

December 30, 2022

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Pierre Béland  
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Dear Commissioners Sisson and Béland,

In 1972 one need not have been a scientist to see that the Great Lakes were in trouble. Formed and filled by retreating glaciers 20,000 years ago and revered by the original peoples who depended on the lakes for sustenance, it was the advent of European settlement that began the decline of these waters. Wetlands were drained to grow crops, industrial facilities were built on the shores as an easy place to eliminate manufacturing waste, and human sewage from growing cities flowed straight into the waters of the Great Lakes. By 1972 areas of some Lakes were heavily polluted by industrial chemicals, sewage overflows, surface water runoff in cities, and agricultural fertilizers.

In 1972, following an eight-year period of study and negotiations, Canada and the United States signed a Great Lakes Water Quality Agreement (the Agreement). The Agreement has gone through a number of changes by amendment or rewrite over 50 years. In many ways it has proven to be a most effective international partnership measured in improved water quality. Yet in other ways it has been the mirror in which we see some of the most destructive human activities remaining unaddressed.

In this, the 50<sup>th</sup> anniversary year of its signing, the Great Lakes Water Quality Board (the Board), considered the context of how the Agreement is focused and organized and whether mechanisms for implementation could be strengthened to facilitate progress towards its goals.

The study, which was part of the Board's IJC-approved 2021-2022 Work Plan, included:

- A workgroup survey of stakeholders in the Great Lakes community.
- A workgroup evaluation of key literature on the history and operation of the Agreement.
- A contract with consultant Pollution Probe to conduct interviews with stakeholders, widely review the literature on operational effectiveness of the Agreement and prepare a comprehensive report, including recommendations on its findings.
- Workgroup identification of top recommendations for the IJC and the Parties based on the study process components.

What follows are the Board's key recommendations derived from the study process. Also included (Appendix A) is a very valuable report entitled "Review of the Great Lakes Water Quality Agreement" prepared as part of the study by a consultant team led by Pollution Probe.

The Pollution Probe report contains detailed research, conclusions and recommendations that inform and support our recommendations in this letter. That report also includes many useful recommendations on other topics, including recommendations for the IJC, that we have not included in this letter, but which may be of interest to Commissioners.

The Board's key recommendations fall into the following three thematic areas. Within each of these three themes we have identified items requiring immediate action, longer-term recommendations, and recommendations for action when the Agreement is next revised:

- Strengthening the role of Tribal Governments, First Nations, and Métis
- Creation of a new model for engagement and education
- Supporting improved governance, progress measurement, and accountability

We believe that implementation of these recommendations is critical to improving the effectiveness of the Parties and the IJC as each plays its role in protecting the Great Lakes under the Agreement.

#### **Recommendation 1:**

##### **Responsibility for implementation: The Parties**

##### **Strengthen the role of Tribal Governments, First Nations, and Métis, by broadening the Agreement's governance and implementation mechanisms.**

With this recommendation the Board acknowledges that the Agreement has become more inclusive through recent revisions, including the addition, in 2012, of the phrase "Tribal governments, First Nations and Métis" throughout the document and making Tribes, First Nations and Métis members of the Great Lakes Executive Committee.

The Indigenous perspective is also increasingly reflected in work products coming from the Board, the Great Lakes Science Advisory Board and the Health Professionals Advisory Board. Representatives of Indigenous peoples are involved, not as an afterthought, but as front-end partners in research, drafting and negotiating these studies.

Further, as identified in the Pollution Probe report, the Board recognizes that the Parties are also providing increased project and capacity support to Indigenous groups within the bounds of their statutory and funding capacity in the Great Lakes through programs like the Great Lakes Restoration Initiative and the Distinct Tribal Program in the US. Still, work remains to be done in this area as we move from a model of engagement to one of co-creation.

##### *For immediate implementation:*

- Ensure greater consideration is given to the specific priorities and concerns of Tribal Governments, First Nations, and Métis, including the provision of sufficient funding to

the Tribal Governments, First Nations and Métis to enable them to have meaningful engagement.

- Integrate Traditional Ecological Knowledge and ways of knowing into the implementation of the Agreement through strengthened relationships with Tribal Governments, First Nations, and Métis.

*For incorporation into the next draft of the Agreement:*

- The Parties draft a new Agreement using a multi-party governing structure. Using a process rooted in principles of reconciliation, Tribal Governments, First Nations, and Métis would be invited to become drafting partners of and signatories to the Agreement and parties to its implementation.

## **Recommendation 2:**

### **Responsibility for implementation: The Parties**

#### **Create a coordinated, well-resourced, and sustained model of engagement and education.**

The Board asserts that meaningful public engagement should be a priority and should help actualize the commitments in the Agreement to cooperate with state and provincial governments, Tribal Governments, First Nations, and Métis, municipal governments, watershed management agencies, local public agencies, and the public (broadly understood to include individuals and organizations such as public interest groups, researchers and research institutions, and other non-governmental agencies). An engagement model should maintain long-term, cooperative consultations and engagements in each lake basin, and a Great Lakes basin-wide collaboration. These should operate via virtual and/or in-person participation and discussion. Each lake basin group, as well as the Great Lakes basin-wide group, should report at Great Lakes Executive Committee meetings, and during triennial Great Lakes Public Forum and Summit meetings.

*For immediate implementation:*

- The Parties budget adequate resources to allow Tribal Governments, First Nations, Métis, and stakeholders in each lake basin to design, create and operate an ongoing engagement group that will meet quarterly. A Great Lakes basin-wide group should also be created whose membership will include a representative elected from each individual lake basin group as well as other stakeholders. This should also include engaging organizations to work directly with Tribal Governments, First Nations, Métis, and stakeholders to support discussion, education, and action by each lake basin group and the Great Lakes basin-wide group.
- The Parties allot adequate time at the Great Lakes Executive Committee (GLEC) meeting and the Great Lakes Public Forum for each of the lake basin groups as well as the Great Lakes basin-wide group to report on findings, comment on reports by the Parties, and propose innovative ideas and actions.

- The lake basin groups and Great Lakes basin-wide group devote adequate time annually to hold a Great Lakes collaborative meeting that will bring together lake and basin-wide groups and other interested parties for in-depth discussions, brainstorming, and consensus building on cooperative actions that can contribute to reaching the Agreement goals and objectives.

*For ongoing implementation:*

- Commit sufficient financial resources to ensure that each Party can achieve the objectives identified in the Agreement in addition to funding support for the individual lake and Great Lakes basin-wide groups proposed in this recommendation.

*For incorporation into the next draft of the Agreement:*

- Include a requirement for formation of the individual lake basin groups and Great Lakes basin-wide group into the Agreement.

**Recommendation 3:**

**Responsibility for implementation: the Parties.**

**Support improved governance, progress measurement, and accountability.**

Over 50 years and several amendments, accountability in the Agreement has shifted or weakened, as discussed in the Pollution Probe Report (Appendix A – Section 3). To achieve the goals of the Agreement going forward it is critical that accountability structures be created and that all parties be held accountable for performing their obligations. To that end the Board recommends:

*For immediate implementation:*

- Provide detailed work plans for each Annex on priorities for action, clearly identifying who is responsible for taking the lead role, setting expectations for other partners, identifying accountability and measurement targets, and outlining realistic timelines for completion of actions.

*For mid-range implementation (2-3 years):*

- Develop an overarching plan for the Great Lakes that outlines a clear and strong management and implementation framework to address challenges related to accountability for implementation, monitoring, reporting, and review. The plan must use clear language, detail, and guidance on desired outcomes and how progress will be measured, reported, and evaluated, so that the public can understand and hold the Parties accountable.

*For incorporation into the next draft of the Agreement:*

- Establish the requirement for detailed Annex workplans, to be developed through a multi-national process.

We feel that the recommendations and supporting contractor report will contribute significantly to the Commission's third Triennial Assessment of Progress (TAP) report and could help to inform the Parties' review of the operation and effectiveness of the Agreement, as required under Article 5(5), that will be initiated following its completion and release.

Thank you for your consideration of this letter and we look forward to continuing to assist the Commission in its Great Lakes Water Quality Agreement related efforts.

Sincerely,



Jon W. Allan  
U.S. Co-Chair  
Great Lakes Water Quality Board



Chris McLaughlin  
Canadian Co-Chair  
Great Lakes Water Quality Board