



GREAT LAKES
ECOREGION NETWORK

RÉSEAU ÉCORÉGIONAL DES
GRANDS LACS
ET DU SAINT-LAURENT

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RE: Suggestions for Great Lakes Water Quality Agreement (“GLWQA”) Review Process

Dear GLEC Co-Chairs,

We are now entering the first government review of the 2012 GLWQA in over a decade. It is important that we take this opportunity to undertake a serious review and consider and make changes to the GLWQA and its implementation. As residents of the Great Lakes and St. Lawrence River basin, we consider the GLWQA to be ours, even though it is signed by the Canadian and U.S. federal governments. Therefore, it is essential that the engaged public be fully engaged in the review.

As you begin this review, the Great Lakes Ecoregion Network (GLEN) is making recommendations to you for the process for conducting the review and for the involvement of the engaged public in this important activity. We will send you a separate letter with our preliminary list of issues that we want to be included in the review. As that review happens, we will develop details of changes and improvements that need to be made in the GLWQA and its implementation.

GLEN works to empower public constituencies across the Great Lakes and St. Lawrence Basins to drive transformational strategies and actions that will safeguard and restore the health and resilience of the Great Lakes and St. Lawrence ecoregions. Many of our most active members have been involved in GLWQA programs and processes for decades and continue to be involved today. This involves working on a wide range of GLWQA issues, e.g., Areas of Concern, toxic substances, nutrients, invasive species, climate change, habitat, agriculture, etc. This also involves membership on GLEC annex sub-committees, and membership on IJC boards.

Also, many of us were deeply involved in previous reviews and revisions of the GLWQA. Two of our active members were designated as official observers by their respective federal governments to the entire 1987 negotiation process.

In 2022, GLEN released a report entitled “The Great Lakes Water Quality Agreement at Fifty,” which we have already made available to you. This report assessed the accomplishments of the GLWQA, our disappointments related to the Agreement and implementation, and our aspirations and opportunities for the future. We ask you to consider this report in your review of the GLWQA.

The two federal governments who committed to the GLWQA when they signed it are responsible for its implementation. It has become clear that the GLWQA can only achieve its potential if it has the energy, the insights and wisdom, the creativity and determination of the involved public. To effectively engage the public, the governments need the public to help design the GLWQA, help drive its implementation, to help monitor its progress, and to advocate for funding. The engaged public brings inestimable energy to this work. One example where this has been proven is the decades of volunteer work by community members on the clean-up of the Areas of Concern.

GLEN proposal for the GLWQA review process:

For the GLWQA to be successful, members of the public must see the GLWQA as their own. The review stage that we are now entering is central to generating the public’s enthusiasm and support.

Step1: The Review

Item 1: Inclusion in the review of Indigenous governments as rights holders

We endorse the following recommendation from the IJC: “both federal governments ensure that First Nations, Métis and Tribal governments are full, active participants in the Great Lakes Water Quality Agreement review process to better empower indigenous engagement and leadership on Great Lakes water quality issues.” [2023 Third Triennial Assessment of Progress on Great Lakes Water Quality Agreement].

Item 2: Review

In designing your review, a critical starting point for GLEC should be to review any existing evaluations and to determine whether there are missing issues in these or parts that need to be reviewed in more depth. This could save you important time. For example, this could include reviews of the GLWQA that have already been carried out – especially at the time of the 50th anniversary of the GLWQA in 2022. This would include, for example, reviews of the GLWQA by the IJC and its Water Quality Board. A second one is the previously cited review by GLEN entitled the “Great Lakes Water Quality Agreement at Fifty.” There may be others available and relevant reports as well.

The public should have full access to all reviews of the GLWQA and to all background papers prepared as part of the review process as soon as the materials have been prepared. This means that their work would benefit from these documents, which will lead to more effective and timely input. These materials should be posted to a specific GLWQA Review section in binational.net.

Item 3: Guiding Committee

GLEC should set up an overall Guiding Committee to oversee the development of the study. This committee should include some members of the GLEC including from the commissions and the official observers to GLEC. This committee should recommend to the GLEC the review steps, content needed in the review, public engagement mechanisms, and timing. This should start happening now so that GLEC is prepared to announce the review process in fall 2024.

Item 4: Working Committees on Issue Areas

The Guiding Committee should set up working committees, with membership to include the engaged public, to define the causes of the problems, and design solutions for solving specific issue problems. These working committees could be specific to annexes (e.g., changes needed to existing annexes, possible new annexes [e.g., source waters for drinking water supply, etc.]), procedural issues such as accountability mechanisms, Great Lakes institutions' operation, and meaningful public engagement.

The results of the work of each of these working committees should be made public through binational.net, social media, and other means. The public should have the opportunity to comment on the final drafts of these papers. Each committee should have transnational, basin-wide membership.

Item 5: Principles Working Committee

The GLWQA's Article 2, part 4 entitled "Principles and Approaches" should have a working committee to review the language. The Annex says, "The Parties shall be guided by the following principles and approaches in order to achieve the purpose of this Agreement." This committee should explore the extent to which the principles and approaches are really "guiding" government actions. They should explore what can be done to improve the extent to which these principles truly guide the work throughout the Great Lakes Basin. They should also consider whether any new principles need to be added, e.g., environmental justice, resilience, renewal, and regeneration.

Item 6: Summary of Review

The review stage should result in a document for the public that summarizes the findings of the committees including suggestions or options that have been suggested for addressing the results of the findings. The background reports should also be made available to the public in an easily accessible form and format at binational.net.

This report should be put out to the public for a formal consultation period. This should use a mix of methods, including webinar sessions, in-person meetings, social media, and written submissions, etc.

The outcome of this consultation should be whether any issues have been omitted, and which options suggested by the working committees are of most interest to the public. The consultation should solicit the public's suggestions for how to improve the GLWQA and its implementation.

This will help the Guiding Committee in its next steps on deciding on changes to be made in the GLWQA and in Great Lakes institutions and processes and implementation.

Step 2: Deciding on Changes to GLWQA and or to implementation

Item 1: To be consistent with the GLWQA's principle of accountability, the GLEC Guiding Committee should prepare a formal response document to the comments they received from the public. This document would respond to each point that has been made by the public, stating what they heard, how they are addressing it in the changes they plan to make, and if they are not making changes as a result, state why they are not changing it.

Item 2: The Guiding Committee should then put together its recommendations for changes to the GLWQA and its implementation. This set of findings and recommendations should go out to the public for another round of consultations.

Item 3:

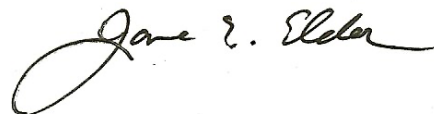
Ultimately, it is the Parties to the GLWQA who make the decisions around an amended GLWQA or how to improve implementation. The Parties' actual proposed language for GLWQA changes should be sent out to the public for comment before their final decision. Again, the Parties should put together a responsiveness document to explain to the public why they made the changes they did and why they did not make some changes.

GLEN requests the opportunity to meet with you within the next month or so to discuss our suggestions for the review process. We look forward to working with you.

Yours sincerely,



GLEN Chair



GLEN Vice-Chair