

Analysis of Environmental Regulations and Laws

Canada-Ontario Commitment to Great Lakes Cleanup Expires Tomorrow

(Toronto, March 30, 2000) The major Great Lakes clean-up agreement between Canada and Ontario will expire on March 31. The two levels of government have yet to begin negotiations on a new Accord. The 1994 *Canada Ontario Agreement on the Great Lakes Basin Ecosystem* (COA) was intended to fulfil Canada's obligations under the 1972 *Canada-United States Great Lakes Water Quality Agreement*.

"Immediate action is needed by both governments to rectify this significant failure in national and provincial environmental policy" stated Anne Mitchell, Executive Director of the Canadian Institute for Environmental Law and Policy (CIELAP). "Work on Great Lakes Areas of Concern (AOC) remediation, including the St. Mary's, St. Clair, Detroit and St. Lawrence Rivers, Hamilton and Toronto harbours, and the Bay of Quinte is incomplete. This shortcoming will be compounded by the dramatic increase in generation of hazardous wastes in Ontario, as well as imports of these wastes for disposal."

Ms. Mitchell went on to say "COA was intended to restore the health of the Great Lakes, but it is now an unfulfilled promise with no immediate prospect of renewal. The Ontario Ministry of the Environment's business plan barely mentions Great Lakes restoration. Last month's federal budget promised less than \$25 million to replace the \$150 million funding program that accompanied the 1994 Agreement. This is tragic, when there is an ever increasing world wide awareness of the importance of clean water."

One year ago, CIELAP's Research Director, Mark Winfield publicly called for the COA's renewal, and provided early warning to a Panel reviewing COA. He stated "the obvious lack of commitment makes it clear the COA's specific goals and objectives will not be met by its expiry date of March 2000. Furthermore there is evidence of worsening problems in a number of areas that were to be addressed through the Agreement." The CIELAP report *Troubled Waters* released on March 17, 1999 provides an in-depth analysis of the deficiencies in the implementation COA.

In 1994 the Deputy Prime Minister, three other federal, and four provincial Ministers signed the COA which was to focus on three objectives:

- restoration of 17 heavily polluted Bi-national AOC's identified in a 1987 Protocol to the Canada-U.S. Agreement;
- a 90% reduction in the use, generation and release of 37 persistent toxic substances identified in the Agreement; and
- conservation and protection of human and ecosystem health in the Great Lakes Basin.

Ottawa and Queen's Park agreed to an estimated cost of \$2.5 billion to achieve these objectives, including approximately \$1.7 billion for the restoration of degraded areas. Winfield stated that "neither government (Canada or Ontario) came close to fulfilling these commitments."

Winfield observed "the COA is yet another environmental initiative victim of circumstance. The federal government's February 1995 'Program Review' budget, combined with the election of a new Government of Ontario, resulted in a series of major budget cuts and restructuring at both levels which conspired against COA reaching its potential."

Winfield explained that "key federal and provincial agencies, such as the federal Department of Fisheries and Oceans, and the Ontario Ministry of Natural Resources, both of whose Ministers were signatories to the Agreement, simply walked away from their obligations. For example in January of 1997, the Ontario Ministry of the Environment laid off the coordinators for most of the provincially led Remedial Action Plans for Great Lakes AOCs.

Ms. Mitchell highlighted the need for a comprehensive program like the COA, by citing a long list of Great Lake water quality related issues that need increasing amounts of attention:

- Land-use planning rules in Ontario have been rewritten to reduce the protection of ecologically important areas, such as wetlands, streams and shorelines
- unsustainable patterns of groundwater use, and proposals for water exports
- increasing agricultural and urban runoff
- accelerating urban sprawl, and declining air quality throughout southern Ontario

Winfield stated that the COA is needed to recommit the Parties to the basic goals of the *Great Lakes Water Quality Agreement*, namely:

- virtual elimination of persistent toxic substances from the Lakes
- completion of Areas of Concern remediation
- restoration and maintenance of the chemical, physical and biological integrity of the Lakes.

COA should also specify the responsibilities of each level of government and agency in the achievement of its targets, the allocation of resources for this purpose by each level of government, and recognize the role of municipal governments, conservation authorities and aboriginal governments and communities in the achievement of its objectives.

Mitchell concluded by saying, "Major steps towards the restoration of the Great Lakes took place in the 23 years following the signing of the first *Great Lakes Water Quality Agreement* 1972. However since 1995 progress has stalled, and ground is being lost. The governments of Canada and Ontario must demonstrate a commitment to the restoration of the Great Lakes, by beginning serious negotiations on a new *Canada-Ontario Agreement* immediately.

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