

Are there champions for the Great Lakes in the Houses of Parliament?

June 2004

Canadian Great Lakes-St-Lawrence river advocates are looking for friends in high places - political champions who will stand up for protecting the Great Lakes.

Why? Because the Great Lakes and the St-Lawrence river are a national treasure that creates our electricity, brings in tourists and provides drinking water for millions of people in Canada. Yet, there is no organized political voice for the region in Canada, Ontario or Quebec. There are 40 Members of Parliament representing ridings in the Great Lakes and St. Lawrence River Basin and 42 Members of Provincial Parliament in Ontario and 29 in Quebec. While there is a concerned public constituency struggling to work for the restoration and protection of the Great Lakes, we need to find the elected representatives who will join us in this work.

Are we polluting and draining the Great Lakes of its significance as the largest body of freshwater in the world containing a fifth of the world's supply? Are we pulling our weight as stewards of this shared resource? What are the consequences of inaction?

Three organizations - the Canadian Institute for Environmental Law and Policy, the Canadian Environmental Law Association and Great Lakes United - have produced these Fact Sheets on the challenges facing the Great Lakes Region in the 21st century, and the actions that we need to take. The fact sheets consider:

- *What are the Emerging Issues in the Great Lakes Ecosystem?*
- *What will it take to control water withdrawals in the Great Lakes-St-Lawrence river Basin?*
- *Is the Canada-Ontario Agreement working?*
- *Will Canada strengthen the Great Lakes Water Quality Agreement?*
- *Will Canada increase its commitments to the Great Lakes like the US?*

Questions for Reflection

What legacy will we leave in the Great Lakes-St-Lawrence river for future generations?

The United States Congress is discussing a new effort - a restoration plan for the Great Lakes. Will Canada renew its commitment and promote a binational program to restore the Great Lakes?

Are our institutional arrangements in the Great Lakes adequate to meet the challenges for the region in the 21st century?

The time is now for unprecedented cooperation among leaders in Ottawa, Toronto and Quebec City to plan together for an improved Great Lakes and the St. Lawrence River. Only a collective-coordinated effort will make it possible to meet these challenges for our region.

Great Lakes for the Future



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Will Canada increase its commitments to the Great Lakes like the United States?

Fact Sheet

June 2004

Both Canada and the United States have fallen behind in their obligations to clean up the Great Lakes under the *Great Lakes Water Quality Agreement*.

Now, the United States has declared the Great Lakes a "national treasure" and bipartisan legislation has been introduced in both the United States Senate and House of Representatives to address criticism from the General Accounting Office of the U.S. Congress that Great Lakes programs lack coordination, a cohesive strategy and suffer from inadequate funding.



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Called the *Great Lakes Environmental Restoration Act* and the *Great Lakes Restoration Financing Act*, these bills would provide up to \$6 billion over 10 years for Great Lakes restoration. This program would be similar to programs already underway in the Florida Everglades and Chesapeake Bay. The bills provide for Canada, Ontario and Quebec to sit as observers on an Advisory Committee.

There is no active consideration of parallel efforts underway in Canada Will Canada increase its commitments to the Great Lakes as the U.S. government is poised to do?

There is concern that these new bills could replace shared programs which have been set out between Canada and the U.S. in the *Great Lakes Water Quality Agreement*, an important international agreement in place since 1972.

Canada's current commitments to Great Lakes programs are paltry when compared to the budgets proposed for the U.S. Great Lakes Restoration Plan. In 2000, the Canadian Great Lakes Program provided an additional \$40 million over 4 years to implement action plans to restore contaminated areas of concern in the Great Lakes. Ontario, in 2002, promised \$50 million. Crucial Great Lakes programs were lost in 2003 when the federal government withdrew funding for the St. Lawrence River Action Plan shared with Quebec.

For years it has been established that the Great Lakes and the St. Lawrence River are one ecosystem and that shared program planning between Canada and the U.S. were crucial to the success of the progress of restoration and in meeting new challenges. An opportunity to re-establish this will come with the discussion on the pending renewal between Canada and the United States of the *Great Lakes Water Quality Agreement*.

What needs to be done?

- ✓ The Canadian federal and provincial governments need to substantially increase the resources allocated to protect and restore the Great Lakes and St. Lawrence River ecosystem.
- ✓ Parallel plans for restoration adapted to each region's issues need to be developed in Canada in consultation with stakeholders (both French- and English-speaking) to ensure that our legislatures are keeping up with the U.S.
- ✓ Canada needs to reinforce with the U.S. that the Great Lakes is a shared resource and that program priorities need to be developed together.

The time is now for unprecedented cooperation among leaders in Ottawa, Toronto and Quebec City to plan together for an improved Great Lakes.

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Will Canada Strengthen the Great Lakes Water Quality Agreement?

Fact Sheet

June 2004

The *Great Lakes Water Quality Agreement* is an agreement between Canada and the United States that focuses on pollution matters within the Great Lakes. The Agreement was originally concluded in 1972 in response to a series of studies by the International Joint Commission concerning pollution problems in the Great Lakes. In particular, pollution problems in Lake Erie raised grave concerns especially when the Cuyahoga River in Ohio was caught on fire.

In 1978, the Agreement was re-negotiated and broadened to include toxic chemicals. In 1987, a protocol was added to deal with a number of issues in areas of concern or 'toxic hotspots'. Oversight to the Agreement is provided by the International Joint Commission (IJC), a binational body comprised of three Canadian and three U.S. commissioners. With the help of its advisory boards and staff, the IJC reports biennially to the government on progress made in implementing the Great Lakes Agreement.



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Significance of the Agreement

Historically, the Agreement is of immense significance for a number reasons. First, the Agreement includes a number of key provisions and mechanisms that has led to real improvements in the Great Lakes. Some of these include:

Virtual Elimination and Zero Discharge for Persistent Toxic Substances

The Agreement calls for the 'virtual elimination' of persistent toxic substances, and says that regulatory programs should be designed with the philosophy of 'zero discharge'. The virtual elimination goal has been instrumental in forcing regulatory programs to focus on the phase-out of the most dangerous substances. The elimination goal can now be found in the *Canadian Environmental Protection Act* and the *Stockholm Convention on Persistent Organic Pollutants*.

The Ecosystem Approach

The *Great Lakes Water Quality Agreement* was the first international agreement to recognize the interdependence and interrelationship between land-based, water and air sources of pollution when it called for an 'ecosystem approach'. This approach is now a global model found in many international instruments.

Remedial Action Plans and Lakewide Management Plans

Annex 2 of the Agreement developed a very unique mechanism to include different levels of governments and other stakeholders in attempting to address 'areas of concerns' or, better put, toxic hotspots. The Annex outlines sequential steps for remedial action plans, such as problem identification, options to address the problems and measures to implement them. Although not all remedial action plans have resulted in obvious improvements, other have to varying degrees. Lakewide management plans intend to undertake planning at a lakewide level. Although these plans have been slow to develop in practice, the approach is still applauded.

Public Education and Advocacy

One of the real benefits of the Agreement has been the fostering of a community of interests, including environmental groups, scientists, communities, and labour groups, among many others. Owing to this community-building, the Great Lakes have enjoyed a high profile and have benefited from the interaction among these communities.

The Challenge Ahead

Article 10 of the Agreement triggers a review of the Agreement after every third biennial report of the IJC. It is expected that this review will begin in mid-2004. This review is extremely important for this reason.

Most would agree that the Great Lakes Agreement has been a success. However, over recent years, there have been real challenges that threaten its record of success. For this reason many interests are supporting a review of the Agreement to determine how to revitalize interest in the Great Lakes by both policy-makers and the public at large. Environmental groups are supporting a review of the agreement but not necessarily a renegotiation. That determination depends on the outcome of the review.

What needs to be done to strengthen the *Great Lakes Water Quality Agreement*?

- ✓ The provisions of the existing Agreement need to be more fully implemented.
- ✓ The goal of virtual elimination needs to be furthered.
- ✓ Existing and emerging threats to the Great Lakes need to be addressed such as climate change, loss of biodiversity, toxic chemicals, and water quantity issues, among others.
- ✓ Fully include Quebec in the review, any negotiations, and in all arrangements.
- ✓ The public needs to be better involved in the processes under the Agreement and community of interests fostered.

The review of the Agreement provides a fundamentally important opportunity to revitalize the Great Lakes Agreement and have governments renew their commitments. The road to resolving some of these issues will need the support of all concerned communities and their elected representatives.

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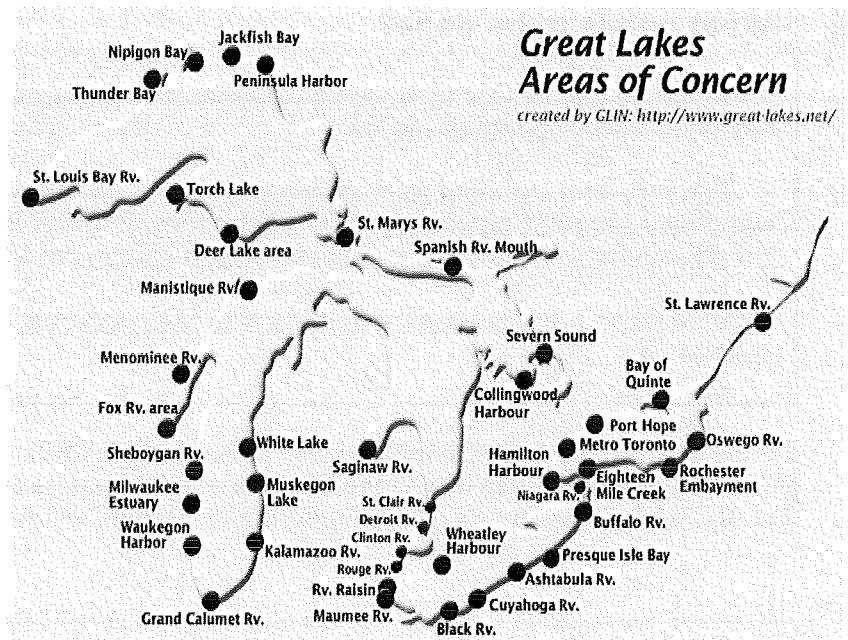
What are the Emerging Issues in the Great Lakes Ecosystem?

Fact Sheet

June 2004

The integrity and future of the Great Lakes ecosystem is threatened not only by the familiar problems but also by the impact of a number of new and emerging issues. These issues will have significant impacts on the quality of the Great Lakes ecosystem, as well as causing damage to wildlife and human populations.

The viability of the Great Lakes will require a coordinated effort by all levels of government to address the emerging and past problems. Below is a list of major issues affecting the Great Lakes.



▪ Toxic substances

Toxic chemicals, produced and released into the Great Lakes, have been a source of concern for many decades. Health warnings are still being issued because of PCBs, DDT and mercury in fish, and now new toxics are being found in the Great Lakes. Brominated flame retardants, used in many consumer products such as electrical equipment, televisions, clothing and upholstery material, are being detected in human breast milk. The levels of these chemicals have been on the rise in Canada since 1990s. As well, other new chemicals have been found - perfluorosulfonates (used to coat Teflon, as a grease and water repellant in leather, carpets, and paper, and as a paint additive), chlorinated parafins, naphthalenes used in mothballs, pharmaceuticals, and pesticides. The list goes on and on...

▪ Climate change

Climate change will increase the frequency of droughts and cause other extreme weather conditions. It can reduce water levels, which in turn affect water quality, sediments, hydroelectric generation, agricultural practices, shipping, recreational activities. Climate change could also trigger or accentuate cumulative impacts especially in the lower part of the Great Lakes-St. Lawrence River System.

▪ Urban sprawl

Development and sprawl within the Great Lakes basin means habitat loss for wildlife, rapid depletion of groundwater as well as increased car emissions and contaminated runoff polluting the Lakes.

▪ Exotic species

Exotic species like lamprey eels and zebra mussels entering the Great Lakes compete for resources and habitats with native species, and cause economic losses.

▪ **Areas of Concern**

Contaminated sediments and other problems in designated hot spots have not yet been cleaned up.

▪ **Water Diversion Projects**

Proposals for water pipelines and water taking in the Great Lakes will affect water levels and water quantity and quality.

What needs to be done?

- ✓ Increase capacity of all levels of government (federal, provincial and municipal) to address Great Lakes-St-Lawrence River issues.
- ✓ Enhance and increase joint efforts between Canada and the United States to restore and protect the Great Lakes-St-Lawrence River Basin, including effective participation by all levels of government, the Aboriginal community, stakeholders and citizens in these efforts.
- ✓ Implement a precautionary approach to identification, assessment and management of toxic substances.

To effectively address impacts to the Great Lakes from these problems, a vision for the Great Lakes must be developed and implemented jointly by Canada and the United States. All levels of government, the Aboriginal community, stakeholders and citizens will have a role to play in these efforts.

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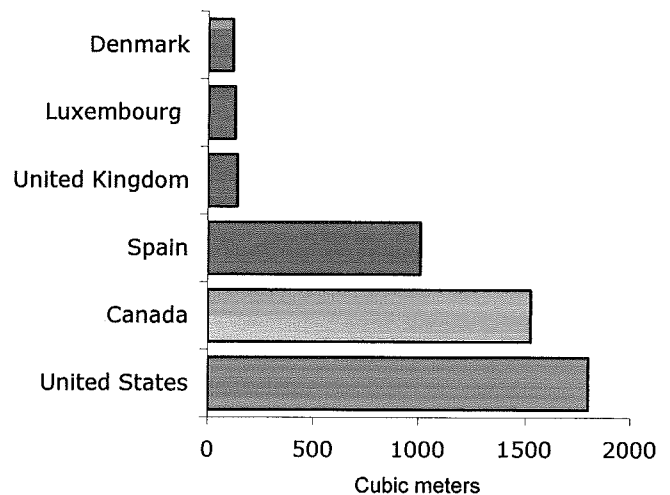
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What will it take to control water withdrawals in the Great Lakes Basin?

Fact sheet

June 2004

Today governments in the Great Lakes basin still manage water use on a crisis-by-crisis basis. One such crisis arose in 1998 when the government of Ontario granted a permit to Nova Group to pump Lake Superior water onto a tanker for shipment to Asia. After a Great Lakes-wide furor erupted, the permit was withdrawn. This was the first time global water needs came knocking at the doors of the Great Lakes for a remedy, but it likely will not be the last. In reaction to broad public attention to the Nova incident, governments in both Canada and the U.S. took action. The Canadian and U.S. governments asked the International Joint Commission (IJC) to assess the state of water protection in the Great Lakes.



Canada ranks 29th among the 30 nations of the OECD in terms of water resources used per capita.
OECD Key Environmental Indicators 2004

The IJC identified the following main problems as needing basin-wide attention:

- bulk water withdrawals,
- increased consumptive use of water,
- cumulative impacts at local and regional scale of smaller withdrawals and diversions out of the basin,
- increased demands for water by communities just outside the Great Lakes basin,
- climate change.

The main point made by the IJC is that, despite the common perception, the waters of the Great Lakes are not limitless. Rainfall and snowmelt replenish only about one percent of the waters of the Great Lakes basin each year. The other 99% of the water is finite and nonrenewable; we mine it at our own peril.

The other central understanding that we have come to is that exports and diversions out of the Great Lakes basin are secondary as a threat to the Great Lakes to the wasteful and inappropriate use of water by those living within the basin. We use water at a rate two-to-three times higher than in many other developed countries.

In June 2001 the Premiers of Ontario and Quebec and the eight Great Lakes Governors signed an *Annex* to the Great Lakes Charter. The *Annex* committed the provincial and state governments to strengthen the protection of the Great Lakes-St. Lawrence River basin waters through a binding, common, resource-based standard to evaluate proposed water withdrawals, diversions and consumptive uses. The *Annex* also sets the pathway for enhanced decision-making through the review of larger water taking proposals by a basin-wide body and through sharing of water use information.

The standards are to embody the following principles:

- New projects and expanded uses must include all reasonably feasible water conservation measures.
- No new project or expanded existing use can cause significant harm – individually or in combination with other projects – to the Great Lakes, the St-Lawrence River, their tributaries, or the people and wildlife they support.
- Larger projects or expanded uses must be designed to actually improve the condition of the Great Lakes, the St-Lawrence River and their tributary waters, including groundwater. Avoiding harm is not enough in these cases.

The Great Lakes jurisdictions have promised to release for public review draft rules being developed under *Annex 2001* in summer 2004. Once approved, each province and state will be obliged to adjust their water taking standards to be at least as strong as these standards.

In December 2002 the Canadian Federal Government passed legislation aimed at prohibiting bulk removal of boundary waters out of their water basins. One of these basins is the Great Lakes basin. The legislation gives the Minister of the Department of Foreign Affairs and Trade discretion over bulk water removals.

What needs to be done?

- ✓ Push for strong basin-wide standards for water taking permits under Annex 2001.
- ✓ Amend Ontario's legislation to ensure that the standards are at least as strong in Ontario as the standards developed under Annex 2001.
- ✓ Monitor and take action on water taking proposals in other Great Lakes jurisdictions to ensure that they do not harm the Great Lakes and do not set dangerous precedents.
- ✓ Set an example in Ontario, Quebec and Canada implementing programmes that dramatically reduce water consumption.

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What it will take to clean up the Great Lakes?

Fact Sheet

June 2004

For 30 years the Great Lakes and St. Lawrence River have been patched up with piecemeal solutions.

To help the Ontario government, a coalition of Canadian and U.S. groups have come up with an action plan, called The Green Book: A Citizens' Action Agenda for Restoring the Great Lakes – St. Lawrence River Ecosystem. Here are a few of their recommendations:

The Great Lakes Green Book

Summary of

A Citizens' Action Agenda
for Restoring the Great Lakes –
St. Lawrence River Ecosystem

June 2003

Coordinated by Great Lakes
United

Available at <http://www.glu.org>

Toxic Cleanup

- Provide funding to clean up the Areas of Concern:
Port Hope, Peninsula Harbour, Jackfish Bay, Nipigon Bay, Severn Sound, Spanish Harbour, Toronto, Thunder Bay, Wheatley Harbour, Hamilton, Bay of Quinte, Niagara River, St. Clair River, St. Marys River, St. Lawrence River, Detroit River
- Enact a toxic use reduction law, including pollution prevention plans, for Ontario
- Fulfil the zero discharge commitments of the Great Lakes Water Quality Agreement for persistent toxic chemicals

Water Quantities and Flows

- Enact a strong Source Water Protection Act
- Develop infrastructure and conservation programs for public water supply systems
- Complete and implement a binding water withdrawal reform agreement (Annex 2001)

Clean Production

- Establish a government-funded clean production assistance centre in Ontario
- Require producers to take back high-risk, high volume waste from electronics, automotive and packaging

Green Energy

- Set a goal for a sustainable energy system by 2030

Species and Habitat Protection

- Support laws that protect the Great Lakes against alien invasive species
- Direct major public investment only to designated development areas in communities with anti-sprawl plans
- Make no investments in major new roadways or expansions for 10 years until the province completes a smart-growth strategy with a high priority on public transit
- Identify high conservation value forests, endangered forests and wildlife corridors and exclude them from industrial forest use

