



# Dairy Business Association

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## Green Tier Advancement Project

### ANNUAL REPORT TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Submitted by:

Dairy Business Association – Green Tier  
Advancement Project

January 30, 2009

Introduction: The Dairy Business Association entered into an agreement with the Wisconsin Department of Natural Resources (DNR) on November 29, 2007 known as the Dairy Business Association-Green Tier Advancement Project (DBA-GTAP) Charter. As part of the agreement, DBA-GTAP will submit an annual report to DNR by January 31st of each year, beginning in 2008, summarizing the preceding calendar year's progress toward meeting the Charter's goals and objectives. This report describes the specific activities that DBA-GTAP has engaged in and progress toward each commitment made by DBA-GTAP in Sections III., V., and VI. the Charter.

### **III. DBA-GTAP Commitments**

A. DBA-GTAP agrees to encourage dairy producers and processors, specifically including small and medium sized farms, to submit applications for individual participation in this Charter. DBA-GTAP agrees to develop and implement an outreach strategy that will encourage Charter members and others to serve as "role models" and provide real-world EMS examples for interested dairy producers, processors, and vertically integrated producer/processors. DBA-GTAP also agrees to encourage Charter members to sponsor/coordinate farm tours/farm walks to learn about EMS practicalities, provide information and presentations to other audiences (such as financial institutions, insurers, and supply chain vendors), and provide other resources or referrals so participants under this Charter can be involved in EMS research, if desired.

**Progress: Dairy Business Association has developed an outreach strategy to inform all of its' members as well as other dairy producers and processors to participate in an Environmental Management Systems (EMS) program. The outreach strategy includes, but is not limited to, electronic newsletter, individual electronic correspondence, and news releases. In addition, DBA-GTAP hosted a presentation entitled "EMS Basics 101" at the Dairy Business Conference on December 3 to promote the EMS program and Charter. At this time, there are no Charter members, but DBA-GTAP is prepared to encourage Charter members to perform EMS outreach as well.**

B. DBA-GTAP shall develop, or retain a vendor or vendors to develop, and promote to the extent reasonably practicable: (i) a generic EMS applicable to dairy farms of all sizes and methods of production (i.e. grazing, confined animal feeding operations, etc.), and (ii) a generic EMS applicable to the dairy processor industry, provided that at least one dairy processor becomes a Charter member. Each generic EMS will be designed such that if properly implemented and tailored at the farm or processor level they will satisfy the criteria for an EMS that

is functionally equivalent to an ISO 14001 EMS as described in s. 299.83(1)(dg), Wis. Stats. The DBA-GTAP and/or the vendor(s) will consult with DNR on the development of each generic EMS and DNR will invite others to review and comment on the generic EMS during its development.

**Progress: DBA-GTAP secured funding to retain vendors to develop and promote a generic EMS applicable to dairy farms and dairy processors. A draft of each has been presented for review in 2008 and will be finalized in 2009.**

C. DBA-GTAP agrees to make each generic EMS available to any EMS Candidate (as defined in Section VII below). DBA-GTAP assumes no obligations beyond those expressly described herein and is not responsible for the actual implementation of a Candidate's or Charter member's EMS or the continued monitoring or improvement thereof.

**Progress: A draft EMS template is available to any EMS candidate. Upon final approval of the EMS template, DBA-GTAP the final template will be made available to any EMS candidate.**

D. DBA-GTAP agrees to create and maintain an EMS information clearinghouse for EMS Candidates and Charter members that includes: EMS development procedures, existing examples of audited environmental management systems specific to the dairy industry, easily accessible catalog of Wisconsin legal requirements, lists and contact information for Wisconsin dairy farms that have implemented an EMS, lists of suitable consultants and other suggested resources and links to useful websites.

**Progress: DBA-GTAP has schedule the development of the EMS information clearinghouse by the end of 2009.**

E. DBA-GTAP, or its vendor or vendors, shall perform one EMS training course available to all EMS Candidates. Training courses regarding the generic EMS would be held in at least four (4) locations statewide following development of the generic EMS. DNR agrees to provide resources, to the extent possible, and will consult in the development of the training program. The training will proceed as necessary to accommodate new groups of EMS Candidates and implement new provisions of the Charter.

**Progress: DBA-GTAP is developing a curriculum for an EMS training course to be held in early 2009. DNR has been informed of the first training session scheduled for January 27, 2009. Three other training sessions in regard to the generic EMS will be held throughout 2009. DBA-GTAP will request DNR assistance to fund additional training as necessary to**

**accommodate new groups of EMS candidates and/or to implement new provisions of the Charter.**

F. DBA-GTAP agrees to retain a vendor or vendors to perform audits of each Charter member's implementation of the generic EMS, provided that the Charter member pays an EMS auditing fee to assist in defraying DBA-GTAP's costs. The EMS auditor shall meet the requirements of s. 299.83(7m), Wis. Stats. The EMS auditor or DBA-GTAP staff will work with each Charter member to address all areas of non-conformance or non-compliance identified in an EMS audit. DBA-GTAP shall have no responsibility or liability for any such non-conformance or non-compliance identified as a result of an EMS audit.

**Progress: DBA-GTAP has secured an audit vendor to provide auditing service in accordance to s. 299.83(7m), Wis. Stats. DBA-GTAP will seek additional funding in order to address all areas of non-conformance or non-compliance identified in an EMS audit for a respective Charter member.**

G. DBA-GTAP will submit an annual report to DNR by January 31<sup>st</sup> of each year, beginning in 2009, summarizing the preceding calendar year's progress toward meeting the Charter's goals and objectives. Each report shall describe, at a minimum, the specific activities that DBA-GTAP has engaged in and progress toward each commitment made by DBA-GTAP in this Charter.

**Progress: DBA-GTAP submitted a report summarizing 2008 progress toward meeting the Charter's goals and objectives on January 30, 2009.**

## **V. Joint Commitments of the Parties**

A. The Parties acknowledge that DNR and the United States Environmental Protection Agency (EPA) have entered into a Memorandum of Understanding (MOU) endorsing the Green Tier program and the policies it implements. Any violation that results in federal prosecution pursuant to a federal law will be addressed outside the requirements of this Charter. However, the Parties will encourage federal prosecutors to consider the provisions of this Charter in making any charging decision and in the selection of a remedy.

**Progress: The DBA Executive Director has acknowledged this term with DBA members and will work cooperatively with DNR and EPA if this situation would arise.**

B. The parties shall work to encourage the implementation of at least one ISO 14001 registration by a Wisconsin dairy producer.

**Progress: DBA-GTAP has communicated with one producer in 2008 that has been ISO 14001 certified. In addition, the DBA-GTAP training**

**curriculum proposed for 2009 will review information on the ISO 14001 standard. The DBA-GTAP program will continue to encourage ISO 14001 registration of additional Wisconsin dairy producers in 2009.**

C. The Parties agree that environmental technology continues to evolve. The Parties agree to work cooperatively to encourage the development and use of new technologies; however, this cooperation and encouragement shall not constitute or be construed to be an endorsement of any technology or technology provider. The entities of the association will see opportunities to use new technologies and methods that they or their representatives find or develop to advance the goals of this Charter. The entities shall contact DNR and DBA-GTAP and provide an overview of the methods to be used before installing or using the new technology or methods.

**Progress: DBA has met several times with entities over the pass year to review new environmental technologies. DBA continues to provide producers with up-to-date information on manure digesters and renewable initiatives. DBA-GTAP continues to work in cooperation with DNR to advance the goals of the Charter.**

D. The parties will work cooperatively to engage and educate other state and local agencies and institutions about potential opportunities and partnerships under specific terms of the Charter and the Green Tier program. DBA-GTAP commits to meet with local governmental units and their representatives and explain the purpose and benefits of the Charter. Such meetings may occur in person or via teleconference.

**Progress: DBA-GTAP discussed specific opportunities of the Charter with DNR, Wisconsin Department of Agriculture, Trade and Consumer Protection, and the Natural Resource Conservation Service Conservation. Other representatives have been contacted to provide assistance with the Interested Persons Group (IPG) that is part of section VI. DBA-GTAP plans additional meetings in 2009 with local governmental units and their representatives to explain the purpose and benefits of the Charter.**

E. The Parties agree that the terms of this Charter will be reconsidered and may be amended pursuant to Section IX.C. hereof, upon changes within: (1) current statutes or regulations that apply to the dairy industry, (2) discoveries in science that would or may influence, alter or redefine what superior environmental performance is for the dairy industry of Wisconsin, and (3) evidence from case-studies, research, or otherwise which indicated new or innovative methods to achieve improved environmental performance. The Parties agree that this will have no effect on nor shall the Parties cite to the existence or content of this Charter in the context of any action involving a challenge to or defense asserted pursuant to s. 823.08, Wis. Stats.

**Progress: DBA-GTAP determines that there are no changes as identified in 1, 2 or 3 above that would amend the Charter at this time pursuant to Section IX.C.**

F. The Parties shall work with the Wisconsin Milk Marketing Board and other entities to assist in promoting the dairy industry's environmental stewardship in this Charter. The Parties shall work with other state agencies as appropriate to develop market incentives that can be leveraged by Charter members.

**Progress: DBA-GTAP will be working on relationships with the Wisconsin Milk Marketing Board and other entities to develop market incentives that can be leveraged by Charter members throughout 2009.**

G. Green Tier participants are routinely authorized to use the Green Tier logo on written materials in accordance with guidelines developed by DNR. As of the initial date of this Charter, DNR's guidelines did not explicitly authorize use of the logo on retail products. However, notwithstanding those guidelines, under the terms of this Charter DNR and DBA-GTAP agree to collaborate on a pilot program that will test the value and appropriateness of applying the Green Tier logo to labels on retail dairy products.

**Progress: DBA-GTAP has spoken with producers in 2008 that are interested on applying the Green Tier logo on retail dairy products. DBA-GTAP plans to meet with DNR in 2009 to discuss funding for a pilot to test the value and appropriateness of applying the Green Tier logo to labels on retail dairy products.**

H. The Parties shall work together to identify appropriate performance indicators for individual Charter members and for the Charter as a whole. In doing so, the Parties shall give due consideration to any recommendations developed by the IPG. Individual Charter members will be strongly encouraged to monitor their performance using the identified indicators for individual participants. DBA-GTAP shall strive to make use of the performance indicators for the Charter as a whole in the annual reports. DNR and DBA-GTAP shall also use these indicators as part of the joint evaluation.

**Progress: There were no Charter members enrolled in the program in 2008. DBA-GTAP is prepared to work with DNR to identify appropriate performance indicators for individual Charter members when applicable.**

## **VI. Interested Persons Group**

A. DBA-GTAP commits to establishing an IPG to advance the goals of the Charter and to increase transparency and trust in this Charter. The Parties will meet and confer as to the constitution and specific goals of the IPG. The Parties will also designate a representative from DBA-GTAP to Chair the IPG. Within six

(6) months of signing the Charter, members of the IPG will be nominated for one (1) year terms by DBA-GTAP and DNR's designated Single Point of Contact. Final membership of the IPG shall represent a diverse range of interests, including the environmental community, and shall be jointly approved by the Parties. Within twelve (12) months of signing the Charter, the IPG shall meet for the first time.

**Progress: DBA-GTAP has been working closely with the DNR designated point of contact to confer on specific goals of the IPG. Members of the IPG were nominated. In October, the IPG list was reviewed and letters sent out to confirm participation of the nominees in the process. At that time, it was determined to host the first meeting on December 2, 2008. Although the time frame was slightly out of the timeframe identified above, DNR's designated point of contact indicated that the timeframe was close enough. Due to mandatory meeting requirements in regard to other DNR issues, the December 2 meeting was postponed and re-scheduled for February 4, 2009 in agreement of both DBA-GTAP and DNR.**

B. The Parties shall encourage IPG members to bring their own resources and/or expertise to bear in finding ways to make this Charter successful. The IPG Chair shall work with IPG members to establish clear ground rules for meetings, including: respective roles and responsibilities of IPG members; types of information to be shared and standards for sharing information, including agreements on confidentiality; time-frame for completing each phase of work undertaken; methods for group decision-making and conflict resolution; and, framework for how recommendations for the IPG should be integrated into DNR and DBA-GTAP decision-making processes. The Parties shall also consider including conflict resolution techniques throughout the process, such as: facilitation, third-party mediation, or other dispute resolution techniques. The IPG shall work on improving communications with non-participating stakeholders and relating to the general public. The IPG shall also develop specific recommendations to further the goals of this Charter, including identifying environmental goals to which the dairy sector should aspire and ways of monitoring and measuring the environmental performance of DBA-GTAP participants.

**Progress: DBA-GTAP met with DNR on October 22, 2008 to establish ground rules for the IPG meeting. On December 2, DNR contacted DBA-GTAP to request that the group pursue an individual from the University of Wisconsin-Extension to facilitate the February meeting. It was agreed to move forward with a facilitator for the February meeting.**

C. The IPG will meet on at least a semi-annual basis to solicit comments concerning the scope, goals, progress and accomplishments of this Charter. A representative of DBA-GTAP will take notes during these meetings. These notes will be compiled into minutes that summarize the information discussed at each

meeting. IPG members will have an opportunity to suggest corrections or additions to the minutes. Once approved, a copy of the minutes will be posted on both DNR's website and on a website maintained by DBA-GTAP or DBA for public viewing.

**Progress: There were no meetings conducted in 2008, and thus no minutes to be taken, approved or posted. DBA-GTAP is prepared to compile the minutes and summarize the information for approval. DBA-GTAP is also prepared to post the information on their respective website.**

D. The Parties will review the status of the IPG after one year. If DBA-GTAP has taken reasonable steps to secure input from and participation in the IPG and has been unsuccessful in generating such input and participation, the Parties may consider other options to establish a mutually agreeable process for public input.

**Progress: DBA-GTAP has taken reasonable steps in 2008 to secure participation in the IPG. Since the first meeting of the IPG has not yet taken place, DBA-GTAP defers to establish another option for public input until results from the IPG meetings in 2009 have been revealed.**

E. The Parties agree that the IPG requirements of this Charter may be terminated only after both DNR and DBA-GTAP agree that (1) repeated efforts to convene the group have resulted in little or no response from members of the IPG, (2) the costs outweigh the benefits, and (3) an alternative approach for public input will generate better results.

**Progress: DBA-GTAP made efforts in 2008 to convene the group, and will host the first meeting of the group in agreement with DNR on February 4, 2009. Upon review of meeting results in 2009, DBA-GTAP in cooperation with DNR will decide if there is an alternative approach for public input that will generate better results.**