

Green Tier Advisors
March 20, 2009
USEPA Engagement 2.0

ISSUE SUMMARY: How can Wisconsin more effectively engage USEPA in the development of both Green Tier and the Compliance Audit portions of Wisconsin's Law so that incentives are enhanced and participation increased and coordinated.

EDITOR: Mark McDermid

BACKGROUND:

At the September meeting of the Green Tier Advisors, a request was made to have additional time on the December 6 meeting agenda to discuss the interface between USEPA and Wisconsin DNR in the development of performance and self reporting compliance programs at the state and national level. Since that time staff have been working with USEPA in the development of our first joint applicant to both Green Tier and the USEPA Performance Track Program. Similarly, work has gotten underway on the Compliance Audit Memorandum of Agreement with the Association of Independent Colleges and Universities, USEPA and DNR. Each represents a next step to strengthening the relationship between USEPA and the Department.

In addition to the items above, the following developments have also occurred:

- At the annual state/federal Performance Track meeting in Seattle, state, local, business and federal representatives spent an entire day in open dialogue on ways to improve programs, enhance working relationships and address operational efficiencies and effectiveness. Results from a portion of those dialogues will be presented in the discussion section below as a foundation for the 12/5 dialogue.
- Mark McDermid was nominated as one of four state representatives to a subcommittee of the National Advisory Council on Environmental Policy and Technology (NACEPT). The subcommittee is to advise USEPA on Performance Track and Other State Performance Programs. For those of you familiar with federal jargon, this is a FACA or in lay language an advisory panel meeting all of the numerous federal requirements for soliciting input and advice from outside.

At the December meeting the Advisors suggested the following:

- Revisit this issue from the context of setting the stage for culture change at both the state and federal levels
- Identify ways to celebrate champions at both the state and federal levels
- Include greater levels of collaboration with USEPA during events such as Green Tier Advantage
- Set the stage for a meeting with USEPA – getting the right people in the room including key Advisors interested in engaging with federal level policy makers.
- Make formal connection to the transition team.

As of 3/16 the nature and scope of engagement with USEPA has changed fairly significantly due to a message from the new USEPA Administrator terminating USEPA's Performance Track Program (message attached).



Performance Track
Next Steps Memo.Ex1

Secretary Frank has requested that a meeting be set up with them to understand their rationale and also to provide an opportunity for them to describe next steps. While it would appear that the advisory committee will still meet, the membership of that committee is in question as that membership must be approved by the new Administrator. What we have been able to determine is that the person most likely to be on point for this issue, John Cannon, is still awaiting confirmation as Deputy Administrator.

At this time, we know of no changes at the federal level that would affect the administration of USEPA's Audit Policy

DISCUSSION:

At the meeting on March 20 meeting, we are requesting a general discussion of the advisors We would like to get a sense for your reaction to the announcement, your suggestions for questions to be used in our conversations with USEPA and any suggestions that you might have for strategies to deal with the absence of a federal level performance based program and/or opportunities that you see created by this change.

At present, there are very few Performance Track companies in the state. The following is a list of participants:

- Snap-On Tools Manufacturing Company - Milwaukee Plant
- Snap-On Tools Manufacturing Company - Kenosha Plant
- Snap-On Diagnostics - Elkhorn Plant
- Epic Resins
- 3M Menomonie
- 3M Eau Claire
- Louisiana-Pacific, Tomahawk, Engineered Wood Siding
- Karl Schmidt Unisia, Inc.- Marinette Facility
- 3M Prairie du Chien
- Firestone Building Products Company - DeForest
- 3M Cumberland

Of these, only one, 3M Menomonie, is a Green Tier company. All of the remaining companies could become a part of the Green Tier program with relatively little effort and would likely have less administrative overhead than under the current USEPA program.

Programmatically, the elimination of the Performance Track program does not compromise our work developing incentives such as a flexible printing Tier 2 contract. It does however mean the removal of a group of people that were generally working inside of USEPA to make the kinds of program and cultural changes needed to provide smart, flexible regulatory schemes for superior environmental performers. The option no longer exists, as presented at the last meeting, to work through Performance Track's incentives ideas to develop shared state and federal incentives for performance based programs. We will likely be working through the respective media offices to develop incentives and recognition for state programs and initiatives.