



CANADIAN INSTITUTE FOR  
ENVIRONMENTAL LAW AND POLICY

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February 15, 2007

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Via Facsimile (416) 314-7200

Dear Ms. O'Neill

**Re: Renewal of the Canada-Ontario Agreement Respecting the Great Lakes Basin  
Ecosystem (COA), Registry # PA07E0001**

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the Ministry's consultation on the renewal of COA. CIELAP was founded in 1970, with the mission to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability. CIELAP has been involved in work relating to COA for many years.

The Great Lakes provide important ecosystem services, supplying the citizens of Ontario with various ecological services and functions, from a source of drinking water and recreational pursuits to modifying the local climate. Because of the importance of the Great Lakes to both Ontario and Canada, their protection is of great concern. While the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA) contains many Annexes for the protection and remediation of the Great Lakes, there is room for improvement.

**Areas of Concern**

The Areas of Concern (AOCs) Annex is beneficial in that it allows for exceptionally degraded areas to be targeted for extra attention. However, since the creation of COA only two areas (Collingwood Harbour in 1994 and Severn Sound in 2003) have been removed from the Areas of Concern list. Furthermore, with the exception of a report on the progress and restoration of Severn Sound, there is no information on any of the AOCs. The Remedial Action Plans are not available, and the current progress can not be found. Maintaining up-to-date progress reports will allow the public to stay informed of improvements and maintain accountability for the remediation of the AOCs. As well, after AOCs are delisted they should continue to be monitored to ensure that the health of the area does not decline.

*Advancing the Environmental Agenda*

## **Harmful Pollutants**

The Annex dealing with Harmful Pollutants has made progress, however much work still remains. It has become much too common to hear the long list of beach closures over the summer months as well as warnings limiting fish consumption, preventing individuals from enjoying all of the recreational possibilities the Great Lakes provide. Better sewage and waste water treatment is essential to keeping the Great Lakes clean. In addition, mercury and other toxins continue to persist in the Great Lakes at the same time new toxins are being discovered. Recent studies have shown the ecological dangers associated with various pharmaceutical and personal care products. These chemicals can originate from various products such as prescription and non-prescription drugs, fungicides, shampoos, and deodorants. The release of these chemicals into aquatic systems can cause a number of harmful effects on the behaviour, development, and reproduction of aquatic organisms. It is crucial to not only monitor the presence and concentrations of these various substances, but also have detailed plans and procedures for their reduction and removal. In addition, public education about the presence of these toxins and specifically pharmaceuticals, as well as how individuals can act to reduce their presence would be of great value. For more information on pharmaceuticals and personal care products, see the CIELAP publication *There Is No "Away" - Pharmaceuticals, Personal Care Products, and Endocrine-Disrupting Substances: Emerging Contaminants Detected in Water*.

## **Lake-wide Management**

While each of the Great Lakes has its own management needs, the ecosystem as a whole suffers from continued and persistent invasions by exotic species. The occurrence of invasive species needs to be dealt with using a two step strategy. First, invasive species should be prevented from entering the system. Secondly, should invasive species manage to enter and proliferate in the Great Lakes various strategies must be employed to eliminate them from the system. In addition, improving the health of the Great Lakes ecosystem and the various native organisms will allow greater resistance to invasive species. Detailed plans to deal with invasive species need to be created and carried out, both in terms of the general prevention of invasives and plans targeted to individual species.

## **Monitoring and Information Management**

Few ecological problems can be solved without the help of scientific monitoring and experimentation. Greater monitoring and management strategies need to be employed so that negative changes and signs of degradation can be dealt with and reversed quickly and efficiently. Again, monitoring information for each lake should be made available to those managing other lakes as well as to policy makers and the general public. This will allow for greater management coordination, greater accountability, and an opportunity for the public to become engaged and aware of the ecological condition of the environment they depend on for many of their services.

With the impending impacts of climate change, it is important to monitor the current state of the Great Lakes as changes in temperature and precipitation will have an effect on the Great Lakes ecosystem and its native species. Vigilant monitoring now will allow small changes to be noticed immediately so that strategies for preventing and mitigating the various effects of climate change can be developed. As well, predictions of the impacts of climate change can allow for the development of various policies and management plans now to lessen the impact of future changes.

### **Additional Concerns**

As previously mentioned, greater public participation is needed to get citizens involved in the protection and restoration of the Great Lakes. Many Ontarians identify with the Great Lakes and consider them important resources. The current difficulties of this ecosystem should be made apparent, as well as the role of citizens in restoration efforts. Providing information will not only allow the general public to become more involved, but will also allow for greater transparency and accountability on a matter that is of great importance. It is crucial to have the public involved not only as an audience, but also as decision makers.

Accountability will further be achieved through the use of specific goals with detailed timelines and approved financial funding. This will provide measurable results and will maintain progress. As well, activities will not be delayed or pushed aside due to a lack of financial resources. Therefore clear, accessible guidelines on the amount of funding allocated for each project, as well as the process required to obtain additional funding for current projects or initial funding for new projects is required.

### **Addition of New Annexes**

In general, CIELAP supports the addition of the proposed new annexes, provided the objectives are clearly defined, goals are set and plans to attain those goals are created. The addition of a Sustainability Annex could help emphasize the importance of the ideas surrounding sustainability in terms of the Great Lakes. It is again critical to clearly define sustainability for the Great Lakes and provide a framework for measuring and achieving sustainability. This framework should include consideration of commercial and recreational fisheries, water use, and the general health of the lakes. In addition, improving the sustainability of the Great Lakes should include the involvement of the local communities and municipalities, to ensure local actions are consistent with the annex and concern for the sustainability of the Great Lakes will continue into the future. More information on ensuring sustainable development targets are met, see the CIELAP publication *Sustainable Development in Canada: A New Federal Plan*.

An annex specifically targeted towards climate change would help place a priority on a large scale issue with numerous potential implications. As previously mentioned, extensive monitoring now will allow for subtle but important changes to be recognized as they are occurring, and mitigation, prevention, or adaptation strategies can be carried out immediately, before changes are too large to be prevented or reversed.

Since the Great Lakes are an important source of drinking water, an annex that supports their protection as such is greatly encouraged. This annex should identify the risks to water quality and attempt to maintain and improve the water quality not only in the lakes themselves, but also in the nearshore areas, tributaries, and aquifers. In order to accomplish the goals of this proposed annex, it is essential to engage the First Nations community, and provide coordination between the authorities and implementers as well as between the various LamPs and RAPs. A prioritization needs to be made to support wastewater infrastructure including treatment plant upgrades and methods for removing toxins and pharmaceuticals. Lastly, greater public education is required to increase awareness among the general public about the importance of the protection of the Great Lakes as a source of drinking water and their role in releasing various harmful materials, such as pharmaceuticals and personal care products.

Lastly, it is again important that a reasonable level of funding is provided to ensure that these annexes can be properly pursued. A lack of funding or a lack of security of funding will greatly diminish the ability of these annexes and COA as a whole to perform its function.

Thank you for the opportunity to provide input on this proposal. Please contact me, or Maureen Carter-Whitney, CIELAP's Research Director, if you wish to discuss any of these comments further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Anne Mitchell". The signature is fluid and cursive, with the first name "Anne" being more prominent than the last name "Mitchell".

Anne Mitchell  
Executive Director

Cc: Hon. Laurel Broten, Minister of the Environment  
Gord Miller, Environmental Commissioner of Ontario