

COMMENTARY

The Ongoing Review of the Great Lakes Water Quality Agreement

Gail Krantzberg*

*Dofasco Centre for Engineering and Public Policy
McMaster University
1280 Main St. W.
Hamilton, Ontario L2S 4K1*

The Great Lakes Water Quality Agreement (GLWQA) is a binational agreement, first signed in 1972 by Prime Minister Pierre Trudeau and President Richard Nixon, wherein the two countries (the Parties) commit to “restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem” (Canada-United States 1978). Article X of the Agreement states that the Parties shall conduct a comprehensive review of the operation and effectiveness of this Agreement following every third biennial report of the [International Joint] Commission (IJC). The IJC’s 12th Biennial Report, released in 2004, triggered this important science, program and policy review which commenced May 2006, 2 years after the biennial report, and resulted in a draft document produced by the Agreement Review Committee of the Binational Executive Committee (BEC) in May 2007.

Before discussing conspicuous characteristics of the Agreement review, for those with less background on the GLWQA, context is important. The GLWQA is ostensibly a water quality, or some would maintain, a chemical pollution agreement, with a single reference to the ecosystem approach. Both the 1972 and 1978 Agreements were focused on pollutant reductions: phosphorus in the 1972 Agreement and persistent toxic substances in the 1978 Agreement. Considering the wide-scale consequences of more recent stressors and drivers of ecosystem quality such as invasive species and climate change, contemporary environmental thinking and activism has moved beyond pollutant reduction to include the broader concepts of protection, revi-

talization, and rehabilitation of all components of the ecosystem (Bails *et al.* 2005).

There have been no changes to the programs, policies, or priorities within the GLWQA since 1987 with the Parties either forgoing the mandated review or after the review, making no changes. Further, some elements of the GLWQA stand untouched since 1972, fully 35 years ago. By no means has science, technology, and public policy remained static in that time. Neither have the stressors on the Great Lakes ecosystem stayed constant. While a detailed review of the relevance, clarity, and effectiveness of the Agreement was conducted in 1999, it was done so entirely by staff of federal, provincial, and state governments. The environmental nongovernment organizations, justly distrustful of this closed approach, successfully lobbied senior administrations (such as administrators and deputy ministers) to terminate the review before any revisions were contemplated by the Parties. Learning from this error in process, the governments opened the review to public participation in 2006.

The Binational Executive Committee (BEC), a body of federal, state, and provincial governments who seek to implement the Agreement, created the binational Agreement Review Committee, co-chaired by Environment Canada and the U.S. Environmental Protection Agency, and directed it to oversee the review. The Review itself was divided among eight binationally co-chaired Review Working Groups (RWG) comprised of over 350 federal, provincial, state, and non-government issue experts and non-experts alike (BEC 2007). The Review also included an examination of issues not specifically addressed in the existing GLWQA through a Special Issues Working Group.

*Corresponding author. E-mail: krantz@mcmaster.ca