



GREAT LAKES LEGISLATIVE CAUCUS

Great Lakes News for Legislators

An online newsletter of the Great Lakes Legislative Caucus

Caucus Chair: Michigan Sen. Patricia Birkholz

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www.greatlakes.org

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www.glsicities.org

Great Lakes Commission
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Great Lakes Environmental Law Center
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Great Lakes Regional Collaboration
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Great Lakes United
www.glu.org

Great Lakes WATER Institute
www.glw.iuwm.edu

Healing Our Waters Coalition
www.healthy-lakes.org

International Association for Great Lakes Research
www.iaglr.org

International Joint Commission
www.ijc.org

Northeast Midwest Institute
www.nemw.org/greatlakes.htm

The Joyce Foundation
www.joycefdn.org

U.S. Fish and Wildlife Service, Great Lakes Basin Ecosystem
www.fws.gov/midwest/greatlakes

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As compact nears passage, two House members raise concerns
Since being introduced in the U.S. Congress, a joint resolution authorizing a new eight-state Great Lakes compact has received overwhelming bipartisan support.

The measure has been approved by the U.S. Senate ([S.J. Res. 45](#)), backed by President George Bush and passed by a House committee ([H.R. 6577](#)).

But with federal consent seemingly imminent, some environmental groups and at least two federal Great Lakes lawmakers are voicing concerns about the compact.

According to [The Buffalo News](#), a coalition of groups has organized a letter-writing campaign warning Congress that the compact will turn Great Lakes water into a commodity. Meanwhile, U.S. Rep. Bart Stupak of Michigan [has sought changes](#) in the wording of the measure, saying more protections are needed against diversions of water through "privatization and exportation." U.S. Rep. Dennis Kucinich of Ohio [has proposed a separate bill](#) ([H.R. 6814](#)) to address his reservations about the agreement.

Concerns about the compact center on what some say is a problematic loophole to the diversion ban -- allowing water to be exported outside the basin in containers smaller than 5.7 gallons (for bottled water, for example), or in larger containers when incorporated into other products -- and the lack of stronger "public trust" language.

Compact proponents say the agreement includes important new conservation and management standards and give state leaders in the region the legal framework they need to protect an invaluable natural resource.

They note, too, that under the compact, individual states are free to enact stricter regulations and laws on how Great Lakes water is used.

And Cameron Davis of the Alliance for the Great Lakes [says in this article by environmental writer Dave Dempsey](#) that Great Lakes water has been used in products and "has been put into bottles" for decades.

These [documents from the Council of Great Lakes Governors](#) provide an overview of the compact and the reasons for it, as well as a list of some of the groups that have voiced support for it.

Bills would pump more dollars into Great Lakes cleanup efforts
The compact isn't the only Great Lakes-related measure getting the attention of federal lawmakers.

In recent months, bills that would invest more dollars in Great Lakes restoration efforts also have moved forward in both legislative chambers of the U.S. Congress.

House and Senate versions of the Great Lakes Legacy Act received the approval of congressional committees in late July.

Both measures call for a near-tripling in the annual amount of federal dollars that go toward cleaning up "Areas of Concern," geographic areas designated by the U.S. and Canadian governments as being "[the most polluted](#)" in the Great Lakes basin.

The House and Senate bills would reauthorize the 2002 Great Lakes Legacy Act, increasing yearly funds from \$54 million a year to \$150 million.

By [expanding](#) on the legislation passed six years ago, primary authors of the [House](#) and [Senate](#) bills say, the Areas of Concern could be cleaned up over the next 10 years. The legislators also note that the 2008 legislation would allocate money for habitat restoration, provide more funding flexibility for states, and invest in new projects that improve how contaminated sediment is removed from the basin.

Of the 31 Areas of Concern in the United States or shared with Canada, only one of the contaminated Great Lakes harbors or tributaries -- New York's Oswego River -- has been de-listed since 1987, according to the [Healing Our Waters Coalition](#).

In all, there are 43 designated Areas of Concern in the basin. Links to both bills (H.R. 6460 and S. 2994) are available through our [Federal Great Lakes Legislative Tracker](#). The caucus also provides a [State Great Lakes Legislative Tracker](#).

Environmental concerns surface over cargo sweeping
It is a practice known as "cargo sweeping" -- washing certain waste from a ship's deck and storage areas into the Great Lakes.

The practice has gone on for decades, and has been explicitly allowed since 1993 by [U.S. Coast Guard rules](#) and congressional actions.

According to a [2002 Coast Guard analysis](#) (see Page 50 of the PDF document), approximately 500 tons of "non-toxic, non-hazardous" dry cargo residue (DCR) such as iron ore, coal and limestone are discharged into the Great Lakes during a shipping season.

Should this shipping practice be allowed?

A proposed Coast Guard rule would permit cargo sweeping to continue in certain areas of the Great Lakes. The rule also would require ship carriers to keep records of cargo sweepings and to report loading, unloading and sweepings. In addition, it would encourage ships to use control measures to reduce the amount of DCR entering the waters of the Great Lakes.

According to [MinnPost.com](#), three Great Lakes states -- Michigan, Minnesota and Pennsylvania -- are actively opposing cargo sweeping and the federal exemption that allows it in the Great Lakes.

Environmental officials in those states say cargo sweeping is in conflict with an international treaty, federal law and/or their own rules on solid waste.

[The Great Lakes and St. Lawrence Cities Initiative](#) also opposes extending the DCR dumping exemption.

"The discharge of waste, including coal, iron ore and limestone residue, into the lakes is unacceptable," it says in a [letter](#) to the Coast Guard.

Shippers say cargo sweeping is a critical part of ship maintenance. The Coast Guard says banning the practice could harm Great Lakes shipping ([The Windsor Star](#)).

Cost of aquatic invaders pegged at \$200 million a year
How much are the invasive species that arrived via the ballast water of ocean-going vessels costing the Great Lakes region every year?

[A new University of Notre Dame study](#) puts the price tag at \$200 million.

Researchers at the university's Center for Aquatic Conservation focused on ship-borne invasives' impact on sport fishing (\$124 million); commercial fishing (\$2 million); wildlife watching (48 million); and raw water users, including municipalities, power plants and some industries (\$27 million).

Since the St. Lawrence Seaway opened in 1959, 68 percent of the 84 invasive species now established in the Great Lakes can be linked to ocean-going ships.

The advocacy group [Great Lakes United](#) is urging the U.S. and Canadian governments to tighten and enforce their ballast water regulations. It supports passage of [H.R. 2830](#), the Coast Guard Authorization Act, which would require ocean-going vessels using U.S. ports to install treatment technology that treats and cleans ballast water.

The ecological impact of invasive species was the focus of [this July 30 Chicago Tribune article](#).

Feds issue new rule to control spread of deadly fish virus
[A new federal rule](#) has been issued to prevent the spread of viral hemorrhagic septicemia (VHS) in the Great Lakes by limiting the importation and interstate shipment of fish.

Set to take effect Nov. 10, the rule sets out specific requirements for moving "VHS-susceptible fish species" and "VHS regulated fish."

Since 2005, VHS has been detected in wild freshwater fish involving large die-offs in several of the Great Lakes and related tributaries in the United States and Canada. Currently the federal government regulates 28 species of fish, but additional species might be added over time.

States also have been monitoring VHS and trying to control its spread in their waters.

For example, under [legislation](#) passed this year in Minnesota, lawmakers directed state natural resources officials to establish new rules that slow or prevent the spread of VHS (and other diseases) and invasive species.

Economic Institute sees green with Quebec's "blue gold"
Large-scale exports of Quebec's "blue gold" to water-thirsty parts of the world could yield big income gains for the province, the Montreal Economic Institute concludes in an [August study](#).

One scenario crafted by the think tank estimates the province could bring in \$6.5 billion a year by exporting 10 percent of its "renewable fresh water."

According to the institute, selling some of the the province's fresh water resources could bring in revenues that "far exceed" those from energy exports.

But in an [Aug. 28 article in The Ottawa Citizen](#), environmental groups predicted that the public wouldn't buy into the institute's idea. Greenpeace said water should not be treated as a commodity, but as a resource owned by the people of Canada.

The newspaper also reports that Environment Canada -- a department of the federal government -- believes the country's water supply is declining because of global warming, the result of which could be shortages in the future. The Quebec National Assembly, meanwhile, is currently considering changes to its water laws.

[As Great Lakes environmental law expert Noah Hall notes here \(see June 6 blog entry\)](#), National Assembly Bill 92 would affirm that "surface water and groundwater are part of the common heritage of the Quebec nation" and that safe water is a human right.

The bill also would set in place new water use and withdrawal rules as well as allow for changes to be made based on climate change.

Hall calls [Bill 92](#) "a dream law for environmentalists and progressive water advocates."



About the Newsletter and the Great Lakes Legislative Caucus
Great Lakes News for Legislators is an online publication of the Great Lakes Legislative Caucus (GLLC). The GLLC is a nonpartisan group of state and provincial lawmakers from eight states (Illinois, Indiana, Michigan, Minnesota, New York, Pennsylvania, Ohio and Wisconsin) and two provinces (Ontario and Québec). The goal of the caucus is to facilitate the regional exchange of ideas and information on key Great Lakes issues, strengthen the role of state and provincial legislators in the policymaking process, and promote the restoration and protection of the Great Lakes. All legislators are welcome to participate. Funding for the caucus is provided by the Joyce Foundation. The Council of State Governments provides staffing services for the caucus. More information is available at www.greatlakeslegislators.org.

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