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International Coalition Emerges to Protect Great Lakes Waters Against Private Exploitation

CHICAGO - Yesterday the U.S Congress's House Judiciary Committee approved the Great Lakes Compact, an agreement between the 8 states of the Great Lakes Basin, which lays out takings guidelines from major water supplies in that area for use by large scale projects and private enterprise. Yet many of the exceptions outlined in the Compact are bad for consumers and the environment. A coalition between Food & Water Watch and the Council of Canadians has issued a set of recommendations in response to the Compact to ensure that water remains a public resource and is not subject to the exploitation of profit-hungry corporations.

"The Compact could be a great step forward to protect the Great Lakes," said Wenonah Hauter, Executive Director of Food & Water Watch. "However, there are serious concerns with the exceptions laid out in the Compact, such as those allowing the packaging and sale of Great Lakes water as a 'product' for private gain and explicitly exempting bottled water. Furthermore, the Compact fails to incorporate the Public Trust doctrine that protects Great Lakes basin waters from private export and sale and protects these waters from claims to the water as a product under international trade laws."

The Public Trust doctrine affirms that water is a public resource that must be managed by the state governments in trust for the benefit of citizens, yet it was omitted from the Compact despite calls from citizens to include it. "This is a very important concept," said Maude Barlow, founder of the Council of Canadians and renowned activist, "This was born out of the recognition that publicly owned natural resources are essential to meet the basic needs of all citizens and communities, regardless of economic status."

While the Compact does ban large-scale diversions from the Great Lakes, it excludes water in small containers and "water as a product in any size container" from that ban, leaving it vulnerable to packaging by commercial interests. "Containers less than 5.7 gallons are considered small," said Hauter, "But as long as the water is considered a product, it establishes a precedent that water can be grabbed by profit-hungry corporations who want to claim it is a product not subject to the Compact. This undermines the very purpose of the Compact and creates a dangerous precedent for exporting water in the U.S., in this instance from the largest body of freshwater in North America."

“There are those who argue that the Compact is an acceptable compromise, claiming that protecting 70 percent of our Great Lakes Basin waters is good enough,” said Jim Olson, an environmental lawyer and activist who has been involved in local fights against water extraction, “But anyone knows that a 30 percent hole or leak will result in a draining and serious impairment or diminishment of the water and fish, in not only the Great Lakes but all of our inland lakes and streams.”

Mr. Olson, along with Food & Water Watch and the Council of Canadians are proposing the following amendments be made to the Compact before it is approved by Congress:

1. Delete the "product" exception to the definition of "diversion" in the diversion ban. It is not necessary and Water as Products should not be exempted from diversion ban.
2. Delete the bottled water provision. It was added because Products were exempted from the definition of Diversion and, once the Water as Product exception is removed, the bottled or bulk water provision will not be necessary. Bottled water should be considered a consumptive use, and not a diversion subject to the ban, ONLY if the state of origin of the water enacts a law and licenses water for sale as bottled water under standards consistent with the public trust: it must be in the public interest, without harm, and for fair consideration to the public.
3. All water should be declared subject to and protected by the public trust doctrine. The doctrine holds that the waters of the Great Lakes and all connecting streams and lakes, and all tributary waters that form them, owned by state where they are located in trust for citizens for the purpose of navigation, boating, fishing, hunting, swimming, drinking and cannot be impaired or subordinated to private ownership and sale for private purposes. Reasonable use of a public water resource is allowable; private commercialization is not. Food & Water Watch has generated over 6,000 letters to Congress over the last 2 days demanding that these conditions be met before the Compact becomes law.

Food & Water Watch is a nonprofit consumer rights organization that challenges the corporate control and abuse of our food and water resources. Visit www.foodandwaterwatch.org.