

July 10, 2017

Mr. Michael Goffin
Regional Director General
Environment Canada -- Ontario Region
4905 Dufferin Street
Toronto, Ontario M3H 5T4
michael.goffin@canada.ca

Ms. Tinka Hyde (G-17J)
USEPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507
Hyde.tinka@epa.gov

Re: GLEC meeting follow-up – June 26-27, 2017

Dear Michael and Tinka:

We offer this letter as a follow up the Great Lakes Executive Committee (GLEC) meeting in Chicago on June 26 and 27, 2017. Specifically, we offer brief responses to three questions posed by the co-chairs of Annex 3 (Chemicals of Mutual Concern) of the Great Lakes Water Quality Agreement (GLWQA) during the Annex 3 report and discussion. Our responses reflect the experience in Great Lakes chemical management policy that CGLI and its members have acquired through long engagement in Great Lakes chemical programs and policy development. As you know, we have been engaged in this issue area since the early 1990s, when CGLI participated on the Virtual Elimination Task Force and coordinated industry engagement in Great Lakes Binational Toxics Strategy (GLBTS) work group.

What is a CMC?

In our view, CMCs are chemical substances that, based on sound science and reliable data:

- must be addressed to achieve the general objectives of the GLWQA, after careful consideration of such factors as the concentration and extent of the chemical in the Great Lakes environment, hazard, risk, exposure, and lifecycle,
- are, after careful review, found not sufficiently managed in the Great Lakes region to achieve GLWQA objectives by national chemical management programs, or are not subject to national chemical management programs, and
- are determined to be capable of management to achieve general objectives of the GLWQA through Great Lakes regional measures.

Annex 3 of the GLWQA does not specifically define the term “chemical of mutual concern” (CMC). Article 2 of the Agreement implies, however, that CMCs must be managed by considering such principles and approaches as virtual elimination (VE) and zero discharge -- measures specific to Great Lakes chemical management. Development of the VE strategy and the follow-up GLBTS in the 1990s demonstrated that, to be effective as part of the Parties’ overall chemical management strategy, these measures must be applied only to targeted substances that require more stringent management strategies than provided by national programs. The process of identifying and managing CMCs should follow the same model – chemical substances should be designated CMCs only when, in the context of national chemical management programs, incremental management strategies are necessary in the Great Lakes region to attain GLWQA objectives.

Limiting the number and character of CMC substances in this way is necessary to avoid imposing region-specific requirements that are not necessary to achieve GLWQA objectives, resulting in a competitive disadvantage in the region. In addition, applying Annex 3 only to a relatively short list of chemical substances avoids identifying CMCs based on “chemical du jour” reactions.

What will we achieve by designating chemicals as a CMC?

As noted above, for most substances the national chemical management programs that exist in the U.S. and Canada are sufficient to address risks presented by chemical substances in the Great Lakes region. When the Parties designate a chemical as a CMC, their narrow objective should be to implement Great Lakes-specific management strategies that further reduce unacceptable risk to human health or the Great Lakes environment as necessary to achieve GLWQA objectives. In these limited circumstances, designating chemicals as CMCs can help the Parties prioritize science and action in Great Lakes programs related to chemical management.

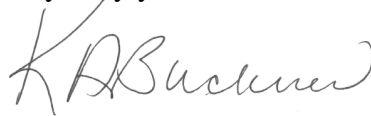
What is the difference between a Chemical of Emerging Concern and a CMC?

As noted above, CMCs are substances for which sufficient data and information exists regarding the chemical, its presence in the Great Lakes, and the risk it presents to human health and the environment to justify region-specific management actions to achieve GLWQA objectives.

By contrast, CECs are substances that cause concern because data and information gaps exist regarding their presence or potential impact on human health and the environment. The act of regarding a chemical as a CEC should not be taken lightly. CECs often warrant additional investigation, research, and/or monitoring to fill gaps in data and information, but investigation, research, and monitoring can be expensive and should be undertaken only when a significant potential risk to human health and the Great Lakes environment has been clearly articulated. Importantly, characterizing a chemical substance as a CEC need not automatically lead to CMC designation. After additional investigation, CECs might be informally listed for further investigation and monitoring, dismissed from concern, or nominated for evaluation and potential CMC designation.

On behalf of our members, we appreciate the opportunity to attend and participate in the GLEC meeting on June 26-27. We look forward to continued engagement with the implementation team as we continue the effort to achieve GLWQA objectives.

Very truly yours,



Kathryn A Buckner, President



Dale K. Phenicie, Technical Director

cc: John Marsden, ECCC
Mardi Klevs, US EPA