



CANADIAN INSTITUTE FOR  
ENVIRONMENTAL LAW AND POLICY

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Since/depuis 1970

March 31, 2000  
The Hon. Dan Newman  
Minister of the Environment  
12th Floor  
135 St. Clair Ave. W.  
Toronto, Ontario  
M4V 1P5

**Re: Renewal of the Canada-Ontario Agreement on the Great Lakes Basin Ecosystem**

Dear Mr. Newman,

I am writing to you regarding the future of the *Canada-Ontario Agreement on the Great Lakes Basin Ecosystem*. The current Agreement, which was signed in July 1994 by the Ontario Ministers of the Environment, Natural Resources, Health and Agriculture, Food and Rural Affairs, and the Deputy Prime Minister and Minister of the Environment, federal Ministers of Fisheries and Oceans, Health and Agriculture and Agri-Food, expires today. The Agreement provides the framework of the implementation of Canada's obligations under the *Canada-U.S. Great Lakes Water Quality Agreement*.

It is our understanding that, despite today's deadline, the Governments of Canada and Ontario have yet to begin negotiations on the development of a new *Canada-Ontario Agreement* for the period March 2000 onwards. The *Great Lakes Water Quality Agreement* is Canada's most significant international commitment affecting the Province of Ontario, and the fulfilment of goals of the Agreement is central to the health and well-being of Ontario residents. The gap created by the expiry of the Agreement, in the absence of a new accord, is therefore of serious concern.

The 1994 *Canada-Ontario Agreement* was focussed on three objectives: the restoration of seventeen heavily polluted Canadian and Binational Areas of Concern (AOCs) identified through a 1987 Protocol to the *Canada-U.S. Agreement*; major reductions in the use, generation and release of persistent toxic substances identified in the Agreement; and the conservation and protection of human and ecosystem health in the Great Lakes Basin. The federal and Ontario governments agreed to an estimated cost of \$2.5 billion to achieve its objectives, including approximately \$1.7 billion for the restoration of degraded areas.

Unfortunately, these commitments have not been fulfilled. An assessment of the progress of the Parties under the Agreement, completed by the Institute in March 1999 concluded that "it is clear

that most of the Agreement's specific goals and objectives will not be met by the date of its expiry in March 2000" and that "there is evidence of worsening problems in a number of areas that were to be addressed through the Agreement." A copy of this evaluation is attached for your information.

The challenge of restoring the Lakes to health remains significant. Work on the restoration of the Areas of Concern, including the St.Mary's, St.Clair, Detroit and St.Lawrence Rivers, Hamilton and Toronto harbours, and the Bay of Quinte remains incomplete. Rather than declining, the generation of hazardous wastes in Ontario has been rising dramatically, as have imports of these wastes for disposal from the United States.

At the same time, new challenges are problems. These include unsustainable patterns of groundwater use, proposals for water exports, increasing agricultural and urban runoff, accelerating urban sprawl, and declining air quality throughout southern Ontario.

The commitment and effective cooperation of the federal and Ontario governments is needed to address these challenges, fulfil Canada's commitments under the *Great Lakes Water Quality Agreement*, and achieve the ultimate goal of the restoration of the Great Lakes.

In this context, we urge you to initiate formal negotiations with the Government of Canada on the renewal of the *Canada-Ontario Agreement on the Great Lakes Basin Ecosystem* as soon as possible. We believe that these negotiations should proceed on the basis of the following principles:

1. The new Canada-Ontario Agreement should recommit the Parties to the basic goals of the *Great Lakes Water Quality Agreement*, including the virtual elimination (defined as the elimination of the use, generation and release of a substance) of persistent toxic substances from the Lakes, the completion of the remediation of the Areas of Concern, and the restoration and maintenance of the chemical, physical and biological integrity of the Great Lakes System. The new Agreement should also address emerging issues, such as endocrine-disrupting substances.
2. The new *Canada-Ontario Agreement* should continue the structure of the current agreement, providing specific targets and benchmarks in relation to the achievement of the Agreement's objectives. The Agreement should specify the responsibilities of each level of government and agency in the achievement of targets, and the allocation of resources to this purpose by each level of government, subject to approval by Parliament and the Legislative Assembly of Ontario.
3. The new *Canada-Ontario Agreement* should recognize the role of municipal governments, conservation authorities and aboriginal governments and communities in the achievement of the Agreement's objectives. Specific resources should be committed to permit local and aboriginal agencies and communities to carry out these functions.

4. The new Agreement should provide specific and secure funding for the central and local coordination of the Remedial Action Plan program, and to support the work of the RAP Public Advisory Committees or their successors.
5. The new Agreement should provide for the delivery of annual progress reports to the Parliament of Canada, the Legislative Assembly of Ontario, the International Joint Commission and the public by the Parties.
6. The governments of Canada and Ontario should encourage the United States government and the Great Lakes State governments to develop an implementation framework for the Great Lakes Water Quality Agreement, similar to the *Canada-Ontario Agreement*. Major steps towards the restoration of the health of the Great Lakes were taken over the twenty-three years following the signing of the first *Great Lakes Water Quality Agreement* 1972. Since 1995, however, progress towards the achievement of the Agreement's goals in Canada has stalled, and we have even begun to lose ground. We therefore ask that the Governments of Ontario and Canada demonstrate their commitment to completing the restoration of Great Lakes ecosystem, by completing negotiations on a new *Canada-Ontario Agreement* as soon as possible.

Yours sincerely,

Anne Mitchell,  
Executive Director

cc: The Hon. David Anderson, Minister of the Environment (Canada)  
The Hon. John Snobelen, Minister of Natural Resources  
The Hon. Elizabeth Whitmer, Minister of Health  
The Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs.  
Len Legault, Canadian Co-Chair, International Joint Commission  
Gordon Miller, Environmental Commissioner for Ontario  
Richard Smith, Commissioner for Environment and Sustainable Development (Canada)