

February 22, 2012

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

John Jackson
Great Lakes United
Program Director
jjackson@glu.org
519-744-7503

Theresa McClenaghan
Canadian Environmental Law Association
Executive Director
theresa@cela.ca
416-960-2284 ex 219

Lin Kaatz Chary
Great Lakes Green Chemistry Network
Executive Director
lchary@sbcglobal.net
219-938-0209

Letter Signees:

Alliance for the Great Lakes (Chicago)
Lyman Welch, Water Quality Program Director

American Rivers Great Lakes Field Office (U.S. Great Lakes-wide)
Katie Rousseau, Associate Director

Audubon New York
Albert Caccese, Executive Director

Biodiversity Project (U.S. Great Lakes-wide)
Jennifer Browning, Executive Director

Buffalo Niagara Riverkeeper

Jill Spisiak Jedlicka, Director of Ecological Programs & Buffalo River Remedial Action Plan Coordinator

Canadian Environmental Law Association (Ontario-wide)
Theresa McClenaghan, Executive Director

Canadian Federation of University Women (CFUW)
Ontario Council, Myra Willis, President

Centre for Engineering & Public Policy, McMaster University (Hamilton)
Gail Krantzberg, Professor & Director

Chicago Zoological Society/Brookfield Zoo (Chicago)

Stuart Strahl PhD, President and CEO

Citizens Environment Alliance of Southwestern Ontario

Derek Coronado, Coordinator

Clean Water Action — Michigan

Cyndi Roper, State Director

Clean Water Action – Minnesota

Deanna White, State Director

Congregation of St. Joseph (Illinois, Indiana, Michigan, Ohio)

Joellen Sbrissa & Mary Ellen Gondeck

Council of Canadians – Montreal Chapter

Abdul Pirani, Chair

Earth Action (Erie, Pennsylvania)

Pat Lupo OSB, Education Director

Ecojustice (Canada-wide)

Elaine MacDonald, Senior Scientist

Ecology Center of Michigan

Tracey Easthope, Environmental Health Project Director

Environmental Defence (Toronto)

Claire Malcolmson, Manager of Water Programs

Environmental Health Fund (Boston)

Judith Robinson, Executive Director

Flow for Water Coalition (Great Lakes-wide)

Jim Olson, Chair

Freshwater Future (Great Lakes-wide)

Jill Ryan, Executive Director

Friends of the Cloquet Valley State Forest (Minnesota)

Kristin Larsen, Executive Director

Friends of the Detroit River (Trenton, Michigan)

David Howell, Chairman

Friends of Wetlands (Ohio)

Ray Stewart, President

Georgian Bay Association (Georgian Bay, Ontario)

Bob Duncanson, Executive Director

Grand River Environmental Network (Grand River, Ontario)

Susan Bryant, Secretary

Great Lakes Green Chemistry Network (Great Lakes-wide)

Lin Kaatz Chary, PhD, President

Great Lakes United (Great Lakes-wide)

John Jackson, Program Director

Green Science Policy Institute (Berkeley, California)

Arlene Blum, Executive Director

Indigenous Environmental Network (Great Lakes-wide)

Simone Senogles, Development Coordinator

Izaak Walton League of America, Great Lakes Committee (U.S. Great Lakes states)

Jill Crafton, Chair

Izaak Walton League of America, Ohio Division

James Storer, President

Izaak Walton League, Porter County (Indiana)

Jim Sweeney, President

Kalamazoo River Cleanup Coalition (Kalamazoo, Michigan)

Gary Wager, Executive Director

Lake Erie LaMP Public Forum (Lake Erie-wide)

Joe Logan, Coordinator

Lake Erie Waterkeeper Inc. (northern Ohio)

Sandy Bihn, Executive Director

Lake Ontario Trout & Salmon Association (LOTSA) (Western New York State)

Patrick DiNicola, Treasurer

Lake Superior Binational Forum (Lake Superior-wide)

Glen Dale & Bruce Lindgren, Co-Chairs

Los Jardines Institute (Albuquerque, New Mexico)

Richard Moore, Program Coordinator

Michigan Environmental Council

James Clift, Policy Director

Milwaukee Riverkeeper

Cheryl Nenn, Riverkeeper

National Wildlife Federation (U.S. Great Lakes states)

Marc Smith, Senior Policy Advisor

Natural Resources Defense Council (Chicago)

Thom Cmar, Midwest Program Attorney

Nature Abounds (Pennsylvania)

Melinda Hughes-Wert, President

National Parks Conservation Association (U.S.-wide)

Chad Lord, Director, Water Program

Nature & Democracy (Wisconsin)

Jane Elder, President

Nature Québec

Christian Simard, Director

Ohio Environmental Council (Ohio-wide)

Kristen Kubitzka, Director of Water Policy & Outreach

Ontario Headwaters Institute (Toronto)

Andrew McCammon, Executive Director

Ontario Public Advisory Council

Moyra Haney, Chair

Quinte Watershed Cleanup

Manfred Koechlin, Director

Religious Coalition for the Great Lakes (Great Lakes states)

Irene Senn, Coordinator

Save the Dunes (Indiana)

Nicole Barker, Executive Director

Sheil Management Services (Niagara Peninsula)

David Renshaw, Senior Project Manager

Sierra Club Binational Great Lakes Committee (Great Lakes-wide)

Wayne Howard &
Lino Grima,
Committee Co-chairs

Sierra Club Ontario

Mary Muter, Chair, Great Lakes Section

Superior Watershed Partnership and Land Trust (Upper Peninsula of Michigan)

Carl Lindquist, Executive Director

The Endocrine Disruption Exchange (TEDX) (United States-wide)

Theo Colborn, PhD., President

Tip of the Mitt Watershed Council (Petoskey, Michigan)

Grenetta Thomassay, PhD, Program Director

Wallaceburg Advisory Team for a Cleaner Habitat (WATCH) (Southwestern Ontario)

Kris Lee, Chair

Women's Voices for the Earth (U.S.-wide)

Alexandra Scranton, Director Science & Research

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