

Green Tier Advisors
Issue Paper: Topics for Discussion during 2009-2010
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ISSUE TITLE: Topics for Green Tier Advisors Discussion during 2009 - 2010.

ISSUE SUMMARY: The department wants to best use the collective expertise and diverse perspectives of the Advisors in addressing a variety of Green Tier issues as well as the statutory directions to the department in §299(8) Wis. Stats. In past years Work Plans listing issues to be addressed were developed and served as a guide in developing meeting agenda.

Author: Carla Wright

Background: During the December 2005 meeting, the Green Tier Advisors identified a list of issues to address in upcoming meetings. In addition, the Green Tier statute enumerates 15 directives the department is to attempt in its administration of the program. Included in the recently completed 2009 Biennial (Green Tier) Progress Report are two status reports presented in an easy to read matrix format: Table A: Powers and Duties of the Department, and Table B: Status of Program Administration. Attached to this Issue Paper are the lists from 2005 (Attachment #1) and the two tables from the 2009 Biennial Progress Report (Attachment #2).

The Green Tier Advisors advise the department about the following elements derived from the Green Tier statute:

1. The implementation and operation of the program, including the setting of goals and priorities for the program.
2. Evaluating the costs of applying for the program and of entering into a participation contract of a charter and the administrative costs of participating in the program.
3. Assessing whether incentives provided under a participation contract are proportional to the environmental benefits committed to under a participation contract.
4. Procedures for evaluation the program and the results of the program.
5. Changes that should be made in the program.

Discussion:

As a somewhat new era for Green Tier emerges with new legislation and a steadily increasing level of engagement from businesses and communities, it is important to identify and schedule topics to be addressed by the Advisors.

The purpose of this agenda item is to review topic areas, issues, and statutory directives that would most benefit from advice from the Advisors.

Attachment #1: 2005: Interests and Expectations identified by Advisors

- Use Green Tier to get beyond “crises of the moment”.
- Dream beyond the status quo to change the way corporations approach environmental issues and find new ways for collaboration with DNR.
- Think of how Green Tier can replicate progress made in Europe, particularly the “pact system” in Bavaria.
- Use Green Tier as a tool to find new ways to protect the environment.
- Use the insights gained from the Environmental Cooperation Pilot Program, and Green Tier as the next step, to now focus on results.
- Green Tier provides the highest concentrations of acceptable options thereby providing win/win strategies.
- Understand how agriculture can use the Green Tier program and devise strategies for agriculture to make effective use of the program.
- Bring citizens & businesses together to discuss ways to reduce environmental footprint. This law can provide a new model for sound environmental public policies and have a huge environmental impact.
- Explore what role Green Tier can play in private, market-based approaches to solving environmental issues.
- Develop opportunities for applying Green Tier to development of brownfield properties.
- Presents opportunities for multi-media approaches to address environmental problems.
- Debunks the myth that environmental performance and economic growth cannot co-exist and create a paradigm that has economic growth and environmental performance as complimentary strategies.
- Green Tier becomes a model to deliver family supporting jobs that come from high performing businesses.
- Accomplish integration not just in the regulatory programs, but also in all programs.
- Looking for examples to share with clients that enable positive actions.

Attachment #2: Table A: Powers and Duties of the Department

§299.83 (8) Wis. Stats. lists these powers and duties of the department:	Status as of 05/01/2009
(a) To facilitate the process under sub. (6), the department shall develop model terms that may be used in participation contracts.	In 2005 the model Tier 2 participation contract was completed. To date only one applicant has requested custom flexibilities under the law. The 2005 model has been used as the foundation for the customized language. Upon completion this will become the foundation for other agreements in the same industry. In 2008 work was initiated to build internal teams to start more broad scale development of model terms. Work also continues under one of the charters to develop model terms.
(b) After consultations with interested persons, the department shall annually establish a list identifying aspects of superior environmental performance that the department will use to identify which letters of intent it will process under sub. (6) in the following year and the order in which it will process the letters of intent.	In December 2006, the Green Tier Advisors recommended the Green Tier "Areas of Emphasis" to the DNR Secretary. The eight areas identified represent a "broad list to use in establishing priorities for the program." Since developing the list, the Department has had only one letter of intent to process.
(c) The department may promulgate rules for the administration of the program. In the rules, the department may specify incentives, that are consistent with federal laws and other state laws, that the department may provide to participants in tier II of the program.	DNR has chosen not to promulgate rules. Green Tier continues as a self implementing law. DNR has considered additions to Air, Water and Waste rules to recognize Green Tier but has in each case deferred to the general authority given in the legislation to grant flexibility proportional to the commitments to superior environmental performance.
(d) The department shall encourage small businesses, agricultural organizations, entities that are not subject to environmental requirements, local governments, and other entities to form groups to work cooperatively on projects to achieve superior environmental performance.	At present, program participants are 42% large, 42% medium and 14% small. The charters for Clear Waters, Dairy Business Association, Development Council, Scrap Metal and Automotive Recycling and Municipal Environmental Group all provide mechanisms for building capacity of small and medium sized enterprises. Municipal Environmental Group and Clear Waters Initiative engage local government.
(e) The department shall select a logo for the program.	The original logo was unveiled in 2005 at the Green and Growing event. Based on user feedback and input from externals a new, more versatile logo was unveiled at the Green Tier Advantage conference in 2008. A disc with electronic logo files and an updated set of Logo Use Guidelines are given to each participant as they come into the program.
(f) The department and the department of commerce shall jointly provide information about participation contracts and environmental management systems to potential participants in the program and to other interested persons. The department shall consult with the department of commerce about the administration of the program.	DNR informs the Department of Commerce of all Green Tier activity, provides quarterly updates and solicits input through the Small Business Environmental Council. DNR continues to work with the Department of Commerce on targeted outreach such as identification of clean technology companies (2007 and 2008) and printing (2008).

<p>(g) The department shall collect, process, evaluate, and disseminate data and information about environmentally beneficial and innovative practices submitted by participants in the program. The department may conduct or direct studies, experiments, or research related to the program in cooperation with participants and other interested persons. The department may enter into agreements with the Robert M. La Follette institute of public affairs at the University of Wisconsin–Madison to assist in the promotion, administration, or evaluation of the program.</p>	<p>Annual Green Tier events held in 2008 and 2009 facilitated sharing of practices and discussion of further ways to enhance the program. Sharing was most notably on accessing national support for environmental performance, achieving energy efficiency, and improving EMS efficiency and effectiveness just to name a few.</p> <p>To date, no studies, experiments or research has been done, although the Department did work with one company as they implemented new processes to improve industrial discharge. A new section has been added to the 2009 biennial report to provide a first step towards developing comparative information. Work with LaFollette has been decidedly limited as no funding was provided for the work.</p>
<p>(h) The department shall submit a progress report on the program to the legislature, in the manner provided in s. 13.172 (2), no later than May 1, 2007, and every 2 years after it submits the first report.</p>	<p>2007 and 2009 – Complete.</p>
<p>(i) The department shall implement a process to obtain advice from a balanced public group about all of the following:</p> <ol style="list-style-type: none"> 1. The implementation and operation of the program, including the setting of goals and priorities for the program. 2. Evaluating the costs of applying for the program and of entering into a participation contract or a charter and the administrative costs of participating in the program. 3. Assessing whether incentives provided under a participation contract are proportional to the environmental benefits committed to under a participation contract. 4. Procedures for evaluating the program and the results of the program. 5. Changes that should be made in the program. 	<p>The DNR secretary appointed 16 members to the Green Tier Advisors (see pg 18-19). They first convened in December 2005 and now meet quarterly to discuss Green Tier issues and provide guidance to DNR. To date, the Advisors have utilized their wide range of expertise to provide advice on each of the five elements identified in the statute. Highlighted actions are:</p> <ul style="list-style-type: none"> Recommended a Proportionality Process Recommended consensus legislation Recommended performance metrics Recommended several strategies and venues for program expansion Engaged in developing new logo, market strategy and intellectual property protection Advised the Department on logo use for consumer products <p>For more see: http://dnr.wi.gov/org/caer/cea/environmental/advisors/index.htm.</p>

Table B: Status of Program Administration

§299.83 (1m) Wis. Stats. states, "In administering the program, the department shall attempt to do all of the following:"	√ Indicates DNR has attempted the activity	Links for more information
(a) Promote, reward, and sustain superior environmental performance by participants.	√	Participant and Applicant web pages. http://dnr.wi.gov/org/caer/cea/environmental/participants/index.htm Since 2007, only two participants have left the program and three have withdrawn applications.
(b) Promote environmental performance that voluntarily exceeds legal requirements related to health, safety, and the environment and that results in continuous improvement in this state's environment, economy, and quality of life.	√	Summary of applicants and participants in Green Tier and Environmental Cooperation Pilot Program http://dnr.wi.gov/org/caer/cea/environmental/participants/list.htm
(c) Provide clear incentives for participation that will result in real benefits to participants.	√	Benefits http://dnr.wi.gov/org/caer/cea/environmental/faqs.htm#Q16
(d) Promote attention to unregulated environmental problems and provide opportunities for conservation of resources and environmental restoration by entities that are subject to environmental requirements and entities that are not subject to environmental requirements.	√	Areas of Emphasis http://www.dnr.state.wi.us/org/caer/cea/environmental/advisors/documents/20061207AOERRecommendation.pdf
(e) Make the program compatible with federal programs that create incentives for	√	DNR/USEPA 2007-2009 EnPPA Agreement http://dnr.wi.gov/org/caer/cea/environmental/related.htm

<p>achieving environmental performance that exceeds legal requirements.</p>		
<p>(f) Increase levels of trust, communication, and accountability among regulatory agencies, entities that are subject to environmental requirements, and the public.</p>		
<p>(g) Reduce the time and money spent by regulatory agencies and entities that are subject to environmental requirements on tasks that do not benefit the environment by focusing on more efficient performance of necessary tasks and eliminating unnecessary tasks.</p>		
<p>(h) Report information concerning environmental performance and data concerning ambient environmental quality to the public in a manner that is accurate, timely, credible, relevant, and useable to interested persons.</p>	<p>✓</p>	<p>First draft of comparative environmental performance metrics contained in this report.</p>
<p>(i) Provide for the measurement of environmental performance in terms of accomplishing goals and require the reporting of the results.</p>	<p>✓</p>	<p>Performance Indicators developed by Green Tier Advisors and in process of implementation http://dnr.wi.gov/org/caer/cea/environmental/advisors/documents/20080908PerfIndicators.pdf</p> <p>Green Tier Annual Report Framework for Participants http://dnr.wi.gov/org/caer/cea/environmental/documents/framework.pdf</p>

<p>(j) Implement an evaluation system that provides flexibility and affords some protection for experimentation by participants that use innovative techniques to try to achieve superior environmental performance.</p>	<p>✓</p>	<p>Implementation Information http://dnr.wi.gov/org/caer/cea/environmental/getinvolved.htm</p>
<p>(k) Remove disincentives to achieving superior environmental performance.</p>		
<p>(l) Provide for sustained business success as well as a reduction in environmental pollution.</p>		
<p>(m) Promote the transfer of technological and practical innovations that improve environmental performance in an efficient, effective, or safe manner.</p>	<p>✓</p>	<p>2009 and 2008 Green Tier Advantage conferences http://dnr.wi.gov/org/caer/cea/environmental/events/2009/index.htm http://dnr.wi.gov/org/caer/cea/environmental/events/2008/index.htm</p>
<p>(n) Lower the administrative costs associated with environmental requirements and with achieving superior environmental performance.</p>		