

Green Tier Advisors Meeting
March 6, 2007
Room 150A Risser Justice Building
120 Martin Luther King, Jr. Boulevard, Madison

Present: Mary Schlaefter, Linda Bochert, Art Harrington, Rita Hayen, Lyman Wible,Carolynn Leaman, Peter McAvoy, Frances Westley

Absent: Kristine Euclide, Elizabeth Kluesner, Margaret Krome, Peter Peshek, Rebecca Power, Mike Simpson, David Stegeman, Marilou Martin, John Imes

Staff: Tim Andryk, Mark McDermid, Carla Wright

Guests: Beth Bier

Greetings, Introductions, Housekeeping Items

- The “Working Session” held on January 22, 2007 was a success. Nearly half of the attendees indicated a preference for a similar gathering once/year, and a third preferred twice/year. Evaluations of the session will be sent to the Advisors.

Advisors endorsed holding another “Working Session” and suggested it be used for marketing, i.e. as a forum to inform other businesses that would be invited; as a forum to discuss values underlying a trade-marked image such as ‘green footprint’.

- Outreach and Applicant Status shows current enrollment as 11 participants in Tier 1; one in Tier 2; and three charters that include a potential 165 participants. The Environmental Compliance Audit activity shows 11 letters of intent to conduct audits.

Two charters are under development: Dairy Business Association, and Veolia Environmental Services.

- Budget decisions. The two FTE positions included in the department’s 2007-2009 biennial budget request will not be included in the Governor’s budget. The primary consequence is that the program will not be able to meet expressed interest levels, resulting in missed or delayed environmental and business benefits.

Performance Indicators/Evaluation of Green Tier Program

The Issue Paper from December 2007 was used to focus the discussion. There is agreement that indicators are needed to demonstrate that Green Tier is resulting in environmental changes/improvements. Similarly, there is support for indicators such as reporting the level of engagement of a stakeholder group to measure transparency. But although everyone agrees that information about the business value of participating in Green Tier needs to be collected, there is concern of the relevancy of economic indicators to the program, and whether a suite of standard indicators is appropriate given the variety of types of businesses participating in Green Tier as well as the reluctance of some to share such information. The issue of social indicators is even more problematic. It was pointed out that indicators guide businesses’ attention, and the result is that that what gets measured is what a business attends to. The values inherent in the Green Tier moniker are most instrumental as marketing messages, and therefore relevant to capture through indicators, i.e. has a business’ market share changed as a result of participating in Green Tier.

Consensus was not reached on the four alternatives posed:

- For the Environmental Indicators, use the generic suite of indicators as a voluntary supplement to the required reporting of participant or site-specific performance commitments.
- For the Environmental Indicators, use the generic suite of indicators as a requirement in addition to the required reporting of participant or site-specific performance commitments.
- For the Economic Indicators, use the generic suite of indicators, or develop a different list based on feedback from participants and externals.
- For the broad Social Indicators, use the generic suite on a voluntary basis, or draft a different list for evaluating social aspects that uses concepts embodied in Social Accountability 8000 standards.

However, there are strong arguments for *requiring* participants to report on environmental indicators, but less so for economic and social. Yet, because there are some businesses who view broad social values as providing market distinction, capturing that kind of information would be good to have.

Frances Westley offered to have a synopsis of indicators that have been and have not been useful as measures of environmental, sustainability and social responsibility developed by a grad student for the next meeting. The discussion of Indicators will be on the agenda for the June 11th meeting.

Legislative changes to Green Tier

The Advisors focused their discussion on Chapter 299.83, Wis Stats, the section that deals with Green Tier. The discussion considered legislative changes at three level: first was reauthorization; second was fine tuning; and third was program expansion and improvement. Discussion sorted through the options that had been developed and concluded with the Advisors providing further direction to staff for material for the next meeting.

Reauthorization is a matter of addressing the July 2009 sunset for the law. After discussion which considered waiting until the next legislative session, modifying the sunset date or removing the sunset provision, the Advisors agreed to recommend that the reauthorization package should proceed and that the package should remove the sunset provision from Chapter 299.83. Before the next meeting, those Advisors not in attendance have the opportunity to let staff know if there are issues that still need to be discussed before this recommendation proceeds.

Several issues to fine tune the law were presented to the Advisors. The Advisors identified the following provisions that were viewed as elements that should be included in the program expansion and improvement provisions (numbers shown are from the Issue Paper: Legislation 2.0):

3. Enforcement Exemption – as of January 2007 the Secretary of DNR could no longer waive the citation and civil judgment provisions to enable a company into Tier 1 or Tier 2. This ability to provide a waiver with the same public notice and procedural safeguards would be put into the law without an ending date.
5. Use of the logo – clarify the language related to the use of the logo such that it is clear whether the logo can be used on products.
7. Logo's – The department is given the ability to create a logo for the program and by making this plural there may be options that would differentiate between tiers and more effectively recognize the participants. No plan exists to create more but this

- could be a point of contention if more than one is created. A provision would also be added to give the Department the authority to set guidelines for the use of the logo(s), which is not currently given in the statute.
8. Enforcement Record – the statutorily defined environmental requirements for entry into Green Tier would be amended to include citations, civil judgments and criminal judgments for environmental statutes that are enforced by other state agencies (e.g. Chapter 101- Commerce and Chapter 94 – DATCP). The language related to citations, civil judgments and criminal judgments would be expanded to include environmental requirements enforced by other agencies. It should also be noted that the current requirements do not specifically reference federal enforcement actions for civil and criminal judgments, which the Advisors may want to consider adding.
 10. Limited Civil Immunity – as currently worded the statute may limit the discovery, disclosure and self reporting of violations only to those through the annual audits done at the facility. The intent was to have compliance continually monitored and immediately corrected and the current language may run contrary to the intent at the time that this was developed. The change would remove language that might limit this incentive only to problems discovered in annual audits.

The Advisors asked that the items listed above be woven into the program expansion and improvement analysis that will be developed for the next meeting. Items 1, 2, 4, 6 and 9 from the Issue Paper: Legislation 2.0 seemed appropriate for fine tuning for the law and should have specific language developed to be a part of the package.

The Advisors asked that the program expansion and improvement items be developed further for the next meeting. In addition to providing the more detailed analysis, the Advisors requested that:

- Flexibility language provisions clearly cover options for both Tier 1 and Tier 2 participants.
- Local government scenarios provide the possibility to address requirements with flexibility and that the approach gives localities options in the pursuit of environmental management systems.
- Audit relief provisions provide a mechanism for extending to provisions from other agencies.

A modified issue paper capturing the dialogue from the meeting will be sent out to the Advisors and comments will be supplied back to staff to assist in the development of the next Legislation issue paper for the June meeting. The interim feedback is intended to enable staff to capture the ideas that the Advisors have for the program expansion and improvement options developed thus far and other new directions that the Advisors might want to suggest.

The Advisors agreed that there would need to be an extended discussion of legislation on the next Advisors meeting agenda in order to more fully develop recommendations that can be considered in the current legislative session.

European Experience with branding and self responsibility

The initiative for the European EMAS (Eco Management Audit Scheme) came from the government sector whereas the ISO (International Standards Organization) came out of the private sector. Per the EMAS website, it can be used to “enhance use of ISO 14001”.

The aim of EMAS is to recognize and reward those organizations that go *beyond minimum legal compliance and continuously improve their environmental performance*. In addition, it is a requirement of the scheme that participating organizations regularly produce a public environmental statement that reports on their environmental performance. It is this voluntary publication of environmental information, whose accuracy and reliability has been independently checked by an environmental verifier, which gives EMAS and those organizations that participate enhanced credibility and recognition.

Both systems have logos. Neither ISO nor EMAS permit their logos on retail products. EMAS however, does allow its logo on tertiary (transport) packaging. Companies who trade primarily within the EU use EMAS.

Special thanks to Carolynn Leaman for sharing materials and information on this subject.

Report from Marketing Subcommittee re: Communications Plan

The Advisors unanimously recommended that the Department pursue development of a Plan to effectively communicate and market the Green Tier Program that engages multiple parties to create a message of a simple cause that is good for business and the environment.

Report on Logo & discussion

Whether or not the Green Tier logo can be used on retail products is open to interpretation as there is no definition of “written materials” (which is the statutory language of where/how the logo can be used). However the issue was contemplated during discussions of the original legislation so it is likely that the language would encompass using the logo on a product label.

There is both value and risk in using the logo on labels. Discussion of the mechanisms, i.e. trademark or Administrative Rules, etc. to provide some control for allowing the logo on retail products, as well as the value of third party certification will be discussed during the June 11th Advisors meeting.

2007 Work Plan

The Advisors asked that a 2007 Work Plan be developed that includes all of the issues listed on the draft plan. Such a Plan would help ensure that important issues get addressed in an order of logical sequence so that information is available when needed for reauthorization.

Next Meeting: June 11, 2006 Noon – 4:00
Room 041, GEF 3
Madison, WI