



# **THE GREAT LAKES WATER QUALITY AGREEMENT**

## **PRESENTATION TO THE GLBTS INTEGRATION GROUP**

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**Chicago, IL**

**MARK ELSTER  
USEPA-GLNPO**



# 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.**
- **Great Lakes Binational Toxics Strategy - setting specific reduction targets for an initial list of persistent toxic substances targeted for virtual elimination.**





# **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.



# **GREAT LAKES WATER QUALITY AGREEMENT REVIEW**

**A binational group headed by EPA and EC are currently designing the review process which will be 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.**



# PROPOSED REVIEW PROCESS

- **The Parties are committed to implementing a review process which 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.**



# DETAILS OF THE DRAFT REVIEW PROCESS

- Working Groups responsible for reviewing Articles and Annexes will employ a comprehensive and systematic approach. To accomplish this, a series of questions and a framework for evaluating the Agreement was developed which will be applied by each Working Group in the review of Articles and Annexes.
- Working Groups will be asked to evaluate the Articles and Annexes using an evaluation framework which consists of five major avenues of enquiry:

**CLARITY:** An assessment of the clarity of the goals, objectives, programs and other measures set out in the Agreement and whether there exists a shared common understanding or acceptance of the meaning of the terms of the Agreement.

**RELEVANCY:** An assessment of the continued relevance of terms found in the Agreement.



# DETAILS OF THE DRAFT REVIEW PROCESS

**ACHIEVING RESULTS:** An assessment of the implementation and appropriateness of prescribed programs, policies and measures, and demonstrated progress including the application of sound science.

**MANAGEMENT FRAMEWORK:** An assessment of institutional structures set out in the Agreement, including cooperation and coordination and assessing potential duplication with other initiatives or instruments of a similar nature, and synergies and linkages with other initiatives.

**ACCOUNTABILITY:** Issues to be addressed include: the ease of access to, and quality of monitoring data for reporting purposes; the role of the IJC; and the long-term commitment of the Great Lakes community.



# PROPOSED REVIEW PROCESS

**Once the review is completed (12-18 month process, slated to begin around March 2006):**

- **The results of working group reviews as well as a synthesis of public comments will be reviewed and approved by BEC.**
- **BEC co-chairs (EC & EPA) will seek respective Departmental approvals.**
- **BEC co-chairs will make a formal recommendation to the Governments of Canada and the United States on what, if any, actions should occur as a result of the review.**
- **The Governments of Canada and the United States will consider the findings and recommendations of the BEC and determine next steps, including an implementation plan for amending the GLWQA, if required.**





# 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.



## **ANNEX 1: SPECIFIC OBJECTIVES (PP. 16-23)**

- **Annex I 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.**



# 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 12: Persistent Toxic Substances (pp. 52-54)**

**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 (pp. 58-59)**

**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 PSTs 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**

**MARK ELSTER  
SENIOR PROGRAM ANALYST  
USEPA-GREAT LAKES NATIONAL PROGRAM  
OFFICE  
77 W. JACKSON BLVD. (G-17J)  
CHICAGO, IL 60604  
P: 312-886-3857  
F: 312-353-2018  
[elster.mark@epa.gov](mailto:elster.mark@epa.gov)**