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International Joint Commission
U.S. Section
2000 L Street, NW
Suite #615
Washington, DC 20440

International Joint Commission
Canadian Section
234 Laurier Ave. West
22nd Floor
Ottawa, ON K1P 6K6

Dear IJC Commissioners:

Thank you for the opportunity to comment on the functions, structures, committees, and member competencies the International Joint Commission (“IJC”) has proposed for its two advisory boards under the Great Lakes Water Quality Agreement (GLWQA). The IJC’s commitment to an open, inclusive, and transparent process deserves much praise, and we are happy to see that same commitment extended to the process of designing the advisory boards. The IJC asked us to answer four questions concerning the proposals for each board. After a review of the proposals and consideration of the IJC’s questions, we find that the IJC has remained faithful to the text and intent of the GLWQA in its plans for both the Great Lakes Water Quality Board (WQB) and the Great Lakes Science Advisory Board (SAB). We are very pleased that the IJC has incorporated many of the suggestions included in our February 8, 2013 response to the IJC’s request for recommendations. There remains, however, room for improvements on all four points raised by the IJC. Our specific conclusions are as follows:

- The proposed detailed functions generally fulfill the purpose of both the WQB and SAB, but further detail is needed with respect to how the boards will coordinate Great Lakes protection, conservation and restoration efforts and effectively disseminate information to the public;
- The proposed structures will provide the IJC with good advice while incorporating a healthy range of viewpoints, provided adequate procedures are developed to complement those structures;
- Although a committee structure is a generally efficient manner in which a large board may operate, the rationale behind the choice to divide the committees between government and public members raises significant concerns; and
- The competencies proposed for board members should be refined to include social science expertise and to emphasize experience driving change through relevant constituencies.

#1: Proposed Detailed Functions

The proposed detailed functions, of both the WQB and SAB, incorporate the three main functions of the WQB, and two main functions of the SAB, as described in the GLWQA. As a result, the proposed functions leave little doubt that the two boards will be charged with the minimum duties envisioned by the GLWQA and emphasized in our previous recommendations.

In keeping with our belief that a focus on the successful application of the boards’ work on the ground in local, state, and provincial communities is essential to the continued success of the IJC, we find it particularly important that the WQB is specifically tasked with advising the IJC on the role of relevant jurisdictions in implementing these strategies and approaches. We take this opportunity to emphasize, however, the important need for coordination of Great Lakes data collection in order to ensure consistency in assessing and managing data to evaluate the efficiency of restoration practices.

The proposed functions should explicitly underscore the importance of the WQB's role in coordinating and assessing ongoing practices in order to expand and improve these efforts. Likewise, SAB's proposed functions include identifying programs in which cooperation is desirable and promoting cooperation within those specific programs. SAB's functions should instead reflect the reality that coordination is desirable in all programs under a binational agreement, and should require SAB to not only promote future coordination efforts but also to enhance existing efforts.

Additionally, the proposed functions should clarify in greater detail how the boards will coordinate lake-wide work between the United States and Canada and communicate information to the public. In particular, the IJC should provide details on how the State of the Lakes Ecosystem Conference will fit into these coordination and communication efforts. As stressed above, the health of the Great Lakes requires better coordination between the United States and Canada, and the IJC and the WQB can play important roles in improving coordination. The importance of the GLWQA and the IJC is based in part on the basic insight that effective conservation and restoration of large multi-jurisdictional waters such as the Great Lakes require effective harmonizing bodies. There is currently a lack of sufficient information about how IJC will carry out this responsibility, and it should take the designation of the WQB's functions as an opportunity to clarify its intended approach to ensuring coordination. In addition, the SAB's functions provide no explicit call or detailed procedures for ensuring that the SAB's scientific information is communicated effectively. Certainly the SAB will seek involvement from some of the esteemed experts in the relevant fields, but if the fruits of those experts' labor on the board are not distributed to the right audience in a usable form, the SAB will never operate as effectively as possible. As with the WQB's coordination strategies, more information on how SAB will communicate its findings and reports would greatly improve the proposed functions.

#2: Proposed Structures

The proposed structures of both the WQB and SAB will generally facilitate the IJC's twin goals of receiving the best information and considering multiple points of view. In keeping with our earlier comments calling for more inclusive and representative membership, we are pleased that the proposed structure of the WQB (and, presumably, the SAB) includes a majority of non-federal, non-provincial, and non-state members. We still recommend, however, that the board co-chairs be chosen by board members, rather than the IJC, and that those co-chairs be limited to chairmanship terms of no longer than two consecutive years. Additionally, in order for a board the size of the WQB or SAB to function efficiently, there is a need for procedural improvements, such as:

- Agendas circulated at least a week in advance of board meetings,
- Prompt distribution of meeting minutes that include clear explanations of next steps and individual member assignments, and
- The creation of sub-committees or working groups to carry out discrete board tasks, and report to the full board.

Any procedural safeguards must, of course, be supplemented by adequate funding in order for the boards to truly function at their highest level. Boards which incorporate wide-ranging stakeholder input, follow procedural best practices, and receive adequate financial support represent the ideal structure for receiving the best and most inclusive information within a manageable framework.

Thoughtful structuring of the boards can also help make the general public a collaborative partner with the IJC. The IJC can increase the likelihood of more substantial public involvement by implementing our earlier recommendation of recruiting board members through a public mechanism.

We are grateful to see that the SAB's proposed functions include recruitment of experts to participate in IJC and board activities. The IJC should make a similar but expanded effort with respect to the WQB and make WQB membership more directly accessible to members of the general public by announcing publicly that the board is seeking members, thus allowing critical stakeholders who may otherwise inadvertently elude consideration to come forward. We recommend broad advertising of available positions, such as posting on GLIN. While the highly skilled SAB positions may require technical qualifications, this concern may be addressed by including clear criteria in the position advertisement.

#3: Use of Committees

We agree with the IJC's decision to use a committee structure for both the WQB and the SAB. A committee structure is generally, as noted above, an efficient mechanism for accessing a range of viewpoints. However, the choice to divide the committees of the WQB and, in part, the SAB between governmental members and public members raise significant concerns and is not sufficiently justified. One of the boards' most fundamental responsibilities is evaluating the effectiveness of governments' current efforts. A structure that may create a dynamic of government representatives dominating key discussions in the absence of non-government WQB members could quite plausibly undercut this basic purpose of the IJC and the boards. In addition, the governments already administer the Great Lakes Executive Committee, which includes representatives from all levels of government listed. It is difficult, thus, to understand the purpose of a government-only subcommittee charged with evaluating effectiveness of the identical units of government. While the mere existence of a committee structure will likely not operate as a wall between board members, the IJC should recognize the need for openness and transparency in board operations. As it has done in so much of its work in implementing the GLWQA, the IJC must continue to emphasize public participation—but such participation must be meaningful and available at all levels. Given the risks inherent in the current structure of the committees, we respectfully request a revision of this structure to include both government and non-government members on each committee.

#4: Board Member Competencies

As indicated in our earlier comments, we believe that defining competencies in a more comprehensive manner than simply academic credentials or professional experience is essential, and are heartened to see that the proposed competencies allow for consideration of a broader range of skills and first-hand knowledge when selecting members. The competencies would still benefit, however, from inclusion of SAB members with competencies in the social sciences. These experts would improve the SAB's ability to effectively communicate with the public, thus increasing the chances that the SAB's work will result in real-world accomplishments.

Similarly, the WQB competencies should emphasize not only water policy implementation and administration experience but also a sustained track record of achieving real and lasting ecosystem results. The success and relevance of the WQB and SAB will be informed in large part by whether the members understand how to practically effect change in the Great Lakes region regardless of sector. The WQB in particular will also benefit from members who speak credibly for constituencies who are engaged in on-the-ground restoration and protection. Including members with practical expertise implementing change will enable the WQB to perform its designated function of "providing advice on the role of relevant jurisdictions to implement these strategies and approaches." While designing appropriate board structures and assigning relevant functions to each board are important points of emphasis, creating boards with members whose combined skills will make effective action in the Great Lakes a reality must be a paramount goal.

Recruiting members with the appropriate competencies is, of course, intrinsically linked with the necessity of assuring the general public the chance for effective participation in the boards' efforts. A truly competent member of either the WQB or SAB will not operate solely within the silo of the board structure or coordinate only with other members, but will be capable of interacting with the general public and decision-makers to build relationships, maintain trust, and reach positive outcomes for the Great Lakes. In short, both the WQB and the SAB must seek not only acknowledged experts but also individuals who are skilled in the areas highlighted in this letter—coordination, effective communication, facility in operating with both government officials and private citizens, and an ability to synthesize these talents into objective results. Recruiting based on these skills may admittedly be more difficult than seeking certain types of technical expertise, but we remain confident that by keeping in mind the objectives we have laid out in this letter, the IJC will be able to select members who will ensure that the legacy of the IJC and its boards will be one of long-term successful change in the Great Lakes.

Conclusions

The proposed functions, structures, and competencies of the WQB and SAB are important steps toward successful GLWQA implementation. We are thankful that the IJC has implemented many of our previous recommendations, and appreciate the opportunity to assess the progress to date. However, despite numerous moves in the right direction, it is clear that there are still weak points in the proposed plans. While the proposed functions faithfully implement the requirements of the GLWQA, it must be clearer how the boards will function as coordinating intermediaries between the many jurisdictions with a stake in the future of the Great Lakes and how they will effectively communicate with the public. Additionally, although the proposed board structures earn high marks for being inclusive, we respectfully request a revision of this structure to include both government and non-government members on each committee. Finally, while the proposed competencies generally focus on the correct skills, the IJC must not lose sight of the absolute necessity of including members whose skills involve turning policy into concrete and consequential results on the ground. The IJC has done laudable work thus far in designing the WQB and SAB, and a few tweaks could prime both boards to be key pieces of a successful GLWQA implementation.

Thank you for the opportunity to comment on these proposals. We look forward to continuing to be partners with the IJC in implementing the GLWQA. For any additional information on the matters in this letter, please feel free to contact Lyman Welch at lwelch@greatlakes.org or (312) 445-9739 or any of the other organizations listed below.

Lyman Welch
Water Quality Program Director
Alliance for the Great Lakes

Lee Willbanks, Executive Director
Save the River
Upper St. Lawrence River Keeper

Theresa McClenaghan, Executive Director
Fe de Leon, Researcher
Canadian Environmental Law Association
416-960-2284

Melinda Hughes-Wert
President
Nature Abounds

Sandy Bihn
Executive Director
Lake Erie Waterkeeper Inc.

Cheryl Nenn
Riverkeeper
Milwaukee Riverkeeper

Grenetta Thomassey, PhD
Program Director
Tip of the Mitt Watershed Council

David Zieverink, President
Ohio Division
Izaak Walton League of America

Pat Lupo, OSB
Benedictine Sisters, Erie PA

Nicole Barker
Executive Director
Save the Dunes

Kristen Kubitzka, MPA
Director of Water Policy & Outreach
Ohio Environmental Council

Tom Fuhrman
President
Lake Erie Region Conservancy

Melinda Koslow, Program Manager
Great Lakes Regional Center
National Wildlife Federation

Sarah Galloway
PLEWA
PA Lake Erie Watershed Association

Dendra J. Best
Executive Director
Wastewater Education