



# WHO'S WHO

## Legislation and Institutions

*How do multiple institutions and communities work together to protect and manage the Great Lakes?*

GREAT LAKES FACT SHEET



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## Background

The Great Lakes border two countries, and within those two countries, eight American states and one Canadian province. The region is home to hundreds of rural and urban municipalities and numerous First Nations – over 40 million people in total – and it is growing rapidly. A complex network of institutions and organizations has developed over the years to work together on issues of importance to the region. During the early years of industrialization around the Great Lakes, beginning in the 1800s, transportation and natural resource development issues were the principal concerns. More recently, a greater understanding of the complexity of the issues facing the lakes has led to increased co-operation aimed at protection and conservation.

## KEY LEGISLATION

There are three initiatives that are of overarching importance for Canada in the management of the Great Lakes: the Great Lakes Water Quality Agreement (GLWQA), the *Canadian Environmental Protection Act, 1999* (CEPA 1999), and the Canada–Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA).

**Great Lakes Water Quality Agreement:** Recognizing the need for a framework to coordinate efforts to manage and protect the Great Lakes, Canada and the United States signed the GLWQA in 1972 to “restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes.” Integral to the agreement was an understanding that, to be effective, the GLWQA would have to be updated from time to time based on new experience, new science and new challenges.

A revised GLWQA, signed in 1978, adopted an ecosystem approach for the management of the lakes. Taking an ecosystem approach means considering the interaction of air, land, water and all living things, including people. The revised GLWQA also called for a broad range of pollution reduction programs, including zero discharge and the virtual elimination of persistent toxic substances. Virtual elimination means reducing the quantity or concentration of a substance in a release to below the lowest level that can be accurately measured using sensitive but routine sampling and analytical methods.

Further changes were made to the GLWQA in a 1987 amendment:

- Annexes were added to the agreement to address non-point sources of airborne toxic substances and contaminants in ground water and sediment (non-point sources are multiple, diffuse sources of a particular pollutant rather than a single, identifiable point of origin, such as an industrial facility or sewage treatment plant).
- Forty-three of the most seriously polluted areas in the Great Lakes Basin were identified as Areas of Concern (AOCs), and procedures for cleanup through the development and implementation of site-specific Remedial Action Plans (RAPs) were formulated.
- The amended agreement required the development of Lakewide Management Plans (LaMPs) to identify critical pollutants and present strategies to restore open lake waters.

The 1987 amendments to the GLWQA also called for improved bilateral consultation on Great Lakes issues, with meetings twice a year to review progress and coordinate strategies. In June 2009, the two governments announced their intention to amend the GLWQA again, recognizing that

the provisions of the existing agreement were outdated in relation to challenges such as invasive species, urbanization, habitat degradation and climate change. The 2012 agreement addresses the roles of key institutions, issues of accountability and methods of ensuring shared responsibility for the Great Lakes. It includes new annexes to address aquatic invasive species, habitat and species, and climate change impacts, and it updates existing annexes to support ongoing work on issues such as algal blooms and harmful pollutants, particularly substances of emerging concern. The 2012 agreement also calls for the development of plans that focus on the protection and restoration of nearshore areas, where most commercial and recreational activities occur.

**Canadian Environmental Protection Act, 1999:** This act is the main federal legislation responsible for the protection of human health and the environment in Canada. CEPA was first introduced in 1988 and amended in 1999 in response to growing public concern about the environment. A key focus of the act is the prevention and management of risks posed by toxic and other harmful substances. However, CEPA 1999 also addresses the impacts of biotechnology, marine pollution, vehicle and fuel emissions, hazardous wastes and environmental emergencies. The Great Lakes Basin has been a significant repository for pollutants from both direct and indirect sources for many decades, and many groups have called for the expansion of CEPA 1999 to include special protection for the Great Lakes.

**Canada–Ontario Agreement Respecting the Great Lakes Basin Ecosystem:** In response to growing public concern about pollution in and around the Great Lakes during the 1960s and '70s, the governments of Canada and Ontario ratified the COA in 1971. The intent of the agreement is to restore and protect the Great Lakes Basin ecosystem. The COA has become the primary mechanism through which eight federal departments and three provincial ministries work together to meet some of Canada's key obligations under the GLWQA. The COA management committee also works in co-operation with U.S. and binational agencies on a number of Great Lakes initiatives. The agreement has been renewed several times and is currently being updated to reflect the 2012 amendments to the GLWQA, particularly with regard to climate change, invasive species and habitat loss. The new COA is expected to come into force sometime in 2013.

## BINATIONAL AGREEMENTS AND INSTITUTIONS

In addition to the GLWQA, there are a number of other important binational initiatives and institutions in place to address Great Lakes issues. The following are some of these initiatives and institutions.

**Boundary Waters Treaty (1909):** In the early 20th century, growing concerns about water use prompted Canada and the U.S. to establish the Boundary Waters Treaty, which governs transboundary water usage and created the legal foundation for future binational legislation applicable to waterways. This treaty also established the International Joint Commission (IJC), a binational organization whose role is to prevent and resolve disputes regarding the use and quality of boundary water. The IJC has three Canadian and three American members who act impartially to resolve disputes related to the quality and quantity of waters that flow across or border the two countries. The IJC operates by consensus and addresses issues as diverse as water quality, water use, pollution, hydroelectric generation and water levels. To assist in fact-finding and deliberations, the commission has established more than 20 boards with experts from Canada and the U.S.

**Convention on Great Lakes Fisheries (1955):** This convention established the Great Lakes Fishery Commission to coordinate fisheries research and to facilitate co-operative fishery management among the state, provincial, Tribal and First Nations, and federal management agencies in Canada and the United States. The Commission is responsible for preventing overfishing and addressing the threat posed to fish stocks by the sea lamprey, an invasive species that was introduced into the Great Lakes through the development of shipping canals linking the lakes. In 1981, the Commission issued the Joint Strategic Plan for Management of Great Lakes Fisheries

to better coordinate fishery management. In 1997, the plan was revised to better align fishery and environmental management goals, to take into account the initiation of the Lakewide Management Plans (LaMPs) called for in the GLWQA and to define improved mechanisms for conflict resolution between agencies.

**Great Lakes Charter (1985):** In the 1980s, proposals to divert or remove large quantities of water from the Great Lakes-St. Lawrence River Basin were cause for concern. Governors and premiers of the surrounding states and provinces signed this good faith agreement in an effort to protect water levels. The charter provides a framework for consultation among states and provinces on proposals for water use. In the late 1990s, proposals from private business interests to export bulk quantities of water from Lake Superior sparked renewed public outcry. These concerns about large-scale water withdrawals led the provinces and states to formulate an annex to the original agreement in 2001. The Great Lakes Charter Annex committed the provinces and states to develop stronger mechanisms to protect Great Lakes Basin waters and established principles to guide decision making regarding proposed water uses.

**Ecosystem Charter for the Great Lakes-St. Lawrence Basin (1994):** This good faith agreement sets out principles and objectives for ecosystem management of the Great Lakes-St. Lawrence Basin. The charter is based on a review of a wide range of treaties, laws, policies and other agreements relevant to the protection of the Great Lakes. The development of the charter included extensive public consultations, and the agreement has been endorsed by a wide range of organizations and agencies involved in Great Lakes protection.

**Great Lakes Binational Toxics Strategy (GLBTS):** Signed by Environment Canada and the U.S. Environmental Protection Agency in 1997, the GLBTS set seventeen goals to reduce the use and presence of twelve high-priority toxic substances and implement pollution prevention measures for other pollutants. Of the seventeen goals established in 1997, thirteen have been achieved and significant progress has been made on the remaining four.

**Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (2005):** Signed by eight U.S. states, Ontario and Quebec, this good faith agreement is intended to protect, conserve and restore the waters of the Great Lakes-St. Lawrence River Basin. It bans most transfers of water out of and within the basin, establishes water conservation programs in each jurisdiction and provides common standards for collaborative decision making.

**Great Lakes and St. Lawrence Cities Initiative (2003):** This initiative established a binational coalition of mayors and other local officials that works actively with federal, state, provincial, and Tribal and First Nations governments to advance the protection and restoration of the Great Lakes and the St. Lawrence River.

## CANADIAN STAKEHOLDERS

Along with a wide range of non-governmental organizations and community groups, governments at the federal, provincial and municipal levels in Canada all play a part in the management of the Great Lakes.

The federal government has jurisdiction over fisheries, navigation, federal lands, international relations, and transboundary air and water.

The government of Ontario owns most of the province's natural resources and has primary jurisdiction over agriculture, forestry, hydroelectric development, mining, municipalities, local air and water pollution, and waste management – all of which can have significant impacts on the Great Lakes.

Regional Conservation Authorities (CAs) are responsible for delivering programs and services that manage and protect watersheds and related resources. A watershed is an area of land or a region from which all the water drains into a particular river, river system or other body of water. Conservation authorities in Ontario are divided up based on

watersheds rather than municipal boundaries. Recognizing that healthy watersheds can ensure healthy Great Lakes, conservation authorities promote an integrated watershed management approach, incorporating social, economic and environmental priorities into decision making.

Municipalities have regulatory authority to develop and pass bylaws for land use planning, including those related to waste, sewer use, trees, ravine protection and pesticide use. Municipalities also operate large operations that can affect the Great Lakes, including civic and recreational facilities, municipal fleets and transit systems, waste collection, drinking water purification and distribution, and sewage treatment plants. Municipalities also work collectively through initiatives supported by federal and provincial infrastructure programs.

## ABORIGINAL GROUPS

The Chiefs of Ontario is the coordinating body for 133 First Nations communities in Ontario. It is active on environmental issues such as water, climate change, species at risk, contaminants and environmental assessment and provided input to the negotiations for the 2012 GLWQA amendments.

The Métis Nation of Ontario (MNO) takes a keen interest in water-related issues across the province and has raised its concerns with the government of Ontario about Great Lakes issues such as harmful pollutants, invasive species, water quality and access to resources. The MNO also provided input to the negotiations leading up to the 2012 amendments to the GLWQA.

Having not been included as governments in the drafting of the Great Lakes Charter and its annex, Aboriginal groups from the Great Lakes region signed the Tribal and First Nations Great Lakes Water Accord in 2004. The accord asserts the right of Tribal and First Nations governments to be included as full participants in efforts to protect and preserve the Great Lakes and commits them to work together and with other governments to secure a healthy future for the lakes.

## AMERICAN STAKEHOLDERS

Like Canada, the United States has a wide range of federal, state and non-governmental organizations that are involved in Great Lakes issues. Key stakeholders at the federal level include the Environmental Protection Agency (EPA), the Army Corps of Engineers, the Natural Resources Conservation Service (NRCS), the National Oceanic and Atmospheric Administration (NOAA), the Agency for Toxic Substances and Disease Registry (ATSDR), the Fish and Wildlife Service (FWS) and the National Park Service (NPS).

## CHALLENGES AHEAD

As this survey of just some of the institutions and organizations involved in Great Lakes management and protection suggests, a key challenge for governance of the Great Lakes is the sheer number of stakeholders involved. Confusion about which stakeholders or level of government should take the lead on action slows down the implementation of key legislation such as the GLWQA and the development of strategies to respond to issues of concern, such as climate change. Co-operation and coordination will be essential if the challenges facing the Great Lakes are to be successfully addressed.

## WHAT CAN YOU DO?

- **Educate yourself:** Read up on key initiatives such as the recently amended GLWQA, the proposed amendments to the COA, and other initiatives related to the Great Lakes, such as Ontario's Great Lakes Strategy, released in late 2012.
- **Connect with nature:** Enjoy a hike along one of the region's many trails, become a nature surveyor for your local conservation authority, or spend a night under the stars at a national or provincial park. Connecting with the natural landscape of the Great Lakes region helps to foster a spirit of environmental stewardship. Join citizens across the province who are heading outside and looking for plants, birds, amphibians and mammals as part of citizen science initiatives, such as NatureWatch. If you want to launch your own community initiative to take action to restore and protect the lakes, consider applying to the Ontario Ministry of the Environment's Great Lakes Guardian Community Fund for support for your project.
- **Get involved:** Look for opportunities to get involved in public consultations on agreements and legislation related to the Great Lakes. Urge government, businesses and other organizations to take action on Great Lakes issues.



## SELECTED RESOURCES

For more information about the legislation and institutions that govern the Great Lakes and the communities involved in their protection and management, consult the following resources:

Chiefs of Ontario. <http://www.chiefs-of-ontario.org/>

Council of Great Lakes Governors. The Great Lakes Charter. <http://www.cglg.org/projects/water/docs/GreatLakesCharter.pdf>

Environment Canada. Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem. <http://www.ec.gc.ca/grandslacs-greatlakes/default.asp?lang=En&tn=B903EE0D-1>

Environment Canada. Great Lakes. <http://www.ec.gc.ca/grandslacs-greatlakes/default.asp?lang=En&tn=45B79BF9-1>

Great Lakes Fishery Commission. A Joint Strategic Plan for Management of Great Lakes Fisheries. <http://www.glfc.org/fishmgmt/jsp97.pdf>

Great Lakes Fishery Commission. Convention on Great Lakes Fisheries. <http://www.glfc.org/pubs/conv.htm>

International Joint Commission. Boundary Waters Treaty. <http://bwt.ijc.org/index.php?page=boundary-waters&thl=eng>

Métis Nation of Ontario. <http://www.metisnation.org/>

Nature Canada. <http://www.naturewatch.ca/english/>

Ontario Ministry of the Environment. The Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem. [http://www.ene.gov.on.ca/environment/en/subject/great\\_lakes/STDPROD\\_096902.html](http://www.ene.gov.on.ca/environment/en/subject/great_lakes/STDPROD_096902.html)

Ontario Ministry of the Environment. Great Lakes Guardian Community Fund. [http://www.ene.gov.on.ca/environment/en/funding/great\\_lakes\\_fund/index.htm](http://www.ene.gov.on.ca/environment/en/funding/great_lakes_fund/index.htm)

Ontario Ministry of the Environment. Ontario's Great Lakes Strategy. [http://www.ene.gov.on.ca/environment/en/resources/STDPROD\\_101828.html](http://www.ene.gov.on.ca/environment/en/resources/STDPROD_101828.html)

Ontario Ministry of Natural Resources. Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement Supporting Documents. [http://www.mnr.gov.on.ca/en/Business/Water/2ColumnSubPage/STEL02\\_164560.html](http://www.mnr.gov.on.ca/en/Business/Water/2ColumnSubPage/STEL02_164560.html)



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### PHOTOS

Cover: Waterfront, Toronto, Ontario

What Can You Do? The Peterborough lift lock on the Trent Canal in Peterborough, Ontario. The Peterborough lift lock is one of the locks on the Trent-Severn Waterway, built between 1833 and 1920 to connect Lake Huron to Lake Ontario. No longer used for transportation or industrial purposes, it remains a vital resource for tourism and recreation in the region.