



Canadian Federation of University Women
ONTARIO COUNCIL



Comments on:

Great Lakes Protection Act, 2012
EBR Number 011-6461

to the

**Integrated Environmental Policy Division
Land and Water Policy Branch, Land Use Policy
Ontario Ministry of the Environment**

July 30, 2012

By the

**Canadian Federation of University Women
Ontario Council**

Submitted by
Brenda Robertson
President, Ontario Council
Canadian Federation of University Women
info@cfuwontcouncil.ca
www.cfuwontcouncil.ca

**Researched and written by Carolyn Day,
Water Issues, CFUW Ontario Council**

This fax contains 11 pages including this cover

Wendy Ren, Manager
Ministry of the Environment
Integrated Environmental Policy Division
Land and Water Policy Branch
Land Use Policy
135 St. Clair Avenue West, Floor 6
Toronto Ontario M4V 1P5
Phone: (416) 314-7201
Fax: (416) 326-0461

Re: EBR # 011-6461: Great Lakes Protection Act, 2012

The Canadian Federation of University Women (CFUW) Ontario Council welcomes the opportunity to respond to the public consultation on Bill 100, An Act to protect and restore the Great Lakes - St. Lawrence River Basin, known as the Great Lakes Protection Act, 2012 (GLPA).

We congratulate the Government of Ontario on the scope of this Act - for its focus, its clarity and its authority.

We commend the Government of Ontario for their continuing commitment to meaningful consultation and for the strong network they have built throughout the province in the past few years, a coalition between stakeholders from all sectors and provincial staff. The Great Lakes Annex Advisory Panel and the Great Lakes Cities Initiative are just two examples of this welcome spirit of cooperation. CFUW Ontario Council has been pleased to be a part of this ongoing consultative process since 2004.

The 6,000 members of CFUW Ontario Council in 55 communities in all the regions of Ontario (list appended) have made Water and all policies surrounding this life-sustaining resource a priority.

CFUW has, over many years, developed a body of policy which impacts on Water, addressing such issues as Water as a Public Good, Sustainability of our Water Resources, Water Conservation, the Prohibition of Inter-basin Diversions, Water Pollution, Drinking Water Standards, Preservation of Wetlands, Acid Rain, Resource Depletion, Safe Waste Disposal, the Status of Water under NAFTA, Export of Bulk Water, Marine Development, and the Impact of Climate Change. (Some pertinent CFUW policies on water are appended, Appendix A)

CFUW Ontario Council participated in the consultation on May 6, 2009 in Toronto responding to the Discussion Paper Healthy Great Lakes, Strong Ontario. We are very pleased to note that many of the recommendations that came out of that consultation have been incorporated into the legislation, the **Great Lakes Protection Act, 2012**.

PART I:

CFUW Ontario Council is very pleased to see (Section 1.1&2) the strong over-riding focus for the legislation - as indicated by the name of the Act itself - has now become to **"protect and restore the ecological health"** of the Great Lakes-St. Lawrence River Basin waters. This focus on the waters themselves - echoed in the explicit naming of wetlands, natural habitats, biological diversity, environmental sustainability and science - makes it a clearer and a much more powerful document than the 2009 discussion paper.

CFUW has strongly opposed the recent federal decision to change the protections previously offered to water (fish habitats) under the Fisheries Act. We are concerned that waterways in Ontario will no longer be adequately protected from the dumping of "deleterious substances". We feel that it is very important for Ontario to restore that protection for all the watersheds of the Great Lakes and St Lawrence River Basin. This can be done by reinforcing through this legislation explicit prohibition against the release of chemical toxins and other harmful substances (eg. nutrients from sewage and agricultural runoff, heavy metals, dense non-aqueous phase liquids, endocrine disruptors, etc.) into the waters. This would more closely align this legislation with the protections provided under the Clean Water Act. And importantly, it would serve to protect the near-shore waters and the waters in the basin watersheds that do not serve as municipal drinking water sources from the 21 threats to water identified in the Clean Water Act.

CFUW Ontario Council therefore recommends that:

Section 1.2.4 be inserted to read:

4. To prevent the release of chemical toxins and other harmful substances into the Great Lakes - St. Lawrence River Basin.

and that the present 1.2.4 and 1.2.5 be renumbered.

PART II

The Great Lakes Guardians' Council is an excellent way to build on the success of present consultative bodies, to make use of the expertise in the various stakeholder groups, to engage specialist knowledge when appropriate and to involve communities as partners in the work of planning and protection on a regional basis.

However, in order for the work of the Council to be effective, there must be continuity and credibility to its work. Members must feel that the Council is an entity to which it is worth giving their personal time, energy and skill. They must feel too that the input they will give will be valued and given serious consideration by the Ministry. And they must have a thorough knowledge and understanding of the issues at stake.

This is difficult to achieve when the Council, as set up under the draft legislation, has no core group of continuing members and no set timeframe for meetings.

CFUW Ontario Council therefore recommends that:

A core group made up of representatives of the sectors named in Sections 4.3b, 4.3c and 4.3d be designated as permanent members of the Council;

and that:

A sentence be added to the end of Section 4.2 to read:

"There shall be a minimum of one meeting of the Council each calendar year."

It is good that the **various sectors** to be represented on the Council (Section 4.3) are delineated in the legislation. We are especially pleased to see that "other Great Lakes Ministers" will be a part of the Council. This will help to break down the "silos" and information gaps which too often exist between Ministries. And it serves to underline the importance the Government places on the work of the Council and the priority it places on the successful implementation of the Act.

The forum of discussion (Section 4.4) for the Council is heavily weighted toward the creation of ideas and projects. We agree that these are valuable areas for their input. However, there is also a need for follow-up and evaluation. There need to be questions asked: "Has the proposed project been started/completed?" "Why or why not?" "Did it have the desired effect?" "Why or why not?" The work of the Council needs to be more clearly linked to the Contents (Section 6) and the Progress Reports (Section 7) of the Great Lakes Strategy.

CFUW Ontario Council therefore recommends that:

Two additional areas be added to Section 4.4

- **Identify potential barriers to the successful completion of actions or projects to achieve the purposes of this Act.**
- **Evaluate the effectiveness of actions or projects undertaken to achieve the purposes of this Act.**

PART III

While nine years may be a reasonable timeframe for a total review of the Great Lakes Strategy, **Progress Reports** (Section 7) must be given at more frequent and specified intervals, or any momentum in public involvement and/or government incentive will be lost.

CFUW Ontario Council therefore recommends that:

The first sentence in Section 7 be amended to read:

The Minister of the Environment shall, before the third anniversary of the Act coming into force, and every three years thereafter, after consulting with the other Great Lakes ministers, prepare a report setting out the following:

PART IV

CFUW Ontario Council is pleased to see that **Target-setting** (Section 8) has become part of the Strategy for the protection and restoration of the Great Lakes. In light of the sad reality that three of the four Great Lakes are in decline, Targets will give our communities and industries around the Lakes a definite measure by which to assess the damage they are doing and the changes they need to make to their present practices in order to restore and maintain the quality and quantity of the Great Lake waters. The progress toward meeting a Target must also be reported as part of the Review to assess the efficacy of the initiatives, and to keep the public informed and motivated to do better.

CFUW Ontario Council therefore recommends that:

A clause 8.2.4 be added to read:

4. If a qualitative or quantitative Target has been set, a progress report on efforts to meet that Target shall be issued as part of the triennial Progress Report.(Section 7.2)

CFUW Ontario Council further recommends that:

If there is no progress being made toward achieving a Target, the Minister be empowered to mandate further specific action in order to meet the Target.

PART V

The process for submitting Proposals for Geographically Focused Initiatives (Section 11) gives no mention of assessing cost or financing for the proposals. It is so often a lack of funding that delays or kills plans for improvements.

CFUW Ontario Council therefore recommends that:

A phrase be added to the end of Section 11.2 to read:

"and an estimation of the cost of implementation".

PART VI

CFUW Ontario Council is very pleased to note the **Precedence** given in cases of Conflict between any two instruments which have the potential to affect the ecological health of the GL-SLRB (Sections 20-24& 26.15) whereby "the provision which provides the greatest protection to the ecological health of the GLSLRB prevails."

We are likewise pleased to note (Section 26.1.a&b) the strength of protection afforded coastline areas of the Great Lakes. This is an especially important provision in areas where development pressures are highest and where wetlands are threatened.

It is good to have enforcement penalties clearly spelled out (Section 26.8-11) in the Act. It is most often in lack of effective monitoring and enforcement that good legislation fails to achieve its aims.

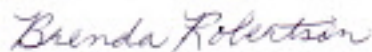
However, we are very concerned that the strong protections outlined in **Section 26.1a and Section 26.1b** are limited only as "shoreline protection to areas in which initiatives apply". If this legislation is to be effective and fair to all, the Lieutenant Governor in Council must have the authority to regulate "prohibiting activities that may adversely affect the ecological health of the GLSTRB" and/or compliance with a requirement for action "to protect or restore the ecological health of the GLSTRB" along all shorelines of the GLSLRB - even in areas in which a specific initiative has not been approved.

CFUW Ontario Council therefore recommends that:

Sections 26.1a and 26.1b be transferred and inserted as a new Section V under the heading of "Shoreline Protection"; and that the current Sections V & VI be renumbered.

Ontario Council of the Canadian Federation of University Women is composed of 55 clubs comprised of graduates living in urban and rural areas across Ontario. We are non-partisan, non-sectarian and we are totally member funded. 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 and has links to the International Federation of University Women.

Respectfully submitted,



Brenda Robertson
President, Ontario Council
Canadian Federation of University Women
info@cfuwontcouncil.ca
www.cfuwontcouncil.ca

APPENDIX A

Canadian Federation of University Women ONTARIO COUNCIL

Policy relating to the Water and the Great Lakes

Note: CFUW Ontario Council policy integrates policy passed by CFUW Ontario Council as well as that of CFUW and IFUW

1967 Water Pollution

RESOLVED, That the Canadian Federation of University Women request the Government of Canada to give effective leadership in the following ways, as laid down in the guidelines of the Conference of Resource Ministers:

1. To establish a national abatement code as soon as possible.
2. To direct and co ordinate development of standards, supply of information, and active research related to water pollution, and
3. To continue to provide financial incentives, in order to accelerate the application of pollution control measures.

1988 Drinking Water Quality

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada, to enact legislation which would establish substantive and procedural laws in order to:

1. set rigorous quality standards for ground and surface drinking water which would be updated frequently to reflect current research and increased technology; and develop strict standardized inspection, testing and enforcement procedures to uphold these standards;
2. fund research into the identification and removal of substances in the drinking water which may be harmful to human health and distribute the results of such research to the provincial and territorial authorities responsible for administering water quality legislation;
3. provide user protection by:

- a) requiring immediate public notification of instances of water contamination and ensuring an adequate supply of safe water either by decontamination or the provision of alternate sources; and
- b) requiring the inclusion of safe water provisions in Emergency Planning Canada and promoting emergency planning schemes at other government levels.

2006 Enforcement of the Fisheries Act

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada and the Ministry of Fisheries and Oceans to enforce the Fisheries Act to eliminate the pollution of fish and their habitat in Canada's coastal and inland waters.

2004 Alien Invasive Species

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada:

1. to establish and fully implement measures, policies and funding as recommended by the Canadian Biodiversity Convention Office in their Canadian Biodiversity Strategy to fulfill Canada's commitment to the United Nations Convention of Biological Diversity (1992) with respect to Alien Invasive Species; and
2. to coordinate the related efforts of departments of the federal, provincial, territorial and municipal governments to prevent, control and/or eradicate these species.

RESOLVED, That the Canadian Federation of University Women urge the federal, provincial territorial and municipal governments to expand and promote broader educational programs that would alert the public to the wide variety of dangers posed by alien invasive species and would inform the public of measures that can be taken by individuals to prevent, control and/or eradicate these species.

2001 Canadian Water

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the federal, provincial and territorial governments of Canada to protect our water resources and specifically to declare that water, being a non-renewable natural resource of paramount importance, belongs to the Canadian public and its use must be regulated in the long-term public interest;

RESOLVED, That CFUW urge the federal, provincial and territorial governments to adopt and implement a sustainable and prudent water management policy to respond to long-term regional needs with due regard to the ecosystem and hydrogeological reality; and

RESOLVED, That CFUW urge the federal, provincial and territorial governments to promote conservation and more efficient use of surface water and groundwater at individual, local, provincial, territorial, national and international levels.

2000 Canadian Water

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada and the provincial and territorial governments to take all measures necessary to ensure that large-scale freshwater commercial exports carried out by any means do not take place.

1993 Canadian Water

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to pass and enforce a Canada Water Preservation Act which will prohibit further diversion of water between drainage basins and which will ensure Canada sovereignty over its domestic water resources; and

RESOLVED, That CFUW urge the Government of Canada to resolve immediately the uncertainty surrounding the water-trade issue through the execution of a separate and binding joint diplomatic agreement, ratified by both the US Congress and the Canadian Parliament, which ensures that nothing in the Canada-US Free Trade Agreement shall apply to Canada's water resource in other than bottled form.

1995 Sustainability

RESOLVED, That national federations and associations (of the International Federation of University Women) should:

1. urge their respective legislative bodies to incorporate the protection of the environment as an overall goal into their basic laws;
2. help raise a general awareness of the necessity of protecting the environment, in particular by expounding the consequences of resource depletion, the degradation of natural systems, the dangers of pollution and the destruction of fragile ecosystems;
3. promote the education of girls and boys of all ages in science, technology and disciplines relating to the natural environment; and
4. encourage governments to promote the development of sustainable and ecologically sound consumption and production patterns including ecologically

safe waste disposal, the re-use and recycling of resources, the reduction of air pollutants, the careful management of energy sources and the use of environmentally sound technologies.

1990 **Preservation of Wetlands**

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to:

1. establish a standard system of evaluation of wetlands, in co-operation with the provincial and territorial governments in order to identify wetlands which it is agreed are worthy of preservation and statutory protection. (specially significant);
2. increase its support of research on wetlands;
3. increase its efforts to make the Canadian public aware of the vital importance of wetlands; and

RESOLVED, That CFUW urge their provincial and territorial governments to:

1. a) establish a system of evaluation for wetlands consistent with the national system, and to pass legislation to protect and monitor those wetlands which have been identified as specially significant;
b) increase their support of research on wetlands;
c) increase their efforts to make the public aware of the vital importance of wetlands; and to
2. a) be alert to any proposed development in areas where there are wetlands which might be degraded or lost; and
b) urge the relevant planning boards, municipal councils and like authorities at the local level to have evaluations done in order to preserve significant wetlands.

Appendix B

Canadian Federation of University Women ONTARIO COUNCIL Club Locations

Ajax – Pickering	Kingston	Oshawa & District
Aurora - Newmarket	Kitchener - Waterloo	Ottawa
Barrie & District	Leaside - East York	Owen Sound & Area
Belleville & District	London	Perth & District
Brampton	Markham - Unionville	Peterborough
Brantford	Milton & District	Renfrew & District
Burlington	Mississauga	Sarnia Lambton
Cambridge	Muskoka	Saugeen
Chatham - Kent	Nepean	Scarborough
Cornwall & District	Niagara Falls	Southport
Etobicoke	Norfolk	St. Catharines
Georgetown	North Bay	St. Thomas
Grimsby	North Toronto	Stratford
Guelph	North York	Sudbury
Haliburton Highlands	Northumberland	Thunder Bay
Hamilton	Oakville	Toronto
Kanata	Orangeville & District	Vaughan
Kincardine	Orillia	Welland & District
		Windsor