



GREAT LAKES LEGISLATIVE CAUCUS

September 20, 2011

Dr. Susan Hedman
Administrator
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Mr. James Vollmershausen
Regional Director General
Environment Canada
Ontario Region
4905 Dufferin Street
Toronto, ON M3H 5T4

Dear Dr. Hedman and Mr. Vollmershausen:

We the undersigned members of the Great Lakes Legislative Caucus (GLLC) are writing to transmit our comments on the proposed changes contemplated for amending the Great Lakes Water Quality Agreement between the United States and Canada. The GLLC is a nonpartisan, binational organization representing the eight U.S. states and two Canadian provinces that are home to the Great Lakes. One of our primary goals is to promote the restoration and protection of the Great Lakes. As elected officials from the jurisdictions that will bear significant responsibility for implementing the Agreement, we have a very significant stake in the amended Agreement.

Process: We are disappointed that the Parties are not publicly releasing the actual wording proposed for the amended Agreement. While we appreciate the opportunity to comment on the “directions” in which the Agreement seems headed, without seeing the specific language, it is difficult for us to assess how well the proposed amendments will protect and restore the Great Lakes. We are providing comments at this stage on what information has been released to the public. We request the opportunity to review and comment on the draft Agreement before it becomes final.

Scope: We applaud the Parties for adopting a basin-wide ecosystem-level approach. We would like to see consistency throughout the basin in terms of the goals for cleaning up existing contamination and for preventing future impairments to water quality. In addition, it is imperative for the new Agreement to place a strong emphasis on action, identifying specific timelines and milestones for achieving the desired restoration and protection endpoints for each lake. Without specific targets and sufficient funding, progress in restoring the Great Lakes will remain slow even as new threats continue to emerge.

Governance: Replacing the current Binational Executive Committee with a Great Lakes Executive Committee (GLEC) may be an improvement. We appreciate the Parties’ commitment to recognize explicitly the “roles of governments and jurisdictions in the Great Lakes region” and to “communicate with governments and stakeholders.” Because our members represent public constituencies as well as state and provincial governments, the GLLC requests a seat on the new GLEC so that state and provincial legislators can be involved in clarifying roles and identifying opportunities for stakeholder and public participation. We also request the opportunity to appoint representatives to participate on annex-specific subcommittees charged with operationalizing the provisions of the Agreement.

Accountability: Requiring Comprehensive Progress Reports every three years is a step in the right direction, especially if the reports are released prior to the planned summit meetings for Great Lakes stakeholders. State and provincial legislators should be briefed on these reports as well as have the opportunity to participate in the summit meetings.

Public Engagement: We are very much in favor of increasing public engagement in efforts to protect and restore the Great Lakes. Going forward, the public engagement process will need to improve significantly upon the binational process employed in the course of amending the Agreement in 2010-2011. We trust that with greater stakeholder involvement in the GLEC and annex subcommittees, the process will, indeed, improve.

Notification: We appreciate the spirit behind the new notification component that would require the Parties to exchange information on “planned facilities or activities that could have environmental effects on the waters of the Great Lakes.” Without seeing the detailed language, however, we wonder how this new component will work in practice. Who will be responsible for providing the notification, to whom, when, and what consequences will there be for not providing notification? Will there be a science-based, risk-informed threshold for notifications? That is, would a proposed shipment of nuclear waste rise to the same notification urgency as a planned new refinery? At the very least, the new component should require the Parties to share any notifications with states and provinces, including the legislatures.

Areas of Concern (AOC): Cleanup has been completed at only four of the 43 Areas of Concern, leaving most sites to continue posing a risk to human health and the environment. Going forward, it is critical for both Parties to accelerate the pace at which contaminated sites are cleaned up.

Funding: Achieving the Agreement’s goal of restoring and maintaining “the chemical, physical, and biological integrity of the waters of the Great Lakes Basin Ecosystem” will require the commitment of significant resources by both Parties at a time when financial constraints abound. The Great Lakes are a vital resource to our states and provinces, providing drinking water to 40 million people and generating billions of dollars in economic activity for our region. We urge the Parties to place a high priority on restoring and protecting our Lakes. On the U.S. side, the federal government has proposed \$350 million in funding for the Great Lakes Restoration Initiative in FY12 – a decrease of \$125 million or 26% from the FY10 appropriation. In contrast, the Department of Energy’s proposed FY12 budget for protecting the Columbia River in the Pacific Northwest is \$1.36 billion – an increase of 24% over current levels. Such a disparity in funding priorities is neither logical nor acceptable. We urge the Parties to work at the domestic level to ensure that funding for implementing the Agreement is sufficient to help all levels of government meet the challenges of restoring and protecting the binational treasure that is the Great Lakes.

We appreciate the opportunity to comment on the proposed directions for an amended Agreement. We would welcome the chance to be briefed on the language of the draft Agreement. If you have any questions regarding this letter, please contact Minnesota State Senator Ann H. Rest at 651.296.2889 or Lisa Janairo at 920.458.5910.

Sincerely,



Senator Ann Rest, Chair
Minnesota



Senator Terry Link
Illinois



Representative Karen May
Illinois



Senator Ed Charbonneau
Indiana



Senator Joe Zakas
Indiana



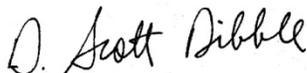
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Michigan



Representative Eileen Kowall
Michigan



Representative Joe Atkins
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Senator Scott Dibble
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