

## High Stakes for Our Great Lakes Agreement

### I. INTRODUCTION

The United States and Canada are currently engaged in negotiations to revise and update the Great Lakes Water Quality Agreement. Since 1972, this important agreement has framed the common goals and objectives of both nations in their efforts to restore and protect the waters of the world's largest freshwater lakes—nearly one-fifth of all the surface fresh water on Earth.

The water quality priorities of two nations and the fate of the lakes will be directly influenced by the new Agreement. *The people of both nations need to know what is at stake, the actions their governments are poised to take, and how citizens can play a role in this process.*



credit: A. Strassman, Great Lakes Fishery Commission

This backgrounder is designed to provide basic information on the Agreement and the current negotiation process and an overview of key issues, concerns, and recommendations by citizens on both sides of the border.

It includes:

- » A concise history of the Agreement
- » A short summary of benefits and accomplishments of the Agreement
- » A short summary of gaps and limitations related to the Agreement
- » A short summary of accountability issues and recommendations for addressing them
- » An overview of priority citizens' recommendations by topic
- » The status of the negotiation process to date, and
- » Definitions of common acronyms and terms

A Great Lakes United Report, August 1, 2011

Great Lakes United



Union St-Laurent Grands Lacs

## II. BRIEF HISTORY

**1909 Boundary Waters Treaty.** This treaty was established to set up mechanisms to resolve disputes and coordinate management of waters that span the border of the United States and Canada. The treaty specifically states: “It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.”

**1972 Great Lakes Water Quality Agreement:** An unprecedented bi-national environmental commitment that worked. In the late 1960s and early 70s Lake Erie was oxygen starved and choked with algae—a condition called eutrophication. Reporters declared it “dead.” Debris and oil slicks on the Cuyahoga River caught fire. Dead fish washed up in piles on Great Lakes beaches. Public outcry helped drive response from the United States and Canada. In this era, Canada established Environment Canada and Ontario’s Ministry of the Environment; the United States established the Environmental Protection Agency. Using the authority of the 1909 Boundary Waters Treaty, the United States and Canada collaborated on strategies to address the severe problems in the Great Lakes. In April of 1972, President Richard Nixon and Prime Minister Pierre Trudeau signed the first Great Lakes Water Quality Agreement to address phosphorus pollution and other causes of degraded conditions in the Great Lakes.

Soon thereafter, both nations began enacting a new generation of modern pollution laws, including the U.S. Clean Water Act and Clean Air Act and Canada’s Environmental Contaminants Act. Both nations also committed massive investments to build modern sewage treatment systems. Many states banned phosphorus detergents. The states and provinces also established regulations that placed controls on industrial polluters. The result was a resounding success. By the mid-1970s, Great Lakes fish kills were rare, water quality was much better, and Lake Erie’s walleye population recovered and flourished. The cooperation between the two countries and the resulting shared goals was considered a global model for peaceful management of natural resources across national boundaries.

The Agreement contained a provision for periodic review to assess progress and identify new problems. As part of this ongoing inquiry, scientists were finding evidence that the lakes were facing other serious threats beyond phosphorus—especially from a build-up of toxic chemicals that were slipping through the new pollution controls, or were lurking in harbor sediment from decades of previous dumping.

**1978 Agreement:** Ecosystem Approach and “Zero Discharge” of toxic chemicals. Informed by new evidence and advancing knowledge in ecosystem sciences, the next generation of the Agreement embraced an ecological and system-wide mission: “To restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem.” It moved beyond a focus on phosphorus pollution and provided the platform for a new focus on addressing persistent toxic substances. It called for “virtual elimination” of these toxic substances and placed a prohibition on discharging other toxic pollutants in “toxic amounts.” Another significant addition was the Agreement’s embrace of wildlife and ecological health in the form of biological integrity.

## II. BRIEF HISTORY (CONT.)

**1983 Amendments:** More efforts to reduce phosphorus. A Phosphorus Load Reduction Supplement to Annex 3 of the 1978 Agreement was signed in October of 1983. It outlined measures to reduce phosphorus loading throughout the basin and called for detailed plans to reduce phosphorus loading in the basin.

**The 1987 Protocol:** Tackling Toxic Sources, Changing Institutional Roles. In the 1980s, evidence of toxic contamination in the Great Lakes food web was well documented, and impacts on wildlife—from birth defects in birds to cancerous lesions in fish—were strongly linked to chemicals such as PCBs and dioxin, or PAHs, respectively. Human health research was also finding troubling evidence of learning deficits and immune suppression linked to high levels of Great Lakes fish consumption. Instead of reopening the full Agreement, the Parties established a process for additions by formal protocol. These included several significant new annexes, such as those calling for Lakewide Management Plans (LaMPs) for each lake, Remedial Action Plans (RAPs) to clean up Great Lakes toxic hotspots or “Areas of Concern” (AOCs), and actions to address airborne sources of toxic pollution.

The Protocol also changed the governing structures for how the nations worked together. Previously, the two Parties (the governments of the United States and Canada) communicated with each other primarily through the IJC, and developed joint strategies through the IJC’s Science Advisory Board and Water Quality Board. Under the new arrangement, the governments instead were mandated to meet with each other twice a year to exchange information. The Binational Executive Committee (BEC) emerged as a separate body of government representatives (distinct from the IJC) to fulfill this communications and coordination mandate.

It also shifted the focus of scientific reporting away from the Biennial meetings of the IJC to the State of the Lakes Conference.

**2010-2011:** The current negotiation is the first renegotiation of the Agreement since 1978. In the late 1990s, the Parties conducted a review, but decided not to renegotiate the Agreement. Now, for the first time in 24 years, potentially, **everything is on the table.**

### III. BENEFITS AND ACCOMPLISHMENTS

The Agreement has made a remarkable difference in serving as a guiding star and catalyst to restore and protect the Great Lakes. Highlights over its history include:

- » Providing **world leadership and models for international cooperation** in developing strategies that engaged citizens, scientists and decision-makers to address environmental challenges in large freshwater ecosystems.
- » Establishing the first international agreement to embrace **an ecosystemic approach to water management** and the first to call for the virtual elimination of persistent toxic substances and for zero discharge.
- » Catalyzing enactment of **broad new water quality laws and regulations** in the United States and Canada that required controls on industrial and municipal discharges.
- » Developing and implementing **advances in reducing phosphorus** through rapid modernization and expansion of sewage treatment, and controls on detergent content.
- » Providing, through its **ground-breaking world-leading scientific inquiry**, the early warning capacity that flagged the build-up of toxic chemicals in aquatic food-webs and identified the link between these chemicals and birth defects, damage to immune systems and interference with hormones and endocrine functions in people and wildlife.
- » **Identifying and listing the toxic chemicals of greatest concern to human health and wildlife.** This helped lead to nationwide bans on the use of pesticides such as DDT, aldrin, dieldrin and toxaphene, and on industrial chemicals including PCBs and inspired others to work toward the goal of virtual elimination as a new direction in controlling and preventing discharges of persistent toxic pollutants.
- » Providing the research capacity and fostering research networks that **identified the link between airborne distribution of toxic chemicals and contamination** in lake trout and Great Lakes waterfowl from sources around the world. Chemicals included toxaphene, dioxins and furans, DDT and similar pesticides, and mercury. This helped drive amendments to the U.S. Clean Air Act and to the Canadian Environmental Protection Act to better control toxic chemicals that rain down into the Great Lakes. It also provided momentum for the international Stockholm Treaty on persistent organic chemical pollutants (the “POPs” Treaty).
- » Identifying and **calling for clean-up and restoration at 43 Areas of Concern (AOCs), highly contaminated and degraded sites** across the Great Lakes Basin. Providing a framework for planning processes to clean these areas up and restore beneficial uses and functions.
- » **Fostering an international community of concern** and focal point through which citizens, scientists and policymakers deliberated, collaborated and coalesced around binational goals focused on the good of the ecosystem and not parochial national or jurisdictional interests.

#### IV. GAPS, LIMITATIONS AND FAILURES

- » **Agriculture.** Polluted runoff—especially from agricultural sources—remains a major threat to the Great Lakes, and to date, actions under the Agreement and other programs have failed to address it in comprehensive ways that will aggressively reduce phosphorus loadings, sedimentation, and pesticide and bacterial contamination.
- » **Watershed approach.** What flows into the lakes becomes the lakes. The Agreement hasn't yet established a full watershed approach with strategies and remedies that reach into inland tributaries and headwaters of the Great Lakes system. Without this comprehensive approach, the Agreement is incomplete and limited, and ecologically naïve.
- » **Fragmentation of science.** A combination of factors has led to the erosion of Great Lakes science capacity and influence over the last 20 years. These include mixed signals from the various administrations on the value and focus of Great Lakes research and monitoring programs, and decreases in funding for research and monitoring, especially from federal agencies. In addition, there are increased pressures to conduct applied research related to problem solving (which is needed). However, it is also necessary to:
  - » maintain basic long-term data collection to provide trend analysis on topics such as phosphorus loading;
  - » identify and assess the impacts of contaminants across wildlife species and in humans;
  - » model and analyze conditions to set discharge standards; and
  - » develop responsive and adaptive capacities related to influences from climate, invasive species, etc.

In short, there are many needs and not enough resources to cover all the bases in ways that provide tools for well-informed decision-making, especially for complex, multi-faceted issues in the Great Lakes.

- » **Taking the ecological crown jewels for granted.** The Agreement's history is one of identifying problems and attempting to solve them after they have risen to the level of ecosystem urgency. Prevention of loss is a missing piece of the Agreement strategy. The quality and resilience of the Great Lakes ecosystem is directly dependent on the health and function of local ecosystems and habitats throughout the basin. Preventing the degradation of high quality habitats and protecting critical ecosystem functions (such as those provided by natural wetlands) needs to be part of a new Agreement.
- » **Lack of implementation and lack of clear, attainable milestones.** Current and past Agreements have successfully identified problems and remedies. However, without sufficient mechanisms to implement programs and track progress, too many pledges have languished or fallen far short of expectations and ecological needs. Agreements without actions become mere diplomatic polite-

## IV. GAPS, LIMITATIONS AND FAILURES (CONT.)

ness. The RAP process and sluggish pace of AOC clean-ups is a painful example of seriously flawed implementation.

- » **Failure to Fund.** Implementation capacity is directly tied to funding. It takes real money—staffing, materials, equipment, etc. —to clean up toxic sediment, restore damaged habitat, enforce federal, state and provincial regulations, conduct research on phosphorus, build and maintain sewage treatment plants, and get the job done. Both nations need to assess the costs of clean-up, restoration and protection, and commit the level of public resources required to safeguard one-fifth of the world’s fresh water. The United States has begun to make a real investment through the Great Lakes Restoration Initiative (GLRI), and needs to maintain funding levels for this important work. Canada needs to do much more to fund its share of Great Lakes restoration. Although the U.S. Great Lakes Restoration Initiative has funded significant investments in site-based restoration projects and important new research, the Initiative is not specifically designed to fulfill the goals of the binational GLWQA. It is important to note that GLRI investments will advance progress on many Agreement objectives; however, GLRI funding is not available for regulatory enforcement or preventive strategies. Moreover, funding fluctuates with each Congressional budget battle. Both nations need to muster the courage to invest in Great Lakes protection.
- » **Lack of sanctions or consequences for inaction.** Unlike a full treaty, the Agreement carries no sanctions for failure to comply or reach objectives. Neither nation has fully codified Agreement compliance within its domestic legal framework in ways that will provide a mechanism for enforcement through domestic courts. Congressional and Parliamentary oversight of compliance has fallen by the wayside. Neither nation has lived up to what the citizens of two open democracies should be able to expect when it comes to accounting for progress or failures under the Agreement.
- » **Binationalism or my-nationalism?** Part of the genius of the original Agreement was the spirit of binationalism—the idea that the lakes themselves were the primary focus, not U.S. interests or Canadian interests—and the realization that regardless of borders, we are all in this together—both in living with the challenges and coming up with the solutions. As binational structures such as the IJC’s Water Quality Board were overshadowed by the Binational Executive Committee, the focus shifted to what each government *is doing independently* instead of what *needs to be done* together to protect the lakes. The two nations share information at these meetings, but the needs of the Great Lakes-St. Lawrence River ecosystem are not necessarily reflected in current national programs and financing. BEC is not playing the role of forging solutions that rise to the common challenge, unbounded by existing program constraints within each nation. While BEC’s name implies that it operates “binationally”—two nations working on a common purpose—for the most part BEC operates bilaterally—attempting to find common ground across distinct national agendas.

## V. THE ACCOUNTABILITY CHALLENGE

One of the prime reasons our nations have failed to achieve more under the GLWQA is the flawed nature and functioning of government institutions and processes around the Agreement. In the most recent formal review (2006-2007), there was widespread acknowledgement that while the goals of the Agreement were sound, there are fundamental problems with compliance, enforcement and governance. Comments included:

- » The Agreement lacks a clear and strong management and implementation framework;
- » Inadequate and inconsistent funding has hampered the overall success of the current Agreement;
- » The community that coalesced around the existing Agreement has fragmented, undermining concerted action;
- » Governance functions, as now being carried out by the Parties, have weaker links and accountability to the Agreement, decreasing its effectiveness.

In order to improve compliance and binational problem-solving, accountability needs to be incorporated into the processes, management structures and legal systems that address basin-wide issues. A more accountable binational framework requires these elements. The governments should state explicit commitments in the Agreement for each of the following items.

- » **Transparency, openness.** Open meetings, records, and decision-making processes.
- » **Access to information including robust scientific information,** including hosting a clearinghouse and providing binational knowledge management services for the Great Lakes.
- » **Meaningful public engagement, including:**
  - » Citizen roles on BEC (or its successor) and IJC committees;
  - » The right of citizens to petition for action on topics addressed by the Agreement;
  - » Well-designed public meetings that provide for substantive dialogue and exchange, not just structured one-way input through submitting comments or speaking at “listening” sessions.
- » **Delineated roles and responsibilities** for implementation by the Parties and jurisdictions.
- » **Written outcome-based work plans** by the primary oversight body for the Agreement (BEC, or its successor, or the IJC, as to be determined by the outcome of the negotiation).
- » **Oversight and direct reporting on a regular basis to** Congress and Parliament and the public.
- » **Responsive law and policy in both nations** to support Agreement implementation.
- » **Adequate funding by both Parties** to support Agreement implementation.

Without stronger compliance strategies and accountability measures the Agreement will be little more than a polite diplomatic document. With commitment from our highest leaders, adequate resources and the vitality of an engaged public, it could provide the pivotal strategies to protect and restore the largest freshwater lakes in the world during a time of unprecedented environmental, political and economic change. Commitment to implementation is the largest challenge of the Agreement, both for the negotiating teams, and wider community of stewardship and leadership for the lakes in both nations.

## VI. CITIZEN PRIORITIES ON HOT TOPICS IN THE CURRENT NEGOTIATIONS

Under the coordination of Great Lakes United, more than 35 citizens groups submitted extensive comments on the Parties' pre-determined topics during the summer of 2010. For the full text of those comments, please go to [http://www.glu.org/en/campaigns/healthy\\_waters/glwqa](http://www.glu.org/en/campaigns/healthy_waters/glwqa) or click on the hyperlinked headings below. Highlights of citizens' priorities follow by topic.

### **Governance**

The Agreement will not achieve its goals and objectives without major reforms in governance in the Great Lakes-St. Lawrence River basin. If we fail to address this challenge the Agreement will remain a fading symbol of former ideals. Substantive challenges related to toxic substances, invasive species, nutrient control and climate will have little impact without stronger bi-national decision-making and transparent accountability by both signatory parties.

### ***Citizen Priorities***

- » Revise the role of the IJC (Article VII) to improve leadership with a charge to: 1) evaluate the condition of the Great Lakes and St. Lawrence River ecosystem and the effectiveness of government programs affecting the basin, and 2) provide leadership in finding solutions to Great Lakes-St. Lawrence River problems.
- » Re-design the State of the Lakes Ecosystems Conference (SOLEC) process to provide the IJC and the public with information that can enable them to evaluate lake conditions and assess progress on meeting established benchmarks for achieving the goals and objectives of the Agreement.
- » Replace the Binational Executive Committee (BEC) with a new body charged with binational decision-making, including the following: developing prescriptive work plans for achieving specific Agreement goals and objectives; establishing timelines and benchmarks to assess progress; reporting to Congress and Parliament every three years on progress achieved and challenges encountered and making this report public.
- » Improve inclusiveness and transparency through the new coordinating body. This should include commitments in the GLWQA to public meetings and formal consultation processes. Broaden this body's representation to include not just government players but public members from various sectors and stakeholder communities, including nonprofit policy groups, municipalities, tribes and first nations and métis.
- » Accountability mechanisms must be clearly identified by each of the Parties and made public during or immediately following formal conclusion of the negotiations in order to regain public trust in the Agreement's efficacy and value.
- » Embrace a watershed approach throughout the basin – from headwaters to “deep waters” – creating a better ecosystem context for Lakewide Management Plans and achieving water quality and ecosystem objectives.
- » Expedite clean-ups targeted under Remedial Action Plans, and keep RAPS focused on contaminants. Form a basin-wide citizens committee to serve as a watchdog to drive implementation of the Annexes (2 and 14) that address RAPs and contaminated sediment. Establish a process in the Agreement for designating new AOCs as warranted, and an explicit process for steps required to lift AOC status (delisting). These should allow citizen initiation of either process and should have a required role for the IJC.



## VI. CITIZEN PRIORITIES ON HOT TOPICS IN THE CURRENT NEGOTIATIONS (CONT.)

### **Toxic Substances**

Toxic pollution remains a serious Great Lakes concern, whether the legacy of still-languishing contaminated harbor sediments, poorly controlled airborne mercury pollution, or new chemicals and concentrations arising from industrial discharge, pharmaceutical compounds in wastewater, and other sources. Elimination of persistent toxic pollution from the Great Lakes is the gold standard for water quality protection, and we should demand nothing less.

### ***Citizen Priorities***

- » The Agreement must retain its goals for virtual elimination of persistent toxic pollutants and “zero discharge” of persistent toxic substances into the Great Lakes.
- » Protection of human health should be an explicit goal stated in the Agreement.
- » Prevention and precaution, including green chemistry, green engineering and infrastructure, should be incorporated as guiding values and strategies to address toxic pollution.
- » The Agreement must require long-term surveillance of the ecosystem to monitor the status of chemical contamination and provide an early warning system for emerging threats. In addition, comprehensive biomonitoring of human and wildlife populations is essential to provide a clear picture of body burdens and potential health impacts.
- » Develop new programs through the Agreement to reduce and regulate pharmaceutical and cosmetic pollutants (especially known and suspected endocrine disruptors) in waste water.

### **Science Coordination**

High quality scientific information and sophisticated research strategies are essential for protecting and restoring Great Lakes water quality. Coordination across the many agencies and jurisdictions is a long-standing need. We must provide stronger science and efficient use of limited scientific resources to ensure Great Lakes protection.

### **Citizen Priorities**

- » Research priorities must be aligned with new priority objectives under the Agreement, e.g., impacts of invasive species on water quality, emerging toxic threats, etc.
- » Designate a specific body to serve as the chief Great Lakes research coordination and review body, and charge it with identifying research priorities on an ongoing basis, maintaining an inventory of research, and identifying gaps.
- » Simplify and specify a formal process to identify and select indicators and endpoints for assessing progress and objectives on ecosystem health at various scales and zones (such as lakewide and nearshore waters), including specific chemical, physical and biological indicators already widely-used throughout the Great Lakes management and scientific communities.
- » The public should be included in strategies for setting priorities for research, coordination and indicators.

## VI. CITIZEN PRIORITIES ON HOT TOPICS IN THE CURRENT NEGOTIATIONS (CONT.)

### **Habitat and Species**

Biological systems are nature's own water supply and treatment systems. Great Lakes water quality is highly dependent on healthy habitats and natural ecological services such as water filtration, retention, nutrient cycling, etc. High quality habitats are a key to sustaining water quality and the Agreement must recognize them as such.

#### *Citizen Priorities*

- » Add a new annex on habitat, biodiversity and biological integrity, including wetlands protection, conservation and resilience, acknowledging the major role that protection and restoring habitat plays in safeguarding water quality and ecosystem resilience.
- » Establish the designation "High Quality Habitat"/Biodiversity Areas of Concern" for high quality habitat and landscapes that provide ecosystem services important to the chemical, physical and biological integrity of the Great Lakes ecosystem. Identify areas and develop protective strategies, including special consideration for climate adaptation, for each area.

### **Climate Change**

Any strategy for the Great Lakes that fails to factor in the increasing impacts from disruptive climate change would be inadequate. A 21st Century Agreement must address climate.

#### *Citizen Priorities*

- » The Agreement should be thoroughly updated to identify and address climate change impacts and adaptation strategies within the Great Lakes-St. Lawrence River ecosystem across its objectives and in each focal area. Moreover, it should state a commitment by the Parties to develop a plan and take specific actions to identify and respond to needs for research, monitoring, models, projections and other analyses related to climate change mitigation, anticipated impacts and adaptation capacity and strategies, with a focus on water quality and the ecological integrity of the Great Lakes system. To the extent possible, Great Lakes conservation strategies should also contribute to the reduction in greenhouse gases.

### **Aquatic Invasive Species**

Since 1987, invasions from non-native aquatic species have fundamentally changed the Great Lakes. Water quality is directly linked to biological activity, and the new Agreement must recognize and address the water quality, habitat and food web impacts of invasive species.

#### *Citizen Priorities*

- » The Parties should develop a new, separate annex to address aquatic invasive species in the Great Lakes Water Quality Agreement. It must set specific goals and timelines to prevent the introduction and spread of aquatic invasive species in the Great Lakes-St. Lawrence River basin.

## VI. CITIZEN PRIORITIES ON HOT TOPICS IN THE CURRENT NEGOTIATIONS (CONT.)

### **Nutrients**

The first Water Quality Agreement was designed to be the solution to nutrient pollution in the Great Lakes. Now, almost 40 years later, nutrient pollution has again emerged as a major threat to the lakes, especially in bays, harbors and areas near the shoreline. More sophisticated and comprehensive strategies are required, including a multi-pronged approach tailored for specific watersheds.

### ***Citizen Priorities***

- » The Agreement's nutrient annex (Annex 3) should be revised and updated to contain targets for total phosphorus concentrations, but also targets for soluble reactive phosphorus (and not just total phosphorus) for each lake. These targets should not exceed background conditions for the open lake waters and should include targets for maximum concentrations in nearshore areas, embayments and tributaries specific to each area based on developed models of water exchange, water chemistry, etc.
- » The annex should also include phosphorus and soluble reactive phosphorus loading targets for each lake and each priority site within a lake system and timetables to achieve them.
- » It should also include sector-based discharge concentration targets and timetables for municipal and industrial sewage treatment plants, and agricultural operations.
- » States and provinces should be required to enforce these numeric targets as water quality standards for phosphorus.

### **Ship Source Pollution**

Ships have the potential to pollute the lakes through accidents as well as routine shipping, loading and fueling practices. Much needs to be done to clean up and prevent pollution from ships and shipping facilities. The world's largest freshwater lake system should lead the world in prevention strategies, accident preparedness, clean-water practices and technologies for shipping.

### ***Citizen Priorities***

- » The annex on pollution from ships and shipping facilities should be updated and combined into one annex and should include air emissions, contamination risks from transfer to and from onshore facilities, anti-fouling agents, and a ban on transportation of radioactive wastes or highly toxic substances on the Great Lakes.
- » At a minimum, Great Lakes policy should align with the most stringent international marine conventions with more stringent requirements if needed to protect our freshwater resource.

## VII. STATUS OF CURRENT NEGOTIATIONS

### A. What has already taken place?

**2005.** The IJC held public meetings in the fall of 2005 to provide a forum for input into the governments on public concerns about the existing Agreement.

**2007.** The governments of Canada and the United States completed a three-year-long review of the operation and effectiveness of the current Agreement in fall 2007. They concluded that, “while there have been many successes, the GLWQA is outdated and unable to address current threats to Great Lakes water quality.”

**June, 2009.** The governments announced their intention to begin negotiations to amend the Agreement.

**January, 2010.** Formal negotiation process began. The governments hosted a webinar announcing the beginning of the process. They provided a list of questions related to governance for which they provided a one-month comment and consultation period. Senior officials from Environment Canada, Foreign Affairs and International Trade Canada, the U.S. Department of State and the U.S. Environmental Protection Agency met in closed-door negotiations at the end of the consultation period. This closed session was called Plenary 1.

**April, 8 2010.** Senior officials met again in a formal closed-door negotiating session known as Plenary 2.

**June 2010.** The governments of Canada and the United States hosted a series of binational public Webinars on substantive issues specified by the Parties, but did not provide any proposed draft language. Public comments were received through moderated input during the Webinars or written submissions through July 9, 2010. A compilation of this input and other official information about the Agreement and the renegotiation process are available through the Web site binational.net.

**June 2011.** Following the spring 2011 Canadian national election, the negotiators held another closed-door meeting (Plenary 3) on June 16-17 in Chicago. Although there have been no public statements on the nature or substance of this meeting, they have reportedly begun to work on language on broad objectives and strategies.

### B. Who's who in the negotiation process?

The lead agencies on the negotiating team are:

U.S. Department of State

U.S. Environmental Protection Agency (EPA)

Canada Department of Foreign Affairs and International Trade Canada (DFAIT)

Environment Canada

## VII. STATUS OF CURRENT NEGOTIATIONS (CONT.)

### **C. How can I stay on top of what's happening with the Agreement?**

There has been very limited information on the process from the governments and their negotiating teams. Great Lakes United will endeavor to provide information on the process and opportunities for public input and discussion among leaders through a new blog "Agreement Watch" on its Web site, and additional background materials, including a summary of responses to frequently asked questions. Visit [www.glu.org/en/blog](http://www.glu.org/en/blog) to stay up to date.

### **D. Contacts and Additional Resources**

Binational.net is the Web site being maintained by the Parties for the Agreement. <http://binational.net/> Great Lakes United's Web site has background and comments from citizens groups. [http://www.glu.org/en/campaigns/healthy\\_waters/glwqa](http://www.glu.org/en/campaigns/healthy_waters/glwqa)

To see the full text of the 1978 Agreement and the subsequent modifications that constitute the current Great Lakes Water Quality Agreement, visit <http://www.ijc.org/rel/agree/quality.html>.

For more information about citizen efforts to strengthen the Agreement, contact John Jackson at Great Lakes United: [jjackson@glu.org](mailto:jjackson@glu.org), 519-744-7503

Agreement Watch and related activities are being coordinated by Great Lakes United, an international citizens' coalition dedicated to protecting and restoring the Great Lakes - St. Lawrence River ecosystem. For almost 30 years, Great Lakes United has been a unifying voice for ensuring a healthy and vibrant future for the Great Lakes and St. Lawrence River ecosystem. **Together, we work to protect the world's largest freshwater ecosystem.**

## VIII. DEFINITIONS AND TERMS

**AOC:** Area of Concern. The official name in the Agreement for highly contaminated sites—often harbors or near-shore lakes or wetlands—in and near the Great Lakes. 43 AOCs were identified following the 1987 Protocol additions to the Agreement. To date, only four sites have been cleaned up to levels where they have been removed from the list of Areas of Concern.

**Annex:** Specific sections after the main body of the Great Lakes Water Quality Agreement that address specific topics in detail.

**BEC:** the Binational Executive Committee. BEC provides the primary administrative structure for government cooperation on the GLWQA. It consists of the heads of Great Lakes federal, state and provincial and tribal environmental agencies (or their designees). BEC was established in response to the 1987 protocols. It is supposed to meet twice a year.

**COA:** Canada-Ontario Agreement. This is the agreement between Canada's federal government and the Province of Ontario delineating roles and responsibilities for carrying out the GLWQA and sometimes includes financial arrangements between the federal and Ontario governments.

**Great Lakes-St. Lawrence River Sustainable Waters Agreement and Great Lakes Compact:** The agreement among the Great Lakes states and provinces that controls water diversions from the lakes, and establishes state and provincial commitments for water conservation.

**GLNPO:** Great Lakes National Program Office (U.S. EPA). A national coordinating office of the US EPA for its Great Lakes activities, housed at EPA Region 5 headquarters in Chicago. GLNPO does not have regulatory powers.

**GLRI:** the Great Lakes Restoration Initiative. A multi-year initiative to fund and implement Great Lakes restoration projects in the United States related to contaminated sediments, habitat restoration, near-shore waters (including nutrient pollution and sewer overflows) and invasive species control. It is primarily funded through U.S. federal appropriations.

**GLWQA:** Great Lakes Water Quality Agreement. The Agreement states the goals, rights and obligations of Canada and the United States as they pertain to Great Lakes water quality under the authority of the Boundary Waters Treaty.

**Governance:** The binational systems, organizational arrangements and decision-making structures through which the Agreement and related actions are administered.

**IJC:** International Joint Commission. A binational commission consisting of three Canadian and three U.S. members that oversees administration of the Boundary Waters Treaty and as such, has oversight functions related to the GLWQA as well as all other waters along the U.S.-Canada border.

## VIII. DEFINITIONS AND TERMS (CONT.)

**LaMPs:** Lakewide Management Plans. Under the 1987 Protocol each of the Great Lakes is supposed to have a management plan.

**Parties (The):** The governments of the United States and Canada – the two official parties that signed the Agreement.

**PBTs:** Persistent, bioaccumulative toxic substances. These are chemicals or elements that do not break down easily, and accumulate and concentrate in the food web. They include polychlorinated biphenyl compounds (PCBs), dioxin and furan compounds, the flame retardant PBDE, banned pesticides such as DDT, and some heavy metals, such as mercury, cadmium, and lead.

**Protocol(s):** Actions related to the Agreement in 1987 were referred to as the 1987 Protocol (or Protocols) because the core Agreement itself was not modified in those deliberations, but additional water quality topics and changes to governing structures were added by consent of both Parties through a diplomatic addendum known as a protocol.

**Precautionary Principle:** A guiding principle for making environmental decisions that err on the side of prevention of harm when there are uncertainties about a particular outcome, reaction, toxicity, etc. This principle is often applied where probable harm is reasonably likely but not necessarily proven.

**SOLEC:** State of the Lakes Ecosystem Conference(s). Established by the BEC, SOLECs are intended to provide a forum for exchanging information on the ecological condition of the Great Lakes basin among governments at all levels, and corporate and not-for-profit sectors who make decisions that affect the lakes. One of SOLEC's purposes is to identify indicators to serve as measures of Great Lakes health and vitality, a process that has been underway since 1994 with no final outcome to date.

**RAPs:** Remedial Action Plans. These plans were called for in the 1987 Protocol to develop responsive actions and remedies for the most severely contaminated sites – the AOCs.

**Zero Discharge:** A provision in the 1978 Agreement specifying that there should be no intentional permitted discharge of persistent toxic substances into the waters of the Great Lakes.