

Green Tier Advisors Meeting  
June 11, 2007  
Room 041 GEF 3  
Madison, Wisconsin

*Present:* Mary Schlaefer, Linda Bochert, Art Harrington, Lyman Wible,Carolynn Leaman, Kristine Euclide, Margaret Krome, John Imes, Rebecca Power, Mike Simpson, David Stegeman.

*Absent:* Rita Hayen, Peter McAvoy, Peter Peshek, Marilou Martin

*Staff:* Tim Andryk, Mark McDermid, Carla Wright, Paul Ferguson, Jeremiah Born, Mo McCanna, Jeffrey Voltz

*Guests:* Charlene L. Yager, Intellectual Property Law Practice Group, Michael Best & Friedrich; Jason Gersting, Intellectual Property Law Practice Group, Michael Best & Friedrich

**Greetings, Introductions, Housekeeping Items**

- Outreach and Applicant Status (handout provided)
  - Items of note are the first multiple-facility application, coming from Rockwell.
  - Staff noted that there is not a concerted push for outreach to companies but that there is a steady follow-up with companies that have expressed interest in Green Tier and those companies that initiate action to find out about Green Tier.
- Biennial Progress Report to the Governor and Legislature
  - As anticipated, there has not been any general legislative feedback.
  - Some specific legislative feedback has been from three legislators having an interest in working with the next round of legislative changes for Green Tier, each asking to be kept apprised of work to develop that legislation.
  - Advisors noted the diversity of districts represented and also expressed interest in the breadth of distribution for the report.
- Appointments
  - Staff will be working to make replacement appointments for Elizabeth Kluesner (local government) and Francis Westley (academic) and will be working with lists from past selection processes. Advisors are encouraged to make suggestions as well and those suggestions should be made to Mark and Carla.
- DNR roles with the Multi-State Working Group and the Environmental Council of the States.
  - DNR uses both organizations for differing purposes. MSWG is used as a generator of ideas and convener of divergent parties. ECOS is used as a forum for building administrative links between states and with the federal government (USEPA, Department of Defense, Department of Energy, etc.). There are several instances where the organizations have and are working together in which there is convergence for the initiatives undertaken by the organizations. ECOS is a part of the loosely structured affiliation with the National Governor's Association.
  - Staff will also be examining laws in other states to develop the Green Tier legislation package.
- August 3 Meeting Agenda Items
  - Legislation – Advisors should note that they may be getting a call from Jeremiah Born (legal intern for Cooperative Environmental Assistance) or Mark McDermid as materials are developed for the August meeting. Art Harrington also offered to provide assistance from the legal research staff at Godfrey and Kahn.

- Green Tier Working Session – Analysis and Review
- Finalize Performance Metrics Recommendation to the Secretary
- Focused Logo discussion

### **Performance Indicators/Evaluation of Green Tier Program**

The advisors considered a draft recommendation that would be used to form the basis for doing performance indicators for participants in the program. After discussion of a variety of mandatory and voluntary approaches to performance metrics as well as looking at the breadth of metrics (environmental, economic and social), the Advisors focused on several key points that would be used to edit the initial recommendation. A copy of the initial draft, which formed the basis for the discussions, is included in the Advisors materials. Direction to the staff to re-craft the recommendation is as follows:

- The language for environmental indicators will focus on getting measurable results for those areas in which the participants have made commitments. In addition, language will be developed indicating that specific provisions will become a part of the participant letters, Tier 2 contracts and Charters to capture generic environmental performance information in those areas in which commitments have been made. This information will be collected to facilitate accumulation of consistent performance information.
- Be clear that the objective is to get normalized information for the progress toward meeting environmental commitments.
- Develop a single statement that more clearly communicates the business value and economic improvement items that were shown in the initial recommendation as two items.
- Be clear that the social metric is directed at capturing information about the trust-building that is one of the overarching goals of the program. Focus on getting comparative information over time.
- Make clear on the fifth item from the draft that the department will be working with the participant to develop the metrics rather than mandate “independent” metrics as is indicated by the current draft.

There is an understanding that the development and management of performance metrics will be a dynamic process, but there will not be a specific recommendation or a recommended process for the change in the management of the performance metrics. Staff will prepare a revised recommendation for the August 3 meeting.

### **Logo discussion – use of Green Tier logo on products**

Mary Schlaefter provided a general introduction to the topic indicating that use of the logo on products was being discussed as a part of one of the Charters under development. There is an interest in proceeding with these discussions but there is also an interest in making sure that the opinions and the interests of the Advisors are considered throughout the process. If there is need to consider the (charter) issue before the Advisors provide a formal recommendation to the Secretary about logo use on products, then there will be a special effort to share the thinking of the Advisors with the Secretary during the decision-making process.

The advisors reviewed a sampling of the ways in which logos are used, maintained and managed. The Advisors were also given general information about terminology with special thanks toCarolynn Leaman for contacting David Leaman, P.E. and Fellow ASQ who developed the information. The Advisors were also given a “Trademark 101” presentation by Attorney Charlene Yager and Attorney Jason Gersting from the Intellectual Property Law Practice Group

at Michael Best and Friedrich, LLP. From the presentation, the Advisors were told of the distinction between laws governing Trademark and Certification Mark registration and usage. The general consensus was that Green Tier, if pursuing a registration, would likely pursue the Certification Mark. Further work was needed to identify the relative advantages and disadvantages of using certification mark registrations to manage logo usage.

The Advisors had a wide-ranging discussion about the use of the logo on products. The Advisors directed staff to develop a framework within which a more focused discussion could be held at the next Advisors' meeting (in August). The work before the next meeting could include some focused discussions with Advisors about the general concepts that were discussed at the meeting. Attached to these notes is a verbatim listing of the items that were captured on the flip charts at the meeting. Below is a summary of the discussion and a distillation of the items that were captured on the flip charts.

- Standards, Authorization and Use - The absence of government controls over the certification marks and the range of uses for those marks suggests that there is a need to set standards and convince consumers of the meaning associated with the mark as well as have in place a mechanism for intervention for unauthorized and inappropriate use. Included within this is the question of the makeup of the product, i.e. how much of the product needs to come from Green Tier participants.
- Consider relative advantages and consider recommending pursuit of a certification mark registration. Within that is the legal question of whether the certification mark could be used to express limitations on what may be authorized under the Wisconsin Green Tier Law along with the legal question of liabilities that might be incurred as a result of having a logo that would be used on products.
- Comparative uses of logos from other states and federal performance-based programs.
- Financing for the uses of the logo and development of the logo. The question revolves around different financing mechanisms that might be used to increase the visibility of the logo and maintain the logo over time. There was also the question of providing funding for those to get certification.
- Consider the recommended mechanisms (rules, guidelines, modifications to the law, etc.) for the standards and administration of the use of the logo.
- Consider whether there are other standards that users should meet, multiple logos, i.e. different logo to go on products and/or different gradations of the logo that goes on products.
- Explore the facets of business value associated with the use of the logo and the best ways to develop and maintain that value to those using the logo.
- Process for monitoring and managing the appropriate uses of the logo should it be used on products.
- Means to communicate and manage the communication associated with the logo.

There was a sense among the Advisors that the discussion needed to be refined into a concise set of issues that could be considered at the next meeting. The question is how we might find a way to take a first step by taking advantage of the time frames within the contracts and the charters and setting the stage for experimentation. Additional information for the next meeting should include why some have not allowed their logo on products along with specific information on logos like energy star and the recycling symbol that appear regularly on products. The expectation is that staff will draft some thresholds before the next meeting. Tools might include focused discussions or through a survey with some key questions to the Advisors.

**Communications Plan**

Mary indicated that funding had been secured for the development of a communications plan along the lines of the presentation by Good For Business during the December 2006 Advisors meeting. There will be additional discussions at the August meeting that will include an initial look at roles and timing for developing the communications plan.

**Next Meeting:** *August 3, 2007 9:00 a.m. – 4:00 p.m.*  
*Department of Financial Institutions – Board Room.*  
*345 West Washington Avenue*  
*Madison, WI*

### **Appendix A: Transcribed Notes on Green Tier Logo Use**

- Program Integrity
- Supplemental criteria
- Uniform set of standards articulated in advance that go across the board
- Uniformity of process
- Green Tier is process \_\_\_\_\_; products are \_\_\_\_\_
  - Why?
    - Value to participants
    - Adds to visibility of program
    - Economy of Wisconsin
    - Could enhance Green Tier program if rigorous certification in place (Kris Euclide)
    - Complexity and staff work
- “Environmental Excellence” and its meaning
- Monitoring consumer and public perception of logo on product
- Is there a statutory impediment because of language? (Specifically, materials produced by participants)
- Department owns trademark—Do we license someone to use it? (David Stegeman)
- First build something really good and then figure out how to pay for it
- Forestry certifications are industry-specific. Can we set enough standards/criteria to cover the spectrum of Green Tier participants? (Mike Simpson)
- Process versus product (Margaret Krome)
- Criteria for applications of specific products and the applicant will pay for it (Lyman Wible)
- For companies using the Green Tier logo, can the companies be obligated to engage their supply chain? (Linda Bochert)
- How difficult will it be for Green Tier participants to reach into their supply chains?
- The idea of multiple logos is intriguing. But a logo on a product is a lot of work, so it would have to be a duo logo. (Kris Euclide)
- If there is a duo logo system, would advisors review/recommend to secretary? (John Imes)
- Defraying costs through a royalty fee; contingent on solid branding
- Green Tier association with some products (such as harsh or toxic chemicals)
- Constitutional and fairness issues (in allowing or not allowing use of logo)
- Multiple levels of \_\_\_\_\_ (Margaret Krome)