

**GREAT LAKES WATER QUALITY AGREEMENT
ANNEX 3 CHEMICALS OF MUTUAL CONCERN (CMCs) SUB-COMMITTEE
TO THE GREAT LAKES EXECUTIVE COMMITTEE (GLEC)**

PROPOSED TERMS OF REFERENCE

1. INTRODUCTION

The Governments of Canada and the United States (the Parties), pursuant to the requirements of the 2012 *Great Lakes Water Quality Agreement (GLWQA)*, are committed to “maximize their efforts to:

- (a) co-operate and collaborate;
- (b) develop programs, practices and technology necessary for a better understanding of the Great Lakes Basin Ecosystem; and
- (c) eliminate or reduce, to the maximum extent practicable, environmental threats to the Waters of the Great Lakes.”

This is further articulated under the Articles and Annexes of the GLWQA.

Pursuant to *GLWQA Article 5 – Consultation, Management and Review*, the Parties further commit to establish a Great Lakes Executive Committee (GLEC) to help coordinate, implement, review and report on programs, practices and measures undertaken to achieve the purpose of this Agreement and to appoint Annex-specific sub-committees to the Great Lakes Executive Committee (GLEC), as required, to assist in the implementation of the Agreement.

Annex 3 – Chemicals of Mutual Concern (CMCs) to the Agreement further commits the Parties to contribute to the achievement of the General and Specific Objectives of the Agreement by protecting human health and the environment through cooperative and coordinated measures to reduce the anthropogenic release of chemicals of mutual concern into the waters of the Great Lakes.

These Terms of Reference set out the mandate, principles, role and responsibilities, organizational structure and membership for the Annex 3 - CMC Sub-Committee, herein after referred to as C3.

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2. MANDATE

As per Annex 3 – Chemicals of Mutual Concern (CMCs), the mandate of the C3 is:

- a. To establish and implement a process for recommending chemicals of mutual concern, herein after referred to as CMCs, to the Parties by the Great Lakes Executive Committee (GLEC);
- b. To propose candidate chemicals along with supporting scientific rationales to GLEC;
- c. For those chemicals agreed to by the Parties to be designated as CMCs pursuant to the GLWQA, to develop bi-national strategies which may include research, monitoring and surveillance and pollution prevention and control provisions;
- d. To monitor the status of bi-national strategies implementation for CMCs that have been agreed to by the Parties;
- e. To coordinate the development and application of domestic water quality standards, objectives, criteria, and guidelines for CMCs among the Parties and other governmental entities, subject to relevant domestic law and regulation, by:
 - i. maintaining, periodically reviewing, and making publicly available current water quality standards, objectives, criteria and guidelines for chemicals of mutual concern;
 - ii. aligning, where appropriate, domestic water quality standards, objectives, criteria and guidelines applicable to chemicals of mutual concern;
 - iii. developing, where warranted, new domestic water quality standards, objectives, criteria and guidelines for chemicals of mutual concern; and
 - iv. reviewing and addressing any exceedences of or non-compliance with domestic water quality standards, objectives, criteria, and guidelines for chemicals of mutual concern;
- f. To regularly exchange information on monitoring, surveillance, research, technologies and measures for managing CMCs;
- g. To coordinate on science priorities, research and surveillance and monitoring activities associated with CMC's, as appropriate;
 - i. developing an approach to use surveillance and monitoring data as empirically-based, early warning methodology for chemicals that could become CMCs;
 - ii. recommending reporting mechanisms for the occurrence, sources, transport, and loading of CMCs in GL including spatio-temporal trends;
 - iii. developing a strategy to evaluate the effects of CMCs on human health, wildlife, and aquatic species;

- iv. reporting annually on the research, surveillance, and monitoring activities regarding CMCs, including review and prioritization of needs; and
 - v. reporting on the use of research, surveillance, and monitoring in source management, treatment technologies, and the efficacy of pollution control and reduction measures.
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- h. To liaise with accountable organizations having responsibility for the implementation and performance measurement of specific pollution prevention and control measures that have been recommended in bi-national strategies and provide an overall evaluation of their effectiveness and the recommendation of adaptive management approaches where appropriate;
 - i. To report to the Great Lakes Executive Committee as required on progress made in implementing the work of the Sub-Committee and to recommend changes, as and where appropriate;
 - j. To provide input as required to the GLEC Co-Chairs to support development of Progress Reports to the Parties;
 - k. To support GLEC in the preparation for and holding of Public Forums and Summits, as required; and
 - l. To conduct other work associated with the implementation of Annex 3 - Chemicals of Mutual Concern (CMCs) assigned to it by the Great Lakes Executive Committee (GLEC).

3. ANNEX 3 - PRINCIPLES

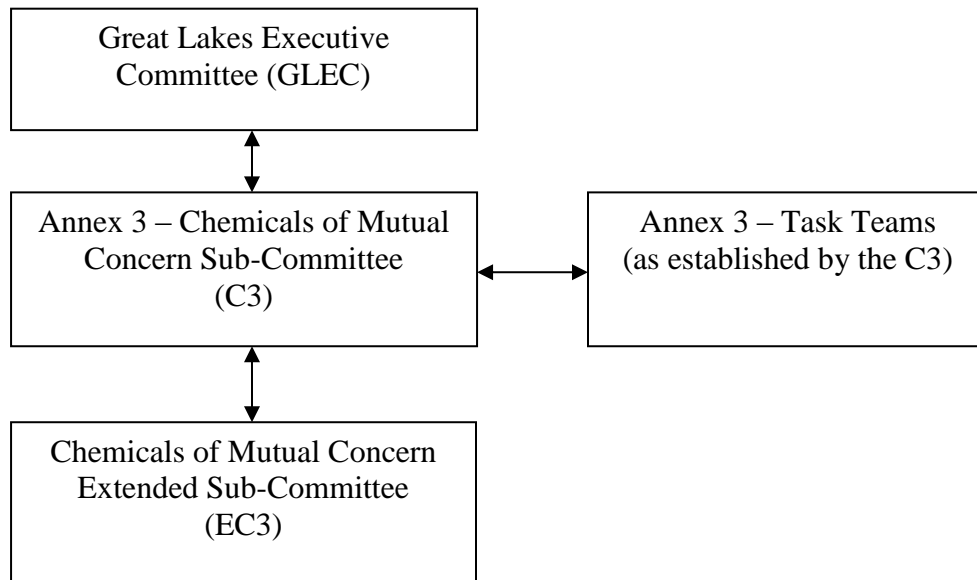
In conducting its work, the Annex 3 – Chemicals of Mutual Concern (CMCs) Sub-Committee shall adhere to the principles and approaches set forth in Section 4 of Article 2 of the GLWQA as well as the following principles as set forth in Annex 3 of the Agreement:

- a. Environmental releases of CMCs should not result in impairment of Great Lakes waters;
- b. Actions taken to effect the sound management of CMCs should be accountable, adaptive and science-based;
- c. Virtual elimination and zero discharge of CMCs should be implemented as appropriate;
- d. CMCs should be managed throughout their entire life-cycle;

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- e. The Public could contribute to the reduction of the environmental impacts of CMCs and products containing CMCs by adopting safer and less harmful chemicals, as well as technologies that reduce or eliminate uses and releases of CMCs;
- f. Knowledge and information on the use, creation and release of CMCs are fundamental to their sound management;
- g. Influence of climate change on CMCs use, release and impacts should be taken into consideration;
- h. CMC's can be managed at the federal, state/provincial, first nations, tribal and local levels through a combination of regulatory and non-regulatory programs; and
- i. Action at the international level may reduce CMC releases from out-of-basin sources.

4. ORGANIZATIONAL MODEL



5. ORGANIZATIONAL ROLE AND MEMBERSHIP

a. Annex 3 – Chemicals of Mutual Concern Sub-Committee (C3)

Role:

The C3 is responsible for the development, maintenance and delivery of a three year workplan designed to realize the commitments of the Parties as set forth in Annex 3 of the GLWQA. Decisions of the C3 will be made by consensus. A quorum of 9 members, including the co-chairs and with a minimum of 4 participants from each country, is required for the C3 decisions to stand.

Membership:

The C3 shall consist of members drawn from relevant federal, state, provincial, First Nations, Métis and Tribal Governments in Canada and the United States of America having responsibilities for the protection of ecosystem health within the Great Lakes Basin. The C3 shall be Co-Chaired by individuals designated by the GLEC Co-Chairs.

Each member is accountable for presenting the views and opinions of the organization that they represent as well as confirmation of commitments for action, proposed or approved, based on the respective mandates of these organizations. It is the responsibility of the C3 Co-Chairs to represent the collective work and views of the C3 to the Great Lakes Executive Committee for consideration.

The membership list for the C3 is attached as Appendix A to these Terms of Reference. Any changes to this membership list must be recommended by the C3 Co-Chairs and approved by GLEC Co-Chairs.

To ensure maximum continuity of operation, the participation of alternates for members will be allowed on an as required basis. It is the responsibility of each C3 member to provide an alternate representative and to notify the C3 Co-Chairs when an alternate will be utilized, as appropriate.

Invited Guests:

The C3 Co-Chairs may, at their discretion, invite experts to attend individual meetings to address specific needs.

b. Annex 3 – Chemicals of Mutual Concern Extended Sub-Committee (EC3)

The Chemicals of Mutual Concern Sub-committee (C3) established the Chemicals of Mutual Concern Extended Sub-committee (EC3).

Role:

The role of the Annex 3 – CMC Extended Sub-Committee (EC3) is to provide input and feedback to the C3 on the development and implementation of the Annex 3 - Chemical of Mutual Concern (CMC) Workplan.

Membership:

The EC3 will include all C3 members, selected representatives from industrial associations and environmental non-governmental organizations.

The membership list for the EC3 is attached as Appendix B to these Terms of Reference. Any changes to this membership list must be recommended by C3 Co-Chairs and approved by the GLEC Co-Chairs.

As is the case with the C3, to ensure maximum continuity of operation, the participation of alternates for EC3 members will be allowed on an as required basis. It is the responsibility of each EC3 member to provide an alternate representative and to notify the C3 Co-Chairs when an alternate will be utilized, as appropriate.

Observers:

Observer status on the EC3 may be granted to specific individuals by the C3 Co-Chairs based on the receipt of a formal request outlining the rationale supporting either their designation as a standing observer at EC3 meetings or their attendance at specific EC3 meetings due to the nature of the subject being discussed.

C3 Co-Chairs have the discretion to deny any application to observe, taking into account venue capacity, meeting balance, or other relevant considerations.

c. Annex 3 – Task Teams

Role:

The role of the Task Teams is to assist in the delivery of the Annex 3 – Chemicals of Mutual Concern (CMC) Workplan. Task Teams will be established by the C3 on an as-required basis. Task Teams and their constituent members will be charged with carrying out their role for a fixed duration of time.

Membership:

Task Team members will be selected by the C3, with input from the EC3. Members will be required to possess expertise relevant to the scope of work of the Task Team.

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6. SECRETARIAT TO C3/EC3

A Secretariat composed of one individual each from the Great Lakes Issue Management and Reporting Section, Environment Canada and the Great Lakes National Program Office, U.S. EPA shall report directly to the Co-Chairs of C3/EC3, as appropriate, and have the following responsibilities:

- a. Preparations for C3 and EC3 meetings, including the development of meeting notices, agendas, briefing packages, etc;
- b. Preparing C3 meeting Records of Decision/Action and EC3 meetings Summaries of Discussion; and
- c. Providing other support to the C3/EC3 Co-chairs, as required, for bi-national coordination during the implementation of Annex 3 of the *GLWQA*.

7. MEETINGS

Pursuant to *Article 5* of the *GLWQA*, the Great Lakes Executive Committee (GLEC) is required to meet at least twice each year, alternating between Canada and the U.S., as directed by the Parties.

Accordingly, the C3 and where warranted, the EC3, are required to meet sufficiently far in advance of GLEC meetings to facilitate the timely provision of information pertaining to implementation of the Annex 3 - CMC Workplan for GLEC consideration.

Other meetings of the Annex 3 C3 or EC3 can be called by the C3 or EC3 Co-Chairs as appropriate for the purpose of advancing the development, maintenance and implementation of the Annex 3 Chemicals of Mutual Concern (CMC) Workplan.

If mutually agreed upon by the Co-Chairs, C3 and/or EC3 meetings need not necessarily be conducted in-person.

Appendix A – Proposed Membership on the Annex 3 – Chemicals of Mutual Concern (CMC) Sub-Committee (C3)

U.S. Membership

Organization	Names of Members	Titles	E-Mail Addresses
Government of the United States of America	Joseph Tietge (Co-Chair)	Chief, Toxic Effects Characterization Research Branch, Mid-Continent Ecology Division, National Health and Environmental Effects Research Laboratory, U.S. EPA	tietge.joe@epa.gov
Government of the United States of America	Mark Johnson	Regional Director, Central Region, Agency for Toxic Substances and Disease Registry	johnson.mark@epa.gov
Government of the State of Minnesota	Patricia McCann	Fish Advisory Program Manager, Minnesota Department of Health	patricia.mccann@state.mn.us
Government of the State of Wisconsin	Donalea Dinsmore	Water Resources Management Specialist, Wisconsin Department of Natural Resources	donalea.dinsmore@wi.gov
Government of the State of Wisconsin	Dr. Shivi Selvaratnam	Technical Environmental Specialist Office of Water Quality Indiana Department of Environmental Management	sselvara@idem.in.gov
U.S. Tribal Government	Sara Moses	Biologist, Great Lakes Indian Fish and Wildlife Commission	s.moses@glifwc.org
Government of the United States of America	Edwin (Ted) Smith	Great Lakes National Program Office, US.EPA/	smith.edwin@epa.gov

Canadian Membership

Organization	Names of Members	Titles	E-Mail Addresses
Government of Canada	Vincenza Galatone (Co-Chair)	Executive Director, Chemicals Management Division, Chemicals Sector Directorate, Environmental Stewardship Branch, Environment Canada	vincenza.glatone@ec.gc.ca
Government of Canada	Nicole Davidson	Director, Emerging Priorities Division, Science and Technology Branch, Environment Canada	nicole.davidson@ec.gc.ca
Government of the Province of Ontario	Steve Klose	Director, Standards Development Branch, Ontario Ministry of the Environment	steve.klose@ontario.ca
Government of the Province of Ontario	Brian Nixon	A/Director, Land and Water Policy Branch, Ontario Ministry of the Environment	brian.nixon@ontario.ca
Canadian First Nations	Member		
Canadian Métis	Member		
Government of Canada	Sophie Bernier	Head - Great Lakes and Products Policy Unit Chemicals Management Division, Environment Canada	sophie.bernier@ec.gc.ca

**Appendix B - Membership on the Annex 3 - Chemicals of Mutual
Concern (CMC) Extended Sub-Committee Members (EC3)
(in addition to Sub-Committee Members)**

US Membership

Organization	Names of Members	Titles	E-mail Addresses
Council of Great Lakes Industries	Dale Phenicie	Director of Projects Council of Great Lakes Industries	dkphenicie@mindspring.com
Great Lakes Green Chemistry Network	Lin Kaatz Chary	Executive Director, Great Lakes Green Chemistry Network	lchary@sbcglobal.net
Healing our Waters Coalition	Michael Murray	Staff Scientist, National Wildlife Federation	murray@nwf.org

Canadian Membership

Organization	Names of Members	Titles	E-mail Addresses
Chemistry Industry Association of Canada	David Shortt	Manager, Environment Health and Safety, Dow Chemical	dshortt@dow.com
Canadian Environmental Law Association	Fe de Leon	Researcher, Canadian Environmental Law Association	deleonf@cela.ca
Pollution Probe	Melissa DeYoung	Project Manager, Pollution Probe/Chief Operating Officer, Pollution Probe	MDeyoung@pollutionprobe.org