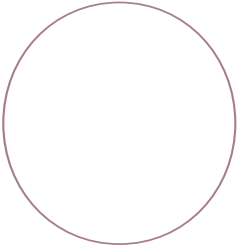


# RENEGOTIATION OF great lakes

by Ralph Pentland



On June 13, 2009, U.S. Secretary of State Hillary Clinton and Canadian Foreign Affairs Minister Lawrence Cannon met in Niagara Falls, Canada, and announced plans to amend the landmark 37-year-old Canada-U.S. Great Lakes Water Quality Agreement to modernize it to meet new challenges.

Residents in both countries welcomed the news—but with considerably less enthusiasm than when they greeted the signing of the first agreement by then-President Richard Nixon and Prime Minister Pierre Trudeau.

Why the decline in confidence? Blame it, in part, on success. The promises in the 1972 agreement and subsequent amendments in 1978 were largely met. Concentrations of contaminants such as DDT and mercury have declined significantly in monitored fish species. Programs to reduce algae-producing phosphorous inputs through improved sewage treatment and

phosphate-detergent bans have been as successful as similar-scale efforts elsewhere in the world.

But today, the capacity of governments to enforce regulations that meet the current challenges—and their appetite to do so—is on the decline. In both countries, there is rising doubt about governments' willingness and ability to fulfill their promises.

And with reason: progress on newer commitments set forth in a 1987 protocol has been slow, with only three areas removed from the list of “hot spots” over two decades. The protocol called in fact for remedial action plans for 43 areas of concern (designated because they contained contaminated sediments, inadequately treated wastewater, non-point source pollution, inland contaminated sites, or degraded habitat).

Today, the Great Lakes face a new set of concerns. New toxic chemicals are showing up in fish and sediments. Those include fire retardants, plasticizers, pharmaceuticals,

and personal-care products, some of which may pose a risk to fish, wildlife and people. Non-native species are threatening to offset the balance in biological systems and water chemistry. Climate change is contributing new challenges to the sustainability and health of the water basin.

The impact has already been tragic. The upheaval in biological systems and water chemistry caused by an onslaught of invasive species has created a “biological desert”—an expanse of water that has become uninhabitable for many native species—across portions of southern Lake Michigan.

Lake Erie has seen a series of botulism outbreaks in fish and birds. Many local areas around the lakes are once again witnessing extensive outbreaks of near-shore algae blooms, or “stinking algae.” Of 1,500 beaches surveyed in 2007, only two-thirds were considered suitable for swimming 95 percent of the time. According to the Washington DC-based Center for Public Integrity,



**Shorefront neighbors: U.S. Secretary of State Hillary Rodham Clinton and Canadian Foreign Minister Lawrence Cannon have renewed their countries' commitments to clean up the lakes.**

as-yet-unpublished governmental research suggests elevated infant mortality and increased cancer risks for the more than 9 million people who live in select areas in the U.S. around the Great Lakes.

### Why did we fall so far behind?

One of several reasons was a decline in accountability. The beginning of the downward slide coincided with a 1987 decision by governments to discontinue the monitoring and assessment roles previously carried out by the quasi-independent International Joint Commission and replace them with reports by the less independent U.S. Environmental Protection Agency and Environment Canada.

Since the early 1990s, the environment also began to slip on both countries' political agendas. Globalized trade and energy insecurity became the main drivers of public policy. Investor provisions under NAFTA were increasingly used to challenge environmental policies.

Environmental standards based on uncertain science were (erroneously) considered to have reduced North American competitiveness and productivity.

A 2008 paper produced by more than 25 U.S. nongovernmental organizations effectively summed up the consequences of this policy shift, which amounted to an assault on environmental regulation in the previous decade. "Transition to Green: Leading the Way to a Healthy Environment, a Green Economy and a Sustainable Future" charged that the regulatory review process had become "politicized" within individual agencies. In one example cited, the U.S. Office of Budget and Management (OMB) guidelines relied on cost-benefit analysis in the regulatory decision-making process "in ways that increased an anti-regulatory bias."

A similar downgrading of environmental commitment took place in Canada. The Forum for Leadership on Water, an independent group of experts, reported that

the number of personnel working on environmental science in Environment Canada dropped by 26 percent between 1992 and 2007, and by 21 percent in the Fisheries and Oceans Department. It also noted minimal enforcement of Canadian environmental laws. There have been only 34 convictions under the Canadian Environmental Protection Act since 1998.

In 1972, much of the drive for cleaning up the Great Lakes came from Canada. Today, there are signs that the U.S. is likely to take the lead on shared environmental initiatives. The new U.S. administration came into office with a broad range of commitments on the Great Lakes, including protecting and restoring the natural heritage, taking an aggressive approach to toxic substances and adopting a zero-tolerance policy toward invasive species. Obama's 2010 budget provides \$450 million for a new interagency Great Lakes Restoration Initiative and \$3.9 billion allocated nationally to improving outdated and wastewater infrastructure.

These initiatives will get the ball rolling. But optimism for the long-term depends on continued pressure from Americans and Canadians. U.S. voters sent a clear signal in 2008 that they wanted a more environmentally engaged government. Canadians should demand no less the next time they go to the polls.

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