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MEMORANDUM

TO: Committee on Environment
FROM: Linda H. Bochert, Michael Best & Friedrich LLP
DATE: April 9, 2009
SUBJECT: Senate Bill 126

Thank you Chair Miller and members of the Senate Committee on Environment for the opportunity to submit written testimony in support of Senate Bill 126. This legislation makes valuable improvements to two important environmental initiatives: the Environmental Compliance Audit program (a/k/a the Environmental Improvement Program) and the Green Tier program (a/k/a the Environmental Results Program). The modifications included in Senate Bill 126 are limited and designed to improve these already effective programs. Most importantly, Senate Bill 126 eliminates the sunset provisions from both programs so that they will continue to function and deliver benefits to the environment and citizens of Wisconsin.

As a member of the Green Tier Advisors to the Wisconsin Department of Natural Resources (WDNR), I am currently working with WDNR staff and the other Advisors to advance and improve the goals of these two important programs. Before going into private law practice, I was privileged to serve with WDNR and the Wisconsin Department of Justice for 17 years in various environmental legal and management roles. My professional experience has taught me that the environment is best served by creative approaches to environmental improvement based upon collaboration rather than command and control. The work I have done with clients has convinced me that an atmosphere that encourages the conduct of audits to find and correct deficiencies will prevent many more problems than one that makes people afraid to look because of the potential penalties they may face if they find something.

Because of my professional experience, I fully support the Environmental Compliance Audit Program which encourages regulated entities to conduct environmental audits and correct the deficiencies they identify. Modeled in large part on the Environmental Protection Agency's Audit Policy, the Environmental Compliance Audit Program removes the risk of significant financial penalties, thus facilitating the conduct of audits and the resulting environmental improvements. The Environmental Compliance Audit program is the foundation of an innovative environmental compliance audit program currently underway on 16 of the private college and university campuses in Wisconsin, under the leadership of the Wisconsin Association of Independent Colleges and Universities (WAICU). I commend WDNR staff for their support of the WAICU-led effort, and I understand the Committee will receive testimony from WAICU President Wegenke in support of Senate Bill 126, who can tell you more about this initiative.

The Green Tier program promotes and rewards "superior environmental performance" by regulated entities ranging from manufacturers and developers to municipalities and agribusiness. Green Tier's focus on continuous improvement and use of environmental management systems has incentivized positive environmental outcomes. This program's

emphasis on collaboration and innovation enables companies to address their environmental impacts in creative ways that contribute to the bottom line and earn them appropriate public trust and recognition. In these challenging economic times, when private sector resources are stretched to the limit and government resources are increasingly scarce, having a program in place that emphasizes re-thinking how we do things so we can do them better and more effectively deserves support.

For the reasons described, I respectfully urge your full support for passage of Senate Bill 126. Thank you very much for your attention to this important matter, and please do not hesitate to contact me should you have any questions.

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