

Green Tier Advisors

March 20, 2009

Legislation 7.0

ISSUE SUMMARY: Having completed drafting of the legislation which contains most of the recommendations made by the Green Tier Advisors, what additional work would the Advisors like to do to help move the legislation along

EDITOR: Mark McDermid

BACKGROUND: At the December 2008 meeting, the Advisors recognized a small group to work as a part of a team being assembled by Senator Miller to work on the Legislation. Mike Simpson, Linda Bochert and Paul Kent worked as a part of that team along with Senators Miller and his staff, Senator Kedzie and his staff and Representative Clark. Staff from the Legislative Reference Bureau and Legislative Council worked on the draft. The team included Lori Grant and Steve Hiniker. Several DNR staff also worked on the draft. The draft was also shared with external parties. Work having been completed on the draft, it is now being circulated for legislative sponsors (see e-mail message attached).



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The goal still is to have the legislation passed before the law expires in July 2009.

PROPOSAL:

As currently drafted, here is a summary of the provisions contained in the draft legislation:
(a PDF of the draft legislation is included in the message above)

Section 1 – Technical Change which provides for more consolidated reporting for the Pilot,
Green Tier and Compliance Audit portions of the program

Section 2 – Deletes an obsolete portion of the Pilot Program language

Section 3 – The legislation clarifies the name of the program parts as “Green Tier” and
“Compliance Audit” so there are several sections of the bill that are just Name
Change provisions

Section 4 through 10 – Technical Changes to update the law to reflect the ISO 14001-2004
standard which is the new standard since the original law was passed.

Section 11 – Name Change

Section 12 – Technical Change having one year to develop an EMS start when accepted into the
program rather than application date for the program

Section 13 – Technical Change to clean up redundant language on EMS scope

Section 14 – Program Improvement which reinstates the ability of the Department to grant a
waiver of the citation and civil enforcement look behind provisions for Tier 1
applicants

Section 15 – Technical Change which allows processing to extend beyond 60 days if agreed
between applicant and the Department

Section 16 – Name Change

Section 17 – Technical Change to clarify EMS definition

Section 18 – Technical Change to eliminate redundant language

Issue Paper: Proportionality

June 6, 2008 – Green Tier Advisors

- Section 19 – Program Improvement which reinstates the ability of the Department to grant a waiver of the citation and civil enforcement look behind provisions for Tier 2 applicants.
- Section 20 & 21 – Program Improvement language which adds the need for interested persons involvement to be included/described in a Tier 2 contract
- Section 22 – Program Improvement , no administrative hearing for Pilot Companies that come into Tier 2 of Green Tier under the special provisions to transition to Green Tier.
- Section 23 – Program Improvement, special provisions for Pilot companies to have their agreements become a part of Green Tier
- Section 24 & 25 – Program Improvement clarifies that violations can be reported when discovered and need not wait until the annual report.
- Section 26 – Program Improvement provides that the Department may grant a compliance plan longer than 12 months if it can be demonstrated as necessary.
- Section 27 through 29 – Technical Change which provides for more consolidated reporting for the Pilot, Green Tier and Compliance Audit portions of the program
- Section 30 – Program Improvement allows expanded use of charters for capacity building to produce EMS's and superior environmental performance.
- Section 31 – Technical Change that updates language for auditors for new ISO organizational structure
- Section 32 – Technical Change which provides for more consolidated reporting for the Pilot, Green Tier and Compliance Audit portions of the program
- Section 33 – Reauthorization achieved as Green Tier sunset date repealed
- Section 34 – Name Change
- Section 35 – Name Change
- Section 36 – Program Improvement provides new compliance look behind language and timing for participants in the Compliance Audit portion of the law (this does not repeal the language as recommended by the Advisors but is compromise language that was developed during the drafting process)
- Section 37 & 38 – Name Change
- Section 39 – Program Improvement provides that the Department may grant a compliance plan longer than 12 months if it can be demonstrated as necessary.
- Section 40 & 41 – Name Change
- Section 42 – Technical Change which provides for more consolidated reporting for the Pilot, Green Tier and Compliance Audit portions of the program
- Section 43 – Reauthorization achieved as Compliance Audit sunset date repealed

DISCUSSION: The purpose of this issue paper is to:

The legislation does not contain language that would expand the use of charters for single issues such as climate change. There may still be an opportunity to include such language if drafted and ready to be included as an amendment before going through the hearing and voting processes. The other recommendation that was not included was the provision calling for the development of a purchasing preference incentive for program participants. In the course of discussions, we were unable to find a satisfactory way to address the concerns that had been raised.

DISCUSSION SYNOPSIS: None at this time.