



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

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To Whom It May Concern
Great Lakes Environment Office
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**Re: EBR Registry Number:010-9068 Ministry of the Environment and CEPA
Environmental Registry-Extension of the 2007-2010 Canada-Ontario
Agreement Respecting the Great Lakes Basin Ecosystem**

The Canadian Environmental Law Association (CELA) has participated consistently in all opportunities provided to the public to strengthen the protection of the Great Lakes St. Lawrence Ecosystem for over three decades. These efforts have endeavoured to ensure that the Canadian government's programs keep pace with the increasingly complex and growing number of stressors to the resiliency of the ecosystem and with commitments made by U.S. jurisdictions that we share responsibility with.

Our recent activities include;

- serving on the Stakeholder Advisory Panel to the Canadian negotiators on the renegotiation of the Great Lakes Water Quality Agreement by the end of 2010,
- participation in national and binational dialogue to discuss the review of the GLOWA,
- submissions on governance in the Great Lakes from CELA and with a number of binational groups to the Agreement negotiators in February 2010,
- as a member of the Green Budget Coalition, CELA has helped frame their expectations for adequate and enduring financing of a comprehensive Great Lakes Program,
- a report done for the International Joint Commission Multi-Board Work Group on Chemicals of Emerging Concern in the Great Lakes Basin entitled *The Challenges of Substances of Emerging Concern in the Great Lakes Basin: A review of chemicals policies and programs in Canada and the United States*, and
- staff participation in several of the ARC Agreement Review Committee workgroups in 2005.

In 2007, staff of the Canadian Environmental Law Association participated in consultations on the proposals for the renewal of the last Canada Ontario Agreement that you are now proposing to extend. While CELA concurs that it is logical that this extension occurs so that the new GLWQA program delivery can be set out in a renewed COA, we remain concerned and vigilant about systemic problems involving COA, its synchronicity with the GLWQA, and its cooperative management and financing that we have previously identified in detail in our submissions in the 2007 discussions. These comments can be reviewed at <http://www.cela.ca/publications/comments-proposed-canada-ontario-agreement-respecting-great-lakes-ecosystem-basin>.

Although in 2007, we were told that the governments would be out ahead of the 2010 COA, the 2010 COA would be far more comprehensive and detailed and would involve the public well before the renewal deadlines in public consultation, governments are once again seeking this extension a month before the Agreement is set to expire. The public is being asked to endorse this renewal without a comprehensive report prepared by both governments on the implementation of the previous Agreement. We have requested this level of evaluation during the last COA renewal. Instead we have been given short snapshots and statements in the EBR posting and on Environment Canada's website on different program delivery but not reports on the full range of the 2007 COA program commitments and their implementation. The last COA also included programs on issues which are not part of the Great Lakes Water Quality Agreement commitments. While this may have been a statement of expectations for a more comprehensive agreement, we are not entering into COA or GLWQ Agreement negotiations with reports on those additions or commitments to their continuance.

Both the EBR postings and the Environment Canada postings commit to the Lake Ontario Biodiversity Strategy, the Lake Erie Nutrient Management Plan, the Lake Huron Southeast Shores Initiative, and the Lake Superior Aquatic Invasive Species Complete Prevention Plan – all new laudable initiatives not currently in the COA. These programs are part of new initiatives that are needed but that will not address all of the emerging mounting stressors on the ecosystem. It is unclear to us whether funds remain for current agreement commitments to be extended another year or if these new programs can be accommodated with current budgets. At the same time it is unclear if the commitments in the current COA have been completed or will be extended and resourced during the year remaining until a 2011 COA will be in place, or if they will be on hold.

Another on-going concern from the public's perspective is confidence in strategic planning and budgeting for the Great Lakes. In the past five years concerted cooperative efforts by public, private and political interests have resulted in a solid visionary restoration plan for the U.S. side of the Great Lakes which has led to U.S. Congressional funding approvals for substantive first steps in long term programs to achieve Great Lakes clean-up and protection. The U.S. administration announced \$2.2 billion over five years to support the Great Lakes Restoration Initiative, with an initial

\$475 million announced in 2009 and another \$300 million announced in February 2010. The funds committed are far in excess of any Canadian or Ontario commitments made. Funding to clean up and protect the Great Lakes from current and emerging stressors is essential. It is very important to Canadians dependent on the Great Lakes for their drinking water and well being that the GLWQA continues to assign the responsibilities for the Great Lakes equally (50-50) between Canada and the U.S.

The Green Budget Coalition has endeavoured to estimate what comparable Canadian commitments might be for parallel programs but without the benefit of the comprehensive management plan promised in the last COA, they are unable to approach this with confidence. The 8 million dollars announced last week in the Canadian federal budget falls far short of the billions that are needed even if it is matched by Ontario and Quebec programs for the St. Lawrence downstream jurisdiction.

Once again, we are being asked to wait for an improved COA. Our concern remains – how long can we postpone a comprehensive, cooperative restoration and prevention program on the Canadian side of the Great Lakes?

CELA will be working to secure a workable and modernized GLWQA and COA in 2010. Our yardstick for this will be conditions that do not repeat the piecemeal efforts of the past decade.

A new COA and a new GLWQA will only be effective if they embody and spell out;

- a long term management plan which prioritises actions with timetables for all of the chronic and new stressors to water quality in the Great Lakes,
- a comprehensive State of the Lakes report is done to determine where program priorities should be and where there are gaps in our knowledge of ecosystem impacts,
- programs are designed and costs are assigned to them so that realistic and timely annual budgets can be projected and secured and cost sharing can be determined between Canada and Ontario,
- regular and timely reporting to all stakeholders on implementation progress on COA programs is undertaken in the fall of 2010 and well in advance of subsequent negotiations,
- commitment to adopt principles of precaution and prevention as the foundation for developing effective actions to address the range of Great Lakes stressors in COA and GLWQA; and
- plans for timely and effective public involvement well in advance of COA and GLWQA renewal timetables must be guaranteed and set out within both of these agreements.

Thank you for the opportunity to comment on this extension proposal.

Yours truly,

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