



THE GREAT LAKES WATER QUALITY AGREEMENT

PRESENTATION TO THE GLBTS INTEGRATION GROUP

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OBJECTIVES

- **Brief History of the Great Lakes Water Quality Agreement (GLWQA)**
- **Update on GLWQA Review Process**
- **Potential GLWQA Review Implications for the GLBTS**



HISTORY OF GREAT LAKES PROGRAM

- **1909 - Boundary Waters Treaty established the International Joint Commission (IJC).**
- **1970 - National environmental agencies:**
 - **Environment Canada (EC)**
 - **U.S. Environmental Protection Agency (U.S. EPA)**
- **1972 - The Great Lakes Water Quality Agreement (GLWQA, or the Agreement).**



SIGNING THE GREAT LAKES WATER QUALITY AGREEMENT OF 1972





GREAT LAKES WATER QUALITY AGREEMENT GOALS

- **The Great Lakes Water Quality Agreement (GLWQA) is an agreement between Canada and the United States which commits the two countries to restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem.**
- **The GLWQA is a successful model of Canada-United States partnership, showing that bilateral cooperation is strong, working and productive.**



1978 AND 1987 REVISIONS

- **New and more refined environmental management objectives and targets which were incorporated into a revised GLWQA which was signed on November 22, 1978.**
- **This Agreement extended the concern for persistent toxic substances by establishing the policy that their discharge be virtually eliminated and the philosophy for control would be zero discharge.**
- **The 1978 GLWQA is unique for its inclusion of the ecosystem concept.**



ARTICLES AND ANNEXES OF THE GLWQA

GLWQA Articles

- I. Definitions
- II. Purpose
- III. General Objectives
- IV. Specific Objectives
- V. Standards, Other Regulatory Requirements, and Research
- VI. Programs and Other Measures
- VII. Powers, Responsibilities and Functions of IJC
- VIII. Joint Institutions and Regional Office
- IX. Submission and Exchange of Information
- X. Consultation and Review
- XI. Implementation
- XII. Existing Rights and Obligations
- XIII. Amendment
- XIV. Entry Into Force and Termination
- XV. Supersession

GLWQA Annexes

1. Specific Objectives
2. RAPs and LaMPs
3. Control of Phosphorus
4. Discharges of Oil and Hazardous Polluting Substances from Vessels
5. Discharges of Vessel Wastes
6. Review of Pollution from Shipping Sources
7. Dredging
8. Discharges from Onshore and Offshore Facilities
9. Joint Contingency Plan
10. Hazardous Polluting Substances
11. Surveillance and Monitoring
12. Persistent Toxic Substances
13. Pollution from Non-Point Sources
14. Contaminated Sediment
15. Airborne Toxic Substances
16. Pollution from Contaminated Groundwater
17. Research and Development



MAJOR PROVISIONS OF THE AGREEMENT

The original Great Lakes Water Quality Agreement and its subsequent revisions forms the foundation of the binational Great Lakes Program:

- Reduced nutrient and toxics levels**
- Established regular monitoring programs to assesses water, air, and biological quality**
- Established coordinated monitoring program to measure pollutants coming from the atmosphere**
- Instituted geographically-focused remedial programs to address both localized degraded areas, as well as the Lakes themselves**



MAJOR PROVISIONS OF THE AGREEMENT

- **Took actions to address non-point sources from contaminated sediments, agricultural practices, leaking waste disposal sites, and atmospheric sources.**
- **Instituted biennial State of The Lakes Ecosystem Conferences (SOLEC) to provide for regular communication with stakeholders and to address specific Great Lakes issues.**
- **Setting specific reduction targets for an initial list of persistent toxic substances targeted for virtual elimination. GLBTS not specifically called for in the Agreement.**



GREAT LAKES WATER QUALITY AGREEMENT REVIEW

- **In accordance with Article 10 of the Agreement, the U.S. and Canada are required to review the operation and effectiveness of the Agreement every six years.**
- **This review is triggered by the release of every third biennial report of the International Joint Commission.**



GREAT LAKES WATER QUALITY AGREEMENT REVIEW

- The last Agreement review began in 1998.
- It was determined that the broad outline of the Agreement, as articulated in the “Articles”, was still sound. However, some of programmatic details in the “Annexes” were significantly out of date.
- In 2000, the review determined that a formal update was not immediately essential and that resources would be better spent on implementing the relevant aspects of the Agreement.



GREAT LAKES WATER QUALITY AGREEMENT REVIEW

- Based on the findings of the 2004 review, it may be appropriate to *revise* the Agreement.
- A revision would require formal discussions with Canada, including the involvement of the U.S. State Department and the Canadian Department of Foreign Affairs and International Trade.
- Consultation with Great Lakes stakeholders would also be essential.
- Updating the Agreement is a significant, resource intensive effort that must be carefully considered in 2006.



REVIEW PROCESS

A binational group headed by EPA and EC designed a review process which is open and transparent.

This review will determine if any changes to the Agreement are required.

Any changes will require negotiations headed by the U.S. State Department and Foreign Affairs Canada.



REVIEW PROCESS

- **The review process operates under the guiding principles of openness, transparency, and inclusiveness.**
- **The Parties will be asking the public to:**
 - **Comment on the draft review process.**
 - **Identify what key issues should be considered during the review.**
 - **Identify the role(s) of the public during the review.**



GLWQA PROCESS (“Process Guide”)

- **Review process document was finalized on January 6, 2006.**
- **Process Guide will be posted in French and English on binational.net by 3/1/06.**



UPDATE: REVIEW TIMELINES

- Stage 1 (Design & Scope of Review Process): **complete.**
- Stage 2 (Review and Analysis): March 2006 to Oct 2007.
- Both governments committed to launch review in March 2006:
 - **First step: Creating and activating ARC by March 23, 2006;**
 - Second step: Review Working Groups to be created and charged with responsibilities;
 - After April, timelines are expected to follow those set out in the Process Guide.



AGREEMENT REVIEW COMMITTEE (“ARC”)

- **Next step towards review launch: BEC Co-chairs to agree ARC structure and membership**
- **Co-chaired by EC and US EPA, and consist of representatives of federal, provincial and state agencies.**
 - **Commence review: establish Review Working Groups and other ad-hoc groups as necessary;**
 - **Consult with & provide direction/guidance to Review Working Groups;**
 - **Identify issues and seek resolution from BEC on important issues;**
 - **Develop public consultation strategy;**
 - **Ensure review proceeds effectively and meets timelines;**
 - **Report to BEC;**
 - **Work with BEC to obtain resources/expertise to support review; and**
 - **Synthesize findings in an Agreement Review Report.**



REVIEW WORKING GROUPS (“RWGs”)

Brief Review of Responsibilities

- **RWGs must be established and activated by ARC.**
- **Membership for each RWG must be determined by BEC in coordination with ARC.**
- **Information materials for use by RWGs are to be developed and approved by ARC.**
- **RWGs report to ARC.**
- **BEC to empower ARC to create Working Groups. Seek approval from BEC Co-chairs.**



REVIEW WORKING GROUPS: MEMBERSHIP

- **Each Review Working Group will strive to consist of:**
 - **A Canadian and U.S. co-chair selected from BEC's membership;**
 - **Representatives from the Canadian and U.S. federal governments;**
 - **Representatives from the Canadian and U.S. provincial/state governments;**
 - **Representatives from First Nations, Aboriginal groups and Tribes; and**
 - **Representatives from Canadian and U.S. municipal agencies, NGOs, industry or academia.**

Review Working Groups may, with the agreement of the BEC co-chairs, expand membership to add issue experts where required.”



MODEL FOR PARTICIPATION IN REVIEW WORKING GROUPS

Government Agency Participation:

Open solicitation of BEC Membership with targeted solicitations to Subject Matter Experts.

Non-Governmental Participation:

Open solicitation via internet postings; will required stated commitment.

Most meetings via teleconferencing with an initial in person meeting.



SPECIAL ISSUE WORKING GROUP(S)

Special Issue Working Group(s) to consider priority environmental issues (beginning with those identified in the Great Lakes Regional Collaboration Report).

- **This group could answer the following questions for each issue:**
 - **What is the issue?**
 - **What is its significance to the Great Lakes Basin Ecosystem?**
 - **How is the issue currently being addressed by the Governments?**
 - **Is there a need for further binational cooperation to address the issue?**
 - **How should Canada and the US cooperate to address the issue?**
 - **Does the current Agreement address the issue adequately/at all?**
 - **What are the advantages/disadvantages of including the issue in the GLWQA?**
 - **Is the GLWQA the most appropriate means of addressing the issue?**

Third Party Review of the IJC and BEC to be accomplished through an initial workshop and follow-up.



IMMEDIATE NEXT STEPS

- Creation and Staffing of ARC.
 - Review Working Groups and memberships;
 - Draft information materials
- ARC to determine types of Review Working Groups to be formed.
- Review Working Groups: BEC to determine Review Working Group membership in coordination with ARC.



NEXT STEPS: REVIEW TIMELINES GOING FORWARD

- **Timelines going forward (Stage 2):**
 - **April: EC commences implementation of Aboriginal Engagement Strategy. EPA coordinates through RTOCs**
 - **May: Review Working Groups report to ARC; ARC reports to BEC on any important emerging issues**
 - **August: Review Working Groups report to ARC; ARC reports to BEC on any important emerging issues**
 - **November: Review Working Groups report to ARC; ARC reports to BEC on any important emerging issues**
 - **December 31: ARC receives final evaluation/recommendations from Review Working Groups and any other analyses conducted**



GLWQA TOXIC SUBSTANCES RELATED GOALS

- **The Parties agree to make a maximum effort to eliminate or reduce to the maximum extent practicable the discharge of pollutants in to the Great Lakes System.**
- **Consistent with the provisions of the GLWQA, it is the policy of the Parties that:**
 - **(a) The discharge of toxic substances in toxic amounts be prohibited;**
 - **(b) The discharge of persistent toxic substances be virtually eliminated; and**
 - **(c) Coordinated planning processes and management practices be developed and implemented by each jurisdiction to ensure adequate control of all sources of pollutants.**



ARTICLE IV/ANNEX 1: SPECIFIC OBJECTIVES

- **Contains narrative and numerical pollutant specific objectives that represent the minimum levels of water quality desired in the waters of the Great Lakes System.**
- **They are not intended to preclude the establishment of more stringent requirements on the part of either the Parties to the Agreement, or the States or Provinces, and are regarded as interim objectives which the Parties intend will be revised and supplemented over time.**



ARTICLE IV/ANNEX 1: SPECIFIC OBJECTIVES

Chemical

Persistent Toxic Substances

organic – pesticides and other compounds

inorganic – metals, other inorganic substances,

Non-Persistent Toxic Substances

organic pesticides, other substances,

inorganic substances, other substances (DO, pH, nutrients, tainting substances.

Physical, Microbiological, Radiological

Compile and maintain three lists – not really done.



ANNEX 10: Hazardous Polluting Substances

Maintain a list of substances known to have toxic effects on aquatic and animal life.

Maintain a list of substances potentially having such effects and give priority for their examination and possible transfer to the first list.

Continually revise these lists.

Develop and implement programs and measures to minimize or eliminate the risk of release of hazardous polluting substances to the Great Lakes System.



Annex 12: Persistent Toxic Substances

Regulatory strategies for controlling or preventing the input of PSTs to the Great Lakes System shall be adopted in accordance with the following principles:

- **Virtually elimination**
- **Zero Discharge**
- **Reduction in generation of contaminants, via reductions in volume and/or toxicity**

Methods

Programs, Monitoring, Early Warning System, Human Health Action Levels, Research, Reporting



Annex 15: Airborne Toxic Substances

Conduct research, surveillance and monitoring and implement pollution control measures for the Purpose of reducing atmospheric deposition of Toxic substances, particularly PSTs.

Methods

**Research, Surveillance and Monitoring (IADN),
Pollution Control Measures**



WHERE TO FROM HERE?

GLBTS should discuss how to participate in, interact with, and/or advise the Review Workgroups.

GLBTS should consider how various aspect of the Agreement addressing PTSs could be combined, updated, streamlined, and/or enhanced, based on your work to date.

Planned review of effectiveness of GLBTS should feed into/integrate with the review of the Agreement.



WHERE TO FROM HERE?

GLWQA Review schedule needs to factor in GLBTS Review, which can be billed as part of the GLWQA Review, since both activities are authorized by BEC.

Review of Level 1 Chemicals should be a major piece of the GLWQA Review.

GLBTS Review of other chemicals (e.g., new and emerging) should also be seen as part of the Agreement Review process.



CONTACT INFORMATION

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