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RE: EBR Registry Number 011-9290: 8th Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health

The Ontario Council of the Canadian Federation of University Women (CFUW OC) is pleased to comment on the draft COA legislation. This is a detailed and ambitious document which has real potential for effecting needed change in the ecological health of the Great Lakes basin.

CFUW OC has participated in several briefings over the years regarding the COA. As a member of the Great Lakes Advisory Panel we have also participated in consultations around the development of the Great Lakes Protection Act, Ontario's Great Lakes Strategy and the 2009 Great Lakes discussion paper, "*Healthy Great Lakes, Strong Ontario*", as well as the current discussions regarding Regulations to govern Intra Basin Transfers.

CFUW OC supports the signing of a new COA framework. We are very pleased to note that many of the proposals made in past negotiations by the Government of Ontario have finally been accepted into the 8th Agreement as part of its Fourteen Annexes. The additions to the body of Annexes will recognize and begin to deal with new and emerging threats to the ecological health of the Great Lakes. We are especially pleased to see a recognition of the importance of near-shore waters as the critical ecological link between watersheds and the open waters of the Great Lakes; the commitment for the protection of wetlands against the pressures of development; and a recognition that water quality and ecosystem health cannot be achieved by addressing individual threats in isolation, but rather depend upon the application of an ecosystem approach that addresses individually and cumulatively all sources of stress to the Great Lakes.

CFUW OC is also very pleased to note the commitment by both parties to report regularly to the public on environmental conditions of the Lakes, and to issue a formal report at least every three years on the progress being made towards achieving the goals and the targeted results of the Agreement.

Article 2: PRINCIPLES:

CFUW OC applauds the Principles listed in the Agreement – including especially those of Net Gain, of the Precautionary Principle and of the commitment to a reliance on Science-Based Management. We agree with the Principles of Pollution Prevention and Polluter Pays. And we appreciate the undertaking for Accountability and Collaboration – not only to consult – but to incorporate and act on the advice received through these consultations.

However we note that in Article 2: Principles, Sections (o) and (p), the statement of principle has been qualified by the addition of the words “as appropriate”. These words could be used as a pretext to subvert needed action. The 2007 COA stated clearly that it “seeks to virtually eliminate persistent bioaccumulative toxic substances such as Tier 1 substances” in the Basin and to “reduce and prevent releases throughout the Basin”. The strength of that 2007 COA statement is even more vital today and it needs to be preserved in the wording of the Principles which guide the Agreement.

CFUW OC recommends that, in Article II: Principles: Sections (o) and (p), the words “as appropriate” be removed, to read:

(o) Virtual Elimination – adopt the principle of virtual elimination of Chemicals of Concern.

(p) Zero Discharge – apply the philosophy of zero discharge of releases of Chemicals of Concern.

ACCOUNTABILITY:

The issue of accountability for timely action is central to the success of this Agreement.

In order to enhance the Principle of Accountability in the timely action undertaken,

CFUW OC recommends:

That Article V 4 (b) be amended by adding the words “publicly available” to read:

b) undertaking annual, **publicly available, evaluations and assessments of the Agreement and recommending amendments and/or action to facilitate progress as appropriate; and**

That Article V 6 (d) be amended by adding the word “annually”, to read:

(d) monitoring progress against the goals, results, and commitments and presenting it **annually to the COA Executive Committee for review; and**

That Article VI be amended by adding the phrase “make available to the public the annual evaluations and assessments of the Agreement and recommendations for amendments and/or actions to facilitate progress made under Article V.4 (b); and also to”; to read:

The Parties agree to **make available to the public the annual evaluations and assessments of the Agreement and recommendations for amendments and/or actions to facilitate progress made under Article V.4 (b); and also to report jointly on progress made under the Agreement in a manner that generally aligns with reporting requirements under the Canada-United States Great Lakes Water Quality Agreement and Ontario’s Great Lakes Strategy.**

ARTICLE VII

RESOURCES: The success of the many important initiatives outlined in this COA document, is dependent on sufficient funding being allocated by the two tiers of government. To ensure a commitment to this funding support,

CFUW OC recommends that the words “subject to there being” be removed; that the words “by including” be added; and that the words “in the Budget of each of” be added before the words “the relevant fiscal year(s)”, to read:

The Parties commit to providing the resources needed to implement the Agreement and the Annexes pursuant to it, **by including an appropriation for such purposes in Parliament or the Legislature, as the case may be, **in the Budget of each of** the relevant fiscal years. The Parties agree to create opportunities for others to contribute resources, as appropriate, to achieving the Purpose of the Agreement.**

ANNEX 2: HARMFUL POLLUTANTS

CFUW OC is very disappointed in the measures outlined in ANNEX 2: HARMFUL POLLUTANTS. Many of the Goals and Commitments seem to be inordinately weighted towards process and study. They are lacking in strong targeted proposals designed to evaluate past actions and modify those measures which have not been productive or successful in achieving their goals. Nor is there specific, strong language designed to prevent the future release of pollutants, to enforce compliance or to provide consequences. The Principles of Virtual Elimination, Zero Discharge, Polluters Pay, principles established that “will guide the actions of the Parties” are not being rigorously applied. There is no sense of urgency in this Annex document even though it is dealing with persistent, bioaccumulative toxins that still persist in and that are still being released into the waters of the Great Lakes – poisoning the ecosystem of the Basin and the drinking water source for 40 million people around the Basin.

GOAL 1. Although Goal 1 concerning Tier 1 & 2 contaminants contains some defined timelines and specific actions, Tier 1 & Tier 2 Substances, listed in the previous COA, are no longer listed either in Article 1: DEFINITIONS or in the body of ANNEX 2. These dangerous toxins have already been studied and recognized by both parties over many years – and they should form the base to which new and emerging toxins are added.

CFUW OC recommends that the list of Tier 1 and Tier 2 Substances be reinstated to the COA document, and inserted as part of Goal 1 in ANNEX 2.

GOAL 2: The wording of this Goal seems to be a step back from the goals of previous COA's. It does not reflect the COA Principles of (o) Virtual Elimination or (p) Zero Discharge.

Therefore, in keeping with the Principles upon which COA action is to be based, CFUW OC recommends that the words “as appropriate” ” be removed, and that the words “to eliminate their” be added before the word “release” to read:

GOAL 2: IDENTIFY CHEMICALS OF CONCERN IN THE GREAT LAKES BASIN AND UNDERTAKE ACTIONS TO REDUCE OR ELIMINATE THEIR USE AND **TO ELIMINATE THEIR RELEASE WITHIN AND INTO THE GREAT LAKES BASIN.**

Result 2. 2 (a) As noted above, Tier 1 and 2 substances have already been studied and recognized by both parties as harmful toxins. Despite this fact, and despite over 40 years of COA commitments, these toxins are still being released and still persist in the Great Lakes Basin. There is no need – and it would be tremendously wasteful both of time and of resources to go through a process whereby these substances must be re-nominated and reconsidered as Chemicals of Concern.

Therefore, CFUW OC recommends:

That a new Section Results 2 (a) be inserted to read:

2 (a) Designate as Chemicals of Concern all chemicals identified previously as Tier I and Tier II; and

That Section Result 2 (a) be renumbered as 2 (b); and

That Section Result 2 (b) i be amended by adding the word “additional” after the word “nominate”; by striking the phrase “which could include” and adding the phrase “which could be added to the list of” to read:

2 (b) Establish a process:

i. By which each jurisdiction can nominate **additional candidate chemicals for consideration as Chemicals of Concern under this Annex, which **could be added to the list of** chemicals identified previously as Tier I and Tier II; and**

That the remaining Sections under Result 2 be renumbered accordingly.

Result 2.3: As noted above, the Principles of Virtual Elimination and Zero Discharge should inform actions under COA related to Chemicals of Concern. While it may not be possible to eliminate the use of these chemicals, their release into the waters of the Great Lakes basin should not be condoned. The Principles of Pollution Prevention and Polluter Pay must also be enforced.

Therefore CFUW OC recommends that the words “reduced or” be removed, to read:

Releases of Chemicals of Concern are eliminated within the Great Lakes basin; and

That the word “reduced” be removed from the Sections which refer to the release of Chemicals of Concern into the water or air.

For example, the first Section would then read:

Canada and Ontario will:

(a) Under their respective authorities, programs and strategies and in consultation with relevant sectors, as required, promote and support: life-cycle management; the use of safer chemical substances; best management practices and technologies which reduce or eliminate the use **and eliminate the release of Chemicals of Concern and products containing Chemicals of Concern;**

(b) Collaborate and coordinate, as appropriate, on activities to support reducing or eliminating the use and **eliminating the release of Chemicals of Concern ... etc.**

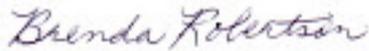
CFUW OC strongly supports the Priorities placed on Protecting Waters, Improving Wetlands, Beaches and Coastal Areas, Protecting Habitat and Species, Enhancing Understanding and Adaptation, and Promoting Innovation and Engaging Communities.

We look forward to monitoring the successful results of a strengthened 2014 Canada-Ontario Agreement.

CFUW Ontario Council

CFUW Ontario Council is composed of 54 clubs comprised of members living in urban and rural areas across Ontario. We are non-partisan, non-sectarian, a voluntary, self-funded, non-governmental organization. Our members are active in public affairs, advocating on public education, justice, health and environmental issues as well as the status of women and human rights. Ontario Council is part of the Canadian Federation of University Women which is the largest affiliate of the International Federation of University Women.

Sincerely



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