



August 6, 2012

Ms. Wendy Ren, Manager
Ministry of the Environment
Integrated Environmental Policy Division
Land and Water Policy Branch
Land Use Policy
135 St. Clair Avenue West, Floor 6
Toronto, Ontario M4V 1P5
Canada

***Re: Ontario Great Lakes Protection Act (Bill 100, 1st Session, 40th Legislature)
EBR Registry Number 011-6461***

Dear Ms. Ren:

This letter provides comments of the Council of Great Lakes Industries (CGLI) to the proposed Great Lakes Protection Act (GLPA). CGLI is a binational non-profit organization representing the common policy interests of Canadian and US industrial organizations from the manufacturing, utilities, transportation, natural resources, and trade sectors that have investments in the Great Lakes region. The mission of CGLI is to promote the growth and vitality of the region in harmony with its human and natural resources (sustainable development).

The GLPA should specifically recognize the importance of a vibrant regional economy as well as promote environmental protection and restoration. CGLI enthusiastically supports the dual purposes of the GLPA – to protect and restore the ecological health of the Great Lakes and to create opportunities for individuals and communities to become involved in Great Lakes restoration and protection (§1). CGLI's concern regarding these stated purposes is that the legislation must also include provisions that recognize the importance of vibrant economic systems in achieving environmental restoration and protection. The fifth specific purpose of the Act is “to enrich quality of life in communities in the Great Lakes-St. Lawrence River Basin through support of environmentally sustainable economic opportunities, innovation and environmentally-sustainable use of natural resources” (§1(2)5). Effective policy in the Great Lakes region towards this end can be achieved only through careful attention to the protection and restoration of the Great Lakes environment and to the social and economic dimensions of the region's unique sustainability challenges.

Implementation of the GLPA should be coordinated with existing Great Lakes regional programs and policies. Numerous government agencies and many non-governmental agencies and organizations have developed and implemented policies to protect and restore the Great Lakes ecosystem. This binational, multi-layer governance structure has generated a complex mosaic of

laws, regulations, and policies that, while aiming to protect the environment, also contribute to the cost of doing business and have the potential to significantly impact the region's economic vitality. As drafted, the GLPA references certain existing programs and governance structures (§31) but does not direct the implementing agencies to coordinate with other basin agencies and organizations. The proposed GLPA and any programs and initiatives that result from the legislation must be consistent with and not duplicative of existing programs.

Implementation of the GLPA should reference and incorporate sound science and risk assessment. CGLI supports the commitment expressed in the GLPA to “advance science...that improves understanding and management of basin resources” (§2(4)). Our concern is that the Act includes little direction to ensure that implementing agencies incorporate scientific data and principles into the decision-making process. We recommend that the Act include a science coordination and review process to ensure that sufficient peer review and other measures of reliability direct any scientific inquiry under the Act and provide a foundation for GLPA priorities and initiatives.

To the extent feasible, GLPA implementation should rely on data and resources already available through existing regional partnerships and institutions. In addition to incorporating sound science and risk assessment into decision-making, we suggest that the GLPA direct implementing agencies to rely on environmental data, information, and indices that already are available when summarizing conditions in the basin (§6.1), establishing qualitative and quantitative targets (§8(1)), and preparing initiatives (§19(2)2). Instead of creating new programs or undertaking new assessments, GLPA implementation should be based on data collected and maintained by existing institutions such as the binational State of the Lakes Ecosystem Conference (SOLEC). SOLEC has brought scientists together since 1994 to determine the current environmental status of the Great Lakes and to identify the stressors that need to be addressed to improve and attain ecosystem sustainability. The Ontario Ministries of Agriculture, Food and Rural Affairs; Environment; and Natural Resources have all long been supporters of SOLEC. Personnel from these agencies have served on the SOLEC Steering Committee, provided important data and information, assisted in producing SOLEC conferences, and incorporated SOLEC findings into their Great Lakes programs. The GLPA should both support and utilize this process for guiding Provincial actions.

Priorities and initiatives under the GLPA should be established on the basis of rigorous cost-benefit analysis. CGLI supports the Act's focus on incorporating public involvement and stakeholder collaboration when establishing and prioritizing actions aimed at protecting and restoring the lakes (§4). However, the potential exists for the diverse perspectives of likely stakeholders to generate a set of targets and initiatives that collectively are unrealistic and unachievable. CGLI strongly suggests that the GLPA require rigorous cost-benefit analysis when establishing priorities and initiatives to ensure that the net benefits of each initiative (considering its social, environmental, and economic impacts) outweigh its potential costs.

We appreciate the opportunity to provide input to this important legislation and to continue working collaboratively with the Ontario Ministry of Environment and other Great Lakes stakeholders. Collectively, these efforts to protect and restore the Great Lakes will help the lakes remain appreciated for their beauty, healthful to mankind and wildlife, and useful to the population

of the Great Lakes region. We recognize the general nature of these comments and welcome an opportunity to discuss specific issues with you or answer any questions you or the legislative committee may have.

Respectfully,

THE COUNCIL OF GREAT LAKES INDUSTRIES

A handwritten signature in black ink, appearing to read "K. Buckner", with a stylized flourish above the name.

Kathryn A. Buckner, President

CC: CGLI Board of Directors
CGLI Operating Committee