



April 13, 2009

Lisa P. Jackson, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Jackson,

I am writing you today on behalf of the Multi-State Working Group on Environmental Performance (MSWG), a multi-sector non-profit group which has been working to improve environmental management and performance since 1996. The mission of MSWG has evolved over the past 14 years; however, we have always maintained a focus on strategies to enhance environmental performance. Over the years our members and participants (which number nearly 1000 and represent almost all of the states, many federal agencies, NGO's, the business community, and academia) through a process of dialogue, studies, and education have struggled the with challenge of how to advance the level of environmental protection and restoration significantly beyond what is achieved through current policy and practice.

Your decision to suspend the Performance Track Program (PT) has stimulated a lively discussion within our community. Environmental stewardship and sustainability strategies have been central to our discussion since 1996. Many of the core concepts built into the PT program likely originated from MSWG studies, dialogues, and MSWG member State pilot programs. The clear consensus from our network of practitioners and scholars is that properly designed and implemented performance/leadership programs are valuable, possibly essential tools to achieve a level of performance necessary for sustainability. This consensus is based on the following principles as applied to such programs:

- Enforceable rule-based programs should be the foundation of any future environmental stewardship/leadership program.
- The leadership community can play a critically important role in demonstrating how higher levels of integrated performance can be achieved in ways that provide real tangible benefits to the community.
- Leaders should not be seen as permanent outliers from the community, but as mentors who show the way to the larger community.

- Government at all levels should create an environment that encourages, supports where necessary, and learns from the community of leaders as they achieve performance outcomes beyond the status quo.
- Examples from the leadership community should be used to create new baselines of performance for the community as a whole.
- Today's complex, multi-dimensional environmental problems require new tools and models which lead to a greater understanding of the relationship between environmental stewardship and sustainability.
- Sustainability encompasses consideration of resources, energy, public health, economics, and community.
- Achievement of sustainability is unlikely to be realized solely by setting minimum standards for emissions and discharges.
- Environmental and sustainability considerations must be embedded in all decisions for material use, energy use, chemical use, waste generation, and end-of-life disposition.
- Achievement of sustainability will require a substantially higher level of performance in many areas beyond environmental protection and restoration.

The EPA Performance Track Program had its strengths and weaknesses, and certainly has its supporters and its detractors within our community. Many of the States and businesses that make up the PT program's participants are or have been active members of MSWG. We agree with many of the thoughts put forward in your March 16, 2009 letter regarding the PT program. This is a program that needs fresh analysis. For the reasons stated above, we believe that performance-based programs have great potential if they have the correct focus and are based on sound principles. These programs should never provide an escape mechanism from clear regulatory requirements or oversight. They should always support leadership that demonstrates what is truly possible. On the behalf of MSWG, we offer to assist in manners you deem appropriate as the Agency considers the future of Performance, Leadership, and Sustainability programs. We offer a substantial body of knowledge and access to a large and well informed community across a diversity of sectors and are interested in contributing to the dialogue. We are also very committed to helping maintain one of the often less recognized benefits of PT, the network of government, non-government and business leaders who seek improved environmental outcomes and sustainability.

Thank you for your consideration and attention to this important issue. I can be reached at the numbers below.

Sincerely,



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