



February 18, 2007

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**Re: EBR Registry PA 07E0001 Renewal of the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA)**

Pollution Probe supports the Ontario Government in its renewal of a new Canada Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA). We view the approach of developing a COA that would be in effect for up to three years is appropriate given the uncertain state of binational Great Lakes governance and the Great Lakes Water Quality Agreement (GLWQA) that is in flux, presently. We also see a renewed COA as having an important strategic role in influencing the vision, direction and goals of a new GLWQA, as it has historically. There is an exciting opportunity to have a new COA that is a forward-looking leadership document at the same time that it is practical, accountable, adaptable and relevant to the people of Ontario.

Recently, Pollution Probe had the opportunity to participate in a series of roundtable meetings and public forums in five communities around the Great Lakes. We were struck by the enthusiasm for a new approach and a new step ahead to be taken regarding the Great Lakes. We were in touch with over 400 people representing Great Lakes experts as well as the general public who understand the importance of the Great Lakes as a crucial part of the economic, social and environmental well-being of this region.

Attached please find Pollution Probe's comments and recommendations regarding a new COA. Our recommendations focus on the areas in which we have knowledge and expertise. We intend that they will be useful and constructive.

Pollution Probe looks forward to working with the Ontario Government and with citizens and their businesses and organizations to make the Great Lakes sustainable.

Sincerely,

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# **Submission by Pollution Probe Regarding Renewal of the Canada-Ontario Agreement (COA)**

## **Background on Pollution Probe**

Pollution Probe is a non-profit charitable organization that works with all sectors of society to protect health by promoting clean air and clean water. Established in 1969, Pollution Probe is supported by an active donor base of approximately 6,000 donors. Our mandate is to define environmental problems through research; promote understanding through education; and press for practical solutions through advocacy.

Our approach is to not point out problems without pointing out solutions. Working in partnership with industry, governments and communities, Pollution Probe offers innovative and practical policy-oriented solutions to air and water pollution issues and we seek to support measures that will assist in providing a clean, safe and healthy environment.

## **Pollution Probe's Ongoing Commitment to the Great Lakes**

With support from the International Joint Commission and The Joyce Foundation Pollution Probe released Phase I, Phase II and Phase III of *Recommendations on the Review of the 1987 Canada-United States Great Lakes Water Quality Agreement (GLWQA)* in September 2003, October 2003 and April 2004 respectively. These reports examined the applicability of the GLWQA with respect to current status and emerging threats, alternative approaches, scope of issues addressed and governance dimensions through examination of the Great Lakes as well as case studies from around the world.

Though the Great Lakes are a unique resource of tremendous value to both Canada and the United States there are many water systems around the world that are shared across national boundaries. With this realisation in mind in 2002 Pollution Probe organised a conference entitled *Managing Shared Waters*. Attended by over 440 delegates from 38 countries the conference brought together a tremendous amount of expertise on the subject of managing shared waters. Through the course of the conference it became clear that, though there are a plethora of organisations engaged on Great Lakes issues, they are doing so in an often un-coordinated manner. There was need to provide a new forum for dialogue between various high-level decision makers to better align their individual efforts.

To that end in 2003 Pollution Probe brought together experts from both Canada and the U.S. and formed an institution that would become known as the Great Lakes Futures Roundtable (GLFRT). An on-going initiative, this roundtable has provided key decision makers from all sectors with a non-attributed forum where they can speak frankly and share their perspectives and concerns with one another. This weaving of interests has resulted in, among other things, a Vision for the future of the Great Lakes. The GLFRT

Vision is made freely available in whole or in part to any agency that sees value in it. It has been picked up, adapted and adopted a number of times and undergoes continued refinement by the roundtable. A copy is attached to this submission and we urge its consideration in development of the COA and its annexes.

Most recently Pollution Probe joined forces with the Environmental Commissioner of Ontario and embarked on a five-city consultation series around the Great Lakes. Holding both daytime invited roundtables and evening public forums in Kingston, Windsor, Hamilton, Thunder Bay and Toronto we heard the thoughts, perspectives and concerns of over 400 people from all sectors of society. The synthesis of this information with previous and ongoing efforts forms the basis for many of these comments.

## **Preamble**

The Great Lakes are of tremendous value to both Canada and Ontario and are of vital importance to our historical and ongoing prosperity and to the continued health and wellbeing of those living and working in the Great Lakes Basins. The most biologically diverse region in Canada, more than 70% of Ontarians depend on the Great Lakes for their drinking water, many of whom enjoy a wide range of non-consumptive uses such as swimming and boating. In fact the attraction of water continues to pull people to the lake shores. It is ironic that this attractiveness is at the root of many of the Great Lake's current and ongoing challenges.

Demographic projections suggest an expected population growth of between three and six million people in southern Ontario over the coming decades. This growth will bring pressures and impacts on land use planning, agricultural areas, wildlife conservation, shorelines, watersheds, water supply and treatment systems.

As rapid population growth and urbanization requires large investments in new water supply and treatment systems, existing aging water systems must be repaired and renewed. The cost of renewing and modernizing water and wastewater infrastructure is enormous and presents an urgency for rational assessment and informed decision-making about the need for new or expanded infrastructure and about potential impacts on Great Lakes waters.

Preservation of natural conditions in the coastal areas of the Great Lakes has been a challenge for some time, and the near-shore coastal zones and coastal wetlands have been particularly susceptible to stress and loss. Increased urbanization, industrial development, and the potential impacts of climate change will add to the pressures on these fragile systems. In their report *Prescription for Great Lakes Ecosystem Protection and Restoration*, released December 2005, eight leading Great Lakes scientists warn that the near-shore regions are showing signs of having exhausted their buffering capacities and may be close to a tipping point of irreversible ecological change.

Ecosystem impacts of near-shore degradation compound the concerns surrounding alien invasive species. In its 11th Biennial Report, the IJC noted that, despite previous and

ongoing mitigation efforts, the introduction and spread of alien invasive species continues to impair the biological integrity of the Great Lakes-St Lawrence River basin.

Of all the challenges facing the Great Lakes those connected to climate change are possibly the least well defined while carrying the heaviest consequences. From lowering lake levels affecting shorelines, shipping to increased combined sewer overflow events and the possible migration of aquatic invasive species into new territories, current global climate change scenarios point to the vulnerability of the Great Lakes to serious potential impacts from changing temperature, precipitation and weather regimes requiring the development of adaptation strategies.

### **Comments on the Proposed Three-Year Renewal of the Current COA**

Moving from a five year COA to a shorter, three-year term should present increased opportunity to adapt a currently very effective administrative agreement to emerging opportunities, approaches and concerns. With shorter horizons the seeking of improvements and review of each successive agreement will begin soon after it goes into effect, giving the whole process more fluidity and continuity. This will benefit the Agreement's commitment to adaptive management.

While it is important to integrate with the GLWQA the COA should not be restricted to using the same vocabulary and approaches in defining its objectives. Since its inception in 1971 the Canada-Ontario Agreement has been a leading document through forward thinking actions such as the adaptation of an eco-systems approach. The adoption of a three year renewal can allow the COA to both break new ground, providing vision and direction and paving the way for a new GLWQA, as well as position it to adapt to the new GLWQA and build on it

It is vital to have an agreement in place in the interim such that funding remains in place to ensure that current remediation efforts continue and identified Areas of Concern continue to move towards being de-listed.

### **Comments on Possible Amendments to Existing Annexes**

#### *Annex 1 – Areas of Concern*

Result 1 Climate change and associated effects on wastewater flows should be accounted for when addressing combined sewer overflows (CSO) and municipal wastewater challenges.

Result 2 Promote novel approaches to onsite stormwater management. Other regions such as Germany can provide much information and experience regarding technologies and best practices for widespread implementation.

Result 3 Work with Source Protection Committees, among others, and seek to connect the costs of implementing best farm practices that positively affect downstream water quality, with payment for ecological goods and services by those who directly benefit. This would be facilitated through full-cost accounting.

Result 4&7 Related data from Areas of Concern and Areas in Recovery should be made freely available for incorporation with other initiatives.

### Annex 2 – Harmful Pollutants

Result 4 Enact the *Polluter Pays Principle* to encourage strategic capital investment in the adoption of environmentally progressive technologies. Funds attained through such programmes should remain within the budgets allotted to implement monitoring and support the collection of levies.

Ontario should extend its outreach campaign to not only link human behaviours with environmental outcomes, but to also link environmental outcomes to health effects and associated costs to both individuals and society.

Result 5 Require optimisation of existing processes to achieve best possible treatment, set and enforce minimum acceptable effluent standards and set maximum acceptable overflow events. Realising that stormwater is the primary driver of overflow events, onsite stormwater management should be incorporated into optimisation planning.

Result 9 Realising that human health is a powerful trigger for heightened interest and engagement on Great Lakes issues, publicly available geo-referenced health data should be made available together with comparable environmental and release data in the context of general social, economic and community or watershed based information to help connect the public with the Great Lakes region and motivate them to take appropriate actions.

Considerable improvement has been achieved in the Great Lakes region with respect to the removal of pollutants harmful to the environment and human health. Effectively communicating and celebrating these successes are equally important to maintaining a level of engagement and excitement around Great Lakes issues.

### Annex 3 – Lakewide Management

Result 1 Governments should lead by example and pursue policies that enable more environmentally sustainable businesses to succeed, such as changing the government procurement policy to eliminate purchase bleached paper products.

Result 2 Ontario should conduct outreach efforts that illustrate connections between human activities and their effect on non-consumptive uses of water, recognising that the human interests vested in such non-consumptive uses are closely tied to ecosystem health.

Result 3 Undertake a definitive environmental, economic and social impacts study investigating options and benefits available from alternative inter-modal transport arrangements, drawing such broad parallels as the potential for using lakers to not only reduce vectors for invasive species but also to alleviate pressures of truck traffic on transportation infrastructure and associated benefits to air quality.

#### Annex 4 – Monitoring and Information Management

Goal 2 should be changed to “an *accessible* information management system”.

Result 1 Consider incorporating community based monitoring (CBM) into management strategies realising the positive effect this can have on stakeholder participation and engagement. Lessons learned from across Canada highlight the need for standards to ensure usefulness of collected data as well as visible impact on decision making as fundamental to the sustained effectiveness of a CBM programme.

#### **Comments on Possible Development of New Annexes**

All indications suggest that there is room for new and inclusive Great Lakes governance institutions. The important role of community stakeholders and industry has yet to fully achieve its potential. This presents a clear opportunity for the Canada-Ontario Agreement to once again take a significant step forward through the adoption of a new annex that focuses on offering meaningful and appropriate roles to all sectors of society as a means to realising our shared aspirations for the Great Lakes.

In light of the magnitude of importance of the Great Lakes as a source of ecological goods and services, drinking water and economic wellbeing, there is a comparatively minimal investment by government. Furthermore, this in the face of serious threats, old and new. While significantly increased government expenditures are warranted for Great Lakes protection, it should be recognised that these expenditures would also legitimately support, not compete with goals in areas such as education, justice and health care. Of course, governments are not solely responsible for stewardship of the Great Lakes and other sectors need to be able to be partners in this shared Great Lakes enterprise.

Municipalities need to be brought to the table in a formal way and as a level of government, in the development of the Canada Ontario Agreement. It is in municipalities where people conceive their sense of place and it is municipalities who are often positioned to take real and immediate action to positively affect the Great Lakes. Representatives from groups such as the Great Lakes St. Lawrence Cities Initiative and the Canadian Federation of Municipalities should be involved in discussions, not just as stakeholders and ideally as signatories to the COA.

The need for sustained and continued efforts, as identified by the current COA, will benefit from ensuring a high-level of engagement of community leaders in the clean-up, protection, restoration and governance of the lakes. In our series of Great Lakes roundtables and public forums, we heard stories of AOC reorganisations effectively shutting the door in the face of respected and trusted community leaders. AOC operations would likely benefit from a broader engagement of community leaders and move AOC goals from a clean-up to a broader agenda of longer term forward-looking community sustainability.

We encourage the exploration of new institutions to help achieve these broader sustainability goals. Through our roundtables and public forums around the Great Lakes the opportunity for dialogue was highly appreciated. People are interested and keen to express themselves. There was a very palpable sense that this interest was not being adequately incorporated into decision making by federal and provincial levels of government. People are interested in broader Great Lakes sustainability discussions and appreciated the opportunity to express their views and offer suggestions, as compared to being consulted on a relatively specific topic, law, regulation or subject of interest that is already part of the federal or provincial government agenda. Regional, possibly binational, roundtables can be enlisted to develop lake-wise and basin-wide visions and goals for long-term regional sustainability.

Recognition of the regionality of the lakes and those communities on the American and Canadian sides of each lake may have more in common with each other than with their fellow countrymen from around the lakes. Supporting consultation and information sharing among decisions makers from an array of sectors around each lake can bring vital perspective to the higher-level management decisions being made through the mechanisms detailed in the Agreement.

Using such institutions, the incorporation of broader perspectives into the decision making framework can enhance the efficacy of Great Lakes management efforts across the board, but more importantly, from a stakeholder perspective, increase the perception of legitimacy and recognition of stakeholder rights, which will serve to bring people together at all levels in a more progressive and meaningful way.

In the current Agreement public participation is prescribed for the review process, the making of amendments to the Agreement and the addition of annexes. There is also provision for public consultation through the actions of the Management Committee such as the publication of State of the Lakes Reports, however all of these mechanisms are of a reactive nature where agencies of the Agreement have identified an issue and call upon the public to react to what is presented. The development of new institutions that enable this dialogue of identifying issues to works both ways will bring flexibility, inclusion and empowerment to Great Lakes governance resulting in broader uptake and engagement while grounding the Agreement within constituencies around the lakes.

Furthermore, ongoing consultations with communities will help implementing agencies properly communicate success. This is essential for the continual improvement in level of stewardship and participation around the lakes.

This annex would be strengthened through the adoption of recommendations and philosophies from the both the International Joint Commission's *Advice to Governments on their Review of the Great Lakes Water Quality Agreement* and the discussion of accountability undertaken by their *13<sup>th</sup> Biennial Report on Great Lakes Water Quality*.

Ultimately, while cleaning up the hot-spots is still of great importance there is room to move beyond this type of reactive approach, past remediation toward ecosystem protection and the long term sustainability of the Great Lakes and its communities.

attach: Vision, Mission and Principles developed by the Great Lakes Futures Roundtable