

MEDIA RELEASE

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IJC recommends moratorium on bulk removals and sales of Great Lakes water

In its interim report under the Water Uses Reference, released today, the International Joint Commission (IJC) recommends that, for the next six months while the IJC completes its investigation, U.S. and Canadian federal, state and provincial governments should not authorize or permit any new bulk sales or removals of surface water or groundwater of the Great Lakes basin and should continue to exercise caution with regard to consumptive uses of these waters, in accordance with existing laws in both countries and the Great Lakes Charter.

The Commission also advances as an interim recommendation that no removals should be allowed that would endanger the integrity of the waters of the ecosystem of the Great Lakes basin. The Commission proposes a number of conditions that would determine whether certain removals may be considered, prima facie, not to endanger that integrity. The Commission further recommends actions to improve the development of information needed about current and future consumptive uses and to expand knowledge concerning groundwater.

The interim report responds to the request made by the governments in their February 10, 1999 Water Uses Reference for interim recommendations for the protection of the waters of the Great Lakes. In preparing its interim report, the IJC considered testimony at its eight public hearings, written comment, the work of its study team, and consultations with technical experts, government officials and other interested parties. A final report will be submitted to the governments by February 2000, after completion of phase II of the IJC's study.

During the first six months of study, the IJC reached the following preliminary conclusions, which are included in the interim report:

- **There is never a 'surplus' of water in the Great Lakes system.** Every drop of water has several potential uses and trade offs must be made when human intervention takes place and waters are removed from the system. Environmental interests, for example, require fluctuations between high and low levels to preserve diversity. Seemingly 'wasted,' the infrequent very high waters do, in fact, serve a purpose by inundating less frequently wetted areas and renewing habitat for their biotic occupants. Major outflows from the Great Lakes provide needed fresh water input to fisheries as far away as the Gulf of Maine.
- **Removals of water from the Great Lakes basin reduce the resilience of the system** and its capacity to cope with future, unpredictable stresses. It is not possible, with current knowledge, to identify, with any confidence, all the adverse consequences of water removals in order that they may be mitigated.
- **There is uncertainty and a lack of adequate information about withdrawals of groundwater** which constitute about five percent of all withdrawals in the basin. This is a matter of considerable concern and importance to a significant portion of the basin's population who rely on groundwater.
- **There do not appear to be any active proposals for major diversion projects** either into or out of the basin at the present time. There is little reason to believe that such projects will become economically, environmentally and socially feasible in the foreseeable future. There are not any active proposals for any smaller diversions into or out of the Great Lakes basin at this time.
- **There are not, at present, significant removals of water from the Great Lakes basin by truck.** There is no trade in water from the Great Lakes by marine tanker, although the Nova Group in 1998 did seek a permit to ship 600 million liters of water from Lake Superior to Asia annually. Moreover, despite the increase that has occurred in the market for bottled water, the volume of water leaving the Great Lakes basin in bottles is not significant, nor is the amount of ballast water

leaving the basin.

- **There is uncertainty with respect to future demand for water within the basin**, since it is not possible to predict whether the current trend to slower growth in water withdrawals in the region will continue.
- **Mounting evidence of the potential for climate change adds to the uncertainty of future supplies to the Great Lakes that will affect their levels and flows.** Most models suggest that global warming would lower Great Lakes levels and outflows. Climate change also has the potential to increase the demand for water, both inside and outside of the basin.
- **Existing institutions and processes in the basin have provided mechanisms to deal with water use issues.** It is important to retain and build on those strengths. The *Great Lakes Charter* is an effective arrangement among the Great Lakes states and the provinces of Ontario and Quebec that focuses them on water resource issues. Although not legally binding, it fosters cooperation amongst the states and provinces and requires that they notify each other of major new or increased diversions or consumptive uses.
- **The Great Lakes Charter's trigger amount for consideration of significant proposed new diversions and consumptive uses is too high.** The Great Lakes Charter does not require the consent of all Great lakes states and provinces before allowing a new diversion or consumptive use to proceed, does not establish criteria for when such consent should be given or withheld and does not provide for public involvement during the consultation process.
- **International trade law obligations**, including the provisions of the Canada - United States Free Trade Agreement, the North American Free Trade Agreement and World Trade Organization agreements, including the General Agreement on Tariffs and Trade (GATT), **do not appear to prevent Canada and the United States from protecting their water resources and preserving the integrity of the Great Lakes basin ecosystem.** Canada and the United States cannot be compelled by trade laws to endanger the waters of the Great Lakes ecosystem.
- **Because there is uncertainty about the availability of Great Lakes water in the future** due to previously experienced variations in climatic conditions as well as potential climate change, uncertainty about the demands that may be placed on that water, uncertainty about the reliability of existing data, and uncertainty about the extent to which removals and consumptive uses harm, perhaps irreparably, the integrity of the Basin ecosystem, **caution should be used in managing water** to protect the resource for the future.

Over the next six months, the IJC will conduct public hearings to receive comments on its interim report and will consult extensively with governments and other interested parties concerning the report and its Phase II efforts.

Contact	<u>Frank Bevacqua</u>	Washington, D.C.	(202) 736-9024
	<u>Fabien Lengellé</u>	Ottawa, Ontario	(613) 995-0088