, emerging threats, and where our governments are falling short of living up to their commitments. This role was diminished following the 1987 Agreement changes, and further weakened by budget cuts that have reduced the IJC's resources and capacities in recent decades. Governments are often constrained by political considerations and other imperatives from exercising objectivity when addressing existing limitations to progress. Now, more than ever, we need the independent voice of the IJC to play a strong role as judge of progress and implementation under the Agreement, and as an unfettered trustee and guardian of the lakes.

► **A commitment to a role for other governments, the public and other key stakeholders on the proposed new bi-national governing body for the Agreement and other key committees.** Currently the bodies that oversee the implementation of the Agreement operate with minimal citizen involvement, largely behind closed doors, and with little public accountability. The critical decisions and ongoing assessment about the Agreement's implementation made by these committees must include representatives of Tribes, Métis, and First Nations, and municipalities as partners, as well as other affected parties, citizens and stakeholders to improve decision-making transparency, and accountability, and to provide broader perspectives.

► **A commitment to science leadership.** The new Agreement must restore and support the role of investigatory science and an early warning capacity that it once fostered through government scientists and the IJC. We need strategic science to understand the increasing complexity of interactions in the Great Lakes, coupled with transparent approaches to investigations and dissemination of scientific information.

► **A commitment to accountability measures.** The Agreement should specify that the IJC's and the Parties' formal reports will be reviewed by Congress and Parliament, including oversight hearings and citizen testimony, consistent with the guardianship responsibility toward the common and public trust waters of the Great Lakes. The federal governments should establish implementation agreements with affected provinces, states, First Nations, Tribes, Métis and municipalities delineating their respective roles and responsibilities. Citizens should have the right to petition the governments to take action under the Agreement. Governments should commit sufficient money and staffing to complete implementation.

► **Rebuilds the bi-national constituency for Great Lakes protection.** The governments of both nations must expand and support opportunities for collaboration between scientists, government officials, public agencies, citizen organizations and multiple stakeholders. Examples include convening bi-national task groups to achieve specific objectives, participatory sessions at meetings, citizen roles on boards and committees, vastly improved reporting and communication on strategies and actions, and using outcome-based work plans that can inform constituencies of strategies, actions and likely impacts.

The negotiators have assured us that the new Agreement will be a major step forward for the Great Lakes. The public has not, however, seen more than vague general statements about the proposed contents. This does not give us a basis to have any assurance that the goals listed above will be incorporated into the new Agreement.

Please ask the U.S. State Department to release the existing draft new Agreement to the public for comment.

A review of the GLWQA renegotiation process and the citizen activists' perspectives is accessible at the Great Lakes United website at http://www.glu.org/en/campaigns/healthy_waters/glwqa.

February 15, 2012