



AGENDA

The annual workshop of The Multi-State Working Group on Environmental Performance June 18-20, 2007 Monona Terrace, Madison, Wisconsin

*“An international dialogue on ecological policy”
Stop #2 on the Path to Washington*

To register: www.desertroseenv.com/MSWG2007.htm
To sponsor contract Herman Baumann: herman.greenlinestrategies.com

MSWG is a US not-for-profit 501 c 3 organization and contributions may be tax deductible

Co-sponsors

Wisconsin Department of Natural Resources; WisPolitics.com; Environmental Council of States (ECOS) Cross-Media Committee; Global Environmental Management Initiative (GEMI); Local Governments for Sustainability; Climate Impacts Group, University of Washington; University of Wisconsin-Madison European Union Center of Excellence; UW-Madison Center for World Affairs and the Global Economy; UW-Madison La Follette School of Public Affairs; UW-Madison Global Legal Studies Center

This event has been approved for 21 CLE hours in the State of Wisconsin

Sunday, June 17

4:00 pm to 7:00 pm
Registration

Monday, June 18 Ecological Policy Frameworks in Federal Systems *Climate changes the policy dynamic*

7:00 am to 7:45 am
An enhanced continental breakfast

8:00 am to 8:30 am: Plenary session
The Path to Washington

Presenters: **Jeff Smoller** is special assistant to the secretary, Wisconsin Dept. of Natural Resources and president of MSWG. **Dennis Treacy** is vice president of Environmental and Corporate Affairs, Smithfield Foods, and president of the MSWG Policy Academy on Environmental Tools.

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The Path to Washington, “convening leaders for an ecologically sustainable America,” is a three year search for a national policy framework to support ways to measurably improve or restore the environment and solve evolving or languishing problems like greenhouse gases, regional air quality, community health, nutrient and bacteria contamination of watersheds and estuaries, invasive or depleted species and the unknown consequence of new materials or technologies. Path to Washington pillars: promote innovative, performance-based approaches; advance ecological thinking; explore the role of market drivers, and identify potential improvements to existing legal and institutional frameworks. Stop #1 in Utah in 2006 produced three principles to inform future policy: differentiate good performers, protect Good Samaritans and reward good risks. MSWG will produce a Report to the Nation in 2009.

8:30 am to 9:30 am: Plenary session

Environment, Regulatory Innovation and Federalism

Presenter: State Minister Dr. Werner Schnappauf is Minister for the Environment, Public Health and Consumer Protection in the Free State of Bavaria, Germany.

Federal systems establish rights and responsibilities. They set limits and provide opportunities to succeed and excel. What is happening in Germany and Europe and how does that impact on the US and world? How is climate changing the way governments act, relate to each other and the tools they use? What lessons can Bavaria provide? As a world-traveled State Minister, significant player on the European regulatory scene and the leader of an agency that has developed innovative approaches to environmental performance, partnerships and sustainability, Dr. Werner Schnappauf is highly qualified to inform policy makers on the future of policy and federalism. In his role as a Bavarian leader with reach beyond his agency, he has come to understand that the economics, environmental challenges and political landscapes that affect us today are different than 30 years ago when many environmental laws were enacted and the agencies created. He has acted to address those differences to the benefit of Bavaria’s economic and environmental well-being.

9:30 am to 10:00 am: Break

10:00 am to 11:30 am: Breakout session

Lessons in responsibility: European experiences

Presenters: **Norbert Horauf** is environmental director of INA Waelzlager Schaeffler KG in Germany. **Matthias Weigand** is head of trans-media law in the Bavarian Ministry for Environment, Public Health and Consumer Protection. **T.C.R. van Someren**, Voorburg, The Netherlands, advises governments and businesses in The Netherlands, Germany, China and elsewhere on business, environmental and governmental issues.

Can businesses do a better job of minimizing both their regulated and unregulated environmental footprints and if so how can they be leveraged in ways that help the bottom line while going beyond the environmental minimum? Are there tools to support greater environmental performance? Who uses them and what are the results? This discussion draws on the experiences of The Bavaria Pakt, an innovative policy that has drawn regulators from around the world to Munich for briefings and to Schaeffler, a world leader in rolling bearings, plain bearings and linear systems as precision components for the auto and other industries, as a model world citizen.

10:00 am to 11:30 am: Breakout session

Legal frameworks: If you build them will they come?

Presenters: **Graham Wilson** is the chair of the Political Science Department at the University of Wisconsin-Madison, a faculty member at the Robert M. La Follette School of Public Affairs at the UW-Madison and editor of Governance Magazine. **Tom Eggert** is a professor at the UW – Madison School of Business, teaching classes on sustainability and system thinking, and **John Shenot** is a sector specialist with the Wisconsin Dept. of Natural Resources Bureau of Cooperative Environmental Assistance.

Wisconsin has been experimenting with voluntary environmental leadership programs for a decade. Its Environmental Cooperation Pilot Program (1997-present) and Green Tier Program (2004-present) were inspired by taking the best and most relevant features of programs in Germany, The Netherlands and Canada. These programs aim to encourage dynamic and innovative behavior that goes “beyond compliance,” replacing minimal adherence to regulations with a commitment to environmental leadership. One feature of Wisconsin’s programs that differs from most of the similar programs offered by US EPA and other states is that they are authorized by and implemented through legislation. This session discusses: 1. How this legal framework affects routine operation and implementation of the program, and 2. Advantages and disadvantages of applying a legal framework to cooperation and environmental innovation.

10:00 am to 11:30 am: Breakout session
Tribal activities for environmental stewardship

Presenters: **Adam DeWeese** is an environmental biologist for the Great Lakes Indian Fish and Wildlife Commission. **Jennifer Hill-Kelley** is environmental quality director for the Oneida Nation of Wisconsin. **Adrian Miller** is the president of Menomonee Tribal Enterprises.

Native American Tribes in the United States have cultural roots that are tied to the land, water, sky and living things. There is a reverence for nature. Under US law, the Tribes have special rights to protect and manage natural resources within the lands under their control. The philosophy of “Seven Generation thinking” has guided the Tribes’ actions. Representatives of the Tribes talk about mercury contamination, environmental management and sustainable forestry. Do they have a message for the Path to Washington?

10:00 am to 11:30 am: Breakout session
Looking Back, Thinking Ahead, Part One: Applying the lessons of earlier regulatory reform efforts to today’s ecological challenges

Presenters and responders: **Lee Paddock** is associate dean and director of environmental law programs at George Washington University, Washington, DC and a member of the Board of Regents of the MSWG Policy Academy. **Joanne Scott** is the director of the Centre of Law and Governance in Europe, University College in London. **Steven Hellem** is executive director of the Global Environmental Management Initiative. **Jennifer Nash** is the Corporate Social Responsibility Initiative Director in the Regulatory Policy Program, John F. Kennedy School of Government, Harvard University and a member of the Board of Regents of the MSWG Policy Academy. **Robert C. Wilkinson** is a lecturer in the Environmental Studies Program at the Don Bren School of Environmental Sciences, University of California-Santa Barbara. **Rick Otis** is the Deputy Associate Administrator of the Office of Policy, Economics and Innovation, US EPA.

The environmental reform discussion during the 1990s was important to gain a better understanding of the limits of the nation’s environmental management system that had become reliant on statutory and

regulatory prescription as the primary driver of conduct. The routine use of regulatory prescription (sometimes referred to as command and control) tended to allow citizens to see the job of environmental protection as government's alone rather than a shared responsibility, stifled interest in innovation because innovation was not rewarded, paid too little attention to market based tools that may require less complicated infrastructure, and undermined the social values needed to support environmental programs. With increased awareness of the scope of the environmental crises (climate change, collapse of fisheries, species depletion, serious deterioration of estuarine systems, drinking water instability and more), the need to build on and amplify the discussion about how to reform environmental governance is before the United States again. This dialogue will continue the exploration about how we can build a system of environmental governance that is capable of addressing the big environmental problems we face, building upon, but not relying solely upon government-based regulatory programs. This session and one on Wednesday will help conceptualize this new approach. This discussion supports Goal #1 of The Path to Washington: "Document the value of innovative, outcome-based principles." It will produce ideas for the Report to the Nation in 2009.

11:45 am to 12:15 pm: Lunch and plenary session

Peter Wise Memorial

Presenter: **Keri Luly** is stewardship coordinator for Allsteel, Inc. based in Muscatine, IA and chair of the Peter Wise Memorial Committee.

In 2006, MSWG lost one of its founders, Peter Wise of The Delta Institute, a non-government organization in Chicago. A life-long advocate for the environment, Peter worked diligently in the government, non-government and private sectors to pursue a cleaner environment for all citizens. His passions were the Great Lakes and the belief that businesses and others working for a cleaner environment could produce greater results if public policies were supportive. This session will announce a fitting tribute to Peter and his work, including his concept of the MSWG Policy Academy.

12:15 pm to 1:30 pm: Plenary session

Ecological federalism: Climate's lessons about new ideas, tools and roles for business, government and non-government organizations in the 21st century

Presenters: **Joanne Scott** is director of the Centre for Law and Governance in Europe, University College in London. **Eileen Wenger Tutt** is assistant secretary for climate activities of the California Environmental Protection Agency.

Climate presents a need to think differently about law, institutions, tools and individuals in an ecological sense that reaches beyond the limits of traditional environmental thinking, programs and authorities. We are sailing the climate policy ship as we build it and so can see how using traditional regulatory approaches alone fall short of what is needed at global, regional and local levels to address and adapt to climate change. What is a global view? How is California addressing the need to innovate? Who are the players? And can we utilize climate as a policy teaching moment to address other environmental issues at the global, state and local levels?

1:30 pm to 3:30 pm: Breakout session

Defining, measuring and communicating results from performance-based environmental programs

Presenters: **Jay Benforado** (facilitator) is the director of the National Center for Environmental Innovation, US EPA. **Chuck Kent** is the director of the Office of Business and Community Innovation, US EPA. **Dennis Treacy** is the president of the Policy Academy of the Multi-State Working Group on Environmental Performance and vice-president of environmental and corporate affairs for Smithfield Foods. **Sharon Baxter** is the director of the Office of Pollution Prevention of the Virginia Department of Environmental Quality. First respondents will be members of the business, government, non-government and academic communities. Among them is **Paul Linzmeyer**, president of Bay Towel, Inc. There will be ample time for input and comments.

This discussion session is part of a project sponsored by the EPA, Environmental Council of States (ECOS) and the Multi-State Working Group (MSWG) to inform managers how to define, measure and communicate results from performance-based programs. The dialogue will also guide MSWG's research, education and dialogue projects. Performance-based programs have become an element in environmental protection strategies at the national and state levels. These programs try to reduce the environmental footprint of facilities, encourage stewardship, transform relationships and introduce new ideas and practices that promote improved performance. This project involves research on the state of knowledge about the programs, analyzing their results, drafting two position papers, proposing ideas for program improvement and identifying research needs. The project team is from the University of Pennsylvania Law School, Harvard's Kennedy School of Government and the Tellus Institute. This session will inform the team's work and its position papers to be released in December 2007. Attendees visiting his session only may be admitted free if they register at the registration desk. However, one-day or three-day paid registration is encouraged to support food, room and material costs.

1:30 pm to 3:00 pm: Breakout session Mainstreaming Main Street sustainability

Presenters: **Daniel Huff*** is the Environmental Management Manager for the City of Minneapolis, MN. The **City of Chicago Department of Environment's Sustainability Program** is also invited. **Jennifer Smith Grubb** is chair of the Board of Directors of Sustainable Silicon Valley. **Elizabeth Willmott** is global warming coordinator for King County Washington's executive office.

Many environmental laws are "center driven" with authority and resources coming from the top down. This works well for routine, standardized tasks. Two examples to illustrate the value of this standardized approach are air traffic control and garbage collection. But is the top down, standardized approach the best system for non-routine issues? And are standardized and rigidly adhered to approaches a good fit for locally complex issues like creating sustainable communities? This question is especially important at the city level where issues like public health, jobs, air quality, public facilities, public safety, transportation and more are essential ingredients in the sustainable community mix. Moreover, what is the result when communities want to practice adaptive, place-based land management, flexibility apply eco-system service principles in changing climate or adopt innovative technologies that don't fit with top-down thinking? There is conflict, stalemate or resentment. For The Path to Washington: What policy framework can meet the environmental needs of Main Street while still recognize some problems are best left to Washington?

1:30 pm to 3:00 pm: Breakout session Integrated Product Policy and international product stewardship

Presenters: **Garth Hickle** is product stewardship team leader for the Minnesota Pollution Control Agency. **Suzanne Bangert** is the director of the Bureau of Waste Management for the Wisconsin Dept.

of Natural Resources. **Klaus Koegler** is head of Sustainable Production and Consumption Unit of the European Commission in Brussels, Belgium. **Martin Bigg** is head of industry regulation in the United Kingdom Environmental Agency in London.

The European Union's Integrated Product Policy (IPP) seeks to minimize the environmental impact of products by looking at all phases of the product's life cycle and taking action where it is most effective. The life cycle of any product includes extraction of natural resources, product design, manufacture, assembly, marketing (including packaging), distribution (transport), sale, use and post-use deposition. IPP attempts to stimulate each part of these individual processes to improve their environmental performance. What has been Europe's experience with this policy? What impact has it had outside Europe in places like the United States and Canada? And are there lessons for business, government, non-government and consumer interests that can be transferred elsewhere?

1:30 pm to 3:00 pm: Breakout session Ecological value of working lands

Presenters: **Genevieve Carruthers** is an environmental systems specialist with the Wollongbar Agricultural Institute in Wollongbar in New South Wales, Australia. **Bob Donaghue** (moderator) of the Georgia Department of Natural Resources is the chair of the MSWG Ecological Innovation and Integration Committee and manager of Goal #2 on The Path to Washington: "Demonstrate how advanced ecological thinking is important to protection, restoration and enhancement in the natural world and the industrial world."

No matter where you are in the world, working lands that produce commodities such as meat, grain, timber, fruits and vegetables are being looked at for their ecological as well as commodity value. In the United States words like eco-system services and natural capital are increasingly used when looking at land and how it can protect drinking water, reduce flood damage or even compensate for carbon emissions. Research and ideas from "down under" may have value for private land owners, farmers, forest land owners, ranchers, local officials, state authorities and even national policy makers in the United States. They also may have value for The Path to Washington, which, through the Ecological Innovation and Integration Committee of MSWG will address the issue of eco-system services from private and public lands and the system of policies that supports those services locally.

3:00 pm to 3:30 pm: Break

3:30 pm to 4:30 pm Using the right tools locally and globally

Presenters: **Moe Bechard** is director of global environmental health and safety for JohnsonDiversey and **Kelley Kline** is assistant vice president for environment and corporate affairs at Smithfield Foods and will represent the Global Environmental Management Initiative (GEMI), a non-profit organization of leading companies dedicated to fostering environmental, health and safety excellence worldwide.

The discussion will focus on new tools developed by the Global Environmental Management Initiative. The special emphasis will be on Collecting the Drops: A Water Sustainability Planner, the Sustainable Development Planner/Sustainable Development Gateway and the GEMI Metrics Navigator. All were released in 2007 and are new tools in keeping with GEMI's mission to promote a worldwide business ethic for environmental, health, and safety management and sustainable development through example and leadership. The accomplishments of the regulatory tools in place are well documented. But since

their sweeping introduction 30 years ago, new tools have been found and new problems have emerged that elude the old tools and demand the new. Commerce also has changed in 30 years. GEMI is developing new tools to get the job done efficiently and effectively. They can be applied to a range of situations: at facilities, in neighborhoods, in states, nationwide or worldwide.

5:15 pm to 6:30 pm
Native American Drum Ceremony

Presenter: Great Lakes Indian Fish and Wildlife Commission.

The drum is a sacred instrument that communicates Native American culture and messages. The drum ceremony is a profound experience that is especially meaningful when connected to the Seven Generation message of how Native Americans care for the earth. The Great Lakes Indian Fish and Wildlife Commission will share its message at this event, among the trees on the roof-top of Monona Terrace, looking to the North and the State Capitol and to the South and the water of Lake Monona.

Tuesday, June 19
Ecological Systems
Europe's ideas have influence; climate forces risk management

7:00 am to 7:45 am
An enhanced continental breakfast

8:00 am to 8:45 am: Plenary session
Environmentalists' Case for Performance-Based Policy

Presenter: Eric Uram is a principal for Headwater Consulting in Madison, WI and a member of the Sierra Club's National Environmental Quality Strategy Team. He will present the results from the workshop, and start the process for further consensus-building among NGOs on the findings.

Widespread debate exists whether performance-based policies are a way around the laws or a faster way to achieve results. In a day-long workshop in Chicago, non-government interests met to discuss where the current system is failing to achieve adequate results, why it falls short and whether performance-based policies could get us to where we need to go.

9:00 am to 5:00 pm: EU Breakout sessions
Europe and environmental policy: Innovative environmental governance and regulation in the European Union: Any Lessons for US?

Presenters: Ingmar von Homeyer, senior fellow for ECOLOGIC/Institute for International and European Environmental Policy in Brussels, Belgium. **Joanne Scott** director of the Centre for Law and Governance in Europe at University College in London. **Peter Kessler**, senior policy advisor for ECOLOGIC/Institute for International and European Policy in Berlin and former director general for water management in the German state of Hessen. **Martin Bigg**, head of industrial regulation for the United Kingdom Environmental Agency in London. **Klaus Koegler**, head of sustainable production and consumption unit for the European Commission Directorate-General for Environmental Affairs in

Brussels, Belgium. **Robert Donkers**, counselor for environmental affairs for the European Commission in Washington, DC and EU authority on the registration, evaluation and authorization of chemicals (REACH). **Raymond van Ermen**, executive director of the European Partners for the Environment. **Martina Bianchini**, director of government affairs and public policy for Dow Chemical Company of Europe. **Graham Wilson** is professor and chair of the Political Science Department at the University of Wisconsin – Madison. **Rick Otis** is deputy associate administrator of the Office of Policy, Economics and Innovation of the US EPA in Washington, DC. **Linda Bochert** is a partner in the law firm of Michael Best and Freiderich, Madison, WI and a member of the Green Tier Advisory Committee of the Wisconsin Dept. of Natural Resources. **Jeff C. Muffat** is manager of environmental affairs, Environmental Health and Safety Operations, 3M in St. Paul, MN. **Jonathan Zeitlin** is director of both the European Union Center for Excellence and Center for World Affairs and The Global Economy, University of Wisconsin-Madison.

How can the United States and the European Union find solutions to environmental problems which also promote the economy? The University of Wisconsin-Madison European Union Center of Excellence (EUCE), Center for World Affairs and the Global Economy (WAGE) and the La Follette School of Public Affairs have brought to MSWG Europeans with expertise in creating and using new policies to meet 21st century environmental and economic challenges. The experts from business, government, non-government and academic sectors will cover a range of topics including river protection, efficient permitting, product stewardship, chemical use and environmental-business cooperation.

The Europe sessions are designed to be useful to those who make, implement and are subject to policy, especially businesses interested in European markets or a part of the European supply chain. There will be ample time for questions and discussion.

9:00 am to 9:15 am: Welcome

Jonathan Zeitlin is director of both the European Union Center for Excellence and the Center for World Affairs and the Global Economy at the UW-Madison.

9:15 am to 10:15 am: Breakout session EU1

Overview: Innovative environmental governance and regulation in the EU

Presenters: **Ingmar von Homeyer** is senior fellow at ECOLOGIC/the Institute for International and European Environmental Policy, Brussels. **Joanne Scott** is the director of the Centre for Law and Governance in Europe, University College in London.

The context will be given, background provided and the stage set for policy overviews.

10:15 am to 10:45 am: Break

10:45 am to 12:00 noon: Breakout session EU2

Environmental innovation in practice: Case studies

Presenters: **Peter Kessler** is former director general for Water Management for the German state of Hessen and currently senior policy advisor for ECOLOGIC. **Martin Bigg** is head of Industry Regulation, United Kingdom Environmental Agency in London.

Case studies will be presented and discussed. They are: Good water status and river basin management through the Water Framework Directive and Integrated Pollution Prevention and Control.

12:00 noon to 12:30 pm: Lunch and plenary session
MSWG Awards ceremony

The annual awards ceremony recognizes individuals and organizations inside and outside of the MSWG network for service, achievement and leadership in areas important to MSWG and its mission. More recently, recognition has been given to firms, organizations and individuals that contribute to or act on the principles that represent the Path to Washington.

12:30 pm to 1:15 pm: Plenary session
Land and energy: The Defense Department as sustainability leader

Presenter: Alex A. Beehler is the Assistant Deputy Under-Secretary of Defense (Environment, Safety and Occupational Health) in the Department of Defense in Washington, DC.

The Department of Defense is responsible for 30 million acres in the United States, which is an area the size of Pennsylvania. The land is haven for 20 percent of America's endangered plants and animals. It is a buyer of goods and services and a leader in driving the market in areas such as alternative fuels and green products. How can the Department serve American's national security and environmental interests through working lands stewardship and enlightened procurement while fulfilling its mission and maintaining maximum readiness? The issue of how to leverage larger land holders -- including working land holders like farms, ranches, forests and defense lands -- for landscape scale protection, restoration and eco-system services was discussed at the MSWG spring meeting in Glen Ellen, CA. The focus was how to reverse eco-system decline and policies that support or impeded that goal.

1:15 pm to 2:30 pm: Breakout session EU3
Environmental innovation in practice: Case studies

Presenters: Klaus Koegler, head of sustainable production and consumption unit for the European Commission Directorate-General for Environmental Affairs in Brussels, Belgium. **Robert Donkers** is counselor for environmental affairs of the European Commission Delegation in Washington, DC and EU authority on REACH.

Case studies and issues will be presented and discussed. They are: Integrated Product Policy and REACH: the registration, evaluation and authorization of chemicals.

2:30 pm to 3:30 pm: Breakout session EU4
Business and civil society perspectives

Presenters: **Raymond van Ermen** is executive director of the European Partners for the Environment. **Martina Bianchini** is director of government affairs and public policy for Dow Chemical Company of Europe.

3:30 pm to 4:00 pm: Break

4:00 pm to 5:00 pm: Breakout session EU5

Concluding roundtable

Presenters: **Graham Wilson** (moderator) is chair of the Political Science Department at the University of Wisconsin – Madison and a faculty member at the Robert M. La Follette School of Public Affairs. **Rick Otis** is the deputy assistant administrator of the Office of Policy, Economics and Innovation of the US EPA, Washington, DC. **Linda Bochert** is a partner in the law firm of Michael Best and Friederich, Madison, WI and a member of the Green Tier Advisory Committee of the Wisconsin Dept. of Natural Resources. **Jeff C. Muffat** is manager of environmental regulatory affairs, Environmental Health and Safety Operations, 3M in St. Paul, MN.

The concluding roundtable will draw upon the insights and wisdom of experienced environmental policy scholars and practitioners. Their remarks and the ensuing discussion will provide ideas that can be taken home for immediate consideration, questions to be researched or discussed on The Path to Washington and principles for consideration in the Report to the Nation in 2009.

9:00 am to 5:00 pm: Preparing for Climate Change Workshop: Adapting in your life, home and community

Climate change happens on a global scale but the impacts on natural systems and related human socio-economic systems are felt locally. So how can we learn to recognize the impacts of these changes locally and respond pragmatically?

This one-day session as a part of the MSWG annual workshop features practical information for anyone who wants to understand how to begin preparing for and manage the risks associated with climate change. Communities, businesses and resource managers are just some of the groups that will benefit from this session.

Increasingly, local governments are realizing that even as communities collectively work towards reducing greenhouse gas emissions, the impacts of climate change on water supplies, ecosystems, infrastructure, health systems and economies will be felt most acutely at the local level. Preparing for climate impacts at the local scale is needed to minimize negative impacts and, where possible, to capitalize on the benefits of climate change.

The workshop is an opportunity to learn about global and regional climate impacts, why adaptive planning is needed and how to go about planning for climate change in the community. The workshop will be conducted by the Climate Impacts Group at the University of Washington and King County, Washington, the authors of the forthcoming guidebook, “Setting the Course for Adaptation: A guidebook on planning for global warming.” The guidebook addresses the integration of climate change planning into day-to-day operations and decision making in local government, businesses and communities.

This Climate Change Workshop is open to all attendees of the MSWG workshop without extra charge. A one-day admission to the Climate Change Workshop alone is available for \$95 on line before the event.

Presenters: **Laura Whitely Binder** is outreach specialist, Climate Impacts Group, University of Washington, Seattle, WA. **Amy Snover** is a professor and principal research scientist and assistant director for the Center for Science in the Earth System, University of Washington. **Elizabeth Willmott** is global warming coordinator for King County, Washington. **Eileen Wenger Tutt** is assistant secretary for climate activities for the California Environmental Protection Agency. **Margit Hentschel** is director of western states for ICLEI, Local Governments for Sustainability.

9:00 am to 12:00 noon: Breakout session

Private forest lands: An ecological case for new thoughts, words and deeds

Presenters: **E.G. Nadeau** is a world-traveled advisor to companies, countries and communities that want to cooperate for the management of natural resources. He is with Cooperative Development Services in Minneapolis, MN and Madison, WI. **Mark Rickenbach** is an associate professor of private forest policy and practice at the UW-Madison. **Allison Hellman** is a policy analyst for the Division of Forestry in the Wisconsin Dept. of Natural Resources, Madison, WI.

The Path to Washington is an attempt to push the ecological envelope in how people and institutions think about, talk about and affect natural resources. The oldest natural resources profession in the world is that of the forester. Until recent years, multiple-use has been the focus. In future years, it will be sustainable use. Within that context, forest functions embodied in a full range of ecosystem services (e.g. view-shed protection, biodiversity maintenance, carbon crediting and sustainable product production are in play. But for those functions to be fully realized serious challenges must be addressed. Some challenges have their origin in the barriers to policy innovation and results identified in a MSWG-Harvard dialogue in 2005: law, politics and culture. This discussion will explore the practical and policy challenges of managing small fragmented ownerships for their full ecological value, to include value-creation for landowners and society alike. It will produce insights, ideas and questions that help the Ecological Innovation and Integration Committee fulfill its Path to Washington mission.

9:00 am to 10:15 am: Breakout session

Trans-Atlantic cooperation: Infrastructure needed

Presenters: **Dale Medearis** is program manager for Europe and the Middle East for the Office of International Affairs at the US EPA. **R. Andreas Kraemer** is the managing director of the ECOLOGIC/Institute for International and European Environmental Policy in Berlin, Germany.

Numerous states and cities have learning alliances, agreements and partnerships in their search for better policies and practices to protect the environment. These arrangements often begin with a splash and involve one or two trips “over there.” Then they die slow deaths as the realities of workload, limited funding and employee transitions take hold. Governments across the board and in numerous venues are not known for their ability to capture the lessons of experience as learning organizations. Still, the record of agreements on environmental matters is impressive between Europe and the United States. But relationships and lessons fade here, too, in spite of good intentions. Collaborative learning is replaced by more pressing daily work activities. Studies have looked at these agreements and produced ideas on how to keep the learning alive. Are there next steps that that fit into The Path to Washington?

9:00 am to 10:15 am: Breakout session

Trans-boundary partnerships in contiguous regions

Presenter: **Boris Krasnopolski** is deputy director of economic research at the Russian Academy of Sciences and professor of environmental management at the Russian Academy of Public Administration, Moscow, Russia.

The challenges of trans-boundary environmental protection and resource management are difficult under most circumstances. Community to community tensions, state to state disagreements and federal to state

disputes are common day issues. This session looks at the challenges of nation-to-nation challenges in contiguous regions that sometimes are the size of states but are really autonomous countries. The venue is Russia and its Europe-Asian neighboring countries and regions. Are there lessons here for state to state cooperation in a federal system?

9:00 am to 10:15 am: Breakout session

An alternative: The Environmental Results Program

Presenters: **Al Innes** is the regulatory innovations coordinator for the Minnesota Pollution Control Agency in St. Paul, MN. **Steve DeGabriele** is director of the Business Compliance Division at the Massachusetts Department of Environmental Protection in Boston.

Environmental Results Program, or ERP, is an innovative tool used by several states in various sectors as an alternative to conventional permitting and/or inspection programs. ERP uses education, self-assessment, self-certification, a statistical approach to auditing compliance and the accuracy of self-certifications, and based on those audits, statistical analysis of compliance rates and performance by facility or across a sector. ERP is typically used in sectors with large numbers of smaller facilities or operations, allowing states to promote performance improvement in a cost-effective way that would be impossible through conventional tools. State ERP programs may be voluntary or mandatory. Given the growing experience with the ERP tools, what lessons can The Path to Washington learn: in cost-effectiveness, in promoting performance improvement in a multi-media way, in analyzing performance based environmental impact vs. compliance outputs, and in structuring compliance evaluation based on environmental data and statistics vs. rotations or schedules?

10:15 am to 10:45 am: Break

10:45 am to 12:00 noon: Breakout session

Sustainable water infrastructure management

Presenters: **Dr. Eng. Martin Grambow** is the head of the Division of Water Management for the Bavarian State Ministry for the Environment, Public Health and Consumer Protection in Munich, Germany. **Jay Benforado** is the director of the National Center for Environmental Innovation at the US EPA. **R. Andreas Kraemer** is managing director of ECOLOGIC.

Higher energy costs, aging underground systems, increased demands for fewer public dollars, new knowledge about eco-system services and anxiety about climate are causing authorities, experts and citizens in the United States to look differently at water infrastructure. Fortunately, Europeans have been not only been thinking about these issues for a period, but have been acting on the logical conclusions they have reached. The Free State of Bavaria is noted for its water resources management. A combination of technical, administrative, natural and fiscal tools have saved the state money and provided levels of protection by using natural systems in addition to engineered systems. As good fortune would have it, authorities there and elsewhere in Europe have had the forethought to establish systems of design and measurement that may be transferable. One of Europe's most widely recognized environmental learning organizations is ECOLOGIC. This discussion will focus on the record and future of water infrastructure management in Europe, whether lessons can be transferred and whether the United States might have something to share in return.

12:00 noon to 12:30 pm: Lunch and plenary session
MSWG Awards ceremony

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12:30 pm to 1:15 pm: Lunch and plenary session
Land and energy: The Defense Department as sustainability leader

Presenter: Alex A. Beehler is the Assistant Deputy Under-Secretary of Defense (Environment, Safety and Occupational Health) in the Department of Defense in Washington, DC.

The Department of Defense is responsible for 30 million acres in the United States, which is an area the size of Pennsylvania. The land is haven for 20 percent of America's endangered plants and animals. It is a buyer of goods and services and a leader in driving the market in areas such as alternative fuels and green products. How can the Department serve American's national security and environmental interests through working lands stewardship and enlightened procurement while fulfilling its mission and maintaining maximum readiness?

1:15 pm to 2:30 pm: Breakout session
Adaptive, collaborative landscape-scale management

Presenters: Dave Lentz is the Karner-Blue Butterfly project coordinator for the State of Wisconsin. **Jimmy Christenson** is an attorney (ret) for the Wisconsin Dept. of Natural Resources. Habitat Conservation **program partners** representing the various land management groups also provide perspectives on this cutting edge approach to endangered species conservation and adaptive, collaborative land management.

Property rights concerns and the perception of a taking have sometimes collided with environmental goals. The Endangered Species Act is a case in point. The management of Karner-Blue Butterfly habitat in Wisconsin is a recognized success story of 40 landowners and land managers from the forest products industry, utility companies, county forests, private conservation, state and municipal highway managers and other government agencies such as military, along with federal regulators working together for the good of all, protecting the butterfly and ensuring working lands remain viable. The success of the Karner-Blue project was explored at MSWG's Glen Ellen, CA meeting that focused on collaborative, adaptive place-based management, among other ecological issues. How did this project come to be and what lessons can inform a Report to the Nation that addresses the gap between environmental law and natural law?

1:15 pm to 2:30 pm
Environment and public health: In tandem or in conflict?

Presenters: Erv Ball is the assistant director of the Cuyahoga County Board of Health, Cleveland, OH and co-chair of the MSWG Public Health, Environmental Health and Sustainable Communities Committee. **Karen Nikokai** is community design liaison, a function to integrate health into the built

environment, for Hennepin County, MN. **Paul Ruesch** is an environmental engineer for Region V of the US EPA with duties that include implementation of community based environmental projects.

If we are all connected, why does it seem that environmental health and public health do not always go hand-in-hand? A good balance between the two equals a healthy, sustainable environment. This session explores public health as the historic foundation of environmental health and how that connection has endured or eroded over time, at least in the United States. What is the condition of the public health-environmental health connection? If the patient needs surgery, what public policy changes should be on the operating table?

1:15 pm to 2:30 pm: Breakout session
Sorting Tools: Practical and policy advice

Presenter: Ira Feldman is president and senior counsel of Greentrack Strategies, Washington, DC and is an expert on the US delegation to the international working group creating ISO 26000, a voluntary standard for corporate social responsibility.

In 2005 a dialogue on sorting tools to improve environmental performance was sponsored in White Plains, NY by the MSWG Policy Academy on Environmental Management Tools. It documented a range of tools for those in business, government, non-government and community roles who want to achieve greater environmental performance by using the right mix of tools. The dialogue inventoried those tools and asked "Where do we go from here?" This session is a next step with practical and policy implications.

2:30 pm to 3:00 pm: Break

3:00 pm to 4:30 pm: Breakout session
Collaborative governance

Presenters: Bill Calder is director of Environmental Relations for Alberta Environment, Edmonton, Alberta, Canada. **Ronald Pearson** is with the Alberta Water Council. **John Squarek** is with the Clean Air Strategic Alliance of Alberta.

The Province of Alberta is a recognized leader in bringing together diverse parties to discuss matters of environmental consequence and come to closure on next steps. It also presents an example of how government cabinet officers consider environmental issues in the larger context of sustainability. Reaching consensus with stakeholders on the outside and bringing that agreement to the cabinet on the inside -- and having it honored by each and every cabinet member -- provides an example of a new form of governance. The Alberta story was told at MSWG's first international meeting in Toronto, Ontario, Canada in October, 2006. It was so powerful that it is being showcased at our workshop. Are there lessons in Alberta's experience and, if so, how can they be transferred elsewhere to produce measurable and greater results?

3:00 pm to 4:30 pm: Breakout session
Sustainability and product stewardship in the United States

Presenters: **Garth Hickle** is product stewardship team leader for the Minnesota Pollution Control Agency. **Suzanne Bangert** is the director of the Waste Management Bureau for the Wisconsin Department of Natural Resources. **Dobbins Callahan** is general manager, government markets, Tandus US, Inc. **Matt Hale** is the director of the Office of Solid Waste for the US Environmental Protection Agency, Washington, DC. **Jim Ferguson** is with Green Manitoba, Manitoba Science, Technology, Energy and Mines in Winnipeg, Manitoba, Canada.

The United States has been moving toward sustainable manufacturing and product stewardship over the past decade. Building on the discussion in the session on International Product Stewardship, and the successes of manufacturing in sustainable production, this discussion will examine how the US regulatory environment has promoted or provided barriers to sustainability and product stewardship. Questions on the table: What products are manufactured in a sustainable manner? How have the environmental or other regulations affected business' commitment to sustainability and product stewardship? What lessons and tools have transferred from Europe or Asia that promote this? Why have they been successful? What would have to change to make the transfer happen or the tools be useful to other business communities?

Wednesday, June 20

Ecological Policy for a Flat World

Are ecological, economic and social systems connected? And so what?

7:00 am to 7:45 am

An enhanced continental breakfast

8:00 am to 9:00 am: Plenary session

Ecological Policy in China: The future

Presenter: Ye Qi is the director of the Institute of Public Policy, School of Public Policy and Management, Tsinghua University, Beijing, China. **Introducer: Joanne Fox-Przeworski** is a Regent of the MSWG Policy Academy on Environmental Management Tools and Distinguished Advisor to the Environment and Public Health Network for Chinese Students and Scholars. She has served in senior posts in the United Nations Environmental Program and Organization for Economic Cooperation and Development (OECD). She created the Bard College Center for Environmental Policy in New York.

Environmental policies are evolving in China to address environmental issues and perhaps inform industrialized countries about new policy approaches. The concept of the circular economy is one example, a concept that integrates cleaner production and industrial ecology in a broader system encompassing industrial firms, networks or chains of firms, eco-industrial parks and regional infrastructure to support resource optimization. Another concept is that of environmental governance and new roles for companies. Tsinghua University in Beijing is noted for contributing ideas and leaders to China. The Department of Environmental Science and Engineering is noted for systems analysis and integrated thinking. A new Center for Industrial Development and Environmental Governance (CIDEG) is promoting policies that enhance communication, understanding and cooperation among the academic, business, non-profit and public sectors. In 2006, Joanne Fox-Przeworski, a Regent of the MSWG Policy Academy on Environmental Management Tools, visited the CIDEG and was impressed by what she heard. Her visit inspired this session.

9:15 am to 10:30 am: Breakout session
China: Auditing in a performance-based system

Presenters: **Donna Sandidge** is a principal in Sandidge Partners, LLC, Goodlettsville, TN and a member of the Auditing Roundtable. Her compelling presentation at MSWG's 2007 winter meeting in Nashville, TN, hosted by LP Inc., prompted this session. **Wanxin Li*** is assistant professor in the School of Public Policy and Management, Tsinghua University in Beijing, China.

A developing country like China presents opportunities for moving beyond the status quo regarding the old structures and systems that help companies meet their economic and environmental requirements and goals. One due diligence tool used in industrialized economies is the audit and it has been effective in supporting a compliance-based system based on minimal achievement. But can it be used – widely used -- in a developing economy like China to support an environmental performance system? And what are the issues relating to information disclosure?

9:15 am to 10:30 am: Breakout session
China and the US: Can markets deliver ecological results?

Presenters: Capstone students at the **UW-Madison Robert M. La Follette School** of Public Affairs are top line graduate students who undertake important projects for significant clients. Presenting this report are: **Aditya Chandraghatgi, Leah Larson-Rabin, Raul Leon, Will Lipske** and **Allison Quatrini**. Introducing the issue is **Melanie Frances Manion** is professor of political science and public affairs at The Robert M. La Follette School of Public Affairs, UW-Madison, and a published China scholar.

The US EPA and the Chinese State Environmental Protection Agency (SEPA) have agreed to pursue the use of market-based instruments to reduce SO₂ emissions in China. Indeed, the United Nations and China have agreed to establish a carbon trading exchange in Beijing. The report described in this session seeks to assess the feasibility of using cap-and-trade, a specific type of market-based instrument, in reducing SO₂ emissions in the current Chinese context. Assessed are the political and regulatory feasibility, administrative feasibility and economic feasibility. Also evaluated is the EPA's role in effecting those changes as a helping hand. That role is in keeping with The Strategic Economic Dialogue between China and the United States, a high level agreement that takes into account the link between economic development and environmental quality. The agreement was signed in December, 2006 and commits the nations to exploring cap-and-trade mechanisms and other market-based policy tools that address environmental issues in mainland China. The report concludes that command-and-control environmental policies would be more successful in reducing pollution at the current time but could also help provide a basis for an effective cap-and-trade system in the future.

9:15 am to 10:30 am: Breakout session
Risk assessment, chemical regulation and the EU-China connection

Presenters: **Andy Maier** is associate director of Toxicology Excellence for Risk Assessment in The Alliance for Risk Assessment in Cincinnati, OH. **Dr. Jay Zhao** has been an officer in the Chinese Society of Toxicology and a program manager for Toxicology Excellence for Risk Assessment.

Assessing comparative risks and taking steps to mitigate those risks to protect public health, safety and the environment is overwhelming governments and regulatory agencies. Complicating that are litigious systems and stakeholders who want zero risk. The European Union recently adopted the REACH program that stands for registration, evaluation and authorization of chemicals. This action has gained

worldwide attention. The Alliance for Risk Assessment is a not-for-profit organization that provides services to states and others who want risk questions to be asked and answered efficiently and credibility. This challenge is not limited to one chemical or one nation. Reflecting on the recent developments in Europe, the Alliance looks at its work in the United States and at China, which is considering the European approach. It then asks: What are the issues and what are the trends that can inform risk assessment in the future? And what are the implications of the answers for human health, jobs, the environment and governments everywhere?

9:15 am to 10:30 am: Breakout session Integrated permitting in the United Kingdom

Presenters: **Jay Benforado** (facilitator) is the director of the National Center for Environmental Innovation US EPA. **Kristina Heinemann** and **Lisa Comer** are lead staff for the Integrated Permitting Project at the National Center for Environmental Innovation.

A growing number of countries are using integrated permits, which control all elements of a facility's environmental footprint. Accounting for the whole facility's environmental impacts, an integrated permit goes beyond simply consolidating applicable media permits. It is intended to promote continually improving performance while ultimately driving the facility to more sustainable outcomes. EPA, through its Integrated Permitting International Collaboration Effort, is learning from the United Kingdom and the European Union experience in transitioning to an integrated permitting system. EPA hopes to assess what aspects of the European approach might be translatable to the US, building useful comparison models and assessment tools. A special focus has been looking at an integrated permit for the pulp and paper sector. This session provides an update on the EPA research effort and a discussion of the place of integrated permitting in the Path to Washington.

10:30 am to 10:45 am: Break

10:45 am to 12:00 noon: Breakout session Environmentalists' roles in China and developing economies

Presenters: **Kathy Bailey** is principal, Bailey Law Group, Washington, DC and at least one attorney from the All China Environmental Federation. **Xiaojun Lu** is president of the Environment and Public Health Network for Chinese Students and Scholars (ENCSS). **Ying Chen** is vice president of ENCSS.

In the United States, the role of the environmental NGOs (non-government organizations) is established. They participate in policy through the legislative processes and litigation. But the role of NGOs in some other parts of the world is different or still developing. This session will explore the role of NGOs in developing economies, especially China. It will talk about how government sponsorship impacts the work of NGOs and how NGOs can raise awareness in ways that produce results that the people and government both want. Some jurisdictions have new rules on public participation, but there is little experience on how to take the next steps. What are "best practices" for NGOs? How will they learn? Who will teach them? And when you look at the many environmental issues in developing economies like China, how do you prioritize?

10:45 am to 12:00 noon: Breakout session China today: An environmental regulatory report

Presenter: Hongjun Zhang* is a partner in the law firm of Holland and Knight of Washington, DC and Beijing, China and was a director in the Legislative Office of China's National People's Congress responsible for drafting national environmental laws and policies.

How is China responding to its environmental challenges while continuing to support growth and accommodate a population that is aspiring to a higher standard of living like the industrialized west? What are the implications for businesses and others as government, non-government and community interests in China develop policies that will not only affect companies today but into the future? And are there lessons or messages for the outside world?

10:45 am to 12:00 noon: Breakout session

China: Supply chain systems for business – managing trade, risks and environmental value through the supply chain and life cycle.

Presenters: Michael Penders is president and chief executive officer of Environmental Security International, Washington, DC. Also present: representative **buyers and suppliers from China**, the **International Finance Corporation** and the **US-Chinese Law Association**.

Buyers and suppliers in rapidly developing countries like China face challenges relating to product issues including maintaining product quality, ensuring workplace integrity, meeting the customer's needs and fulfilling the "social license," including environmental expectations. In a place where the regulatory system is developing, the roles of buyers and suppliers are increasingly significant. Examples include environmental and other management systems such as the ISO 28000 standard for supply chain security management systems. These due diligence tools have to meet the needs of the firm, the customer, the community, the government and financial markets as well as risk and security sectors. These tools that are being developed in China have lessons for the US. Can the extra-ordinary trade between the US and China be a force for strategic sustainability in both countries?

10:45 am to 12:00 noon: Breakout session

Looking Back, Thinking Ahead, Part Two: Finding policies to help communities adopt low-carbon technology and adapt to climate change's impacts

Presenters: DeWitt John is the director of Environmental Studies at Bowdoin College in Brunswick, ME and former head of the environmental policy unit for the National Academy of Public Administration. **Dr. Eng. Martin Grambow** is the head of the water division in the State Ministry for the Environment, Public Health and Consumer Protection in the Free State of Bavaria, Germany in Munich. **Heather L. Ross** is a regulatory reform researcher, economist and visiting scholar at Resources for the Future, Washington, DC.

This session looks at how climate can prompt new thinking across a range of ecological and governance problems. Conventional wisdom now endorses cap-and-trade as a centerpiece for addressing climate change. It may be necessary, but is insufficient. Existing environmental policy is largely energy ambivalent, a sense that was reached at the 2006 Utah workshop. Future policy must be energy centric. Climate and energy can focus reform conversations at both the higher (meta) level and the place-based level. This session, and the one on Monday will conceptualize how next generation policies can learn from both the successes and weaknesses of past policies, especially in light of the new ecological challenges like climate. This session will focus on four climate-related, largely community-focused challenges that open the door to new thinking: adopting low-carbon technologies; measuring progress that

now is not measured or measured well; adapting to climate-driven risk and opportunity; measuring the impacts of climate change in ways that help communities make choices about eco-systems, species, health, jobs, building and public infrastructure. In short, how can climate precipitate a policy-based learning system that helps communities and society manage risk? This open discussion will generate ideas for The Path to Washington. It supports Goal #1 of The Path: “Document the value of innovative, outcome based approaches.”

12:00 noon to 2:00 pm: Lunch and plenary session

12:30 pm to 1:30 pm

US-China Strategic Economic Dialogue: Future trading in environmental goods and services

Presenters: **Rick Otis** is the Deputy Associate Administrator of the EPA Office of Policy, Economics and Innovation and a member of the EPA Administrator’s China Team. **Tad Ferris*** is a partner in the law firm of Holland and Knight, LLP and head of the firm’s China team in Washington, DC.

The second meeting of the US-China Strategic Economic Dialogue in May produced an agreement between China and the United States to seek, as a part of the WTO Doha negotiations, elimination of or reduction in tariff and non-tariff barriers to environmental goods and services. In the United States, the environmental goods and services sector runs in the hundreds of billions of dollars. In Wisconsin alone, a modest estimate puts the sector at \$5.6 billion in annual sales. The People’s Republic of China has announced its intention to spend at least \$136 billion on the environment in the next five years. Announced in September 2006, the Strategic Economic Dialogue has involved the EPA and Departments of Treasury, Energy, State, Commerce and Health and Human Services. The environment has become a focal point for relations not only between China and US authorities but on a people-to-people and university-to-university and business-to-business basis. This report, with questions and answers, will highlight the future for trading in environmental goods and services but also report on numerous other environmental aspects of the dialogue such as a consolidated Chinese language web site and memorandum of understanding on energy efficiency labeling.

1:30 pm to 2:00 pm

Workshop implications for The Path to Washington

Presenters: **Lee Paddock, Esq** is associate dean and director of environmental law programs at George Washington University, Washington, DC and a member of the Board of Regents of the MSWG Policy Academy on Environmental Management Tools. **DeWitt John** is the director of Environmental Studies at Bowdoin College in Brunswick, ME and former head of the environmental policy unit for the National Academy of Public Administration.

(Current as of May 31, 2007)