

Thirteenth Biennial Report

*Prepared pursuant to the Great Lakes Water Quality  
Agreement of 1978 for submission to the  
Governments of the United States and Canada  
and the State and Provincial Governments  
of the Great Lakes Basin*

Commissioners

Herb Gray

Dennis L. Schornack

Robert Gourd

Irene B. Brooks

Jack P. Blaney

Allen I. Olson



# 13<sup>th</sup> BIENNIAL REPORT ON GREAT LAKES WATER QUALITY

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INTERNATIONAL JOINT COMMISSION  
CANADA AND THE UNITED STATES



## Thirteenth Biennial Report on Great Lakes Water Quality

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Front cover photo credits, top row from left to right: Great Lakes Fishery Commission; Zug Island, Detroit River, Todd Marsee, Michigan Sea Grant; and soft engineering of shoreline, Todd Marsee, Michigan Sea Grant. Middle top row: Traverse coastal development, Todd Marsee, Michigan Sea Grant; and Lake Ontario water level erosion, Great Lakes Environmental Research Laboratory. Middle bottom row: National Park Service; IJC logo; Bruce Jamieson. Bottom row: multiple *bythotrephes*, Dave Brenner, Michigan Sea Grant; red winged blackbird, Elizabeth LaPorte, Michigan Sea Grant; and Porter, Indiana, National Park Service. Back cover photo of Alpena, Lake Huron, Dave Brenner, Michigan Sea Grant. Michigan Sea Grant's web address is [www.miseagrant.umich.edu](http://www.miseagrant.umich.edu).

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# Abstract

“With this great blessing comes a great responsibility.”<sup>1</sup>

Tom Barrett,  
Mayor of Milwaukee

In reference to our Great Lakes, Mayor Barrett could not have better captured the essence of the treasure and obligations we share.

Over hundreds of years, millions of people have drawn material and spiritual sustenance from these Lakes. Today, the Basin’s residents want to know that their priceless Lakes – in all their quality, quantity and grandeur – will be there for other generations, just as they have been there for them. Of all the world’s natural legacies, with what can we compare our Great Lakes?

Relative to the management of other world freshwater systems we have been good, but not exemplary, stewards of our lakes. The Lakes today are less polluted than they were decades ago. But toxic, human, animal and industrial wastes, as well as pharmaceuticals and airborne substances, continue to pollute our Lakes. Ongoing urban development, invasive species and climate change present additional challenges.

The Lakes’ future is uncertain. The time has come to make bold binational commitments and to accelerate actions to restore and protect our Lakes. Central to all such commitments and actions, and to achieving the objectives of the United States and Canadian governments’ Great

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<sup>1</sup> Tom Barrett, Mayor, City of Milwaukee, speaking at the *State of the Great Lakes Conference*, November 2006.



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**The Commission thus recommends that the two governments create and apply an uncommonly strong Accountability Framework for Great Lakes' restoration and protection.**

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Lakes Water Quality Agreement, is an Accountability Framework that is clear, potent and workable.

The Commission thus recommends that the two governments create and apply an uncommonly strong Accountability Framework for Great Lakes' restoration and protection. In this report, we set out elements normally expected in an effective Accountability Framework, and we further urge the governments to present their preliminary Framework by June 2008.<sup>2</sup> We also recommend that the two governments accelerate their review of the Agreement so that the results of the review coincide with the release of the draft Accountability Framework.

The Commission itself makes two clear commitments: first, to create a Task Force from our Great Lakes Advisory Boards, and others clearly independent from the Commission, as a special resource to the Commission in our consultations with the governments regarding a practical and effective Accountability Framework; and second, in collaboration with governments and others, convene in summer 2008 a Great Lakes Accountability Summit. Throughout these consultations, achievement of Agreement objectives will be our common and unifying goal.

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<sup>2</sup> The Commission recognizes that the Agreement review now under way may go beyond this time frame and that the Accountability Framework must be related to the final outcomes of that review. Nevertheless, a strong Accountability Framework is required regardless of those outcomes, and governments should begin the task of developing it before the review process is complete. A Preliminary Framework 18 months from now will help in that regard.



# Preface

Article VII of the Canada-United States Great Lakes Water Quality Agreement requires that the International Joint Commission issue biennial reports on governments' progress toward achieving the Agreement's objectives. This is the Commission's 13<sup>th</sup> biennial report.

Most previous biennial reports covered multiple topics, based largely on analyses and recommendations from the Commission's Great Lakes advisory groups<sup>3</sup> and informed by public comments expressed in open forums. And, as required by the Agreement in Annex 2, Section 7(b), the Commission's biennial reports also incorporated comments on information published in the governments' biennial progress reports on Lakewide Management Plans (LaMPs) and Remedial Action Plans (RAPs). The Commission will in due course report on progress toward the implementation of LaMPs and RAPs.

In this report, however, the Commission chooses to focus on a single theme – accountability for protecting, restoring and maintaining Great Lakes water quality. We have heard from both experts and the public that unambiguous accountability is fundamental to accelerating actions that will improve conditions in the Great Lakes. Further, many of the recommendations from our Great lakes advisory groups speak to the need for accountability as well as other important initiatives.<sup>4</sup> We have drawn generously from their advice.

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<sup>3</sup> These groups include the Great Lakes Water Quality Board, the Great Lakes Science Advisory Board, the Council of Great Lakes Research Managers and, more recently, the International Air Quality Advisory Board and the Health Professionals Task Force. Their mandates, memberships and reports may be found at [www.ijc.org](http://www.ijc.org) under Boards.

<sup>4</sup> See *Priorities 2003-2005: Priorities and Progress under the Great Lakes Water Quality Agreement* at <http://www.canamglass.org/glwqa/files/prioritiesfullreport.pdf>.

The Commission acknowledges that federal, state and provincial governments have taken steps to strengthen their accountability overall, and that to some extent these steps are reflected in their Great Lakes policies and programs. However, we believe there is now a compelling need to build on previous government initiatives to improve accountability so that persistent and emerging challenges to the Lakes can be effectively and definitively addressed. This assessment embodies the views expressed by many of those across the Great Lakes basin who, in fall 2005, participated in the Commission's extensive public consultations on the current governmental review of the Agreement.<sup>5</sup>

Our objective in this report is to focus and reinforce previous recommendations to governments<sup>6</sup> to more effectively plan and implement actions that will strengthen accountability and thereby improve efforts to protect, restore and maintain the quality of the waters of the Great Lakes basin. Our advice here is fully consistent with what we recommended in our special report on the Agreement review,<sup>7</sup> but reinforces the point that action on accountability is essential regardless of the outcome of the review.

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<sup>5</sup> See *Synthesis of Public Comment on the Forthcoming Review of the Great Lakes Water Quality Agreement: A Report to the Governments of the United States and Canada* at <http://www.ijc.org/en/activities/consultations/glwqa/synth.php>. The consultations also included a four-day Web Dialogue, part of which was devoted specifically to the issue of accountability.

<sup>6</sup> See the IJC's *Ninth, Tenth and 11th Biennial Reports on Great Lakes Water Quality* at <http://www.ijc.org/php/publications/libraryReturn.php?year=All&eyear=All&keyword=biennial+report&language=english>.

<sup>7</sup> See *Advice to Governments on their Review of the Great Lakes Water Quality Agreement, August 2006* at <http://www.ijc.org/rel/pdf/advicefinalwc.pdf>.

# Introduction

Shared by Canada and the United States, the Great Lakes hold nearly 20 percent of the Earth's fresh surface water. The Lakes are important to the culture, economy and lifestyle of 40 million residents of the Great Lakes basin. For centuries, these people have enjoyed the beneficial uses of these waters, and these uses have degraded their quality.

In 1972, the governments of Canada and the United States signed the first Great Lakes Water Quality Agreement, declaring their determination and commitment to “restore and enhance water quality in the Great Lakes System,” including the international section of the St. Lawrence River through which the Lakes drain. Through a new Agreement in 1978, the two governments made a clear commitment to “restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes Basin Ecosystem.” The 1978 Agreement has been twice amended and is currently under review by the governments.<sup>8</sup>

This farsighted approach inspired the two governments to build on many domestic programs and to respect the different ways each country deals with water quality issues. The governments jointly adopted ambitious goals and objectives and created programs and policies to help them achieve their goals. Some impressive progress has been made over the past 34 years, particularly during the 1980s and 1990s. For example, through substantial public and private investments, and changes in production processes and products, pollution from industrial and municipal sources has been significantly reduced. Four of the five Lakes today meet or exceed the Agreement's goal for phosphorous reductions.

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<sup>8</sup> See *A Guide to the Great Lakes Water Quality Agreement: Background for the 2006 Governmental Review* at <http://www.ijc.org/en/activities/consultations/glwqa/guide.php>.

Nonetheless, significant challenges persist and new ones are emerging. Beach closures are on the rise, all the Lakes continue to have advisories limiting fish consumption and only three of the 43 Areas of Concern (AOC) targeted for remediation have been delisted.<sup>9</sup> Two other AOCs have improved enough to be designated by the governments as Areas of Concern in a recovery stage, generally known as Areas in Recovery.<sup>10</sup>

Ongoing inputs of toxic substances from contaminated sediment, air and other sources; continuing polluted runoff from farmlands and urban surfaces; and inadequate capability to collect and treat sewage are persistent problems that we must more effectively confront to improve water quality. Also, the increasing number of alien invasive species and emerging issues such as new chemicals and personal care products, urban sprawl, shoreline development, global transport of airborne pollution and climate change all complicate efforts to improve the Lakes.

Insufficient funding remains a core issue. In both the United States and Canada there are significant gaps between the funds required and those appropriated to clean up contaminated sediment and improve wastewater treatment systems.

Without a clearer commitment to accountability the above problems and shortcomings will continue.

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<sup>9</sup> The Collingwood Harbour and Severn Sound AOCs, both in Ontario, were delisted in 1994 and 2003, respectively, and the Oswego River AOC in New York was delisted in 2006.

<sup>10</sup> This term was developed by governments to describe AOCs where remaining levels of pollution will be addressed by natural processes. The two Areas in Recovery are Spanish Harbour (Ontario) and Presque Isle Bay (Pennsylvania). See *Status of Restoration Activities in Great Lakes Areas of Concern: A Special Report*, International Joint Commission 2003 at <http://www.ijc.org/php/publications/pdf/ID1500.pdf>.

# Accountability and the Current Agreement

Accountability is generally understood as an obligation to render an account for expected or agreed-upon performance. The Auditor General of Canada defines accountability as a relationship based on obligations to demonstrate, review and take responsibility for performance, both in terms of the results achieved, based on agreed expectations, and of the means used.<sup>11</sup>

Successfully implemented, accountability focuses action on end goals and ensures that promises are kept and commitments are honored.<sup>12</sup> The best accountability frameworks specify measurable results, the actions to be taken, by whom and by when, how reporting back will occur and the consequences of inaction.<sup>13</sup> Accountability encourages improved performance by learning from what works and what does not.<sup>14</sup> Accountability so conceptualized is pivotal to achieving anything that is as complex and important as the goals of the Great Lakes Water Quality Agreement.

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<sup>11</sup> See “Modernizing Accountability in the Public Sector,” Chapter 9 of the *Report of the Auditor General of Canada, December 2002* at [www.oag-bvg.gc.ca](http://www.oag-bvg.gc.ca).

<sup>12</sup> Adapted from “Leadership Responsibilities” in Education Leadership Toolkit, National School Boards Foundation at <http://www.nsba.org/>

<sup>13</sup> Adapted from “Accountability Expectations and Approaches,” Treasury Board of Canada, April 2000, at [http://www.tbs-sct.gc.ca/rma/account/account\\_e.asp](http://www.tbs-sct.gc.ca/rma/account/account_e.asp).

<sup>14</sup> See *Notes for an address by Maria Barrados, Assistant Auditor General of Canada, 25 August, Toronto, Ontario*, at [www.oag-bvg.gc.ca](http://www.oag-bvg.gc.ca). In the context of the Great Lakes, this concept is generally referred to as “adaptive management.”

### ***Specifying Results***

The current Agreement identifies objectives and specifies intended results and priorities in Articles II, III, IV and VI, as well as in Annexes 1-16. In places, such as Annexes 1 and 3, there is considerable specificity about the results to be achieved. For the most part, however, the Agreement's objectives are indefinite and outdated, and there are few limits and thresholds or schedules for action. Essentially, most Agreement timelines relate to reporting requirements rather than to performance requirements.

Further, objectives often go unmet within specified timelines. For example, the Agreement calls for programs for the abatement, control and prevention of pollution from municipal and industrial sources to be in place by December 1982 and 1983, respectively. Yet, today, despite new programs and progress, such discharges continue to degrade the quality of Great Lakes' waters.

Whether particular objectives are specific or not, the Agreement does not go beyond committing the Parties to make best efforts to achieve them. Achieving the Agreement's goals requires action by the provinces, states, municipalities and others, as well as the allocation of funds by federal and non-federal legislative bodies. The two federal governments cannot make commitments on behalf of these necessary partners without their prior concurrence. Essentially, then, the Agreement commits the federal governments to seek needed funds, the legislation and the cooperation of other levels of government.

### ***Roles and Responsibilities***

Precise roles and responsibilities for achieving the Agreement's objectives are unspecified, referring broadly to the "Parties" to the Agreement, meaning the federal governments of Canada and the United States, working in cooperation with provincial and state governments. With the exception of some references to the Canadian and U.S. Coast Guards, the Agreement does not assign specific responsibilities to particular

departments or agencies; nor does it specify roles for municipal governments or Tribes and First Nations, which collectively deliver or could deliver some of the programs required to achieve the Agreement's objectives.

We acknowledge that an agreement between the federal governments of two sovereign nations cannot make commitments for action on behalf of these entities without their prior agreement. However, the Binational Action Plan we propose for inclusion under a new Agreement would bring them all together.<sup>15</sup> Also, the Binational Action Plan could be updated on a regular basis and accommodate government agency reorganizations and other such changes.

### ***Measuring Performance***

Measuring performance requires a monitoring system that sets targets with provisions for short-, medium- and long-term measurements. The Agreement calls for the Parties to establish a joint, comprehensive Great Lakes surveillance and monitoring system, with indicators to assess progress toward achieving commitments. As noted in previous Commission reports, such a system has not yet been adequately implemented. And current monitoring is still insufficient as well as uncoordinated across jurisdictional boundaries, and fails to provide the comprehensive, focused information required to assess progress under the Agreement.<sup>16</sup>

A well-integrated assessment of the ecological conditions of the Great Lakes also is essential. In 1994, the U.S. Environmental Protection Agency and Environment Canada introduced the biennial State of the Lakes

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<sup>15</sup> See *Advice to Governments on Their Review of the Great Lakes Water Quality Agreement, August 2006*, op. cit.

<sup>16</sup> See *Great Lakes: A Comprehensive Strategy and Monitoring System Are Needed to Achieve Restoration Goals*, Government Accountability Office, May 2004 at [www.gao.gov](http://www.gao.gov).

Ecosystem Conference (SOLEC) to develop environmental indicators and provide a binational forum for exchanging information on the ecological condition of the Great Lakes and surrounding lands.<sup>17</sup> As such, SOLEC is one potential model for addressing ecological conditions across multi-jurisdictional systems. The SOLEC process shares valuable information among all levels of government and the public, and includes cogent science and some policy papers in its programs.

SOLEC, however, is not designed to measure the Parties' progress toward achieving the Agreement's purpose and objectives, and cannot be used to do so. One cannot read a SOLEC report to find out how well the Agreement is working. Some specific shortcomings of SOLEC, from the perspective of assessing progress toward the Agreement goals, are:

- Many of the roughly 80 SOLEC indicators are not pertinent to the Agreement, and many Agreement goals have no corresponding indicators.
- The funding of many monitoring programs at all levels of government has been reduced, thus data collection for many indicators is inconsistent, and at times non-existent, across jurisdictions, departments and agencies.
- SOLEC reports measure how much of something exists, not how far that something has gone or how far it has to go to reach some objective. Without the context of the Agreement and corresponding references to what has improved, and by how much and when, SOLEC measures have diminished utility for tracking progress under the Agreement.
- SOLEC includes no end points or milestones, both essential elements of determining success.
- As designed, SOLEC deals mainly with science, seldom with policy. Assessments of the Agreement need both.

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<sup>17</sup> The SOLEC conferences are hosted biennially by the U. S. Environmental Protection Agency and Environment Canada to provide a forum for exchange of information on the ecological condition of the Great Lakes and surrounding lands. See [http://binational.net/solec/pub\\_e.html](http://binational.net/solec/pub_e.html).



## ***Reporting***

At the heart of accountability is results-based reporting that clearly shows what has been achieved. Such reporting should be simple, balanced, transparent, credible and timely.

Reporting has not been consistent with that called for by the Agreement; and, over time, the reporting requirements have been variously interpreted and adapted. Some requirements have become outdated and others left undone. For example, Annex 13 calls on the Parties to report biennially to the Commission on progress in developing and implementing specific watershed management plans that would incorporate programs and measures to control non-point sources of pollution. To date, this requirement has not been met. Similarly, Annex 2 requires the governments to report biennially on their progress in developing and implementing Remedial Action Plans (RAPs) and Lakewide Management Plans (LaMPs), and to restore beneficial uses. By and large, however, RAP progress reports have not been issued in recent years. Moreover, for the past six years LaMP progress reports have been updates of some selected sections and, as such, are not truly useful tools in assessing progress toward Agreement goals for lakewide restoration.

While specific reporting under the Agreement has languished, there are reports on particular Great Lakes' restoration programs. These reports, however, do not address the Agreement as a whole, making it difficult to link program outcomes with specific Agreement objectives under Article VI.

Because efforts to achieve Agreement Objectives are so disparate, we have no collective sense of the progress we are making.



# Achieving Accountability

Establishing a framework for accountability requires the definition of commitments, roles and responsibilities for agreed-upon goals. The partners involved specify and take responsibility for their performance and regularly report on their progress toward achieving their commitments. An effective accountability framework also requires independent review, which should publicly recognize both achievements and shortcomings. We propose the following steps to illustrate how stronger accountability for restoring and protecting Great Lakes water quality might be achieved.

## Step 1. **Develop a Rigorous Plan**

An important element of an accountability framework is a rigorous plan that is agreed to by all partners. The Parties recognized this in 1987 when they adopted a protocol to the Agreement that called on them, in cooperation with state and provincial governments, to meet twice a year for purposes of coordinating work plans and evaluating progress.<sup>18</sup> This initiative could have led to the development of a coordinated work plan that would, among other things: assign specific responsibilities to particular departments and agencies in the federal, state and provincial governments; specify the time frames in which these responsibilities would be fulfilled; and identify appropriate measures to evaluate performance. To date, no such plan is in place.

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<sup>18</sup> This led to the establishment of the Binational Executive Committee (BEC), which the Commission has recommended it be replaced by a Binational Coordinating Committee with a precise mandate. See *Advice to Governments on their Review of the Great Lakes Water Quality Agreement*, op cit.

The Commission recommended in its 2006 special report on the Agreement review that the governments identify and prioritize the actions needed to realize the Agreement's goals, and further specify who should be responsible for which actions and how they will coordinate their work.<sup>19</sup> The Commission also recommended that governments identify measurable targets, use common measures to evaluate performance and establish timelines for completion that would support a comprehensive review. Finally, the plan should include provisions for monitoring and assessment, reporting, independent review and evaluation, and communication among agencies and with the public.

As a starting point, we recommend that those devising the plan should, however feasible, bring together all departments, agencies and other entities which deliver or should deliver programs related to achieving the objectives of the Agreement. It is for this reason that, in its advice to governments, the Commission recommended that these participants include not only the federal, state and provincial governments referred to in the present Agreement, but also municipal governments, Tribes and First Nations — all of whom have Great Lakes water quality-related responsibilities.<sup>20</sup>

The Commission further recommended that these partners establish a Binational Coordinating Committee with a mandate to develop a Binational Action Plan. This Binational Coordinating Committee should be comprised of senior officials who are delegated to act with authority on behalf of their respective organizations. And for purposes of political accountability, a Great Lakes Water Quality Agreement Steering Committee, with members drawn from the cabinets of both federal governments, should be convened to oversee implementation of the Agreement and the overall work of the Binational Coordinating Committee.<sup>21</sup>

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

## Step 2. Monitor and Assess

Accurate, comprehensive monitoring information is required to evaluate progress toward Agreement objectives and to provide a basis for reliable and useful reporting that helps to inform and prioritize actions. The need for more and improved monitoring has been underscored many times. Reports by Canada's Commissioner for Environment and Sustainable Development in 2001,<sup>22</sup> the U.S. Commission on Ocean Policy in 2004,<sup>23</sup> the U.S. Great Lakes Regional Collaboration in 2005<sup>24</sup> and the U.S. Government Accountability Office<sup>25</sup> all called for government action to implement integrated observation and data management systems. The Commission endorses their recommendations and several times has advocated similar steps, including a strong endorsement that the two governments implement the Great Lakes Observing System.<sup>26</sup>

Annex 11 of the current Agreement does not sufficiently specify monitoring and surveillance needs. Given that monitoring and surveillance is a cross-cutting activity that must underpin the proposed Binational Action Plan in its entirety, the Commission recommended that the Plan should provide clear direction to all relevant jurisdictions about the monitoring programs required to support it.<sup>27</sup>

Whether it be SOLEC or a new organization, some binational entity needs to be fully and clearly charged with the responsibility to gather information that can be used to assess progress toward the Agreement's purpose and goals. If SOLEC is to be assigned that charge, then its array of ecosystem indicators will need to be more squarely targeted on the Agreement's

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<sup>22</sup> See [http://www.oag-bvg.gc.ca/domino/reports.nsf/html/c2001menu\\_e.html](http://www.oag-bvg.gc.ca/domino/reports.nsf/html/c2001menu_e.html).

<sup>23</sup> See <http://www.oceancommission.gov/>.

<sup>24</sup> See <http://www.gllrc.us/>.

<sup>25</sup> Op cit.

<sup>26</sup> See Chapter 3, *Ninth Biennial Report on Great Lakes Water Quality*, op cit, Chapter 6, *Tenth Biennial Report on Great Lakes Water Quality*, op cit, and Chapter 1, *11<sup>th</sup> Biennial Report on Great Lakes Water Quality*, op cit.

<sup>27</sup> See *Advice to Governments on their Review of the Great Lakes Water Quality Agreement*, op cit.

goals. The number of indicators employed should be reduced so that each indicator will contribute information about the Agreement's progress and so that the monitoring of each indicator can be adequately funded. Indicators also need the context of clear end points and milestones. Should the Parties choose this route to the adequate gathering of data on Agreement success, they also may want to consider institutionalizing SOLEC (or some other entity) with the equivalent of full-time co-chairs.

### **Step 3. Report**

As noted, current Agreement reports on progress need to be greatly improved, and we outlined an approach that could be used to do so.

The Commission's Indicators Evaluation Task Force in 1996 proposed a framework for indicators to assess progress toward nine desired outcomes. Those nine outcomes were chosen for their relevance to the terms of the Agreement, for features of the Great Lakes' ecosystem that are highly valued by the public and for their scientific completeness and simplicity.<sup>28</sup>

The nine outcomes were fishability, swimmability, drinkability, healthy human populations, economic viability, biological community integrity and diversity, virtual elimination of inputs of persistent toxic substances, absence of excess phosphorus and physical environment integrity. The Task Force also suggested representative indicators and associated measurements that could be used to evaluate Agreement progress toward the nine desired outcomes.

Subsequently, the Commission established the Indicators Implementation Task Force to advise on obtaining the required data and information to support reports on the nine desired outcomes and to investigate the feasibility of using the indicators to assess progress under the Agreement.<sup>29</sup>

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<sup>28</sup> See *Indicators to Evaluate Progress under the Great Lakes Water Quality Agreement*, 1996 at <http://www.ijc.org/php/publications/html/ietf.html>.

<sup>29</sup> See *Indicators Implementation Task Force: Final Report*, 2000 at <http://www.ijc.org/php/publications/pdf/ID1410.pdf>

In 2000,<sup>30</sup> the Commission urged the two governments to report, through the SOLEC process, on three of the nine desired outcomes — drinkability, fishability and swimmability — and SOLEC did so. In evaluating the success of SOLEC’s work on this project,<sup>31</sup> the Commission noted that the Parties were limited in what they could do by the uneven data available to them from existing monitoring programs, by the difficulty of compiling meaningful information from disparate data sets and by the yet-unmet need for increased support from all partners in the indicator process. We note that, at present, most monitoring is done by the states and provinces.

Without objective reporting of information useful to decision making, and a credible, independent review procedure to assess progress toward achieving stated objectives, the public has neither an accounting of specific progress toward identified goals nor confidence that any reports tell the full story.

The Commission again asks governments to provide more substantive and meaningful reports. To this end, we further recommend triennial rather than biennial progress reports to reduce the number of documents and the amount of time spent on preparing them.

## **Step 4. Use Reports to Review and Adjust Plans**

An important step toward achieving accountability is a fair and informed review of the results reported by involved partners. An independent review, such as those that have been conducted by the Commission, can provide feedback on program performance, highlight achievements and suggest any needed corrective actions. Although Article X requires the Parties to review the Agreement after every third Commission Biennial Report on Great Lakes Water Quality, the current Agreement has not been revised in 20 years.

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<sup>30</sup> *Tenth Biennial Report on Great Lakes Water Quality*, op cit

<sup>31</sup> *11<sup>th</sup> Biennial Report on Great Lakes Water Quality*, op cit.

In response to the above concerns, the Commission recommended that a Binational Action Plan be developed separately from the Agreement.<sup>32</sup> This Action Plan could be updated on an ongoing basis following triennial progress reports, and then reviewed comprehensively every 12 years, along with the Agreement.<sup>33</sup> Provisions should be made for independent evaluations of progress toward Agreement objectives. Accountability also would be strengthened through periodic reviews by the previously mentioned Agreement Steering Committee.

In our democracies the public has a pivotal role to play in all matters of public policy. Public consultation on the progress of Great Lakes restoration can empower the citizens of both countries to monitor and, in informed ways, comment on the governments' performance. Through such direct engagement, citizens could more effectively join and support government actions to restore and protect their Lakes.

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<sup>32</sup> See *Advice to Governments on their Review of the Great Lakes Water Quality Agreement*, op cit.

<sup>33</sup> *11<sup>th</sup> Biennial Report on Great Lakes Water Quality*, op cit.



## Recommendations and Commitments

The Commission believes that we and others have made a clear case for accelerated progress toward protecting, restoring and maintaining water quality in the Great Lakes. We further believe that such progress depends, to a very substantial extent, on whether the Parties and other levels of government, working together, create the means by which they can be held accountable for progress toward achieving the objectives of the Great Lakes Water Quality Agreement. Unambiguous accountability is central to the Agreement's success.

We therefore recommend that the governments of Canada and the United States create and implement a Framework for Great Lakes Water Quality Agreement Accountability, and that they complete a preliminary discussion framework by June 2008. The Commission further recommends that the governments accelerate the Agreement review so that the results of the review coincide with the release of the draft Accountability Framework. Also, regardless of the outcome of the Agreement review, a strong Accountability Framework is required and should be integral to any new or revised Agreement.

The Commission, in turn, makes two commitments: first, to strike a Task Force from our Agreement Boards, and others clearly independent of the Commission, as a special resource to us in our consultations with the governments regarding a practical and effective Accountability Framework; and second, in collaboration with governments and others, convene in Summer 2008 a Great Lakes Accountability Summit to which we would invite those best positioned and informed to make accountability work. Throughout all these consultations, achievement of Agreement objectives will be our common and guiding goal.



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**Unambiguous accountability is central to the  
Agreement's success.**

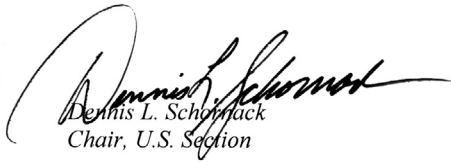
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The Commission looks forward to our collaborative partnership with governments to protect, restore and maintain the water quality of our Great Lakes, and to ensure the beneficial uses of these magnificent waters for generations to come.

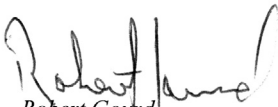
*Signed this seventh day of December, 2006  
as the Thirteenth Biennial Report of the  
International Joint Commission pursuant to  
the Great Lakes Water Quality Agreement of 1978*



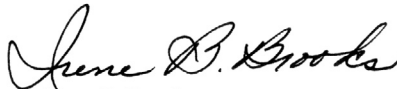
*Herb Gray  
Chair, Canadian Section*



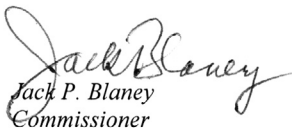
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*Allen I. Olson  
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