

# Summary of GLWQA Review of Toxic Annexes

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# Article 4/Annex 1: Specific Water Quality Objectives

- General Findings
  - Annex 1 is in need of significant updating
  - Values set for the chemicals in Annex 1 are out of date and do not reflect current science
  - Parties do not meet or report biennially as called for in Annex 1
  - Lists are not maintained
  - Differences as to how new protocols for updating/developing new WQOs should be structured

# Options for Developing New WQOs

- The Parties use a common methodology
- The Parties adopt current values as new Specific Objectives in a revised Agreement
- The Parties rely on current programs in lieu on Specific Objectives.

# Biennial Consultation Options

- Article IV, S.3 should be revised to define a biennial consultation to include membership, meeting location, reporting frequency, and accountability.
  - The consultation could take place as a part of the biennial State of the Lake Ecosystem Conference. The public consultation, per Specific Objectives Supplement to Annex 1, S.2(a), could be managed by the Great Lakes Binational Toxics Strategy Integration Work Group.
  - Alternatively the GLBTS Integration Work Group could serve as the de facto consultation manager using Article IV, S.3 as the authority to do so.

# Other Issues

- Sediment and tissue based guidelines and objectives may be warranted
- WQOs as “Interim Objectives toward VE”
- Article IV and Annex 1 should make mention of out-of-basin sources, and the need for links to international pollution prevention and monitoring programs such as UNEP, through the Great Lakes Binational Toxics Strategy
- The Parties should consider rewriting Article IV – 1 preamble to reference to the Boundary Waters Treaty of 1909 Article 4 paragraph 2 and define injury.

# Definitions

- Virtual Elimination
- Beneficial use
- Ecosystem
- Persistent Toxic substance
- Statistically valid sampling data
- Reasonable and practicable measures
- Flow augmentation
- Natural phenomena
- In-shore waters
- Pollutants (*could be the same as “Hazardous polluting substances?”*)
- Best Available Technology

# Summary Recommendations

- Annex 1 is in need of some revisions in an updated GLWQA.
  - Some terms in the Annex should be revisited and clarified or updated
  - Article IV, S.3 should be revised to define a biennial consultation to include membership, meeting location, reporting frequency, and accountability.
  - Parties should revisit lists and consider options for updating and/or redefining the process for maintaining these lists.
  - Special consideration of global pollutants and legacy sources needs to be given.

# Annex 10: Hazardous Pollution Substances (HPS)

## General Findings

- The Initial Purpose for an Annex 10 may no longer exist (consistent with 2002 IJC analysis)
- Possibility of folding Annex into Annexes 4 and 8, or streamlining Annex to reference HAPs
- Revisit Criteria for listing HAPs
- Report as part of a roll up of chemical annexes, *perhaps under GLBTS*

# Reporting Options for Annex 10

- Incorporate formal management and reporting mechanism into Annex 10.
- Eliminate Annex 10, and incorporate lists by reference in other Annexes like 4 and 8, which address programs and measures to control risk of pollution from transport, storage, handling and disposal of HPS. Report through other appropriate annexes.
- Report on Annex 10 issues as part of an overall GLWQA chemicals report which incorporates Annex 1 and perhaps Annex 12. (perhaps through the Great Lakes Binational Toxics Strategy Annual Report.)

# Summary Recommendation

- It is recommended that Annex 10 be specifically referenced in Annexes 4 and 8 and Annex 10 to be rewritten to identify electronic HPS lists to be maintained by the Parties (e.g., EPA list of Hazardous Substances at 40 CFR 116.4.)

# Annex 12: Persistent Toxic Substances

## General Findings

- Annex 12 still very relevant and necessary
  - Calls for Early Warning System “to anticipate future toxic substances problems”
- Much work proceeding but needs to be integrated and understood in Great Lakes context
- Concerns regarding overarching management prioritization and reporting of Annex 12 Activities
- Concerns regarding management of non-persistent chemicals of concern (i.e., toxic in toxic amount substances)

# Other Issues

- VE and ZD – Definitions
- PTS in Products
- Persistence - Definition
- Human Health “Action Levels”

# Annex 12 Options

- GLBTS may be appropriate location to provide overall management to Annex 12 activities and reporting
- Other Options?
- Perhaps GLBTS should be codified in updated GLWQA, to support this function

# Summary Recommendation

- Annex 12 is generally felt to be current and relevant, but in need of some revisions in an updated GLWQA.
  - Some terms in the Annex should be revisited and clarified or updated (see Options).
  - The Parties should develop a management framework which ties together the various program elements of Annex 12, such as research, monitoring and surveillance, and pollution prevention, in order to help the Parties set priorities and make key management decisions regarding toxic substances in the Great Lakes Basin.

## Summary Recommendation (Cont.)

- The Parties should also consider how non-persistent but continuously available toxic substances are addressed by the GLWQA, and take action to address potential gaps.
- The Parties should report out on progress related to Annex 12, or provide a roadmap to current reporting that addresses Annex 12 issues. Include Gaps analysis.
- The Great Lakes Binational Toxics Strategy, or a similar binational entity, is a logical location for the overall management and reporting of Annex 12, and should be codified in a revision to the GLWQA, as such.

# Annex 15: Airborne Toxic Substances

## General findings

- Annex is still relevant due to importance of atmospheric deposition
- Many activities have been implemented, including the IADN, though not all with adequate funding
  - IADN Steering Committee consulted for input on the Annex review
- Only brief mention of international sources and no connection to international agreements like Stockholm

# Annex 15

## Options/Recommendations

- Some slight revisions needed to reflect IADN as an existing (rather than planned) program
  - Add reference to monitoring of substances of emerging concern for IADN
- Add reference to working through international agreements to reduce toxic inputs
- Annex 15 could fall under the Annex 12 management and reporting framework if it is developed