

CHARACTERISTICS OF STATE PROGRAMS SIMILAR TO PERFORMANCE TRACK

The U.S. Environmental Protection Agency has worked closely with state environmental agencies in developing its National Environmental Performance Track Program. Many states have established voluntary programs to promote and reward excellent environmental performance. While these state programs vary in their design, they share the objective of encouraging voluntary commitments to beyond-compliance environmental performance and continuous improvement among regulated entities. This document provides a brief description of a number of existing state programs, as well as status and contact information. Full program details, including complete descriptions of program requirements and incentives, are available through state program websites listed in the contact information. In addition, EPA provides a detailed comparison of requirements for state programs and the National Environmental Achievement Track on its website (www.epa.gov/performance-track/partners/linkage.htm). The website also provides additional information on the National Environmental Performance Track Program.

This document aims to provide the latest program status information for each state program, however, in some cases information is limited to that available through published materials. If state representatives have more recent status information, they should contact Debbie Boger (phone: (202) 260-1202; Email: boger.debbie@epa.gov) with updates.

The programs reviewed here represent a selection of 14 state programs designed to encourage environmental leadership. They include:

- 👍 California's Environmental Management System Innovation Initiative
- 👍 Colorado's Environmental Leadership Program
- 👍 Georgia's Pollution Prevention Partners Program
- 👍 Idaho's GEMStars
- 👍 Indiana's 100% Club
- 👍 Illinois' Regulatory Innovation Pilot Program
- 👍 Michigan's Clean Corporate Citizen Program
- 👍 New Jersey's Silver and Gold Track Program for Environmental Performance
- 👍 New Mexico's Green Zia Pollution Prevention Partnership
- 👍 Oregon's GEMS and Custom Waiver Permits
- 👍 South Carolina's Environmental Excellence Program
- 👍 Clean Texas
- 👍 Virginia's Environmental Excellence Program
- 👍 Wisconsin's Environmental Cooperation Pilot Program

In addition to the programs reviewed here, a number of other state programs with similar goals are under development (Connecticut Environmental Management Systems, Kentucky Environmental Leadership Program, Louisiana Environmental Regulatory Innovations Programs, Massachusetts Environmental Stewardship Program, New Hampshire Enhanced Environmental Performance Agreements, North Carolina Environmental Excellence Program, and Wisconsin Green Tier) or are not currently active (Alaska Environmental Leadership Program, Minnesota XL Project, and Washington Environmental Excellence Program.)

Patterns Among State Programs

Program Design: Overall, 14 states have fully developed, active programs that resemble the National Environmental Performance Track. Of these, two are being modified to align more closely with the national program. Several additional programs that are not reviewed here encourage environmental leadership, but differ significantly in their design and scope compared to the National Environmental Achievement Track. These programs include awards programs focused primarily on public recognition for environmental leadership (e.g., the Governor's awards in California, Indiana, Louisiana, and Maine), or information-sharing programs that promote networking and mentoring among businesses (e.g., the Arizona Environmental Strategic Alliance). In addition, some programs are primarily focused on an individual sector (e.g., Maine Environmental Leaders), or replace traditional state permitting structures for specific sectors (e.g., the Massachusetts Environmental Results Program). Finally, some programs (e.g., the Florida Ecosystem Management Agreements) allow for place-based partnerships to address regional environmental concerns.

Environmental Management Systems: Many of the state programs reviewed have Environmental Management System (EMS) requirements similar to those for Achievement Track. These include state programs that are fully consistent with the Achievement Track EMS requirements and others that are consistent with a majority of the Achievement Track EMS requirements. A few state programs allow facilities to establish and implement a pollution prevention plan in lieu of an EMS or require a pollution prevention plan in addition to an EMS.

Environmental Improvements: Most state programs reviewed require facilities to demonstrate past improvements in performance and commit to future performance improvements. However, states differ from Achievement Track and from each other in their specific requirements. Some state programs identify specific environmental aspects that must be addressed and/or the degree of improvement that must be achieved, while others offer flexibility for facilities to choose the number and type of environmental aspects they address.

Public Outreach: Most state programs require some type of public outreach and reporting. Approaches include annual reports and community outreach (similar to Achievement Track) and traditional public notice and comment periods. Some programs that require annual reports specify that facilities should report to the program, while others require public reporting. A number of state programs allow more flexible formats for annual reports than required by the Achievement Track.

Compliance: All state programs reviewed include a solid compliance record as an entry criterion. However, programs vary in their specific requirements for past compliance performance, and in the means by which compliance status is verified.

Renewal: The renewal period for most state programs is equal or shorter than the National Environmental Achievement Track, and many state programs require annual renewal of membership.

Incentives: States offer diverse incentives for participating in voluntary environmental performance programs, and most states offer a combination of several types of incentives. Incentives include: 1) recognition (e.g., awards and use of program logos), 2) information sharing (e.g., mentoring, networking, and technical assistance), 3) administrative flexibility (e.g., expedited permit reviews and single point-of-contact at the regulatory agency), 4) enforcement discretion, 5) regulatory flexibility (e.g., reduced monitoring and reporting, consolidated permits, and flexible permit conditions), and 6) financial incentives (e.g., reduced permit fees and member discounts). State programs generally provide incentives that are proportional to program requirements.