

BY THE U.S. GENERAL ACCOUNTING OFFICE

Report To The Secretary Of State

International Joint Commission Water Quality Activities Need Greater U.S. Government Support And Involvement

The U.S. Government has not adequately supported or been sufficiently involved in the water quality activities of the U.S./Canadian International Joint Commission. As a result, the Commission has had difficulty fulfilling its role as the principal advisor for water quality matters on the Great Lakes and other boundary waters. To help the Commission more effectively carry out its advisory role, the United States needs to (1) provide formal responses to Commission report recommendations and requests for information, (2) provide continuity of U.S. leadership on the Commission when active leadership on water quality matters is of high importance, and (3) involve key Federal agencies in Commission advisory board activities.

GAO is recommending actions to improve U.S. support for and involvement in the Commission's water quality activities.



118788

GAO/CED-82-97
JUNE 23, 1982

032523/118788

Request for copies of GAO reports should be sent to:

**U.S. General Accounting Office
Document Handling and Information
Services Facility
P.O. Box 6015
Gaithersburg, Md. 20760**

Telephone (202) 275-6241

The first five copies of individual reports are free of charge. Additional copies of bound audit reports are \$3.25 each. Additional copies of unbound report (i.e., letter reports) and most other publications are \$1.00 each. There will be a 25% discount on all orders for 100 or more copies mailed to a single address. Sales orders must be prepaid on a cash, check, or money order basis. Check should be made out to the "Superintendent of Documents".



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

INTERNATIONAL DIVISION

B-206437

The Honorable Alexander M. Haig, Jr.
The Secretary of State

Dear Mr. Secretary:

During our review of the progress of U.S. efforts to control pollution of the Great Lakes ("A More Comprehensive Approach Is Needed To Clean Up the Great Lakes," CED-82-63, May 21, 1982), we found a need to improve U.S. efforts to clean up the Great Lakes and meet water quality agreement commitments. This report, which was prepared by our Community and Economic Development Division, recommends a number of actions to improve U.S. support for and involvement in the International Joint Commission's water quality activities.

As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the Senate Committee on Governmental Affairs and the House Committee on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are providing copies of this report to the Chairmen, Senate Committee on Environment and Public Works, Senate Committee on Foreign Relations, House Committee on Public Works and Transportation, and House Committee on Foreign Affairs; the Administrator, Environmental Protection Agency; the Director, Office of Management and Budget; and the U.S. Secretary to the International Joint Commission.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank C. Conahan".

Frank C. Conahan
Director



D I G E S T

The International Joint Commission (IJC), a permanent U.S.-Canadian body established by the Boundary Waters Treaty of 1909, is responsible for, among other things, advising the U.S. and Canadian Governments on Great Lakes and other boundary waters pollution control matters. However, the U.S. Government has not adequately supported or been sufficiently involved in the work of the IJC, resulting in the IJC having difficulty meeting its water quality responsibilities.

This review is part of GAO's overall effort to determine whether the United States is meeting the objectives of the Great Lakes Water Quality Agreements with Canada. GAO's report on Great Lakes water quality activities entitled "A More Comprehensive Approach Is Needed To Clean Up the Great Lakes" (CED-82-63) was issued on May 21, 1982. During that review GAO became aware of and followed up on the matters discussed in this report.

GAO's reviews were necessarily confined to U.S. water quality efforts. Any references to Canadian efforts in this report are based on reports published primarily by IJC. The comments of Department of State and Environmental Protection Agency (EPA) program officials on the matters discussed are included where appropriate.

Two U.S. Federal agencies, the Department of State and EPA, are responsible for Great Lakes and boundary waters pollution control matters. EPA carries out programs to improve water quality, and its representatives serve on many IJC boards and committees. The Department negotiated the water quality agreements and, in cooperation with EPA, maintains communication with Canada and IJC on agreement matters, including responding to IJC reports and requests for information.

U.S. GOVERNMENT NEEDS TO
INCREASE SUPPORT OF AND
INVOLVEMENT IN IJC ACTIVITIES

The U.S. Government needs to be more supportive of and involved in IJC's work by

- formally responding to IJC report recommendations and requests for information on U.S. pollution control activities,
- providing continuity of U.S. IJC leadership when active leadership on water quality matters is of high importance, and
- involving key Federal agencies with water quality agreement responsibilities on IJC advisory boards and providing needed input to such boards.

IJC is not receiving a wide range of information and advice on U.S. pollution control efforts. Also, costly IJC studies and recommended actions have had minimal impact on U.S. pollution control efforts.

Responding to IJC reports

Since 1972, IJC has issued 16 reports to the U.S. and Canadian Governments which contain specific recommendations or request clarification of or information on agreement matters. The Department of State has formally responded to only three of these reports, despite repeated IJC requests for formal U.S. responses. Although the Department has recently provided informal responses to some reports, IJC officials maintain that the lack of formal U.S. responses has hampered IJC's effectiveness in advising the Governments. For example, according to the acting director of the IJC regional office, because the United States has not responded to recommendations contained in a multimillion-dollar 1980 study of pollution from land use activities, (1) IJC is unaware of U.S. intentions regarding the recommendations and (2) an IJC advisory board could not decide on an optimum organizational structure for obtaining needed information. (See p. 6.)

Key U.S. Government and IJC officials believe that formal responses to IJC would result in many benefits, including improved IJC accountability to the U.S. and Canadian Governments and greater accountability between the two countries on important environmental issues. The Department of State has recently provided informal feedback to IJC on various matters, but according to Department officials formal responses have not been provided because of higher priorities and a lack of resources. Department officials also stated they would have responded more often to IJC recommendations if the recommendations had been clearer and had not requested information which was impractical to furnish from a political and/or economic standpoint. (See pp. 8 and 9.)

GAO believes a formal system of feedback to IJC on its reports and recommendations would be useful and is desired by IJC. GAO further believes the difficulty the Department has experienced with respect to the presentation of IJC recommendations, emphasizes the need for formal responses and feedback to IJC. (See p. 10.)

Continuity of leadership

IJC needs continuity of leadership to ensure that it meets its responsibilities, but during the past year IJC has not had such continuity. The three U.S. IJC commissioner positions were vacant from March 1981 to September 1981. Coincidentally, two of the three Canadian commissioner positions were vacant during some or all of the same time period. The absence of commissioners, aggravated by turnover in key IJC staff positions, significantly affected IJC operations.

For example, five important regional office staff positions could not be filled because of the lack of IJC commissioners to provide guidance and direction on filling the positions and the lack of a permanent regional office director (the region functioned without a permanent director from September 1980 to September 1981 when the United States appointed a director) to oversee the hiring process. (See p. 10.)

Three former U.S. IJC Commissioners believe that terms of office for U.S. commissioners should be staggered to ensure that at least one commissioner from each country would be knowledgeable of and experienced with the many IJC issues and activities. Two of the newly appointed U.S. Commissioners agreed that the time needed to become knowledgeable about IJC activities is quite substantial and that this problem might be minimized by staggered terms for U.S. commissioners. (See p. 12.)

Department and EPA officials generally endorsed staggered fixed terms for U.S. IJC commissioners, but EPA officials were concerned that such a policy might make it difficult to remove commissioners if the administration believes a change in IJC leadership is necessary. GAO agrees that commissioner removal might be more difficult but believes that the need for continuity of IJC leadership is also important and that the Department should consider staggered, fixed Commission terms, similar to those for U.S. regulatory commissions and other international organizations. (See p. 12.)

Representation on Water Quality Board

The IJC Water Quality Board plays an important role in providing IJC with advice relating to the operation and effectiveness of the water quality agreement and the progress and effectiveness of programs being implemented to achieve agreement purposes. Therefore, the views of U.S. Federal agencies that play an instrumental role in meeting agreement objectives need to be communicated to the Board.

Efforts in the past to broaden input to the Board from Federal agencies dealing with other forms of pollution, such as nonpoint or dif-fused pollution from agriculture and forestry activities have not been successful. A Federal support committee established in 1973 by EPA to provide input to U.S. Board members has held only one meeting in over 2 years--in November 1979--and its efforts have not been effective. (See p. 13.)

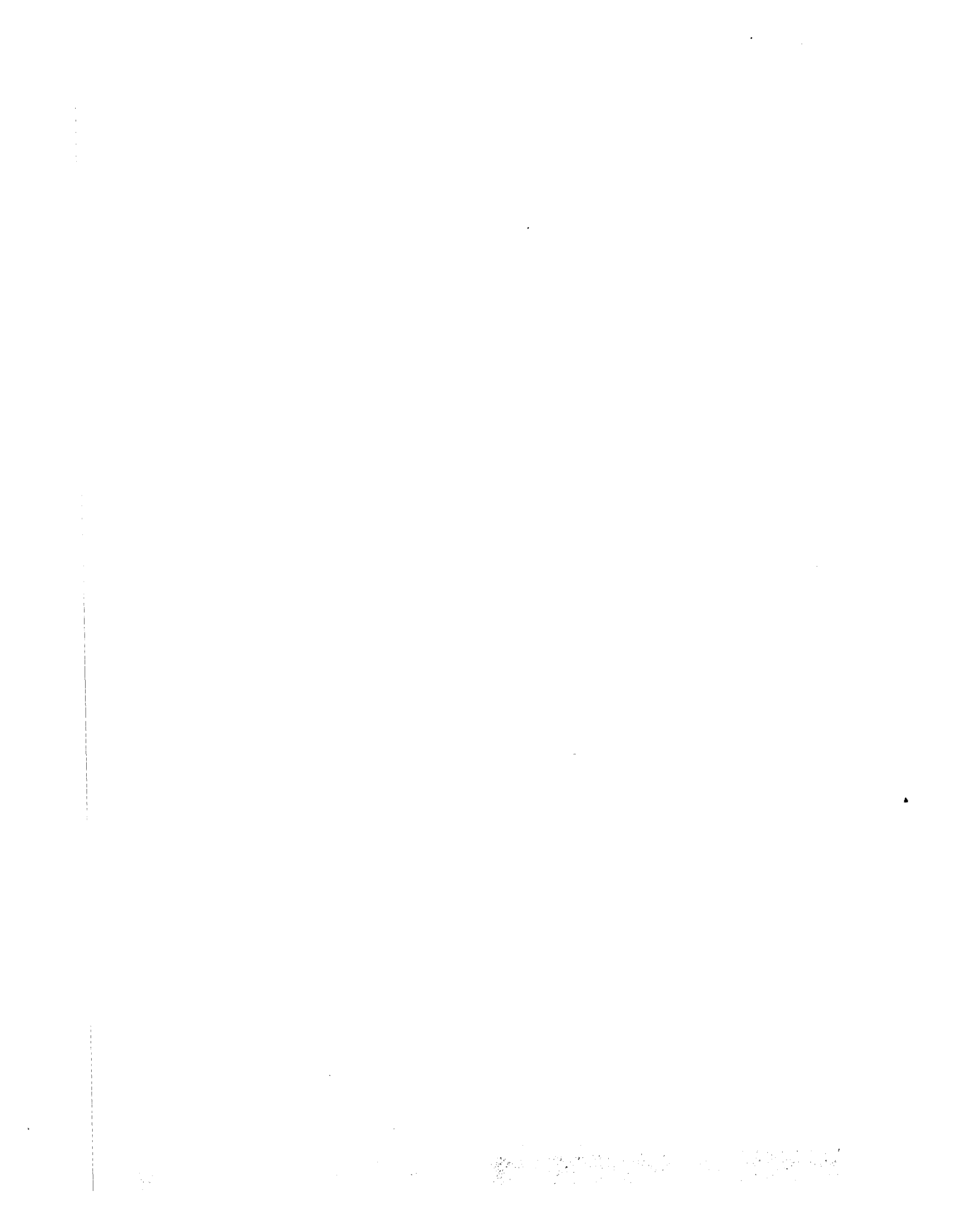
In February 1982, IJC expanded the Water Quality Board membership to include an additional representative each from the U.S. and Canada for nonpoint and fisheries activities. The U.S. representative is under consideration. (See p. 14.)

EPA and Department officials support the need to provide greater input to the Board on nonpoint pollution matters. EPA officials suggested devising specific methods to channel such input to the Board. (See p. 14.)

RECOMMENDATIONS TO THE
SECRETARY OF STATE

GAO recommends that the Secretary of State:

- Within the framework of current resources, develop and implement a system to follow up on IJC reports and recommendations and provide timely written responses to IJC.
- Develop and formally transmit to the President of the United States a policy and procedure for establishing staggered fixed terms for U.S. IJC commissioners.
- Consult with the Secretary of Agriculture and provide, in an expeditious manner, a U.S. nominee for the additional Water Quality Board position, and in conjunction with the U.S. IJC Commissioners, the U.S. Chairman of the Water Quality Board, and the Administrator of EPA, establish a formal mechanism to acquire input for the Board from key U.S. Federal and State agencies involved in water quality activities.
(See pp. 15 and 16.)



C o n t e n t s

		<u>Page</u>
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
	Roles and responsibilities under treaty and agreements	1
	IJC plays a key role	2
	Objectives, scope, and methodology	4
2	NEED FOR GREATER U.S. GOVERNMENT SUPPORT FOR AND INVOLVEMENT IN IJC WATER QUALITY ACTIVITIES	6
	Greater U.S. Government support and involvement would enhance IJC water quality activity effectiveness	6
	U.S. Government needs to provide formal feedback to IJC reports	7
	Continuity of leadership would improve IJC effectiveness	10
	U.S. Section of the Water Quality Board needs broader input	13
	Conclusions	15
	Recommendations to the Secretary of State	15

ABBREVIATIONS

EPA	Environmental Protection Agency
GAO	General Accounting Office
IJC	International Joint Commission
SCS	Soil Conservation Service



CHAPTER 1

INTRODUCTION

The Governments of Canada and the United States have entered into a treaty and two international agreements concerning various aspects including water quality of the Great Lakes and other boundary waters. To carry out the multiple purposes of the treaty and agreements, the Governments established the International Joint Commission (IJC) and gave it specific water quality advisory responsibilities. IJC relies primarily on two boards and their related suborganizations, along with a regional office, to provide the Governments with advice on U.S./Canadian international water quality matters.

ROLES AND RESPONSIBILITIES UNDER TREATY AND AGREEMENTS

The basic U.S./Canadian agreement covering the Great Lakes is the Boundary Waters Treaty of 1909 which was to prevent and settle disputes over the use of boundary waters, including, but not limited to, the Great Lakes. The treaty provides that boundary waters and waters flowing across the boundary are not to be polluted on either side to the point of injuring human health or the property of the other country.

IJC, a permanent body, is made up of three commissioners from each country. The U.S. commissioners are appointed by the President, subject to the advice and consent of the U.S. Senate, and serve at the pleasure of the President.

Responding to requests by the U.S. and Canadian Governments between 1909 and 1970, IJC made three major studies on Great Lakes water pollution. One study, made from 1964 to 1970, examined water pollution in Lakes Erie and Ontario (the lower lakes) and the international section of the St. Lawrence River. This IJC study recommended to the Governments that the Commission's powers be expanded to include coordinating and monitoring efforts to implement international agreements reached. These recommendations led to the Great Lakes Water Quality Agreement of 1972.

The first Great Lakes Water Quality Agreement between the United States and Canada was signed April 15, 1972, by the President and the Prime Minister, respectively. The agreement was to provide a basis for more effective cooperation to restore and enhance Great Lakes water quality.

In November 1978, the Governments reaffirmed their determination to clean up the Great Lakes by entering into a new agreement. Like its predecessor, the new agreement established both general and specific water quality objectives for Great Lakes waters. The specific objectives were, however, far more comprehensive and stringent than those established in 1972.

In the United States, both Federal and State agencies are responsible for Great Lakes cleanup efforts. The Department of State and the Environmental Protection Agency (EPA) are the two Federal agencies most involved with the water quality agreement. The Department's Office of Canadian Affairs was primarily responsible for negotiating the agreement and now works with EPA to maintain open communication with Canada and the IJC concerning agreement implementation. The Department is also responsible for responding to IJC recommendations and requests for information from the U.S. Government. Other Federal agencies--particularly EPA--must provide much of the information needed to respond to IJC requests.

EPA is the prime U.S. agency responsible for actually implementing the agreement. To fulfill its responsibilities under the agreement, EPA created the Great Lakes National Program Office. This office, located within EPA region V, acts as the focal point to plan, coordinate, and oversee cleanup efforts by EPA divisions, other Federal agencies, and the Great Lakes States. EPA's Office of International Activities also has a key role by acting as the official intermediary between the National Program Office and the Department of State. Also, EPA representatives serve on many IJC boards and committees.

IJC PLAYS A KEY ROLE

Under both the 1972 and 1978 water quality agreements, IJC was provided with specific water quality advisory responsibilities. These responsibilities include collecting, analyzing, and disseminating data and information and tendering advice and recommendations to the Governments on

- problems of and matters relating to Great Lakes water quality,
- progress toward achieving the general and specific agreement objectives,
- the operation and effectiveness of the programs and measures established according to the agreement, and
- matters related to Great Lakes research.

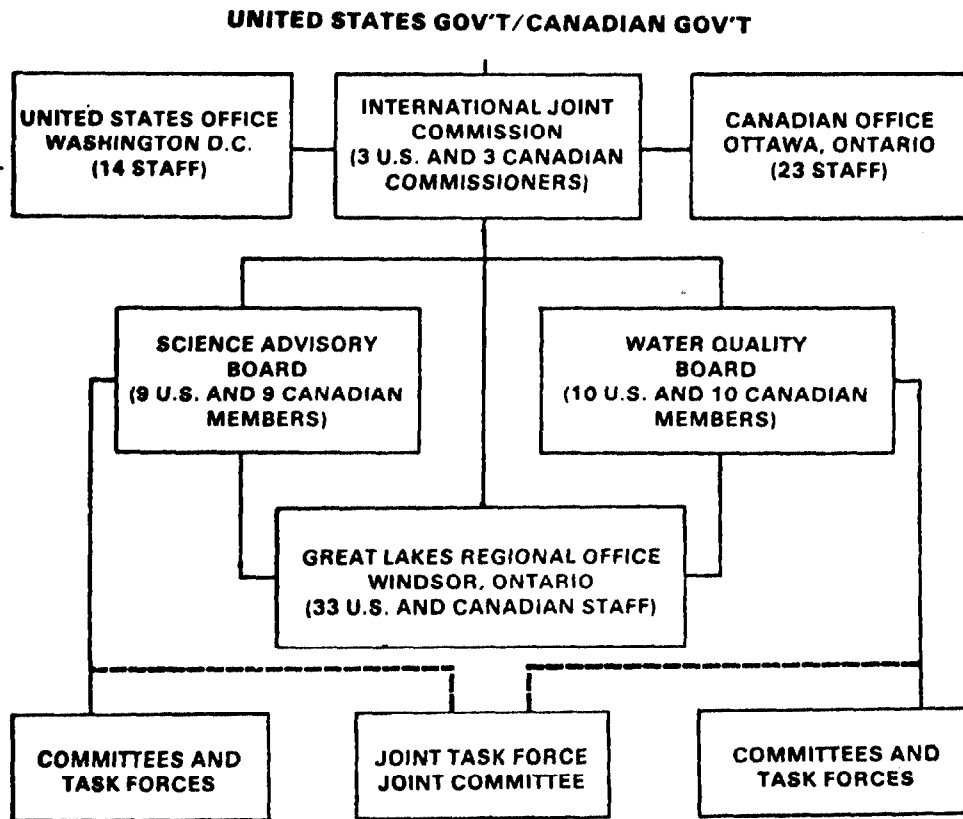
Under the 1972 agreement, the Governments requested that IJC report to them annually on water quality matters. This was changed to biennially under the 1978 agreement.

To carry out its responsibilities, IJC maintains separate headquarters offices in Ottawa, Ontario, and Washington, D.C., for the Canadian and U.S. Governments, respectively. Each headquarters office is headed by a secretary and is staffed with a small group of advisors. Headquarters staff provide

professional and administrative assistance to the various IJC functional elements.

The 1972 agreement authorized IJC to establish two boards specifically to assist the Commission in carrying out its agreement responsibilities. The Great Lakes Water Quality Board advises IJC on all nonresearch matters, primarily on the status of programs and measures required to fulfill the general and specific agreement objectives. This 18-member board is comprised of Federal, State, and Provincial representatives. The Great Lakes Science Advisory Board (formerly the Research Advisory Board) advises on research and scientific matters. It also has representatives from Federal, State, and Provincial agencies, as well as members from industry and academia. Each board uses various committees, subcommittees, and task forces to carry out its advisory responsibilities.

The 1972 agreement also gave IJC authority to establish a regional office to assist in the discharge of Commission functions under the agreement. The regional office, located in Windsor, Ontario, opened in May of 1973. Under the 1978 agreement the regional office was charged with providing (1) administrative and technical support for the two IJC advisory boards and their suborganizations and (2) public information services for the programs undertaken by the Commission and its boards. The office is staffed with professional, technical, and clerical personnel. The organizational structure of IJC is shown below.



OBJECTIVES, SCOPE, AND METHODOLOGY

Our audit work for this report was performed as part of a broader effort to assess the progress of U.S. efforts to control pollution of the Great Lakes. Our report entitled "A More Comprehensive Approach Is Needed To Clean Up the Great Lakes" (CED-82-63) was issued on May 21, 1982.

As part of our overall review, we evaluated the roles of IJC, the Department of State, and EPA in Great Lakes activities, as established by the Boundary Waters Treaty of 1909 and the Great Lakes Water Quality Agreements of 1972 and 1978. We became aware of questions about the adequacy of U.S. support for and involvement in IJC water quality activities and followed up on these matters. Our work was confined to U.S. efforts and responsibilities for water quality activities because we have neither the authority nor the responsibility to review Canadian efforts or IJC activities. Any references to Canadian efforts are based primarily on IJC reports. Our review was performed in accordance with our "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

In evaluating the roles of IJC, the Department, and EPA, we obtained, examined, and analyzed a variety of documents and correspondence, including (1) the Boundary Waters Treaty of 1909, (2) the 1972 and 1978 Great Lakes Water Quality Agreements, (3) correspondence and records pertaining to EPA headquarters' role as the liaison between its Great Lakes National Program Office and the Department of State and the Department's role as the liaison with IJC and Canada, and (4) IJC studies, reports, and other documents and correspondence, some dating back to 1972, dealing with Government activities and progress under the water quality agreements, and other water quality problems peculiar to the Great Lakes. We also attended various IJC public hearings, as well as the 1980 and 1981 IJC annual meetings.

We interviewed various IJC officials, including the three former U.S. Commissioners, two current U.S. Commissioners, the Secretary of the U.S. Section of the IJC and staff members of the U.S. headquarters office, the current and former directors and staff members of the IJC regional office, and the U.S. chairpersons of IJC advisory boards. We also interviewed and obtained information from the Department of State officer responsible for coordinating environmental affairs with Canada and staff of EPA's Office of International Activities.

We performed our review between February 1981 and April 1982 at the following principal locations:

--EPA headquarters, Washington, D.C.; EPA's regional office and the Great Lakes National Program Office, Chicago, Illinois.

--IJC headquarters, Washington, D.C.; and the Great Lakes
IJC regional office, Windsor, Ontario.

--U.S. Department of State headquarters, Washington, D.C.

The matters contained in this report were discussed with the
Department and EPA program officials involved with IJC and water
quality activities. Their comments are included in the report.

CHAPTER 2

NEED FOR GREATER U.S. GOVERNMENT SUPPORT

FOR AND INVOLVEMENT IN IJC WATER QUALITY ACTIVITIES

Under both the 1972 and 1978 agreements, IJC was given specific responsibilities to advise the U.S. and Canadian Governments on Great Lakes and other boundary waters pollution control activities. In addition, two advisory boards--the Great Lakes Water Quality Board and the Great Lakes Science Advisory Board--and a regional office were created to support the overall IJC activities.

The U.S. Government has not adequately supported or been sufficiently involved in IJC's water quality work. As a result, IJC has not been as effective as it could be in providing advice to the U.S. and Canadian Governments.

GREATER U.S. GOVERNMENT SUPPORT AND INVOLVEMENT WOULD ENHANCE IJC WATER QUALITY ACTIVITY EFFECTIVENESS

Although IJC has been assigned wide responsibilities under the two water quality agreements, the U.S. Government has not adequately supported or been sufficiently involved in IJC water quality agreement efforts. More specifically, the U.S. Government needs to

- formally respond to IJC report recommendations and requests for information on U.S. Government Great Lakes and boundary waters pollution control activities,
- provide continuity of U.S. IJC leadership when active leadership on Great Lakes matters is of high importance, and
- involve key Federal agencies with water quality agreement responsibilities on IJC advisory boards and provide needed input to such boards.

Without such efforts, IJC will not receive a wide range of information and advice on U.S. Great Lakes cleanup efforts, and costly IJC studies and recommended actions will continue to have only minimal impact on U.S. pollution control efforts.

U.S. Government needs to provide formal feedback to IJC reports

Since 1972, IJC has issued 16 reports on water quality matters to the Governments as part of its advisory role under the agreements. These reports contained specific recommendations

aimed at improving progress and efforts in achieving agreement goals. The Department of State has provided formal written responses to only three of these reports, although a response to an IJC report on the Niagara River is currently being prepared.

The 1978 water quality agreement does not require the Governments to formally respond to the work of IJC, but on several occasions IJC has specifically asked them to do so. In its Third Annual Report on water quality, issued December 1975, IJC expressed the hope that Government responses to annual reports would become a standard procedure. The Science Advisory Board, in a July 1976 report, reiterated the same wish. An IJC task force reported in February 1980 that timely responses to IJC recommendations are necessary to facilitate activities of the IJC boards. In its Seventh Annual Report, issued October 1980, IJC again advised the Governments that their reactions to IJC activities would go far in strengthening IJC's advisory role.

IJC officials provided us with examples of situations where the lack of feedback to IJC reports and requests has had an effect on IJC's ability to advise the Governments. Two examples follow.

1. IJC's multimillion-dollar study on pollution from land use activities was released to the Governments in March 1980. The study contained 18 major recommendations on nonpoint source pollution (pollution from diffused sources such as agriculture, forestry, or urban runoff). The IJC Secretary to the Water Quality Board stated that because neither Government has provided feedback on the report's recommendations, (1) IJC is unaware of the Governments' intentions regarding the recommendations and (2) the Water Quality Board could not decide on an optimum organizational structure for obtaining needed nonpoint information.

2. Over the years the Science Advisory Board has made 55 recommendations to IJC, which in turn reported 39 of these recommendations to the Governments. The United States has formally responded in writing to only five of these recommendations. Because of the lack of response, the Science Advisory Board has been frustrated in its past attempts to set research priorities. In a July 1975 report, the Board pointed out that without Government feedback on IJC recommendations, Board members could not structure their documentation of research needs to the appropriate audiences. In 1976, the Board again reported that the lack of information needed to define its reporting audience made it very difficult to design a meaningful report and to determine the recipient of any recommendations. More recently, in May 1981, the U.S. Cochairman of the Board told us that setting Great Lakes research priorities is still needed, although the Board cannot set such priorities without feedback from the Governments.

U.S. Government and IJC officials agreed that the United States should provide formal written feedback on IJC reports and recommendations. These officials, including three former U.S. IJC Commissioners, the then acting director of IJC's regional office, the Secretary of the U.S. Section of the Water Quality Board, the U.S. Cochairman of the Science Advisory Board, the Director of EPA's Great Lakes National Program Office, and the former administrator of EPA region V, perceived one or more of the following benefits if formal feedback were regularly provided to IJC:

- Improved IJC accountability to the Governments, which would improve the quality and timeliness of reports and allow IJC to better manage resources.
- Greater accountability between the United States and Canada because each Government would be more aware of the other's positions on important issues.
- Greater incentive for Federal and State agencies to act on IJC recommendations.
- Greater incentive for agency personnel to participate in IJC activities and to see results from their efforts.
- Greater accountability to the agencies for the time personnel spend on IJC activities.

Responses to IJC information requests and recommendations are the responsibility of the Department of State. In its formal response to IJC's Second Annual Water Quality Report, the Department stated that the United States considered IJC reports most useful, especially for the conclusions and recommendations contained, and welcomed the opportunity to provide specific responses to IJC recommendations. Such responses have not continued, however.

The Department of State's Environmental Officer for Canadian Affairs told us that the water quality agreement does not require a formal U.S. Government response but that he receives advance copies of IJC reports and sends them to EPA's Office of International Activities, the Great Lakes National Program Office, and the Department's legal and scientific advisors. He said that any comments received from these groups are discussed with his counterpart in Canada. According to the environmental officer, he does not have the staff or the time to gather the necessary data and to draft replies to IJC recommendations and information requests. He said that responding to IJC reports also has low priority because much of his time is spent on activities covering the entire U.S./Canadian border.

The environmental officer and the Department's Director of Canadian Affairs expressed reservations concerning the need for

the U.S. Government to regularly and formally respond to IJC report recommendations and requests for information. The officials agreed that little had been done in the past but believed the situation has improved markedly, especially during the latter part of 1981. They cited as examples the cooperation between the Department and IJC in coping with serious Niagara River problems and the preparation of a formal supplement to the Great Lakes Water Quality Agreement on phosphorus control issues. They further said that the Department probably would have responded more often to IJC recommendations if IJC had done a better job of presenting them. The officials said that in the past, IJC recommendations have been vague and difficult to pinpoint and that IJC often asks the U.S. Government to provide information that is impractical to furnish from a political and/or economic standpoint.

The officials agreed that IJC could be more effective if it were to receive formal and regular feedback from the United States, but they pointed out that informal feedback also plays an important role in international affairs and that they believed they were doing a good job in this regard. We applaud the Department's effort during 1981 to work with IJC on the problems facing the Niagara River area and in drafting a phosphorous supplement to the 1978 water quality agreement. We believe that the informal feedback supplied to IJC by the Department in these two endeavors is an indication of the effectiveness and utility of feedback.

According to officials with the U.S. Section of IJC, this latest improvement in the Department's informal feedback mechanism is largely due to the aggressiveness and interest shown by the current environmental officer, who has been in this position only since July 1980. According to these officials, prior to this individual's appointment, the informal feedback system did not function well and they are concerned about a return to the former practice when a new environmental officer is selected. Two former U.S. IJC Commissioners told us that frequent turnover in the environmental officer position in the past has minimized the value of informal feedback from the Department. The Director, Office of Canadian Affairs, agreed that the environmental officer position has experienced a large turnover since the first water quality agreement was signed in 1972.

We continue to believe that a formal system of feedback to IJC would be useful and is desired by IJC officials. In the matter of the Niagara River, the Department still has not formally responded to the IJC request for information concerning the pollution problems and status of control efforts on the river made in a January 1981 report. Furthermore, in that report, IJC noted that the Governments also had yet to respond to an even earlier request for information dated May 8, 1980. We are aware that the Department has drafted a formal response to the January

1981 report, but our review of that draft showed that several critical questions and issues raised by IJC in the Niagara River report had not been comprehensively addressed.

The Director and the Deputy Director for Programs and Operations of EPA's Office of International Activities, which serves as the formal coordinating link between the Department of State and EPA's Great Lakes National Program Office, agreed that formal feedback from the U.S. Government to IJC has not occurred regularly and that such feedback would be beneficial, but only if applied over the long run.

Without formal and timely feedback, IJC cannot adequately advise the Governments and monitor any corrective efforts undertaken. Department officials indicated that they found it difficult to respond more frequently to IJC reports because recommendations were not timely or were vague. In our opinion, this situation, if true, emphasizes the need for IJC and the Department of State to discuss and remedy such problems via a formal and regular network of communication.

Continuity of leadership would
improve IJC effectiveness

The United States needs to assure greater continuity of IJC leadership to insure that (1) IJC receives needed advice and recommendations in a timely manner and (2) IJC internal affairs are properly managed. During the past year IJC has not had the continuity of leadership needed.

The three U.S. IJC Commissioners are Presidential appointees, subject to the advice and consent of the U.S. Senate. As a result of the 1980 U.S. elections, the Commissioners' letters of resignation were accepted on March 5, 1981. The three commissioner positions were not filled until September and November 1981. Coincidentally, two of the three Canadian commissioner positions also were vacant during some or all of the same time period. The Canadian commissioner positions--one was vacated in December 1980 and the other in January 1981--were not filled until August 1981. The third Canadian Commissioner left office in September 1981 and this position remained unfilled as of April 1982.

The absence of commissioners, aggravated by turnover in key IJC staff positions, has had a significant impact on IJC.

--The current director of the regional office said that five important regional office staff positions could not be filled because of the lack of IJC commissioners to provide clear guidance and direction on filling the positions and the lack of a permanent regional office director to oversee the hiring process. (The regional office directorship was vacant from September 1980 to September 1981.) Two of the positions were to provide needed regional office expertise

in the areas of toxics and nonpoint pollution, which were emphasized in the 1978 water quality agreement. According to the regional office director, the delay in filling the positions impaired the capability of the regional office to carry out its agreement responsibility to assist the two IJC advisory boards and provide a public information service on matters involving toxics and nonpoint source pollution.

- The U.S. Section of the Great Lakes Water Quality Board has had three different chairpersons since 1978. The last permanent chairperson resigned in February 1981 and the position was filled on an acting basis until the acting chairperson was appointed effective October 1981. The former Chairman of the U.S. Section of IJC believed that this frequent turnover has hampered the Board's ability to complete a report on toxics due to IJC in 1978 and the Board's ability to keep toxics issues in the limelight. The former Chairman said that toxic substances are of greatest concern to the United States, whereas phosphorus pollution is of greatest concern to Canada. According to the former Chairman, continuity in the Canadian board chairmanship has permitted the Canadians to maintain a focus on phosphorus pollution at the expense of toxics issues.
- At the November 1980 IJC annual meeting, the Water Quality Board cited a need to expand the regional office's capability to adequately store and process the voluminous information on Great Lakes programs and activities. However, without commissioners and a regional office director to assess the impacts and merits of the suggested changes, any actions taken not only might have been inappropriate but might have further aggravated the problems of the regional office.
- The U.S. Cochairman of the Science Advisory Board believed that the Board would be much more responsive and efficient if its standing committees were dissolved and replaced with contracted studies, as needed. Such changes were made in November 1981 with the approval of the new IJC Commissioners. The changes were not made earlier, however, because the U.S. Cochairman was reluctant to make any structural changes to the Board without IJC commissioners present to discuss them.

According to the former U.S. IJC Chairman, the appointment of six new commissioners--including three U.S. commissioners--during a very short time period produced a very undesirable situation. Based on his experience, the former Chairman believes the learning curve for a new commissioner can be quite long because of the wide variety of complex issues that must be dealt with under the 1909 Boundary Waters Treaty and the Great Lakes

Water Quality Agreements. The former U.S. Chairman believes a set, staggered commissioner term of office would ensure that at least one commissioner from each country would be knowledgeable of and experienced with the many IJC issues and activities.

The two other former U.S. Commissioners also endorse a staggered term for future commissioners. One former Commissioner said that IJC may be the only international commission without staggered terms for its commissioners. The other former IJC Commissioner, before serving on IJC, served as part of a five-member U.S. regulatory commission. This Commissioner said the terms of each commissioner were fixed for 5 years and the appointments were staggered so that the administration in power could not appoint more than three of the five commissioners.

The State Department's Director, Office of Canadian Affairs, and the Environmental Officer for Canadian Affairs agreed that some type of staggered terms for U.S. commissioners would be beneficial. Two of the new U.S. IJC Commissioners also told us that the time needed to become knowledgeable of IJC activities was quite substantial and that this problem might be minimized by staggered terms.

Although the Director and Deputy Director of EPA's Office of International Activities generally agreed that the terms of U.S. IJC commissioners should be staggered to provide greater continuity within the IJC, they were concerned that such a policy might make it difficult to remove commissioners if the administration believes a change in IJC leadership is necessary. We agree that staggered, fixed commissioner terms of office might make it more difficult to remove commissioners, but we also believe the need for leadership continuity is an important factor to be considered.

U.S. Section of the Water Quality Board needs broader input

The 1978 agreement stipulates that the Water Quality Board is to be the principal advisor to IJC. The duties of the Board include reporting to IJC on all aspects relating to the operation and effectiveness of the 1978 agreement and advising and making recommendations to IJC on the progress and effectiveness of programs being implemented to achieve agreement purposes. Because of the Board's importance, it is critical that U.S. Federal agencies' views, which play an instrumental role in meeting agreement objectives, be adequately channeled to and considered by the Board.

The water quality agreements are silent on which agencies should be represented on the Great Lakes Water Quality Board. The agreements state only that the Board shall consist of an equal number of members from Canada and the United States, including representatives from each Federal Government and from each

State and Provincial government. The 10 U.S. members include representatives from each of the eight Great Lakes States, one from EPA, and one representative yet to be designated. (See p. 3.)

U.S. members of the Water Quality Board generally have been employees of EPA and those State agencies primarily responsible for implementing EPA's water quality programs and measures dealing primarily with point source pollution controls. Various attempts have been made to broaden Board representation to include Federal and State agencies dealing with nonpoint source programs and measures, but such efforts have failed or met with limited success.

The need to provide the U.S. Section of the Water Quality Board with greater Federal input was recognized soon after the 1972 agreement was signed. The EPA Administrator established a Federal support committee in April 1973 to assist the Federal member of the Board and to assure that executive branch departments and agencies worked together to realize agreement goals. Nine Federal agencies are currently represented on the committee.

The support committee has not been effective. Although its mandate calls for meetings at least once a year, only one meeting (November 28, 1979) has been held in over 2 years. Currently, committee members are on an EPA mailing list which provides them with Water Quality Board meeting dates, agendas, and draft Board reports. Member agencies are invited to provide input to the meetings and comment on Water Quality Board draft reports.

Support committee representatives from two key agencies (Soil Conservation Service, Department of Agriculture, and the Army Corps of Engineers) questioned the value of this level of input. The Soil Conservation Service (SCS) representative told us that information on its nonpoint source activities, which had been sent to the Water Quality Board through the Federal support committee, had not been used. In an April 1980 letter to the EPA support committee chairman, the former Corps of Engineers committee member recommended a more active role by the agencies on the committee. The Corps member also said that the role of Federal agencies represented on the committee needs to be better defined. The present Corps support committee member stated that the committee as it is now structured does not provide adequate input to the Federal member (EPA) of the Water Quality Board. Furthermore, according to the Corps member, under the present structure, an information vacuum exists because the Corps is aware only of information or activities that EPA specifically informs them about.

The IJC Commissioners have consulted with the Governments about Water Quality Board expansion. As early as December 1979, the IJC communicated to the Governments the desire to expand the Board by adding an additional Federal member, preferably a representative of the U.S. Department of Agriculture. IJC cited

the need for broader input to the Board on nonpoint pollution activities and the lack of input by the U.S. Federal support committee. In addition, the Commissioners recommended that a public member be appointed to the Board to provide a different, nongovernmental perspective.

According to the Department of State's Environmental Officer for the Office of Canadian Affairs, the IJC request was not processed because the Governments could not agree on who the representative from the private sector should be and because Canada ultimately objected to such a provision. The IJC request was presented as a total package, and therefore the entire request was set aside.

In February 1982, IJC expanded the membership of the Water Quality Board to include an additional member each from the United States and Canada to provide advice on nonpoint source pollution and fisheries matters. In a February 12, 1982, letter to the Secretary of Agriculture, the Chairman of the U.S. Section of IJC requested permission to appoint the then Administrator of the Soil Conservation Service as the new U.S. member of the Water Quality Board. On March 1, 1982, IJC advised the Department of State of its request to appoint the SCS Administrator to the Board.

In April 1982, the SCS Administrator was replaced. In a May 5, 1982, letter to the Secretary of Agriculture, the U.S. Section of IJC requested that the Secretary assist IJC by nominating an alternative to the former SCS Administrator. The U.S. Section also requested that the nominee bring, to the extent possible, the same skills and resources to the work of IJC and the Water Quality Board that the former SCS Administrator would have provided. As of May 21, 1982, the U.S. Government had not responded to the U.S. Section's request.

The Department's Director, Office of Canadian Affairs, and the environmental officer agreed that the Water Quality Board needs greater Federal agency input on nonpoint pollution source matters. Likewise, the Director and Deputy Director of EPA's Office of International Activities supported the need for greater input to the Water Quality Board from those Federal agencies which could substantially contribute to Board activities. The EPA officials further stated that if Board expansion is not possible, methods should be devised to appropriately channel input from these agencies to the Board.

CONCLUSIONS

IJC has important duties and responsibilities under the Water Quality Agreement, but the U.S. Government has not been fully supportive of or involved in IJC water quality activities. The U.S. Government has not (1) provided sufficient or timely feedback to IJC on its report recommendations and requests

for information, (2) moved quickly to fill key IJC positions at a time when effective IJC leadership is needed, and (3) provided for the involvement of key Federal agencies with important responsibilities on IJC advisory boards' activities and provided needed advice and information to the boards. If the IJC's water quality efforts are to be most effective and benefits are to be received from its many studies, the U.S. Government needs to be more supportive of and involved in IJC water quality activities.

RECOMMENDATIONS TO THE SECRETARY OF STATE

To help make IJC a more effective instrument, we recommend that the Secretary of State designate a high level official within the Department to respond to any formal IJC recommendations and requests for information and to develop and implement a system to follow up on IJC reports and recommendations. Within the framework of current resources, we believe such a system could provide, at a minimum, for

- soliciting comments and information from all affected executive branch agencies, particularly EPA, and
- transmitting a timely written response to IJC which clearly provides the information requested and/or explains either the action taken on each recommendation or explains the reasons why the information cannot be provided or why the recommendations were not appropriate.

Further, to minimize the impact of turnover of U.S. IJC commissioners, we recommend that the Secretary of State develop and formally transmit to the President of the United States a policy and procedure for establishing staggered terms for the U.S. IJC commissioners.

To ensure broader input to U.S. Water Quality Board activities, we recommend that the Secretary of State consult with the Secretary of Agriculture and provide, in an expeditious manner, a U.S. nominee for the Water Quality Board position. Also, we recommend that the Secretary, in conjunction with the U.S. IJC Commissioners, the U.S. Chairman of the Water Quality Board, and the Administrator of EPA, establish a formal mechanism to acquire input for the Board from all U.S. Federal and State agencies involved in water quality activities. Two options that do not require the concurrence of the Canadian Government and that should be considered include

- revising the membership structure of Water Quality Board committees and subcommittees or
- requesting that EPA take steps to ensure that the Federal support committee is active and productive.

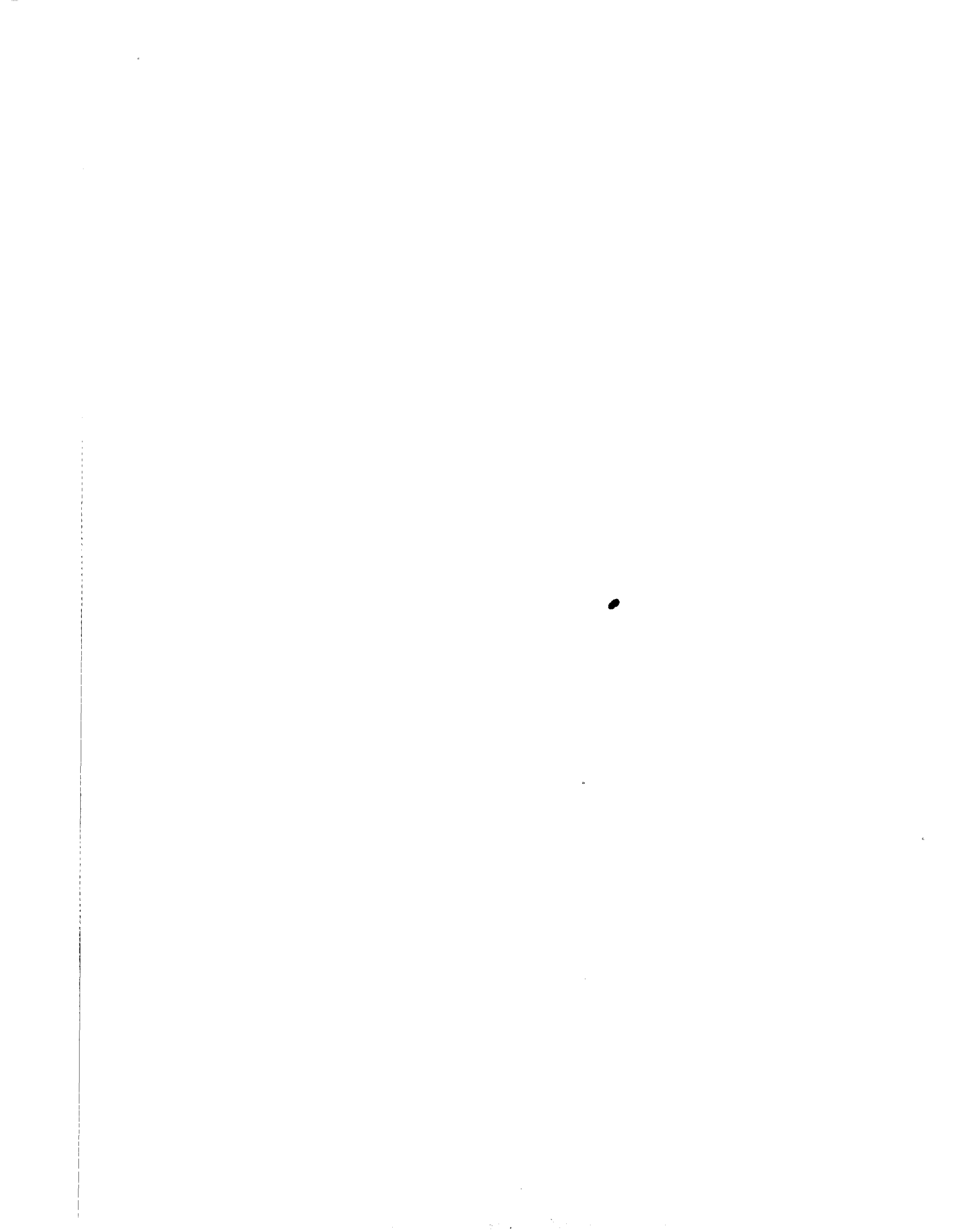
We further recommend that the Secretary of State develop and send to the President for transmittal to the U.S. IJC Commissioners a formal request for the Commissioners to

--develop clear and achievable objectives for the U.S. sections of IJC advisory boards,

--require the U.S. sections of the boards to prepare activity plans and review such plans regularly to monitor the progress being made by the boards and to ensure that board resources are used effectively, and

--develop and implement a long-term management plan or strategy for the U.S. Section of IJC which, at a minimum, would provide for periodic meetings with the advisory boards and the regional office.

(089190)



22792
3

AN EQUAL OPPORTUNITY EMPLOYER

**UNITED STATES
GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300**

**POSTAGE AND FEES PAID
U. S. GENERAL ACCOUNTING OFFICE**



THIRD CLASS