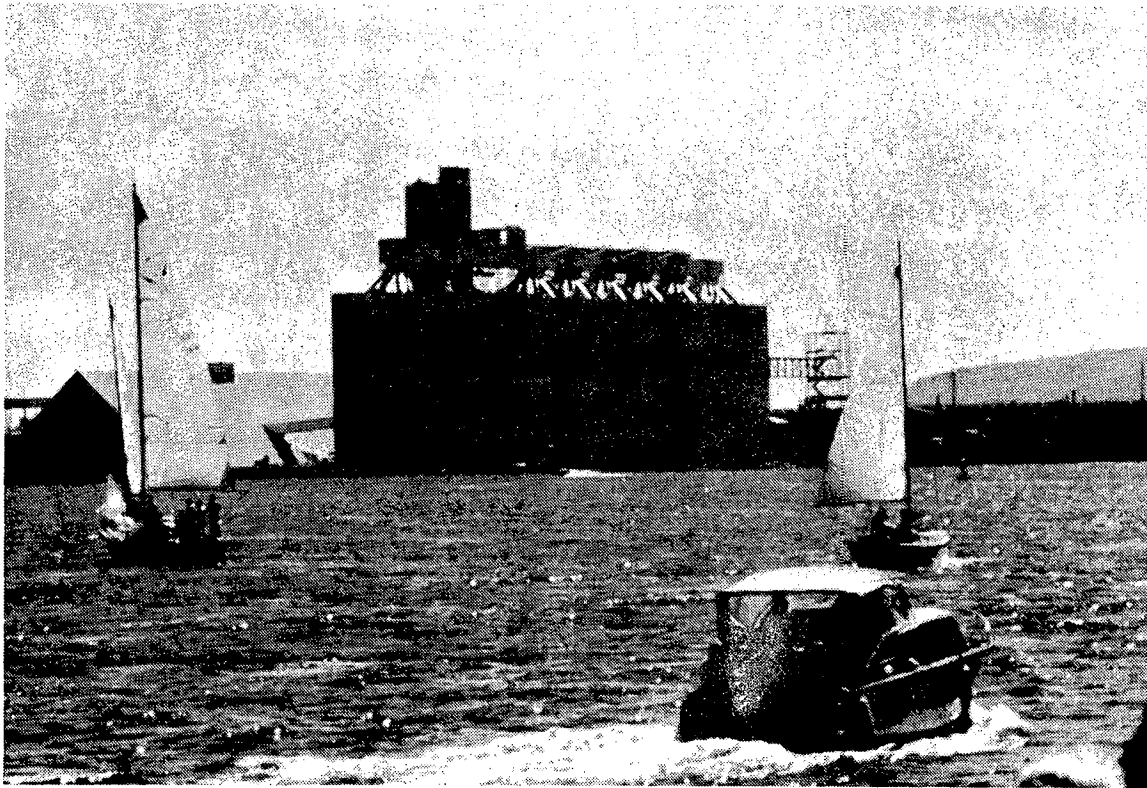


Citizen Action in Developing Clean-Up Plans for the 42 Great Lakes Toxic Hot-Spots



Report from:
A Remedial Action Plan Workshop
for Citizen and Community Leaders
September 11-13, 1987
Buffalo, New York



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Funding for this workshop was provided by the C.S. Mott and Public Welfare Foundations. Great Lakes United wishes to thank the speakers and facilitators for sharing their valuable experience with us. We also thank the participants for giving another weekend of their time to attend this workshop. With the dedication and committment of these people and other citizens and citizens' groups, we are confident that RAPs will succeed in cleaning up the Great Lakes.

INTRODUCTION:

On September 11, 12 and 13, 1987, 70 activists involved in Remedial Action Plans (RAPs) gathered at the Buffalo Hilton. These representatives of citizen and community groups, and some government agencies, came together to discuss problems and develop common strategies in developing clean-up plans for the 42 "areas of concern" in the Great Lakes. The participants, who came from throughout the Great Lakes Basin, had a shared interest in improving public involvement in the development and implementation of RAPs.

During GLU's Great Lakes Water Pollution Hearings in the summer and fall of 1986, citizens expressed a tremendous hope that RAPs would be the solution to the festering pollution problems plaguing the Basin's "areas of concern". Along with this hope, however, there was fear that the full potential of RAPs would not be realized. Speakers repeatedly expressed an eagerness to cooperatively explore ways to make the RAP process work.

RAPs have tremendous potential, but the challenges in achieving that potential are enormous. For RAPs to succeed, the determination, diligence and involvement of citizens and the affected communities is needed. The organizations GLU works with across the Basin believe that RAPs can succeed only if the public's strength is mobilized through a dedicated commitment by governments to public consultation.

Citizens and communities have a fundamental right to share in the shaping of their future. These citizens have lived with the pollution problems and fought for their cleanup. They are a rich source of knowledge that must be built into the plan. These community leaders are also in the best position to determine what remedial actions are adequate and which are feasible financially.

Great Lakes United and the groups we work with believe that the affected communities in Areas of Concern must work as equal partners with the agencies responsible for developing RAPs. We

believe that such a partnership will result in a solid base of support for the final RAP.

GLU organized this workshop for citizen leaders in hopes of developing ways to strengthen this partnership. The Workshop was made possible with funding support from the C.S. Mott and Public Welfare Foundations. A participants list is included.

THE GREAT LAKES' 42 TOXIC HOT-SPOTS:

Since the mid-1970s, Great Lakes water quality professionals have recognized specific areas, such as harbors, bays, rivers and river mouths, and the channels connecting the Great Lakes, with severe water quality problems. Water quality parameters in these areas do not meet the general and specific objectives of the 1978 Great Lakes Water Quality Agreement. The degraded conditions prevent the public from enjoying a full complement of beneficial uses. Typically, fish from these waters are contaminated and advisories against consumption are in effect. Swimming in areas of concern is often unsafe.

One of the most ubiquitous problems is contaminated sediments. In 38 of the 42 areas of concern, in-place pollutants, often from past waste discharges, cause restrictions on dredging, are disrupting the aquatic community, or, in some cases, are thought to be a source of contaminants to other parts of the ecosystem. (Great Lakes Water Quality Board report to the International Joint Commission, 1985.)

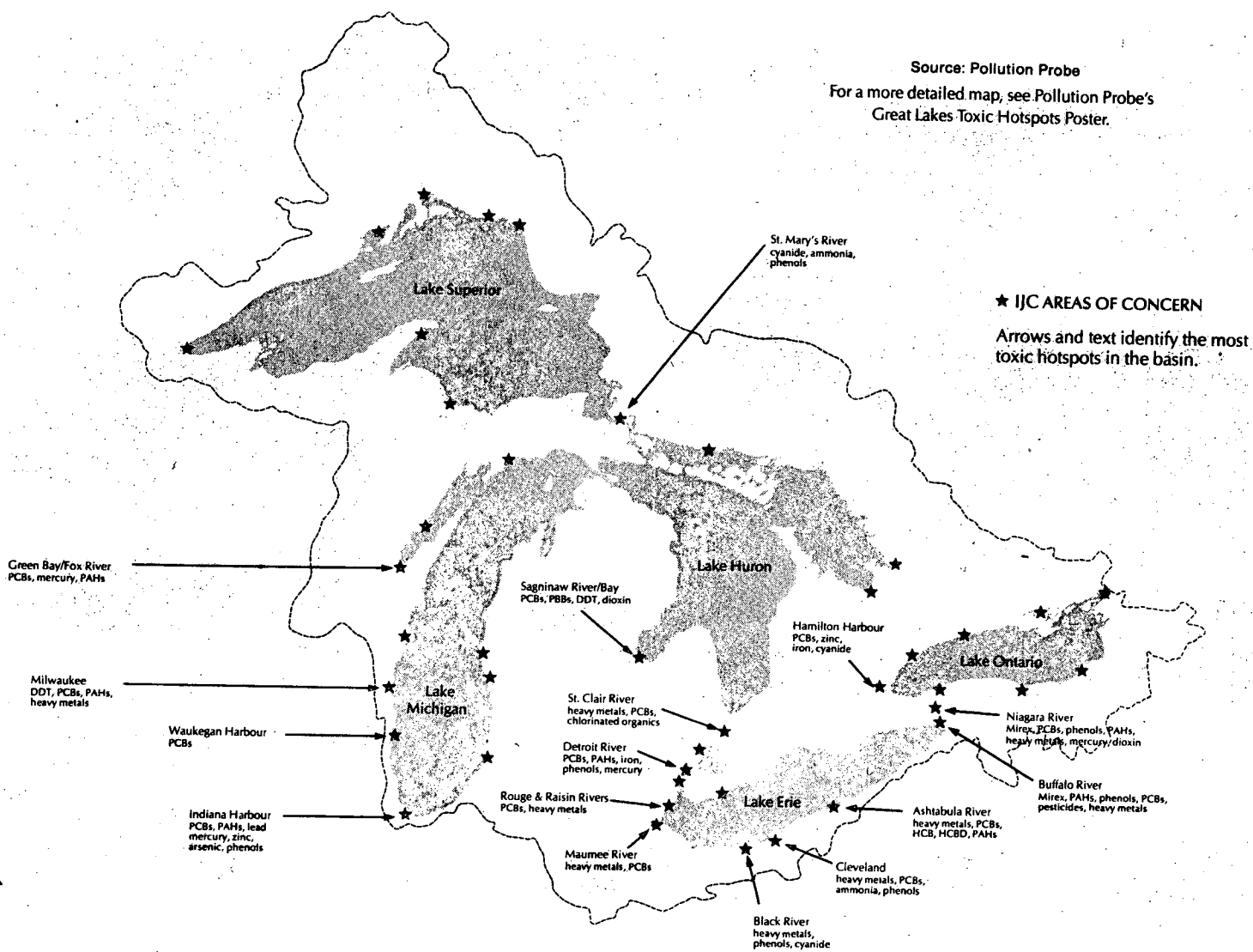
The IJC's Water Quality Board has listed and reported on areas of concern, originally called "problem areas", since the Board's 1973 report. For the first 12 years, the focus of efforts in areas of concern was largely limited to categorizing, listing, reporting, and assessment. Many jurisdictions attempted to address sources through the issuance of municipal and industrial discharge permits.

In the early 1980's the Water Quality Board recognized that little was being accomplished to actually clean up the areas of concern and a new approach was developed. The Board and the IJC formally launched the Remedial Action Plan process with the Board's 1985 report. According to the report, "This new [process] will represent a systematic and comprehensive approach to restoring beneficial uses in areas of concern and is consistent with an 'ecosystem approach' to the protection of the Great Lakes.

The 1985 report lists and ranks the 42 areas of concern into one of six categories based on the extent to which causative factors are known and remedial measures implemented. In the report, the agencies primarily responsible for each of the areas ranked them and stated the date when they expected to complete the plans. According to the report, the last RAP was to have been completed by December of 1986.

Since this rosy forecast, reality has struck everyone involved with RAPs. The jurisdictions quickly realized that developing comprehensive plans, defining the extent to which remediation measures will restore beneficial uses, deciding "how clean is clean enough," and determining who will pay for remedial actions will be far more time and energy-consuming than anticipated. To date, no final RAPs have been reviewed by the Water Quality Board.

Source: Pollution Probe
 For a more detailed map, see Pollution Probe's
 Great Lakes Toxic Hotspots Poster.



The Water Quality Board has defined a comprehensive protocol under which RAPs will be reviewed. While the Board and its committees will review and comment on the plans, all input from the IJC is non-binding. The jurisdictions are free to accept or reject the IJC's comments.

THE WORKSHOP:

The objectives of the workshop were to give everyone a chance to talk with each other, to explore ways to make the RAP process work, to find ways to support each other and to develop recommendations for those responsible for developing RAP programs.

Saturday's program consisted of presentations, workshop sessions and caucuses. The goal of Saturday's activities was to generate a productive strategy session on Sunday morning that would produce conclusions and recommendations for action and follow up.

CONCLUSIONS AND RECOMMENDATIONS:

In the last session of the RAP workshop, the participants agreed to a series of recommendations for ways to improve the RAP process. These recommendations fall into four main categories: the role of the public, funding RAP implementation, contaminated sediments, and citizens' groups working together.

THE ROLE OF THE PUBLIC:

If RAPs are to be successful, the public must be a central part of the entire RAP process. This means involving them from the beginning stages of planning how to develop a RAP, through its implementation and ongoing monitoring of the condition of the area. Public scrutiny is important even after an area has been removed from the list of "areas of concern". This was the dominant theme of the workshop.

Numerous reasons were presented for this conclusion. People who live in the RAP area have an intimate understanding of the conditions and potential of the area and, therefore, have a unique ability to develop the RAP. Implementation of the RAP will require considerable financial support and commitment from industry and government; strong public support is necessary to generate the will to implement the RAP. But most basically, the people who live in and are part of the RAP area must be at the center of developing the RAP because their lives are directly affected by the quality of the area.

The workshop raised examples of the determination of the public to become part of the RAP process. In those areas where they have been frustrated in their efforts, the public has often taken initiatives to begin or alter the RAP process. In Toronto, several citizens' groups got together and developed their own "Waterfront Remedial Action Plan." In places such as Green Bay, Windsor, Buffalo and Sarnia, citizens' groups have lobbied persistently for more complete involvement of the public in RAP development and have succeeded in becoming central parts of the plan development through citizen advisory committees, membership on technical committees and on the government committees directing the RAP planning process.

Despite these successes and hopeful models for public involvement such as those being used in Hamilton Harbour and Green Bay, there is considerable frustration with the ways in which public participation is being handled around the Great Lakes Basin. The groups are finding that they have to fight on a case-by-case basis for full inclusion in the RAP planning process.

Therefore, we recommend that the International Joint Commission develop guidelines for public participation in the RAP process.

Each RAP area is different and, therefore, public participation processes must be adapted to those unique situations. Nevertheless, the IJC could state clearly the principles of public involvement and give detailed examples of the kinds of mechanisms that they think are valuable models of public involvement for the states and Ontario to use. The IJC's guidelines would help ensure that the public in all RAP areas are given reasonable opportunities to be involved.

When assessing RAPs submitted to it by the states and Ontario, the IJC should carefully review the opportunities provided for public involvement and the integration of the input received into the plan. The IJC should also determine whether the plan includes adequate provisions to include the public in monitoring the implementation of the plan.

In some areas, commitments have been made to include the public, but adequate money has not been allocated to support the public involvement structures. This leads to considerable frustration among those citizens who are giving freely of their time, but are not being provided with basic support services. For example, in some RAP areas, money has not even been made available to send minutes and meeting notices out to citizen advisory committee members in a timely fashion. Often government staff have public involvement duties added to their workloads without any reduction in their other responsibilities; this means that they cannot possibly properly conduct public involvement programs. It is often assumed that anyone can run a public involvement program; this is far from true. Money must be made available to hire qualified experts in public participation.

The failure to financially support public involvement programs makes citizens in the RAP areas skeptical about the sincerity of the governments' public involvement efforts.

The states and Ontario must make the allocation of money to RAP public involvement programs a high priority. The federal governments should provide financial support to the states and Ontario to conduct these programs.

In many areas, public advisory committees or stakeholders groups have been set up to provide input into the development of the RAP. These committees have representatives from a wide range of groups including citizens' groups, environmental groups, sports associations, industry, municipalities, business groups, and educational institutions. Workshop participants agreed that this broad base of involvement is desirable and stakeholders groups are important public involvement mechanisms.

Some recurring problems are arising with the public advisory committees. They are often set up too late in the process. As a result, they do not have the opportunity to help design the RAP planning process and the entire public involvement program. The committees need a qualified facilitator to help organize the committees' activities and possibly chair the meetings. If the facilitator is to be effective, the public advisory committee must have confidence in the facilitator; this means that the committee must choose the facilitator.

There was considerable discussion of the role of the public advisory committee and its relationship to the government people directing the RAP planning process. In some cases, the public advisory committee has felt that its advice has been ignored, making it an irrelevant appendage. This sort of situation leads to considerable frustration and negative feelings between the public and the governments involved. It also erodes support for the final plan. The public advisory committee and the responsible government body should sit down together to discuss their expectations and to develop mechanisms for working together.

Public advisory committees should be set up in each RAP area as the first task in developing a RAP. The committee should choose its own facilitator and chair, and develop its own agendas. In consultation with the government body overseeing the RAP planning process, the public advisory committee should develop its own terms of reference and operating procedures. The relationship between the public advisory committee and the government should be mutually defined by the two groups.

Experiences with other consultation processes lead many people to fear that they will not be given enough time to respond to reports and proposals. Too often, governments have tried to make up for time lost in preparing reports by reducing the amount of time for public review of those reports. This is not acceptable. Because the public role is so central to the development and implementation of RAPs, time frames must be flexible to allow the public the necessary time to make input.

The governments must ensure that adequate time is allowed for public input at each stage in the development and implementation of RAPs.

FUNDING RAP IMPLEMENTATION:

There is a suspicion around the Basin that considerable effort will be put into developing excellent RAP plans that will end up on a shelf and not be implemented because the necessary money is not available. A central component in the development of each RAP must be plans for providing the required money. These plans must specifically state who is responsible for providing money and the amounts of money involved. Even though the dollar figures involved may appear foreboding, the long term benefits must be kept in mind.

RAPS must include detailed plans for providing the money to implement the plan. Procedures for assessing additional funding needs and potential sources should also be included. Federal, provincial, state and municipal governments and industry should all be assigned responsibilities in this financial plan. Coordination between these groups is critical.

These financial plans should include an emphasis on putting money into prevention programs which complement clean-up programs. In the long run, prevention programs will be the most effective use of dollars because they avoid new expenditures on clean up in the future.

One suggested source of revenue to fund RAP implementation was fines for illegal contamination discharges. These fines should be earmarked for use in the RAP area where the illegal discharge occurred. This and other innovative funding mechanisms must be explored for complete implementation of RAPs.

CONTAMINATED SEDIMENTS:

The most difficult problem confronting us in RAP areas is cleaning up the heavily contaminated sediments that lie at the bottom of harbours and rivers. Much more information is needed on what we can do to handle this seemingly overwhelming and baffling problem.

Governments should develop basin-wide guidelines for addressing the contaminated sediments problem and should support research on ways to deal with this problem. These guidelines should also apply to areas not in RAP areas to ensure that new "areas of concern" are not developed.

Opportunities should be provided for the public to participate in developing these guidelines and to participate in reviewing new technologies.

Citizens' groups throughout the Basin should work together to find and push for solutions to the contaminated sediments problem. The people at the RAP workshop recommended that the contaminated sediments problem be one of the topics emphasized during the next Great Lakes Week in Washington, D.C., and at a similar educational week in Canada.

CITIZENS' GROUPS WORKING TOGETHER:

The major benefit of the weekend RAP workshop was the opportunity for citizens throughout the Great Lakes Basin to learn from each others experiences and to strategize together. Participants were vehement in wanting to ensure that this sharing would continue after the weekend was over and would extend beyond those who had attended the Buffalo workshop. The following recommendations were made to facilitate the sharing of information and joint strategizing.

* Proceedings from this workshop should be distributed to governments and to other people in the Basin involved in RAPs.

* Information should be exchanged among groups on public participation procedures being used in each area; others should be made aware of positive and negative experiences so we can learn from each other. It was suggested that basin-wide organizations such as GLU and the Center For the Great Lakes should work together to accomplish these goals. GLU should consider putting out a special newsletter and the Center should consider putting together a status report on public participation in each RAP area.

* Guidelines should be put together from the citizens' perspective on how public participation should be conducted in RAPs. This would be useful for citizens in each RAP area and also for government agencies responsible for conducting public participation programs. GLU could put this document together, working from the guidelines the organization has previously published.

* Mechanisms should be set up to help citizens' groups share information with each other on their experiences with and the effectiveness of efforts in their area to deal with contaminated sediments. It was recommended that a committee of technical people be set up by GLU to advise local citizens' groups on this topic.

* It was recommended that a GLU Contaminated Sediments Task Force be established. This team should pursue funding to hold a basin-wide conference on the subject in 1988. It was proposed that "contaminated sediments" be made a regular feature in GLU's basin-wide publications. This group should work with technical experts and resource people from within and outside of the Great Lakes basin. A working group was established to pursue these activities.

SUMMARY OF PROGRAM AND PRESENTATIONS:

Saturday Morning, September 12.

"An Overview of Remedial Action Planning and Citizen Involvement Throughout the Great Lakes Region: Problems and Perspectives from Two Countries."

A Canadian Perspective: Sarah Miller, GLU Board Member and Staff Coordinator for the Canadian Environmental Law Association.

When the IJC launched the RAP process, Canadians involved with Great Lakes clean up enthusiastically welcomed the idea. But two years later, the general public is still not well informed about RAPs or their potential. With the exception of Hamilton Harbour, public involvement in RAP planning is not adequate. The Canadian and Ontario governments' efforts are perceived as fragmented, disorganized, slow and lacking continuity.

Because of their frustration with little progress and repeated delays, a Toronto Waterfront Remedial Group formed and decided to write their own RAP. This group, comprised of neighborhood committees, the Toronto Department of Health, and environmental groups, took the IJC's deadlines seriously. They conducted an extensive public consultation effort and released their plan on schedule.

The Hamilton Harbour RAP's public involvement program provides some useful lessons for other areas. A qualified facilitator is largely responsible for much that has been accomplished in Hamilton. The moniker, "stakeholders," originated in Hamilton. The Hamilton stakeholders are a diverse, broad-based group representing property owners, sporting interests, business and industry, environmental groups and local government. One of the stakeholder group's first endeavors was to promulgate its own statement of principles. All of the RAPs recommendations must be consistent with these principles.

The most important reason why the efforts in Hamilton are succeeding is that citizens were involved right from the beginning. This is not happening in other RAPs in Canada. The Ontario Ministry of Environment is defining problems before the RAP goes to the public. Other Canadian RAPs have not imitated the good example set in Hamilton.

In conclusion, after almost two and half years, there is still a long way to go. The process has only just begun.

A U.S. Perspective: Tim Eder, GLU Field Coordinator.

Some positive aspects of the RAP picture in the U.S. are:

- * Almost all RAPs are much further along than they were two years ago. Public involvement in RAPs is better funded. We can point to Green Bay, the Rouge River in Detroit, and the Buffalo River, as examples of positive public involvement programs.

- * The Green Bay RAP, the U.S. model for the basin, will go to the public hearing stage this fall.

- * The 1987 amendments to the U.S. Clean Water Act authorize funding to demonstrate new technologies for cleaning up contaminated sediments, a new research laboratory, improved monitoring and surveillance and clean up of toxic hot-spots.

- * The 1987 amendments to the Great Lakes Water Quality Agreement under consideration will institutionalize the RAP process.

Some of the negative aspects of the U.S. RAP picture are:

- * Development of RAPs is far behind the schedule in the 1985 Water Quality Board report which anticipated completion of all RAPs by December of 1986. The most recent forecast is that the last RAP will be completed in January of 1991.

- * In the state of New York, funding to support public involvement has been allocated for only one of the state's six RAPs.

- * Except for the Maumee River RAP in Toledo, only one staff person is working on Ohio's four RAPs. There have been no hearings and no public meetings. (A first round of meetings has been held in the other three Areas of Concern since GLU's RAP workshop.)

- * In Wisconsin, Governor Thompson, has line-item vetoed funding for the Milwaukee and Sheboygan RAPs.

- * Despite the promising amendments to the U.S. Clean Water Act, no money has been appropriated to implement the new provisions.

Panel Presentation: "An Overview of Citizen Involvement in the 'Best' RAPs."

Panelists: Ken Sherman, Co-Chair, Buffalo River Citizens' Committee.

Gil Simmons, Hamilton Harbour Stakeholders Group
Rebecca Leighton, Lake Michigan Federation Green Bay Coordinator.

Dale Martin, Alderman, Toronto City Council.

Ken Sherman spoke about his involvement and experiences with the Buffalo River RAP. The Buffalo River runs through the heart of Buffalo's industrial core and is a forgotten part of the past. The River needs to be restored into the consciousness of the city. The Citizens' Committee is working in partnership with the New York Department of Environmental Conservation. Sherman stressed the importance of government funding; without it, the entire process would not be possible.

Gil Simmons gave an enthusiastic account of the work of the Hamilton Harbour Stakeholders Group. She stressed that much of their progress has been possible because of the highly qualified facilitator that has been hired with government funding. She emphasized that the group has found it beneficial to involve local industrial representatives. These people have an important role in paying for the plan's implementation. By bringing industry into the process at an early stage, many of the potential conflicts have been resolved.

Becky Leighton described many of the techniques she has used over the past 18 months to heighten community awareness of water quality issues in Green Bay. She stressed that this educational effort has helped build community support for the RAP. This was especially important in Green Bay because the community's employment base is closely linked with the pulp and paper industry. She also recounted her experiences with the Green Bay RAP Citizens' Advisory Committee, and described some of her frustrations in working out conflicts with the industrial representatives on the committee.

Alderman Dale Martin presented his impressions of why it is essential for citizens to maintain clear goals for their RAP. He described the Toronto Waterfront RAP in which citizens' groups wrote their own RAP. The citizens are now using this plan as a benchmark to assess the governments' "official" plan. He also encouraged citizens to involve local units of government in the process. City, town and county officials are often more accessible and responsive to local concerns than federal, provincial or state agencies.

Saturday Lunch Presentation:

"Stimulating Public Awareness With a Classroom Education Program." Bill Stapp, University of Michigan and James Murray, Chairman, Friends of the Rouge.

An innovative environmental education program for high schools has been highly successful in creating student and community awareness of water quality problems in the Rouge River. Friends of the Rouge has financed the program in 12 area schools. After an intensive teacher training program, students learn about basic water quality parameters and take actual samples in the field. They compare their results with students in other school's results via a computer hookup. The students also discuss water quality issues and potential solutions with community leaders. Stapp and Murray encouraged the workshop participants to use the program in other communities.

Saturday Afternoon:

Concurrent Workshop Sessions:

Workshop Session A: "Community Outreach and Public Education: Some Tools and Techniques to Get the Community Informed About and Involved in RAPs."

Facilitators: Bill Stapp, Friends of the Rouge River.
Ken Sherman, Buffalo River.

It was determined that governments are not putting enough emphasis on community outreach and public education. Some suggestions to improve community outreach and public education are: provide opportunities for input from individual citizens as well as to citizen groups; ensure that all meetings are open; publicize both the process and key decisions; provide information to the media; and seek assistance and funding from industry.

The Rouge River's community outreach program was discussed as a model. Some of the suggested techniques to reach the public are: trips down the river, walking tours, bus tours, photo contests, and slide shows. A sequence was proposed for different techniques at different stages: A) develop an awareness of water quality, B) expand knowledge of water quality, C) build commitment and D) take action.

A technique that worked well in Hamilton Harbour was to secure the support of the adjacent neighborhoods. This was done by actually delivering letters to everyone living around the Harbour.

Workshop Session B: "Public Involvement Structures: What Process Works Best, Citizen Advisory Committees, Stakeholder Groups or other?"

Facilitators: Joanna Kid, Pollution Probe.
Tony Luppino, Citizen Action of Western N.Y.

This workshop emphasized the importance of creating a constituency, and suggested that this was even more important than meeting the deadline for completion of the RAP. It was agreed the citizens must "own" the RAP. An on-going effort should be made to broaden the constituency by reaching out to more and more people.

Funding from the governments to support public involvement is critical but is presently not adequate. Qualified facilitators are needed to bridge the gap between engineers, bureaucrats and citizens.

The process must start by identifying stakeholders. Six types of people were listed: political, bureaucratic, technical, foot-soldiers, visionaries and facilitators.

Each RAP is different; therefore, there is no one "right way". However, citizens need a blueprint for the process. The IJC should put together principles specifying and describing adequate public involvement.

Workshop Session C: "The Role of Industry and Other Dischargers."

Facilitators: Rebecca Leighton, Lake Michigan Federation.
James Murray, Friends of the Rouge.

The consensus was that industry must be involved. If industry becomes involved early, endorses steps along the way, and commits to sign on to the final RAP, then the potential for embarrassment will prevent them from backing out.

When working with industry it is important to strive to work in a partnership. It will not be possible to reach a consensus at all times. It is advisable to involve company decision makers in the process, not just PR people.

When working with industry it is essential to learn the company's history, record, politics, and as much about the top managers as possible. As one veteran put it, "do your homework or you will be lost, out maneuvered and embarrassed!"

It was suggested in this session that the IJC should take an especially active role in RAPs where there is a job threat,

such as in a "mono-industry" town. The IJC's could help if citizens are threatened with job blackmail or if local governments are weak due to industrial interference.

Workshop Session D: "Implementation and Follow Up: What is the Public's Role in Monitoring the Implementation of RAPs? What Sources of Funding are Available to Implement RAPs?"

Facilitators: Sally Cole-Misch, International Joint Commission.
Glenda Daniel, Lake Michigan Federation.

Several suggestions that citizens can use include: keep a schedule handy and constantly use it to keep the process on track; build implementation safeguards into the process from the beginning, establish an ongoing watchdog agency, and celebrate victories and show progress, no matter how small. Keeping legislative voting records can be useful in making clean water a political issue.

Industrial fines for water quality discharge violations should come back to the RAP area and could be an important source of funding RAP implementation.

It was also noted that the IJC's strength is determined by the strength of the individual commissioners. Citizens should lobby for stronger commissioners when appointments comes up.

Workshop Session E: "Getting the Resources to Do it Right: How Much Money is Needed to Support Planning and Public Involvement and How Do We Get It."

Facilitators: Ron Scrudato, Oswego River Citizens Committee.
Madelyn Webb, Center for the Great Lakes.

The consensus was that there is a general lack of commitment to citizen involvement. Participants stated that "in the Grand Cal, Indiana is unwilling to commit resources to the RAP," and, "in Oswego no one is dedicated to public participation." The IJC should be advised that governments' lack a commitment to funding for public involvement. The importance of this funding was summed up by one participant who said, "There will be no implementation of the plans if citizens are not actively involved from the beginning!"

In Ontario the Ministry of the Environment is spending money, but how and where it is being spent is at issue. Representatives from Hamilton were critical of the Ministry for proposing a socio-economic study. The consensus is that this is not the right time for such a study.

The bottom line of this workshop was that we need to hammer across the point to governments and industry that the RAP process will take a substantial amount of time and it will cost big money. Government and industry should get used to committing large sums of money to RAPs because they are of prime importance to the future of the Great Lakes.

Saturday Evening:

Caucus Session: Contaminated Sediments.

The group concluded that it was essential that citizens develop ways to share information on the problems and solutions for dealing with contaminated sediments. As information on new technologies becomes available, this must be transferred throughout the basin.

It was suggested that GLU report on new technologies and how other RAPs are dealing with contaminated sediments. Great Lakes Week in Washington is an ideal opportunity to push for funding and to promote citizen participation in technology development.

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GREAT LAKES UNITED

*“An international organization
dedicated to conserving and
protecting the Great Lakes and
St. Lawrence River”*

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