



## Environment Committee Agenda

July 16, 2025

### Welcome & Introductions

**Julianne Kurdila**, Cleveland-Cliffs  
Committee Chair

### OMA Advocacy Update

**Julianne Kurdila**, Cleveland Cliffs  
**Cory Gonya**, Nutrien  
**James Lee**, OMA Staff  
**Christy Rideout Schirra**, Bricker  
Graydon LLP

### State Public Policy Report

**James Lee**, OMA Staff

### Guest Presentation

**Daniel Longbrake**, Battelle  
**Shalene Thomas**, Battelle

### Guest Presentation

**Jessica Langdon**, Ohio EPA

### Federal Public Policy Report

**James Lee**, OMA Staff

### Counsel's Report

**Christy Rideout Schirra**, Bricker  
Graydon LLP

Our meeting sponsor:



**2025 Environment Committee Calendar**

**Meetings begin at 10 a.m.**

Thursday, Dec 11

OMA Environment Committee - Jul 2025

Name	Company	Location
Rees Alexander	Squire Patton Boggs	Columbus, OH
Ryan R. Augsburg	The Ohio Manufacturers' Association	Columbus, OH
Leah E. Blinn	Civil & Environmental Consultants, Inc.	Moon Township, PA
Scot Blommel	Whirlpool Corporation	Washington, DC
Mark Bonifas	Verdantas	Dublin, OH
Michael E. Born	Shumaker, Loop & Kendrick, LLP	Toledo, OH
Lorie Brengelman	Sugar Creek Packing Company	Blue Ash, OH
Karen Brigner	The Ohio Manufacturers' Association	Columbus, OH
Paul G. Dunlavey	P.V.P. Industries, Inc.	North Bloomfield, OH
Ania Ediger	Cleveland-Cliffs, Inc.	Cleveland, OH
Ben Ellsesser	Intel Corporation	Washington, DC
Melissa Ernst	Fort Recovery Industries, Inc.	Fort Recovery, OH
Shane A. Farolino	Roetzel & Andress	Akron, OH
Amanda Ferguson	Roetzel & Andress	Columbus, OH
John Ficorilli	OmniSource LLC	Lima, OH
Madeline Fleisher	Owens Corning	Granville, OH
Cory Gonya	Nutrien	Lima, OH
Chris Hassmann	Warren Rupp, Inc.	Mansfield, OH
Caitlin Holley	Trillium H2Power	Columbus, OH
Matthew F. Johnston	Worthington Enterprises	Columbus, OH
Ryan Jones	Brilex Tech Services	Youngstown, OH
Jerry Joyeux	Cenovus Energy	Dublin, OH
Stacey King	PRO-TEC Coating Company	Leipsic, OH
Julianne Kurdila	Cleveland-Cliffs, Inc.	Cleveland, OH
Steve Lasky	Cleveland Steel Container Corporation	Hudson, OH
Jay Lawniczak	Charter Steel	Cleveland, OH
James Lee	The Ohio Manufacturers' Association	Columbus, OH
Timothy Ling	Plaskolite	Columbus, OH
Regan McHale	Eagle Elastomer Inc	Cuyahoga Falls, OH
Abbie Miller	BSI America Professional Services Inc.	Columbus, OH
Alyssa Miller	Sugar Creek Packing Company	Blue Ash, OH
Matt Mohler	Delta Systems	Streetsboro, OH
David Moore	TS Tech Americas, Inc.	Reynoldsburg, OH
Christine M. Morgan	Jones Day	Atlanta, GA
Peggy Mullins	National Machine Co. dba NMG Aerospace	Stow, OH
Jane M. Neal	AMG Vanadium LLC	Cambridge, OH
David Scott Neighbor	Wiley Companies	Coshocton, OH
Tom R. Nelson	Yoder Lumber Company, Inc.	Millersburg, OH
John L. Obery	Cenovus Energy	Dublin, OH
Andy Palmer	Crown Equipment Corporation	New Bremen, OH
Gary Pasheilich	Roetzel & Andress	Columbus, OH
Edward J. Pfau	Verdantas	Dublin, OH
Rick Platt	Heath-Newark-Licking County Port Authority	Heath, OH
Rene Rimelspach	American Honda Motor Co. Inc.	Marysville, OH
Jennifer Lynn Roberts	Cenovus Energy	Dublin, OH
Andrew Schwartz	Lion Group, Inc.	Dayton, OH
Andrew Shimko	Seaman Corporation	Wooster, OH
Lindsey Short	The Ohio Manufacturers' Association	Columbus, OH
Christopher N. Slagle	Bricker Graydon LLP	Columbus, OH
Michael A. Snyder	Shumaker, Loop & Kendrick, LLP	Columbus, OH
Traci Spencer	TechSolve - SW Ohio MEP	Cincinnati, OH
John J. Streb, Jr	The Belden Brick Company	Canton, OH
Steve Walker	The J.M. Smucker Company	Orrville, OH
Christopher Ward	Calfee, Halter & Griswold LLP	Columbus, OH
Adam Weiser	Advanced Fiber Technology	Bucyrus, OH
Hana Wengerd	Prospira America Corporation	Upper Sandusky, OH
Ryan Wenzinger	Whirlpool Corporation Findlay Operations	Findlay, OH
Grant Wilkinson, Counsel	LexaMed, Ltd.	Toledo, OH

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<b>Name</b>	<b>Company</b>	<b>Location</b>
Zach Williams	Telhio Credit Union	Columbus, OH
Joel Wilson	DMG Custom Manufacturing	Bellefontaine, Ohio
Lauren Winegardner	Nutrien	Lima, OH
Sherri Zeller	General Motors Corporation	Toledo, OH

Total Participants      62

## Daniel W. Longbrake



Daniel Longbrake joined Battelle in January 2021 as the Commercial Business Lead for PFAS and Environment. He is responsible for bringing Battelle's tools, technologies, and services to commercialization. He develops and executes go-to-market strategies and nurtures client relationships, positioning Battelle as a trusted partner to secure long-term mutually beneficial business relationships with Battelle's commercial customers.

Mr. Longbrake has 36 years of experience in the environmental field and has held national leadership positions related to business development and sales, business operations and technical project management. His environmental experience spans multimedia investigation and remediation; RCRA permitting, closure and corrective action; CERCLA RI/FS and RD/RA; transactional due diligence related to mergers, divestitures & acquisitions; and, environmental, health and safety compliance/permitting.

Prior to joining Battelle, Daniel worked for TRC from 2011 to 2021. Mr. Longbrake held a variety of roles with increasing responsibilities that included leading the go-to-market strategy for PFAS, establishing TRC's national account management program, and developing the format for sales and business development processes. In those positions, Daniel led cross-functional teams and provided leadership in goal setting and executing strategy, tactics, and actions to achieve sales and financial performance goals.

Before joining TRC, Mr. Longbrake worked for several environmental consulting and engineering firms. During that time, Daniel held business development leadership, operational leadership, and principal technical oversight roles.

Daniel holds a Bachelor of Science degree in Geology from Allegheny College in Meadville, Pennsylvania.

**Shalene Thomas, REP**

Senior Global Emerging Contaminants Program Manager  
*Battelle Memorial Institute*



**Shalene Thomas** is the Senior Global Emerging Contaminant Program Manager for Battelle. She has more than 27 years of experience in environmental consulting that includes 18 years of experience supporting per- and polyfluoroalkyl substance (PFAS) evaluations. She has supported State, Federal and commercial clients with PFAS product stewardship, source evaluations, litigation, risk management and mitigation strategies, as well as risk communication. She serves as a sub-team leader for the Interstate Technology Regulatory Council (ITRC) and has spoken on several PFAS panels at the Environmental Council of States (ECOS)

annual meetings. She also serves on the Oversight and Planning Board for the National Fire Protection Association (NFPA) Research Foundation Fire Road Map as well as other industry associations for semiconductors, medical devices, and others. She has supported PFAS projects in 32 different states in nine of the 10 USEPA regions as well as in Europe, Australia, and Canada and has provided PFAS training to more than 1500 professionals globally.

## Jessica Langdon Biography



Jessie Langdon serves as Ohio EPA's Assistant Policy Director. Her work focuses on Ohio's PFAS coordination, Ohio EPA's WaterReuse Section involvement, Ohio's Regional Water Study coordination, Ohio EPA's H2Ohio Program, and some agency multi-division permit coordination. She also serves as Ohio EPA's designee to the Ohio Power Siting Board. Jessie joined Ohio EPA in 2016. She received her bachelor's degree in political science from Marietta College and her master's degree in public administration from Ohio University.

**TO: OMA Environment Committee**  
**FROM: James Lee**  
**RE: Environment Public Policy Report**  
**DATE: July 16, 2025**

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### Overview

There have been numerous policy developments for Ohio manufacturers at both the state and federal levels. State legislators have wrapped up their budget process with the OMA securing a major legislative victory including the elimination of the Air Nuisance Rule from Ohio's State Implementation Plan (SIP). As legislators return home for summer break, the OMA prepares to address policy threats from recently introduced legislation banning PFAS and essential chemistry.

On the state regulatory front, the Ohio EPA finds itself with a new director as Anne Vogel leaves to lead the USEPA's region 5 office. In the midst of state leadership changes, the OMA is actively engaging in state proposed water quality rulemakings and monitoring state implementation of federally mandated air emission requirements.

With Donald Trump now in office, manufacturers are likely to see significant regulatory relief after facing years of costly and complex EPA regulations under the Biden administration. The Trump administration has already taken steps to roll back environmental oversight, including cutting funding for environmental justice initiatives and reducing federal intervention in state-level environmental policies.

### Environment Legislation

#### OMA secures Air Nuisance Rule Removal in State Budget

For years, the OMA has worked to remove the infamous Air Nuisance Rule from Ohio's federal State Implementation Plan (SIP) that uniquely subjects Ohio's manufacturers and businesses to frivolous litigation from activist environmental attorneys. The rule was finalized and reinserted in Ohio's SIP in the final hours of the Biden administration, following Trump's decision to remove the rule in his first term. Following stilled attempts at the federal level to remove the rule via congressional action, the OMA successfully secured language in the budget that establishes an effective state remedy, requiring the Ohio EPA to petition the federal EPA to remove the rule from Ohio's SIP. When the state is granted authority from US EPA to remove rule following the SIP modification process, manufacturers in Ohio will be protected from future harassment enabled by this regulation.

#### State Operating Budget

The state operating budget largely maintains the status quo for the state's environment policy. However, the House's recent changes in the budget take aim at certain gubernatorial priorities:

- **H2Ohio Funding Cut** – The governor's program supporting phosphorus reduction, drinking water improvements, and wetland restoration saw a 45% cut from state legislators, bringing the proposed funding from \$270 million to \$170 million
- **Ohio EPA Air Permit Fee Increases** – To maintain the solvency of Ohio's Division of Air Pollution Control program, the agency was required to raise air permit fees for the first time in nearly 30 years, avoiding a potential federal takeover by US EPA Region 5. The budget included these necessary air permit fee increases at rates that remain competitive with or lower than neighboring states. New fees include:

- *Title V Facilities*: \$5,000 additional base fee per year remains; with alterations made for emissions fee calculations
- *Synthetic Minor Facilities*: \$5,000 additional base fee per year; with altered calculations for emissions fees
- *Permit to Install (PTI) Fees*: 50% increase in the current fee structure
- **No Solid Waste Fee Increases** – The state legislature removed an Ohio EPA proposal to increase Construction Demolition and Debris fees from \$1.60 to \$4.75, plus any local district fees. The OMA supported the move to eliminate this provision.
- **Move to Eliminate E-Check**: The final budget included a provision to require the Ohio EPA Director to immediately discontinue the E-check program and take any actions necessary to effectuate its termination if the USEPA determines that it is not necessary for Ohio or any area of Ohio to comply with the federal Clean Air Act

#### HB 272: MAHA Proposal to Ban PFAS, Fluoride Dyes and More

Representatives Justin Pizzulli (R-Portsmouth) and Monica Robb-Blasdel (R-Columbiana County) recently introduced House Bill 272, legislation that seeks to ban PFAS in consumer products, along with certain food dyes and additives, while also restricting local control over water fluoridation, creating significant challenges for manufacturers.

#### Key Concerns:

- Bans PFAS in Consumer Products – Targets food packaging and materials, adding regulatory burdens amid ongoing federal review
- Bans Dyes & Additives – Prohibits ingredients like Titanium Dioxide, Red 40, Yellow 5 & 6, BHT, BHA, and Brominated Vegetable Oil, requiring costly reformulations
- Restricts Local Control Over Fluoridation – Removes the ability of local governments to decide on water fluoridation, imposing a one-size-fits-all mandate that may not align with community needs
- Banning Cloud Seeding – Bans cloud seeding, a weather modification technique that raises concerns about unintended consequences and the ethics of manipulating rainfall. Modeled after Tennessee’s SB269/HB2063

If enacted, this proposal would put Ohio manufacturers at a competitive disadvantage, imposing costly restrictions not found in other states. The OMA is actively monitoring and highlighting the potential negative impacts. The bill received its first hearing from the bill sponsors and has not yet been called for public testimony.

#### House Bill 182: Fluoride Ban for Public Water Systems

State Representative Levi Dean (R-Xenia) has introduced legislation to prohibit adding fluoride to public water systems. House Bill 182, which simply reads, “No public water system shall add fluoride to the water supplied by the system,” would effectively ban the mineral from being added to public water systems. This legislation follows the Make America Healthy Again, or MAHA movement, being pushed by US Health and Human Services Secretary, Robert F. Kennedy, who has been publicly stated his skepticism for the need of fluoridated water. Water fluoridation bans are one of many facets on the MAHA agenda, which also encompasses bans on multiple chemicals, dyes, additives, and PFAS as mentioned above.

Out of several states that have moved to restrict fluoridation in public water systems, Utah was the first to pass legislation in February of 2025.

### E-Check Bill Included in Transportation Budget

Legislation to fund transportation agencies for the next two years advanced quickly this week, with the House Finance Committee accepting a substitute version of House Bill 54. Notably, the bill includes the "E-Check Ease Act," which aims to reduce the administrative and financial burden on Ohio drivers by providing an alternative to the current E-Check program.

Ohio has long required E-Check as an air pollution control measure in certain congested counties. While the U.S. EPA has historically prohibited alternatives to centralized emissions testing, the Trump administration may be more open to changing that policy.

### State Regulatory Activity

#### DeWine Taps John Logue to lead Ohio EPA as Ann Vogel Heads to lead Trump's US EPA Region 5 office.

Governor Mike DeWine has tapped John Logue to be the next director of the Ohio Environmental Protection Agency. The OMA praised the announcement in a statement, highlighting his reputation as a "steady hand" in his prior position as the Administrator of the Ohio Bureau of Workers' Compensation (BWC).

His predecessor, Anne Vogel, was appointed to lead the U.S. EPA's Region 5, which covers Ohio, Illinois, Indiana, Michigan, Minnesota, and Wisconsin. Vogel served as the Ohio EPA director since December 2022, where she received national attention for handling the East Palestine train derailment.

#### US EPA's Good Neighbor Rule Paused in Ohio due to Yost's Successful Challenge

In June of 2024, the U.S. Supreme Court granted a stay against the U.S. EPA's so-called "Good Neighbor Plan," temporarily blocking its implementation in Ohio. In their decision, the court ruled that the emissions-reduction standards set by the plan were likely to cause "irreparable harm" to nearly half of all U.S. states.

The rule significantly expands federal oversight of interstate air emissions. Ohio Attorney General Dave Yost joined Indiana and West Virginia in the suit to successfully obtain stay on the rule, which will cost manufacturers and industrial producers an estimated \$910 million in yearly compliance costs. Manufacturers of cement, iron and steel, glass, and chemicals will be severely impacted by new regulations. Multiple justices on the court have publicly stated their skepticism of the rule and are set to issue an opinion on its constitutionality in a separate case before the court.

The OMA issued a statement on the block, pointing out the unattainable and damaging standards the rule would have put in place and thanking Ohio Attorney General Dave Yost for leading the charge to challenge the rule, which can be found in today's materials.

In June of 2025 – the Supreme court ruled that states can challenge the rule in local regional courts that will likely advantage the plaintiffs suing to eliminate the rule. While litigation remains ongoing, the Trump Administration has stated that they plan to repeal the rule.

#### Lucas County and Toledo Sue USEPA Over Maumee Watershed TMDL General Permit

Lucas County and the City of Toledo have filed a lawsuit against the U.S. Environmental Protection Agency (US EPA). The lawsuit alleges that the EPA knowingly violated the Clean Water Act by approving the total maximum daily load (TMDL) plan to restore the western basin

of Lake Erie. This legal action is part of a broader effort to combat harmful algal blooms in Lake Erie, which have been a persistent environmental issue. The county commissioners argue that the TMDL plan, which is a regulatory component of the Clean Water Act intended to address the cleanup of impaired waters, fails to meet the legal standards necessary to prevent the pollution that leads to these algal blooms. They are particularly concerned about the runoff from “mega farms” and other non-point sources, which they believe is a significant contributor to the problem. The OMA advocated for the northwest region’s manufacturers during the drafting of the TMDL plan, pushing back against inequitable policy proposals unfairly targeting point sources, which are not responsible for the major sources of pollution that come from non-point sources like agricultural runoff.

#### New Nutrients Implementation of Water Quality Standards Rule

Ohio EPA is considering a new rule to determine if streams and rivers are impaired by excessive nutrients, using a weight of evidence approach for consistency.

In June, the OMA submitted comments supporting this approach and emphasized using the 2015 Stream Nutrient Assessment Procedure (SNAP) for the proposed Nutrient ESO. The OMA also raised concerns about the 2018 framework for large river rulemaking in developing the Nutrient Implementation Standards rule.

#### OMA Engages on Ohio EPA’s New Implementation of Water Variance Rule

The Ohio EPA has proposed a new Water Quality Standards Variance Rule (OAC 3745-1-38) to allow some manufacturers to meet adjusted, achievable water quality limits. This rule is intended to help companies gradually improve water quality when full compliance with strict standards isn’t feasible, as seen with pollutants like mercury.

The OMA provided comments on August 23, 2023, supporting the rule’s approach for certain ammonia discharges. However, OMA raised concerns about Ohio EPA’s methods for setting these variance limits, particularly for mercury, which sometimes sets limits below what is realistically achievable. OMA has urged Ohio EPA to revise its guidance to make these permit limits more attainable for manufacturers.

#### H2Ohio PFAS Rivers Survey

The Ohio EPA has announced plans to utilize H2Ohio Funds for a comprehensive statewide river survey focused on PFAS contamination. This initiative positions Ohio as the first state in the country to embark on such an extensive survey. Although the Governor has clarified that this effort is not a prelude to immediate regulations and defers to the federal government for remediation guidelines, concerns over data collection remain as the survey results could be weaponized as a precursor to future regulatory actions from succeeding administrations or the legislature.

#### **Federal Regulatory Activity and OMA Action**

##### US EPA Director Zeldin Announces Aggressive Deregulatory Agenda:

The US EPA has announced 31 major deregulatory actions, aiming to reduce regulatory burdens on energy, automotive, and manufacturing sectors. These rollbacks are expected to lower compliance costs, ease emissions rules, and increase state-level control. Manufacturers will benefit from reduced operational costs and more flexibility in production and energy use.

Key initiatives include:

- **Reconsideration of the 2009 Endangerment Finding** - the legal keystone for all federal climate-related regulations, potentially upending current and future GHG-related restrictions, reporting requirements and costs
- **Reconsideration of the Green House Gas Reporting Program** - relieving reporting burdens, especially for energy-intensive sectors like cement, steel, and chemicals
- **Reconsideration of PM 2.5 National Ambient Air Quality Standards** – providing permitting relief to last year’s finalized rule reducing standards to the unattainable 9 micrograms per cubic meter
- **Reconsideration of Multiple NESHAPs** - reducing permitting complexity, reporting burdens, and tech upgrade mandates
- **Ending the “Good Neighbor Plan** - lifting costly NO<sub>x</sub> emissions controls on industrial sources like cement, steel, and chemical plants in upwind states, reducing compliance costs, limiting expansion of US EPA regulatory authority
- **Reconsideration of Automotive EV Mandates** - allowing broader production of internal combustion vehicles, reducing R&D costs, and easing supply chain constraints on rare minerals needed for EVs
- **Reconsideration of Technology Transition Rule** - Easing supply chain pressures and potentially lowering input costs by restoring access to affordable technologies.
- **Termination of US EPA’s Office of Environmental Justice**

The US EPA’s announcement outlining all 31 targeted regulations can be found in today’s Environment materials.

#### US EPA Suspends Decarbonization Projects

On May 30, 2025, the Trump administration’s Department of Energy canceled over \$3.7 billion in Biden-era grants for industrial decarbonization and carbon capture, calling the projects uneconomical and misaligned with U.S. energy needs. The cuts, targeting industries like cement, food processing, and chemicals, disrupt manufacturers already investing in cleaner technologies and threaten U.S. competitiveness. Critics say the move undermines jobs, pollution cuts, and U.S. leadership in clean energy.

#### Trump Takes Aim at Environmental Justice

The Trump administration is targeting the EPA’s Office of Environmental Justice and External Civil Rights as part of its broader crackdown on Biden initiatives and environmental regulations. The administration has canceled nearly \$60 million in environmental justice contracts, prioritizing industry interests—particularly the U.S. auto sector—over environmental protections. These moves demonstrate Trump’s stated agenda to roll back burdensome and costly regulations.

#### PM2.5 Standard

In a devastating blow to manufacturers, the Biden administration finalized the US EPA’s PM 2.5 rule, lowering the National Ambient Air Quality Standards for fine particulate matter to 9 micrograms per cubic meter. Lowering this standard will force manufacturers to comply with unattainable emissions requirements, cost as much as \$197 billion in lost U.S. economic activity, and result in a loss of 974,000 jobs nationwide.

The OMA has made numerous efforts to oppose the rule through public comments and coalition letters to federal agencies, Congress, and the White House. Upon release of the final rule,

President Ryan Augsburger issued as statement opposing the rule as a disaster for manufacturers in Ohio.

In June, the National Association of Manufacturers (NAM) filed the opening brief in litigation opposing the rule. The OMA will keep its members apprised of the efforts to fight this rule in the courts. In March, Trump's US EPA announced that the agency would target the rule for reconsideration.

#### PFAS Drinking Water Standards

In 2024, The Biden administration finalized its excessively stringent PFAS Drinking Water Standards rule that will require utilities to reduce PFAS compound levels to the lowest level they can be reliably measured. The already exceptionally low standards will be reduced from 70 parts per trillion to 4 parts per trillion. The rule will lead to significant cost increases throughout the supply chain impacting not only manufacturers but the US economy as a whole.

With Trump's recent election, many are predicting a rollback on these new standards. Although his previous administration-initiated steps to regulate PFAS under the Safe Drinking Water Act, a second Trump term is expected to emphasize voluntary compliance, slower timelines, and reduced enforcement to align with his broader deregulatory agenda – a sharp contrast to Biden's stringent and unattainable standards. Limits for the other for particles, PFHxS, PFNA, HFPO-DA, and PFBS, are being rescinded and reconsidered.

In May 2025, Zeldin made the first modification to the rule, extending compliance deadlines for PFOA and PFOS from 2029 to 2031 for utilities.

In an early action on the issue, Trump recently placed a freeze on pending USEPA PFAS rules via executive order.

The OMA has engaged on this rule through multiple comments to federal agencies and alerted state regulators of its detrimental impact since the rule was proposed in 2023. In the weeks prior to finalization, The OMA wrote to the Biden White House asking the administration to rescind their unattainable drinking water standards that fail to provide benefits to public health and threaten Ohio's manufacturers with inordinate compliance burdens and costs. That letter can be found in today's Environment materials.

**Environment Legislation**  
**Prepared by: The Ohio Manufacturers' Association**  
**Report created on July 14, 2025**

- HB54**      **TRANSPORTATION BUDGET (STEWART B)** To make appropriations for programs related to transportation for the biennium beginning July 1, 2025, and ending June 30, 2027, and to provide authorization and conditions for the operation of those programs.  
**Current Status:** 3/31/2025 - **SIGNED BY GOVERNOR**; eff. 3/31/25  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-54>
- HB93**      **RESTORE CLEAN OHIO FUND (HALL T, SWEENEY B)** To restore the Clean Ohio Fund to be administered by the Department of Development and the Clean Ohio Council.  
**Current Status:** 5/20/2025 - House Finance, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-93>
- HB96**      **OPERATING BUDGET (STEWART B)** To make operating appropriations for the biennium beginning July 1, 2025, and ending June 30, 2027, to levy taxes, and to provide authorization and conditions for the operation of state programs.  
**Current Status:** 6/30/2025 - **SIGNED BY GOVERNOR**; eff. immediately  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-96>
- HB115**      **E-CHECK PROGRAM COMPLIANCE ALTERNATIVE (DEMETRIOU S)** To create an alternative method to certify compliance with the E-Check program and to name this act the E-Check Ease Act.  
**Current Status:** 2/26/2025 - Referred to Committee House Transportation  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-115>

## Environment

### **U.S. EPA Puts 139 Staffers on Leave**

July 11, 2025

The U.S. Environmental Protection Agency (EPA) has placed 139 employees on administrative leave this week after they publicly criticized the Trump administration's regulatory rollbacks and staffing cuts in an open letter to Administrator Lee Zeldin.

The employees, who signed the letter using their official titles, are now under investigation as part of what Administrator Lee Zeldin called a "zero tolerance" policy against internal sabotage. The mass leave marks one of the largest coordinated acts of dissent and disciplinary responses at the EPA in years, raising concerns about disruption to the agency's operations. 7/10/2025

### **Manufacturers Protected From Frivolous Environmental Lawsuits**

June 27, 2025

Among the thousands of law changes tucked into the voluminous state budget bill was a provision that directed the Ohio EPA to remove a state-level air nuisance rule from the federal Clean Air Act implementation plan for the state of Ohio. The OMA led the charge to rid this private right of action that had been abused too often against businesses operating within the scope of their EPA permits.

OMA Managing Director of Public Policy Service James Lee remarked that he thanks state lawmakers for approving this important, common-sense business protection. Simultaneously, the OMA has been urging the U.S. EPA to rescind the federal requirement. This important win will be discussed at the July 16 meeting of the OMA Environment Committee. 6/25/2025

### **U.S. EPA Orders Midwest Staff to Ease Up on Oil and Gas Enforcement**

June 20, 2025

The Environmental Protection Agency has instructed regional employees in the industrial Midwest to ease enforcement of violations against oil and gas companies, according to multiple internal sources.

The directive, reportedly issued verbally in recent months, extends to Region 5, which includes Ohio, as well as parts of Region 6, covering Texas and Louisiana. Data from the Environmental Integrity Project shows enforcement actions across industries fell roughly 32% in the first quarter of this year compared with the same period under the Biden administration.

EPA officials describe the move as part of a broader deregulation push by Administrator Lee Zeldin under President Trump, though the agency maintains inspections and enforcement remain ongoing. 6/16/2025

### **Ohio Manufacturers Push Back Against Funding Cuts for Decarbonization Projects**

June 13, 2025

Ohio manufacturers are hitting pause on major decarbonization projects as the U.S. Department of Energy (DOE) pulls back on promised funding, creating widespread uncertainty. Cleveland-Cliffs is expected to scrap its \$500 million hydrogen-based steel initiative at Middletown Works

after DOE rescinded a key \$527 million grant. The company will instead continue with traditional coal-fired operations, citing both funding cuts and supply chain challenges.

The Glass Packaging Institute (GPI) also raised concerns about DOE abruptly canceling multiple decarbonization projects in the glass sector.

Manufacturers warn that inconsistent federal support could stall U.S. clean energy progress and undermine onshoring efforts. 6/10/2025

### **US EPA Eyes raising Fees for Chemical Reviews Amid Budget Cuts**

June 6, 2025

The U.S. Environmental Protection Agency (EPA) plans to double chemical review user fees from \$5 million in fiscal 2025 to \$11 million in 2026, aiming to offset deep budget cuts proposed by the Trump administration.

The EPA's overall funding is set to drop by 54%, eliminating over 1,200 positions and slashing science and technology programs by 35%. Enforcement and community revitalization efforts would also face major reductions. To compensate, the agency intends to increase fees under the Toxic Substances Control Act and rely more on Superfund taxes and legal settlements for site cleanups. 6/5/25

### **PFAS Bill Impacts Manufacturers**

May 30, 2025

In response to the recent introduction of House Bill 272 (HB 272), a measure that would impose sweeping new restrictions on PFAS and food additives in consumer products, OMA Counsel at Bricker Graydon has produced a detailed memo outlining the bill's impact on Ohio manufacturers.

As introduced, HB 272 would impose strict new limits on PFAS and food additives, mirroring regulations seen in California and the EU. The bill also bans some FDA-approved ingredients and imposes significant compliance costs and penalties.

This bill will be discussed in depth at the June 5 Government Affairs Committee and the July 16 Environment Committee meetings. 5/29/25

### **EPA Delays Biden-era Limits on 'Forever Chemicals'**

May 22, 2025

The U.S. Environmental Protection Agency (EPA) last week announced a delay of Biden-era regulations on PFAS chemicals in drinking water systems.

Last April, the EPA under the Biden Administration set limits on certain PFAS chemicals in drinking water, requiring community water systems to find alternative water sources or install filtration systems to remove them by 2029.

Now, the EPA is proposing to extend the compliance deadline to 2031 for two of the most common PFAS chemicals – PFOA and PFOS. The agency is also rescinding and reconsidering the limits for four additional PFAS in the initial regulation. 5/14/2025

## **Ohio House Rep. Introduces “Pure Life” Bill**

May 16, 2025

A bill that would impose strict new regulations regarding “forever chemicals” and food additives was introduced in the Ohio House this week. House Bill 272, titled the “PURE LIFE Act,” proposes strict new regulations in Ohio targeting per- and polyfluoroalkyl substances (PFAS) and harmful food additives.

The bill, sponsored by State Reps Justin Pizzulli (R-Scioto County) and Monica Robb Blasdel (R-Columbiana), bans the sale of products containing intentionally added PFAS—such as cookware, food packaging, dental floss, and juvenile products—starting in 2027, with further restrictions on items like textiles, cosmetics, and cleaning products by 2028. By 2032, only PFAS uses deemed “currently unavoidable” by the Ohio EPA will be allowed.

Manufacturers must report PFAS content and face penalties for violations. Additionally, the bill prohibits several food dyes and additives, including Red 40, Yellow 5, and titanium dioxide, citing health concerns. Any food containing these substances would be considered adulterated under Ohio law. The legislation also mandates labeling, inventory tracking of firefighting foam, and grants enforcement power to the state EPA. These measures aim to reduce toxic chemical exposure in food and consumer goods to protect public health. *5/13/2025*

## **Cincinnati EPA Restructuring Jobs, with Some Being Eliminated**

May 16, 2025

The Environmental Protection Agency (EPA) has laid off nearly 400 probationary employees nationwide, including several at its Cincinnati office—home to about 1,000 staff working on critical research like drinking water safety and PFAS removal.

The cuts, part of a federal workforce reduction under President Trump, have halted key projects and delayed funding from the Bipartisan Infrastructure Law. The restructuring will save taxpayers \$300 million a year by fiscal year 2026, the agency said, with some of the savings coming from job cuts. *5/14/2025*

## **Ohio EPA Director Testifies on Agency’s Budget Priorities**

May 9, 2025

Ohio EPA Director John Logue testified this week before the Senate Agriculture and Natural Resources Committee on the agency’s top priorities for the state’s biennium budget.

In his testimony, Logue emphasized the need for the state to modernize its air fee structure, which enforces the federal government’s Clean Air Act, and restore funding to the H2Ohio program, which was cut in the House version of the budget.

These priorities from the Ohio EPA will be discussed at the July 16 OMA Environment Committee. *5/8/2025*

## **BWC Administrator Tapped for OhioEPA Director**

May 2, 2025

Governor Mike DeWine has tapped John Logue to be the next director of the Ohio Environmental Protection Agency.

The OMA praised the announcement in a statement, highlighting his reputation as a “steady hand” while at the Ohio Bureau of Workers’ Compensation (BWC).

Logue, who succeeds Anne Vogel, who was appointed U.S. EPA Region 5 Administrator, held key roles at the Ohio BWC, including Administrator/CEO and deputy administrator, overseeing one of the nation’s largest state-run insurance systems.

Since joining BWC in 2019 as chief of strategic direction, he managed the Division of Safety & Hygiene and offices for analytics, business intelligence, data warehouse, and business transformation, and established the Workforce Safety Innovation Center.

Logue will need to be confirmed by the Ohio Senate before officially assuming his role. *5/1/2025*

### **Ohio House Budget Features Cuts to H2Ohio Program**

April 25, 2025

Ohio lawmakers last month voted to make significant cuts to the state’s water quality program, designed to prevent farm runoff, protect water supplies, and other water quality solutions.

The Ohio House version of the budget contains a proposed \$120 million cut to H2Ohio, which was put into place after toxins left Toledo temporarily without safe drinking water in 2014.

Ohio’s budget is currently still under deliberation, with lawmakers set to resume talks next week after returning from spring break. *4/23/2025*

### **Manufacturers Urge U.S. EPA to Withdraw Harmful Air Rule Reinstatement**

April 25, 2025

The OMA recently submitted a formal request to US EPA Administrator Lee Zeldin urging the agency to rescind the recently reinstated air rule that unlawfully incorporates a public nuisance standard into Ohio’s State Implementation Plan.

This “midnight regulation,” issued in the last hours of the Biden administration, opens the door to frivolous citizen lawsuits against manufacturers from activist attorneys. The rule had previously been removed by the first Trump administration’s EPA due to its lack of legal basis and its harmful impact on industry competitiveness. *4/23/2025*



May 22, 2025

Ohio Senate Majority Leaders  
1 Capitol Square  
Columbus, Ohio 43215

**Re: HB 96 Amendment SC 136\_1929: Urgent Need for State-Led Action to Remove the Nuisance Rule from Ohio's SIP**

Dear Ohio Senate Majority Leaders,

On behalf of Ohio's business community—including the Ohio Manufacturers' Association, the Ohio Chemistry Technology Council, the Ohio Chamber of Commerce, and the Ohio Oil and Gas Association—we urge your support for a state budget amendment requiring the Ohio EPA to petition the U.S. EPA for removal of the nuisance rule from Ohio's State Implementation Plan (SIP).

This rule, which the U.S. EPA originally removed from Ohio's SIP in 2020, was determined to be unnecessary for achieving or maintaining federal air quality standards (NAAQS). At the time, the EPA acted in line with precedent, having removed similar provisions from SIPs in multiple other states, including California, Kentucky, Georgia, Michigan, Minnesota, Nevada, New Hampshire, New York, Rhode Island, and Wyoming.

However, in the final hours of the previous administration, the EPA reinserted the nuisance rule into Ohio's SIP, making our state an outlier. No other state is subject to this kind of federal enforcement for general "nuisance" conditions under the Clean Air Act. As a result, Ohio businesses now face federal citizen suits, where plaintiffs' attorneys can recover legal fees and pursue duplicative claims that would otherwise be handled by Ohio EPA or through state tort law.

This rule's reinstatement provides no additional environmental protections. Nuisance issues remain fully enforceable under Ohio law. Instead, the federal overlay exposes Ohio manufacturers and employers to unnecessary, costly litigation with no environmental benefit.

Ohio's Congressional delegation, led by Senators Jon Husted and Bernie Moreno and Congressmen Troy Balderson and Michael Rulli, took steps to reverse this rule through a Congressional Review Act resolution. Despite their leadership, these federal efforts have stalled in Washington due to partisan inaction.

Given this breakdown at the federal level, it is now essential that Ohio act independently. The proposed state budget amendment (SC 136\_1929 Attachment 1) would direct the Ohio EPA to formally petition the U.S. EPA for the removal of this unfair and redundant rule from our SIP. This is a targeted and appropriate remedy that puts Ohio on equal footing with peer states and defends Ohio's business community against unjustified federal overreach.

Our organizations have briefed the Ohio EPA and Governor's administration on the amendment language. On April 23, 2024, Ohio EPA Director, Anne Vogel, made public comments to US EPA opposing the Biden administration's proposal to re-insert the nuisance rule (Attachment 2).

We respectfully urge members of the Ohio Senate to support this amendment in the state budget. Let's ensure Ohio businesses are not uniquely and unfairly burdened under the Clean Air Act.

Thank you for your leadership and attention to this critical matter.

Sincerely,

The Ohio Manufacturers' Association  
The Ohio Chemistry Technology Council  
The Ohio Chamber of Commerce  
Ohio Oil & Gas Association

Cc:  
Senator Tim Schaffer  
John Barron  
Liz Connolly  
Goran Babic

SC1929

Am. Sub. H. B. No. 96  
As Passed by the House

\_\_\_\_\_ moved to amend as follows:

After line 72964, insert:

"Sec. 3704.0310. (A) As used in this section:

(1) "Air nuisance rule" means a rule adopted by the  
director of environmental protection that declares any of the  
following to be a public nuisance:

(a) The emission or escape into the open air from any  
source or sources whatsoever, of smoke, ashes, dust, dirt,  
grime, acids, fumes, gases, vapors, or any other substances or  
combinations of substances, in such manner or in such amounts as  
to endanger the health, safety, or welfare of the public, or  
cause unreasonable injury or damage to property;

(b) The emission or escape into the open air from any  
source or sources of odors whatsoever that is subject to  
regulation under Chapter 3704. of the Revised Code and is  
operated in such a manner to emit such amounts of odor as to  
endanger the health, safety, or welfare of the public, or cause  
unreasonable injury or damage to property;

(c) Activities that are substantially similar to those  
described in divisions (A) (1) (a) and (b) of this section.

Legislative Service Commission



ny2jo2fgtp8ravsdwk8mts

(2) "State implementation plan" means the state 20  
implementation plan regarding national ambient air quality 21  
standards required to be submitted under section 110 of the 22  
"Clean Air Act," 42 U.S.C. 7410. 23

(B) If the state implementation plan includes an air 24  
nuisance rule, the director of environmental protection shall 25  
remove the air nuisance rule from the plan and take such steps 26  
as are necessary to do so. 27

On and after the effective date of this section, the 28  
director shall not include an air nuisance rule in the state 29  
implementation plan or rely upon an air nuisance rule to 30  
implement or enforce ambient air quality standards adopted 31  
pursuant to the federal Clean Air Act." 32

Update the title, amend, enact, or repeal clauses accordingly 33

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS** 34

**Air nuisance rule** 35

**R.C. 3704.0310** 36

Requires the Ohio EPA Director to remove any air nuisance 37  
rule from the federally required national ambient air quality 38  
standards state implementation plan and to take such steps as 39  
are necessary to do so. 40

Prohibits, on and after the effective date of the 41  
amendment, the Ohio EPA Director from including an air nuisance 42

rule in the state implementation plan or relying on an air	43
nuisance rule to implement or enforce ambient air quality	44
standards adopted pursuant to the federal Clean Air Act.	45



April 23, 2024

Ms. Debra Shore  
Regional Administrator  
U.S. EPA, Region V  
77 West Jackson St.  
Chicago, IL 60604

Re: Docket ID No. EPA-R05- OAR-2020-0055

Dear Ms. Shore,

On February 22, 2024, U.S. EPA proposed to insert the Ohio Nuisance Rule back into the Ohio State Implementation Plan (SIP) (89 Fed Reg 13304). For the following reasons, we believe that the proper course of action is for the nuisance rule to remain out of the Ohio SIP.

U.S. EPA has removed several nuisance rules from SIPs, in some cases using the same provision, Clean Air Act (CAA) section 110(k)(6), that was used in the removal of the nuisance rule from the Ohio SIP. See e.g. 84 Fed Reg 45422 (August 29, 2019) (removal of nuisance rule from California SIP). By proposing to reinstate the nuisance rule into the Ohio SIP, U.S. EPA is treating Ohio inconsistently with other states that no longer have a nuisance rule in the SIP. This can have a direct effect on facilities deciding which location to expand or build, since the nuisance rule does not have any specific quantifiable limitations to determine compliance and is not required to be part of the SIP as demonstrated by U.S. EPA's removal in many other states. Since U.S. EPA took the affirmative action to remove nuisance provisions from so many other states, including states with more challenging air quality issues than Ohio, there is no air quality justification to include the nuisance rule in the Ohio SIP.

Ohio does not rely on the nuisance rule for attainment of the National Ambient Air Quality Standards (NAAQS). U.S. EPA dictates a rigorous methodology for the approval of a SIP to address a revised NAAQS or a violation of the NAAQS. For example, the various steps in developing an attainment demonstration SIP are involved and lengthy. These include:

1. Initial discussions with U.S. EPA about project scope, potential issues, available guidance, scheduling needs, and feasibility

50 W. Town Street  
Suite 700  
Columbus, OH 43215 U.S.A.

614|644-3020  
epa.ohio.gov

2. Pre-development engagement with U.S. EPA on modeling protocol and inventory development
3. U.S. EPA reviews and comments on modeling protocol and inventory development plan
4. State develops Reasonably Available Control Measures (RACM) and control strategies
5. Iterative photochemical modeling of RACM and control strategies
6. State develops attainment year emissions inventories
7. Draft modeling results, draft control strategy, and draft emissions inventory sent to U.S. EPA
8. U.S. EPA reviews and comments on modeling results, draft control strategy, and draft emissions inventory
9. Rulemaking by state to make control strategies federally enforceable
10. State develops entire SIP package with inventories, modeling, control strategies/RACM and rulemaking, among other required elements such as contingency measures and triggers and reasonable further progress
11. Early engagement draft of SIP sent to U.S. EPA
12. U.S. EPA feedback on early engagement draft including any approvability issues
13. Follow-up meetings between state and federal agencies
14. Public comment period and public hearing on draft SIP
15. State evaluates public comments, including those from U.S. EPA, and develops a response to comments
16. State submits SIP

These steps are fleshed out in the U.S. EPA publication: *State Implementation Plan (SIP) Lean Toolkit for Collaboration Between EPA and Air Agencies* (December 6, 2019). None of these steps for developing a SIP were used by U.S. EPA when it proposed to reinstate the nuisance rule into the Ohio SIP. Nor could they be. Any attempt to reinstate the nuisance rule in the Ohio SIP does not lend itself to developing modeling, an emissions inventory, or a control strategy. There is no Reasonably Available Control Measures document for nuisance emissions. The nuisance rule is simply not a “necessary or appropriate” emissions limitation or other control strategy that is needed to be part of a SIP. Clean Air Act, section 110 (a)(2)(A). See *Environmental Committee of Florida Electric Power Coordinating Group, Inc. v EPA*, 94 F.4<sup>th</sup> 77 (D.C. Circuit, 2024).

Ohio has not utilized the nuisance rule for the SIP strategies for the 2015 ozone standard, the 2012 particulate matter standard, and the “bump up” to moderate ozone nonattainment in the Cleveland area. In the upcoming Canton lead submittal to address the SIP Call, Ohio will not rely on the nuisance rule for attainment of the NAAQS. Actually, Ohio has never relied on the nuisance rule as a strategy for attaining or maintaining the NAAQS. The nuisance rule is

an inappropriate measure for attaining and enforcing the NAAQS, and U.S. EPA would never approve it as a strategy for reducing emissions in a SIP. U.S. EPA cannot use NAAQS attainment as a reason to reintroduce the Ohio nuisance rule into the SIP.

Furthermore, U.S. EPA does not have the technical support to reintroduce the Ohio nuisance rule into the SIP. One of the key components of the SIP is the process that demonstrates how a rule is being used to address the NAAQS. That key element is missing from the nuisance rule. It is not possible for U.S. EPA to quantify the amount of emission reductions attributable to the application of the nuisance rule in the state of Ohio. U.S. EPA is not able to illustrate how the nuisance provisions have an impact on air quality through modeling. Without that analysis, U.S. EPA fails to provide a justification that the nuisance rule belongs in the SIP. Also, as pointed out above, in the state's previous SIP revisions for the various NAAQS, Ohio did not rely on the nuisance rule for the various control strategies that are needed to show attainment and maintenance of the NAAQS.

The recent *Environmental Committee* decision of the D.C. Circuit also illustrates the problem for U.S. EPA to reintroduce the nuisance rule into the SIP. The Court provided U.S. EPA with guidance on how generalized SIP revision mandates are not approvable and that U.S. EPA must provide detailed analysis before imposing a SIP mandate. U.S. EPA has not developed the necessary analysis to justify inserting the nuisance rule into the SIP. U.S. EPA handling of the action as an administrative matter is flawed and should not go forward until U.S. EPA can provide the technical analysis and nexus that shows the need for the nuisance rule for compliance with the NAAQS in Ohio.

The Republic Steel Court case cannot be used as a reason for reinstating the Ohio nuisance rule into the SIP. U.S. EPA gets it exactly backwards when evaluating the Republic Steel case. Ohio considered the plant's impact on an air quality monitor that exceeded the NAAQS to be evidence of a threat to public health and therefore a nuisance, not that the NAAQS exceedance would be sufficiently addressed by a nuisance claim. The Ohio Attorney General's Office has provided detailed comments as to why Ohio did not rely on the nuisance rule as the means to enforce the NAAQS but to support Ohio's nuisance claim, which included non-NAAQS impacts associated with the plant. Over several years, the emissions from the facility caused red-orange staining of homes and sidewalks due to iron oxide emissions and dust on cars. Also note the main relief provided to the nearby residents as a result of the enforcement case was to power wash homes to remove the stains; certainly not an action related to NAAQS attainment. We concur with the analysis provided by the Ohio Attorney General. Also note that at the time of filing of the court case, the nuisance rule was already excluded from the SIP. Ohio's use of the nuisance rule on the state level should not be confused with the need

for this rule to be included in the Ohio SIP as the state has independent authority to utilize state regulations to address air pollution issues, especially in circumstances that are not directly tied to the NAAQS.

Although Ohio had developed an interim plan to address the lead NAAQS violation at the Republic Steel site in Canton, Ohio with existing authorities (and without the nuisance rule), U.S. EPA decided to issue a finding of nonattainment of the lead NAAQS at the site, thereby engaging the state in U.S. EPA's preferred approach to address the NAAQS exceedance. 88 Fed Reg 14920 (March 10, 2023) (Air Quality Redesignation for the 2008 Lead National Ambient Air Quality Standards; Canton, Ohio; Stark County, Ohio). Determining that there has been a NAAQS exceedance, making a nonattainment designation, and engaging in the process for a state to address the exceedance through an attainment demonstration is a deeply intricate process, as demonstrated above. If the nuisance rule was meant to ensure attainment of the lead NAAQS, there would be no need to engage in such an attainment demonstration at the Canton site. Further, the nuisance rule will play no role in the state's demonstration of attainment at the site nor would U.S. EPA accept the nuisance rule as a necessary or appropriate control measure to demonstrate attainment at the site.

Finally, given the state's position, engaging in a backsliding analysis does not make sense. If the nuisance rule is not a necessary or appropriate element of a SIP, then removing it cannot be considered backsliding under CAA section 110(l). Since emissions addressed by the nuisance rule cannot be quantified, a backsliding analysis is not justified.

In conclusion, Ohio EPA requests that U.S. EPA formally withdraw the proposed action to reinstate the nuisance rule into the Ohio SIP. To move forward with this action is inconsistent with the actions taken by U.S. EPA in a number of other states and U.S. EPA has failed on the most basic level to demonstrate any need for the Ohio nuisance rule to be a part of the Ohio SIP for the attainment and maintenance of the NAAQS.

Thank you for the opportunity to comment on this important proposal.

Sincerely,

A handwritten signature in cursive script that reads "Anne M. Vogel".

Anne Vogel, Director

Ohio Environmental Protection Agency



VIA ELECTRONIC MAIL

April 23, 2025

The Honorable Lee Zeldin  
Administrator  
United States Environmental Protection Agency  
Mail Code: 1101A  
1200 Pennsylvania Avenue, N.W. Washington, DC 20460

**Re: Request to Rescind Air Plan Approval, Ohio; Withdrawal of Technical Amendment (90 Fed. Reg. 6811 (Jan. 21, 2025)) pursuant to Executive Order 14219, Ensuring Lawful Governance**

Dear Administrator Zeldin:

On February 19, 2025, the President issued Executive Order 14219 directing the heads of all executive departments and agencies to, within 60 days, provide a list of unlawful regulations that should be rescinded. The Ohio Manufacturers' Association ("OMA") hereby requests that the Environmental Protection Agency ("EPA") rescind a midnight regulation by the Biden EPA that illegally incorporated a state law nuisance rule in Ohio's State Implementation Plan.<sup>1</sup>

During the prior Trump administration, EPA determined that it had incorrectly approved the incorporation of a state common law nuisance rule (OAC-3745-15-07) into Ohio's state implementation plan ("SIP") for attainment and maintenance of the National Ambient Air Quality Standards ("NAAQS").<sup>2</sup> To address its mistake, on November 19, 2020, EPA used its error correction authority under Clean Air Act ("CAA") section 110(k)(6) to remove it.<sup>3</sup> Four years later, on January 21, 2025, the Biden EPA issued a "midnight regulation" putting the nuisance rule back into Ohio's SIP.<sup>4</sup> In doing so, EPA violated the CAA and put Ohio's manufacturers at a competitive disadvantage by inviting unlawful CAA citizen suit actions not cognizable in other jurisdictions. The reinstatement of the nuisance rule has been challenged in the U.S. Court of Appeals for the Sixth Circuit. That litigation should be stayed while EPA works to rescind the illegal rule.

<sup>1</sup> 90 Fed. Reg. 6811 (Jan. 21, 2025).

<sup>2</sup> 85 Fed. Reg. 73636 (Nov. 19, 2020).

<sup>3</sup> *Id.*

<sup>4</sup> *See* Footnote 1.

### Ohio's Manufacturers Are Being Harmed.

Ohio's manufacturers spent millions of dollars defending illegal CAA citizen suit actions before the nuisance rule was removed. Unless the midnight regulation is rescinded, Ohio's manufacturers will again be the targets of illegal citizen suit actions, harming critical American industry and their communities and employees throughout Ohio.

### The Midnight Regulation Is Illegal.

As part of the 1970 CAA amendments, states were required to submit their plans to attain and maintain compliance with the NAAQS. Due to resource constraints, EPA conducted focused reviews of the submissions, paying attention to "the required technical, legal, and enforcement elements" and conducting only "minimal review" of the rest.<sup>5</sup> As a result, many provisions initially approved in SIPs "were not appropriate for approval," because they did "not have a reasonable connection to the NAAQS and they have since been removed."<sup>6</sup> EPA has removed nuisance and odor rules, like Ohio's, from the New York, Georgia, Kentucky, Michigan, Wyoming, Minnesota, California, Nevada, New Hampshire, Rhode Island, and Arizona SIPs.

Ohio's common law public nuisance rule, like the others that have been removed, contains a general prohibition on creating public nuisances.<sup>7</sup> After removing the nuisance rule from the SIP, EPA proposed, on February 22, 2024, to restore the rule after receiving public comments from environmental groups and a plaintiffs' law firm.

EPA's decision to restore the nuisance rule was not merit driven. Ohio EPA disagreed with the commenters that it had used the nuisance rule to enforce the NAAQS. In addition, EPA lacks authority under Section 110(k)(6) (error correction authority) to rescind the 2020 removal of the nuisance rule, and the decision was untimely.

<sup>5</sup> 61 Fed. Reg. 47058, 47058 (Sept. 6, 1996); 83 Fed. Reg. 43576, 43576 (Aug. 27, 2018).

<sup>6</sup> 83 Fed. Reg. at 43576.

<sup>7</sup> OAC-3745-15-07 reads as follows:

- (A) The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.
- (B) The emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under Chapter 3745-17, 3745-18, 3745-21, or 3745-31 of the Administrative Code and is operated in such a manner to emit such amounts of odor as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.

For all of these reasons, the nuisance rule reinstatement was illegal and the “Withdrawal of Technical Amendment,” 90 Fed. Reg. 6811, must be rescinded and replaced with a new rulemaking, again, using the agency’s error correction authority in CAA Section 110(k)(6).<sup>8</sup>

The Midnight Regulation Runs Afoul of Numerous Executive Orders.

The Biden EPA’s midnight regulation is inconsistent with several of President Trump’s recent executive orders and should therefore be rescinded:

- On January 20, 2025, the President issued Executive Order 14154 to unleash American energy, including coal as a source of energy and to produce coke.
- On February 19, 2025, the President issued Executive Order 14219 directing the heads of all executive departments and agencies to identify unlawful regulations and rescind or modify them. For the reasons stated above, the nuisance rule is illegal and should be rescinded.
- On April 9, 2025, the President issued the Executive Order titled “Reducing Anti-Competitive Regulatory Barriers,” directing the Federal Trade Commission to rescind anticompetitive regulations. The inclusion of the nuisance rule in the Ohio SIP will make Ohio less competitive with other states that are able to avoid frivolous litigation.

\* \* \*

We seek your support for enforcing the rule of law by rescinding the illegal reinstatement of the nuisance rule into the Ohio SIP. Thank you for your consideration of these comments.

Sincerely,



James Lee  
Director, Public Policy Services

cc: Aaron Szabo, EPA Office of the Administrator (by electronic mail)  
John Mooney, Director of Air and Radiation Division, EPA Region 5 (by electronic mail)  
Anne Vogel, EPA Region 5 Administrator (by electronic mail)

<sup>8</sup> See Comments submitted by the Ohio Chamber of Commerce, the Ohio Chemistry Technology Council, and The Ohio Manufacturers’ Association at 3–18, Docket ID No. EPA-R05-OAR-2020-0055-0904 (Apr. 24, 2024).

## STATEMENT - OMA Praises Legislation to End Ohio's Nuisance Rule



## PROTECTING & GROWING OHIO MANUFACTURING

**For Immediate Release:**

# OMA Praises Legislation to End Ohio's Nuisance Rule

(COLUMBUS, OH) – The Ohio Manufacturers' Association (OMA) today praised legislation introduced by multiple Ohio delegates that would end the recently reinstated nuisance rule for Ohio, which allows private citizens to sue companies they believe are not in compliance if state and federal regulatory agencies fail to act:

“The joint legislation introduced to overturn the Environmental Protection Agency’s recent decision to reinstate Ohio’s nuisance rule is a move to return Ohio’s regulatory environment to one of consistency and fairness, allowing Ohio to continue to manage its own policies without federal overreach,” said OMA President Ryan Augsburger.

“The reversal by the Biden administration on Ohio’s nuisance rule at the eleventh hour made Ohio an outlier, giving our state inconsistent treatment under the Clean Air Act and exposing our manufacturers to an unprecedented wave of costly federal lawsuits. The OMA thanks Senators Moreno and Husted and Representatives Balderson and Rulli for their leadership in ensuring that Ohio’s businesses are not unfairly burdened by federal overreach.”

*The Ohio Manufacturers' Association is Ohio's largest statewide business association comprised solely of manufacturers. Established in 1910, the OMA's mission is to protect and grow Ohio manufacturing. It represents manufacturers of all sizes in every subsector of the industry. Manufacturing is Ohio's largest economic sector, employing approximately 690,000 Ohioans and contributing more than \$133 billion annually to the economy. Visit [ohiomfg.com](http://ohiomfg.com), or follow us on [LinkedIn](#), [Twitter](#), [Facebook](#), and [YouTube](#).*

### Tom Evans

Director, Communications and Marketing

(614) 557-0937

[tevans@ohiomfg.com](mailto:tevans@ohiomfg.com)



The Ohio Manufacturers' Association  
33 North High Street | Columbus, OH 43215

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Please [click here](#) to unsubscribe from all OMA emails, or write us at the above address.

To update your OMA profile and email preferences, please [click here](#).



February 19, 2025

Senator Bernie Moreno  
United States Senate  
B33 Russell Senate Office Bldg.  
Washington, DC 20510

Senator Jon Husted  
United States Senate  
198 Russell Senate Office Bldg.  
Washington, DC 20510

Congressman Troy Balderson  
U.S. House of Representatives  
2429 Rayburn House Office Bldg.  
Washington, DC 20515

Congressman Michael Rulli  
U.S. House of Representatives  
421 Cannon House Office Bldg.  
Washington, DC 20515

**Re: Ohio's Business Community Urges Support for Congressional Review Act (CRA) Resolution to Rescind EPA's Unjustified Nuisance Rule for Ohio**

Dear Senators Moreno and Husted and Congressmen Balderson and Rulli,

On behalf of Ohio's business community, we write to thank you for your leadership on a Congressional Review Act (CRA) resolution to overturn the Environmental Protection Agency's (EPA) recent decision to reinstate Ohio's nuisance rule as part of its State Implementation Plan (SIP) and to share our strong support for this resolution. This last-minute regulatory change unjustly targets Ohio businesses and is inconsistent with EPA's treatment of other states under the Clean Air Act.

As you know, EPA originally removed Ohio's nuisance rule from its SIP in 2020 after determining that it was not necessary for attaining or maintaining National Ambient Air Quality Standards (NAAQS). This decision was aligned with EPA's longstanding practice of removing similar nuisance provisions in other state SIPs, including California, Kentucky, Georgia, Michigan, Minnesota, Nevada, New Hampshire, New York, Rhode Island, and Wyoming. However, under pressure from plaintiffs' attorneys and activist groups, the Biden Administration chose to reverse course at the eleventh hour, making Ohio an outlier and exposing our manufacturers to an unprecedented wave of costly federal lawsuits.

This regulatory maneuver does not enhance environmental protections. The nuisance rule remains fully enforceable under Ohio law, and affected parties retain multiple legal avenues to address air quality concerns at the state level, including tort actions and Ohio EPA enforcement. Instead, EPA's decision serves only to benefit trial attorneys by enabling Clean Air Act citizen suits in federal court—an option unavailable in other states—while allowing litigants to recover attorneys' fees at the expense of Ohio's businesses.

The Biden Administration's decision to reinsert this rule just hours before leaving office unfairly singles out our state while contradicting EPA's treatment of other states under the Clean Air Act. It is imperative that Ohio's Congressional Delegation takes immediate steps to reverse this unjust and politically charged maneuver.

We support swift action on your CRA resolution to block this misguided rule. The rule's reinstatement directly contradicts the Clean Air Act, unfairly disadvantages Ohio businesses, and creates regulatory inconsistency across state lines. Our organizations and the Ohio EPA have all voiced strong opposition to this change, and we ask for your leadership in ensuring that Ohio's businesses are not unfairly burdened by federal overreach.

Thank you for your attention to this urgent matter. We appreciate your commitment to protecting Ohio's manufacturers and the thousands of hardworking Ohioans they employ. Please let us know how we can support your efforts to advance this critical legislative remedy.

Sincerely,

The Ohio Manufacturers' Association

The Ohio Chamber of Commerce

The Ohio Chemistry Technology Council

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 272**

**Representatives Pizzulli, Robb Blasdel**

**Cosponsors: Representatives Demetriou, Gross, Salvo, Jones, Ferguson, Deeter,  
Newman**

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To amend sections 3704.99 and 6109.20 and to enact 1  
sections 3704.21, 3715.591, 3745.61, 3745.62, 2  
3745.63, 3745.64, 3745.65, 3745.66, and 3745.67 3  
of the Revised Code to prohibit the use of 4  
certain food dyes and additives, the release of 5  
substances into the atmosphere for certain 6  
purposes, and intentionally added PFAS in 7  
various products, to revise the law governing 8  
fluoride, and to name this act the Protecting 9  
Utility and Resources for Enhanced Living, 10  
Improved Food, and Environment Act. 11

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3704.99 and 6109.20 be amended 12  
and sections 3704.21, 3715.591, 3745.61, 3745.62, 3745.63, 13  
3745.64, 3745.65, 3745.66, and 3745.67 of the Revised Code be 14  
enacted to read as follows: 15

**Sec. 3704.21.** No person shall purposely inject, release, 16  
or disperse, by any means, chemicals, chemical compounds, 17  
substances, or apparatus within the borders of this state into 18  
the atmosphere with the express purpose of affecting 19

**TO:** The Ohio Manufacturers' Association  
**FROM:** Bricker Graydon  
**RE:** HB 272 Pure Life  
**DATE:** May 21, 2025

Ohio House Bill 272, the Protecting Utility and Resources for Enhanced Living, Improved Food, and Environment Act, introduced on May 13, 2025, aims to regulate harmful substances, focusing on per- and polyfluoroalkyl substances (PFAS). The bill restricts the intentional addition of PFAS in certain products, with a phased implementation beginning January 1, 2027. By 2032, the sale of products containing PFAS is prohibited unless deemed unavoidable by the Director of the Ohio Environmental Protection Agency (OEPA). The bill has serious implications for Ohio's manufacturers, as Ohio currently does not have a state law restricting products containing PFAS.

**I. PFAS Bans on Consumer Products**

The bill prohibits manufacturers from selling the following products if the product contains an "intentionally added" PFAS: cookware, food packaging, dental floss, juvenile products, and firefighting foam. This prohibition will be implemented in phases starting January 1, 2027. Beginning January 1, 2028, manufacturers are prohibited from selling the following products that contain an intentionally added PFAS: carpets or rugs, cleaning products, cosmetics, fabric treatments, feminine hygiene products, textiles, textile furnishings, ski wax, and upholstered furniture. By January 1, 2032, the sale of products containing intentionally added PFAS will be banned unless deemed unavoidable by the OEPA.

Until January 1, 2032, OEPA may adopt rules to prohibit a manufacturer from selling a consumer product not otherwise listed above that contains an intentionally added PFAS upon a finding that prohibiting the sale of the consumer product is necessary to protect human health or the environment. The effective date for each such prohibition is not less than six months after the adoption of the final rule establishing the prohibition, with an effective date after January 1, 2027. The prohibition does not apply to pesticides regulated under the Federal Insecticide, Fungicide, and Rodenticide Act.

"Currently unavoidable use" means a use of PFAS that OEPA has determined by rule to be essential for health, safety, or the functioning of society, and for which alternatives are not reasonably available.

"Intentionally added" means a PFAS deliberately added or used during the manufacture of a product in which the continued presence, at any level or concentration, of the PFAS is desired or expected in the final product or one of the product's components.

"Manufacturer" means a person, firm, association, partnership, corporation, organization, combination, or a joint venture that creates, produces, or assembles a product or whose brand name is affixed to a product; in the case of a product imported into the United States, an importer or first domestic distributor of the product, provided that the entity or person that created, produced, or assembled the

product or whose brand name is affixed to the product does not have an office or employees in the United States.

“Product” means an item created, produced, assembled, packaged, or otherwise prepared for sale to consumers, including a product component sold or distributed for personal, residential, commercial, or industrial use, including for use in making another product.

"PFAS" has the same meaning as "per- and polyfluoroalkyl substances or PFAS" in 40 C.F.R. 705.3, which defines PFAS as any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three sub-structures: (1) R-(CF<sub>2</sub>)-CF(R')R'', where both the CF<sub>2</sub> and CF moieties are saturated carbons; (2) R-CF<sub>2</sub>OCF<sub>2</sub>-R', where R and R' can either be F, O, or saturated carbons; (3) CF<sub>3</sub>C(CF<sub>3</sub>)R'R'', where R' and R'' can either be F or saturated carbons.

## II. PFAS Reporting Requirements

Manufacturers will be required to provide detailed information about PFAS in their products. Specifically, the bill directs OEPA to adopt rules requiring a manufacturer to submit the following information to OEPA for a product that contains an intentionally added PFAS:

- A brief description of the product, including a universal product code, stock keeping unit, or other numeric code assigned to the product;
- The purpose for which the PFAS is used in the product;
- The amount of each PFAS in the product, identified by its chemical abstracts service registry number and reported as an exact quantity determined using commercially available analytical methods, or reported as falling within a range approved for reporting purposes by OEPA;
- The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer;
- Any additional information requested by OEPA as necessary, provided that OEPA shall not require disclosure of records, reports, or information, or particular parts of records, reports, or information, that would divulge confidential business records, methods, or processes that the manufacturer demonstrates is entitled to protection as a trade secret.

Manufacturers of a product for sale in Ohio that contains an intentionally added PFAS must submit the required reporting information to OEPA by January 1, 2027.

Beginning January 1, 2028, manufacturers are prohibited from selling products that contain intentionally added PFAS unless the manufacturer has submitted to OEPA the reporting information required by the rules. Also beginning January 1, 2028, manufacturers are prohibited from selling a product if testing requested by OEPA demonstrates that the product contains an intentionally added PFAS and that the manufacturer failed to provide OEPA the information required by the rules.

Manufacturers are required to submit revisions to the reporting information about a product within thirty days after significant change to the information that the manufacturer previously submitted.

Upon written approval from OEPA, a manufacturer may provide the reporting information for a category, type of product, or product component. OEPA may waive the obligation of a manufacturer to submit all or part of the reporting information if OEPA determines that substantially equivalent information is publicly available. OEPA may grant a waiver to a manufacturer or a group of manufacturers for multiple products or a product category. OEPA may enter into an agreement with other states to collect and share information otherwise required to be reported and this information can be accepted by OEPA as meeting the reporting information submission requirements.

Within sixty days after receiving the reporting information from a manufacturer, OEPA is required to notify the manufacturer that adequate information has been received or that additional information is required. A manufacturer is required to submit to OEPA any additional information requested within thirty days of the request.

OEPA is permitted to direct a manufacturer of a product that it believes contains intentionally added PFAS to provide testing results demonstrating the amount of each PFAS in the product.

OEPA is required to adopt rules exempting from the reporting requirements any product that contains an intentionally added PFAS that has been designated as having a “currently unavoidable use” by OEPA.

### **III. PFAS Rule Exemptions**

The following categories of products are exempt from the PFAS rule and do not need to be reported to OEPA:

- A product where federal PFAS law preempts state authority;
- Used products offered for sale or resale;
- Medical devices or drugs, and the packaging of the medical devices or drugs, that are regulated by the US Food and Drug Administration, including prosthetic and orthotic devices;
- Cooling, heating, ventilation, air conditioning, or refrigeration equipment that contains intentionally added PFAS or refrigerants listed as acceptable, subject to use conditions, or subject to narrow use limits by the US Environmental Protection Agency pursuant to the significant new alternatives policy program, provided the equipment is for sale for the authorized use specified under that program;
- Veterinary products;
- A product developed or manufactured for the purpose of the public health or environmental or water quality testing;
- A motor vehicle or motor vehicle equipment, except the exemption does not apply to any textile article or refrigerant that is a component of such products;
- Any other motor vehicle, including farm equipment and personal assistive mobility devices;
- Watercraft, aircraft;

- Semiconductors, including semiconductors incorporated in electric equipment and materials used in the manufacture of semiconductors;
- Non-consumer electronic and non-consumer laboratory equipment not ordinarily used for personal, family, or household purposes;
- A product that contains intentionally added PFAS with uses that are currently listed as acceptable to narrow use limits in the US Environmental Protection Agency’s regulations under the significant new alternatives policy program, provided the product contains PFAS that are being used as substitutes for ozone-depleting substances under the conditions specified in the regulations;
- A product used for the generation, distribution, or storage of electricity;
- Equipment directly used in the manufacture or development of the above-exempted products;
- A product that OEPA has adopted a rule providing the use of the PFAS in that product is a currently unavoidable use; and
- A product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.

OEPA is authorized to conduct testing and enforce compliance. Violations could result in penalties up to \$15,000 per violation.

#### **IV. Other Non-PFAS Provisions**

##### **a. Adulterated Food Products**

The bill expands the definition of food that is considered “adulterated” and therefore bans the manufacture and sale of those listed “adulterated” food and products under Ohio’s Pure Food and Drug Law, which regulates the safety and labeling of food and other consumer products. Food is considered adulterated if it bears or contains the following: Titanium dioxide, Brominated vegetable oil, potassium bromate, propylparaben, azodicarbonamide, butylated hydroxytoluene (BHT), or Butylated hydroxyanisole; or if it bears or contains any of the following food dyes: red dye 3 or erythrosine, red dye 40, yellow dye 5 or tartrazine, yellow dye 6 or sunset yellow, blue dye 1, blue dye 2 or indigotine or indigo carmine, or green dye 3.

The bill does not contain an effective date for the additional food additives added to the ban.

##### **b. Fluoride Use in Public Water Systems**

The bill provides for some level of flexibility for fluoride use in public water systems, providing if the natural fluoride content of supplied water of a public water system is less than eight-tenths milligrams per liter of water, a public water system “may” add fluoride to such water to maintain fluoride content of not less than eight-tenths milligrams per liter of water nor more than one and three-tenths milligrams per liter of water. This is currently a requirement of Ohio law and not at the discretion of the public water system.

c. Atmospheric Releases

Additionally, the bill categorizes atmospheric releases of harmful chemicals as misdemeanors with penalties of \$10,000 per day, per violation.

V. **Conclusion**

House Bill 272 if passed in current form would impose a significant compliance burden and likely significant increased costs on manufacturers and other regulated entities to audit their operations, comply with reporting requirements, find suitable alternatives to replace PFAS, and comply with the phase out deadlines.

## STATEMENT - OMA Hails Governor's Pick to Lead OhioEPA

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# PROTECTING & GROWING OHIO MANUFACTURING

**For Immediate Release:**

## OMA Hails Governor's Pick to Lead OhioEPA

(COLUMBUS, OH) – The Ohio Manufacturers' Association (OMA) today hailed Governor Mike DeWine's selection of John Logue to lead the Ohio Environmental Protection Agency (OhioEPA).

"Ohio Manufacturers commend Governor DeWine's pick to head the OhioEPA. John Logue has duly earned a reputation as a steady hand having led the Ohio Bureau of Workers' Comp. We have no doubt that he will prove to be a fair regulator who will work well with the professional staff of the agency. We look forward to working with John.

Anne Vogel has served the Administration of Governor Mike DeWine with distinction most recently as OhioEPA director. Ohio manufacturers thank her for her meaningful contributions and look forward to continuing to work with her in her new role at U.S. EPA Region Five."

###

*The Ohio Manufacturers' Association is Ohio's largest statewide business association comprised solely of manufacturers. Established in 1910, the OMA's mission is to protect and grow Ohio manufacturing. It represents manufacturers of all sizes in every subsector of the industry. Manufacturing is Ohio's largest economic sector, employing approximately 690,000 Ohioans and contributing more than \$133 billion annually to the economy. Visit [ohiomfg.com](http://ohiomfg.com), or follow us on [LinkedIn](#), [Twitter](#), [Facebook](#), and [YouTube](#).*

**Tom Evans**

Director, Communications and Marketing

(614) 557-0937

[tevens@ohiomfg.com](mailto:tevens@ohiomfg.com)



June 28, 2024

**VIA Electronic Mail** (dsw\_rulecomments@epa.ohio.gov)

Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, OH 43216-1049

**Re: Comments of the Ohio Manufacturers' Association on Ohio EPA's Early Stakeholder Outreach – New Implementation of Water Quality Standards Rule (OAC 3745-2)**

Dear Ohio EPA:

Pursuant to Ohio EPA's Early Stakeholder Outreach for the *New Implementation of Water Quality Standards Rule* dated May 2024 (the Nutrient Implementation Standards ESO or Nutrient ESO), the Ohio Manufacturers' Association (OMA) is hereby providing Ohio EPA with written comments regarding Ohio EPA's Nutrient ESO in accordance with the associated June 28, 2024, deadline for comments.

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents over 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, The OMA has supported reasonable, necessary and transparent environmental regulations that promote the health and well-being of Ohio's citizens. The OMA appreciates the opportunity to comment on Ohio EPA's Nutrient Implementation Standards ESO. Members of the OMA have the potential to be significantly impacted by new implementation standards for nutrients in surface water, either as holders of individual NPDES direct discharger permits or as businesses that discharge through municipal wastewater systems that would ultimately have to comply with the rule. To this end, OMA participated in both the 2014/2015 Stream Nutrient Assessment Procedure (SNAP) technical advisory group (TAG) and in the 2018 stakeholder process for the Nutrient Standards for Large Rivers ESO, both predecessors to the current Nutrient ESO.

The OMA presents the following comments regarding the Nutrient Implementation Standards ESO:

1. General Support for Weight of Evidence Approach.

Subject to our further comments in this letter and to future input in the stakeholder and rulemaking process, OMA supports Ohio EPA's proposed use of a "weight of evidence" approach to evaluate the impacts of nutrients on streams. OMA's support is evidenced

by its participation in the 2015 SNAP TAG and development of the associated proposed rule outline and decision matrix incorporated into SNAP. The weight of evidence approach reflects the complex confounding factors that influence the extent to which certain nutrients at certain loadings will impact a given stream and is essential to ensuring a rule based on sound science and addressing real (versus theoretical) impairments. OMA also supports development of the rule as an implementation rule to support decision-making regarding potential stream impairments in Ohio, so long as the implementation rule does not artificially identify “impaired” waters based on arbitrary adoption of unduly stringent target parameters.

## 2. Importance of the 2015 SNAP, Rule Outline and Flow Charts.

The OMA believes that Ohio EPA should rely upon the 2015 SNAP (and resulting rule outline and implementation flow charts for point and nonpoint sources) as the guiding force for the current proposed Nutrient ESO. The SNAP resulted from a robust and thorough stakeholder process that represented the expertise and feedback of a wide range of interested parties: agency representatives, environmental, industry, municipal and agricultural groups, academic advisors and water consultants, to name a few. The stakeholders developed a workable, effective and efficient rule framework, with appropriate target conditions and ranges, that would be protective of Ohio’s streams while minimizing the risk of artificially identifying water bodies as impaired and the resultant unreasonable costs to address such an artificial designation.

OMA incorporates by reference its prior feedback in the SNAP process, which is referenced in the Nutrients ESO<sup>1</sup> and requests that the SNAP serve as the primary framework for the new Nutrient Implementation Standards rulemaking.

## 3. Concerns Regarding 2018 Large River Nutrient Standards ESO

The Nutrient Implementation Standards ESO indicates that Ohio EPA will be considering the 2018 large river rulemaking in developing the Nutrient Implementation Standards rule. The OMA has serious concerns regarding certain elements of the 2018 proposed framework and we hereby incorporate by reference OMA’s October 26, 2018, “*Comments on Ohio EPA’s Early Stakeholder Outreach – Nutrient Water Quality Standards for Ohio’s Large Rivers (OAC 3745-1-36)*” and we have attached a copy of these comments as Attachment 1.

The OMA specifically requests that Ohio EPA incorporate each of these important comments into the Impairment Standards rulemaking. The OMA also reserves the right

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<sup>1</sup> Nutrient Technical Advisory Group: [epa.ohio.gov/divisions-and-offices/surface-water/reports-data/nutrient-technical-advisory-group-tag](https://epa.ohio.gov/divisions-and-offices/surface-water/reports-data/nutrient-technical-advisory-group-tag) (Nutrient ESO at 2.).

to provide further comment based on its continued review of new information and analysis referenced in the Nutrient Impairment Standards ESO and as may be provided by Ohio EPA or stakeholders in the rulemaking process.

#### 4. Response to Ohio EPA's ESO Questions.

The comments presented in this letter generally respond to the questions that Ohio EPA presents in the Nutrient Impairment Standards ESO. As to Ohio EPA's request for feedback on the impact of the proposed rule on business in Ohio, the OMA believes that generally, if the rule is drafted in a scientifically-sound and reasonable manner that reflects stakeholder input and is designed to identify *actual* nutrient impairments, Ohio business and residents will likely benefit. However, if the rule unnecessarily regulates nutrients that are not actually causing impairments to Ohio waters or imposes inefficient or arbitrary compliance requirements, such an over-reaching rule will harm not only businesses by imposing unnecessary and potentially exorbitant cost on industry but will also harm municipalities and by extension all residents of Ohio.

#### 5. Request for a Robust Stakeholder Process to Support Rule Development.

The OMA requests that Ohio EPA adopt a stakeholder process, similar to the SNAP TAG, to allow the agency to capture the significant expertise and experience of multiple stakeholder groups in development of a defensible and workable implementation rule. We believe that, as with the 2015 TAG, engaging the stakeholders in the development process will likely generate a widely acceptable, protective and cost-effective rule and will reduce the risk of a failed rulemaking.

We further request that the stakeholder process begin as soon as possible, before the rule framework is developed. Ohio is fortunate to have, and should take advantage of its, many informed, interested and thoughtful stakeholders who bring to the table a tremendous amount of expertise and perspective on the issue of nutrients and water quality. For a successful stakeholder process, the underlying data and analyses that will be used in the new implementation procedures should be presented to the stakeholders so that they can fully understand the assumptions and potential limitations, particularly with respect to large rivers.

\* \* \*

OMA requests that Ohio EPA incorporate these comments into the Nutrients Implementation Standards rule development, and we look forward to further discussion with Ohio EPA and other stakeholders regarding this important rulemaking through a stakeholder process for rule development and implementation. We believe that the small stream nutrient TAG process resulted in a scientifically-sound, protective and cost-effective rule framework and that the most efficient and protective approach to this rulemaking will be one that carries over the strong attributes of the small stream SNAP framework.

Comments of the OMA on May 2024 Nutrients ESO

June 28, 2024

Page 4

The OMA would like to thank Ohio EPA for the opportunity to comment and to participate in this rulemaking process. We look forward to working with Ohio EPA as these comments are taken into consideration and to providing additional feedback throughout this rulemaking process.

Sincerely,



James Lee  
Director, Public Policy Services

Enclosure: Attachment 1

cc: Julianne Kurdila, Committee Chair  
Christine Rideout Schirra, Esq.



February 17, 2023

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Reconsideration of National Ambient Air Quality Standards for Particulate Matter  
(Docket ID No. EPA-HQ-OAR-2015-0072)**

The Ohio Manufacturers' Association (OMA) is Ohio's largest statewide business association comprised solely of manufacturers. Established in 1910, the OMA's mission is protect and grow Ohio manufacturing. Our association represents manufacturers of all sizes in every subsector of the industry. Manufacturing is Ohio's largest economic sector, employing more than 695,000 Ohioans and contributing more than \$130 billion annually to the economy.

As the leading coalition for manufacturers in Ohio, we join manufacturers across the U.S. in strong opposition to EPA's PM2.5 rule proposal that would impose stricter air standards on businesses. American families are already concerned about the threat of a recession. Imposing new, burdensome regulations on the private sector, especially at a time of economic instability, will only further weaken an already slowing economy. The OMA fears this regulation will disproportionately affect our members' supply chains and operational expenses.

The U.S. already has some of the strongest environmental performance standards in the world. Levels of major pollutants have declined dramatically. The U.S. EPA's own data show that the U.S. reduced six common NAAQS pollutants (including PM2.5) by 78% between 1970 and 2020. Moreover, the U.S. EPA affirms that PM2.5 levels have dropped 44% since 2000, while the Ohio EPA notes that particulate pollution has been on a downward trend statewide over the past decade.

The proposed PM2.5 standards would not only hurt existing manufacturing facilities but could also jeopardize the new, clean energy manufacturing that is needed to address climate change. When the U.S. doesn't manufacture, capital investment shifts to other countries that do not have the same commitment to environmental stewardship as the U.S.

Let manufacturers do what they do best: innovate and develop modern technologies that address air quality, reduce emissions, and protect the environment, while protecting manufacturing jobs and growing the economy. On behalf of Ohio's manufacturing community, the OMA strongly urges the U.S. EPA to reconsider its PM2.5 proposal. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Augsburger".

Ryan Augsburger  
President

Chairman of the Board  
**DALE LAWS**  
Vice President, Manufacturing Operations  
Laundry, Dishwashers & Small Appliances  
Whirlpool Corporation, North American Region



President  
**RYAN AUGSBURGER**

April 19, 2023

The Honorable Sherrod Brown  
United States Senate  
503 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Brown,

On behalf of Ohio's manufacturing community, this letter is to inform you that The Ohio Manufacturers' Association is strongly opposed to the U.S. EPA's National Ambient Air Quality Standards (NAAQS) PM2.5 rule proposal that would impose stricter federal air standards.

Businesses and families across Ohio are already concerned about the threat of a recession. Imposing new, burdensome, and unnecessary regulations during a time of economic instability will only weaken a slowing economy. Moreover, this proposed rule will disproportionately affect manufacturing, which is Ohio's largest economic sector, employing nearly 700,000 Ohioans and contributing more than \$133 billion annually to the economy.

It's worth noting the EPA's own data show the U.S. reduced six common NAAQS pollutants (including PM2.5) by 78% between 1970 and 2020. Moreover, the U.S. EPA affirms PM2.5 levels have dropped 44% since 2000, while the Ohio EPA notes particulate pollution has been on a downward trend statewide over the past decade.

Changes to the PM2.5 standards would not only hurt existing manufacturing facilities, they could also jeopardize efforts to bring new manufacturing to our state. When the U.S. doesn't manufacture, capital investment shifts to other countries – punishing local economies and communities, as every Ohioan knows too well.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Augsburger".

Ryan Augsburger  
President

# Washington's regulatory onslaught endangers Ohio's manufacturing momentum: Ryan Augsburger



• Published: Jul. 16, 2023, 5:35 a.m.

Manufacturers have led the Buckeye State's surge as manufacturing payrolls once again boast more than 690,000 jobs. Manufacturing economic output continues to smash records, contributing more than \$134 billion annually to our state's economy. David Petkiewicz, cleveland.com

**Guest columnist, cleveland.com and The Plain Dealer**

COLUMBUS, Ohio -- While the drumbeat of dismal economic forecasts has been steady since the early days of the pandemic, Ohio's economy has kept its head above water.

More accurately, it has thrived.

Manufacturers have led the Buckeye State's surge as manufacturing payrolls once again boast more than 690,000 jobs. Manufacturing economic output continues to smash records, contributing more than \$134 billion annually to our state's economy.

Unfortunately, some in Washington, D.C., are working overtime to repel this momentum.

The latest survey conducted by the National Association of Manufacturers (NAM) finds that U.S. manufacturers' concerns over federal regulations have reached a six-year high as nearly 100 new major regulations – from 30 federal agencies and offices – threaten jobs and investment.

Ryan Augsburger is president of The Ohio Manufacturers' Association, which represents approximately 1,500 manufacturers statewide.

A new report by the conservative American Action Forum shows the Biden administration's near and long-term plan to issue approximately 3,200 rulemakings within the next year or so includes 280 "major rules" and 1,326 "significant rules," representing high-water marks for both categories over the past decade.

The Ohio Manufacturers' Association (OMA) has partnered with NAM to push back against the regulatory onslaught. What takes place in D.C. and key federal agencies ultimately impacts Ohio manufacturers and their communities.

Here are just a handful of examples of recent regulations that will affect our industry:

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## PROTECTING & GROWING OHIO MANUFACTURING

### For Immediate Release

# The OMA Issues Statement on SCOTUS Halt of 'Good Neighbor' Rule

COLUMBUS, Ohio – The Ohio Manufacturers' Association President Ryan Augsburger today issued the following statement on the temporary block of the Environmental Protection Agency's 'Good Neighbor Plan' by the U.S. Supreme Court:

"The decision by the Supreme Court today is a win for manufacturers across the country against the onslaught of unobtainable standards being pushed out of Washington.

The 'Good Neighbor Plan' sets a scientifically unobtainable air emissions standard that threatens to hamstring Ohio's competitiveness, job growth, and the livelihoods of communities with only a negligible benefit to the environment.

Ohio manufacturing leaders commend Attorney General Dave Yost for his leadership in challenging the unreasonable regulations before the highest court to defend Ohioans from higher costs and lost jobs."

###

*The Ohio Manufacturers' Association is Ohio's largest statewide business association comprised solely of manufacturers. Established in 1910, the OMA's mission is to protect and grow Ohio manufacturing. It represents manufacturers of all sizes in every subsector of the industry. Manufacturing is Ohio's largest economic sector, employing approximately 690,000 Ohioans and contributing more than \$133 billion annually to the economy. Visit [ohiomfg.com](http://ohiomfg.com), or follow us on [LinkedIn](#), [Twitter](#), [Facebook](#), and [YouTube](#).*

### **Tom Evans**

Director, Communications and Marketing

(614) 557-0937

[tevans@ohiomfg.com](mailto:tevans@ohiomfg.com)



Feb 22, 2024

The Honorable Richard Revesz  
Administrator  
Office of Information and Regulatory Affairs  
U.S. Office of Management and Budget  
Washington, D.C. 20503

Dear Administrator Revesz,

On behalf of The Ohio Manufacturers' Association (OMA), I write today to request that the Biden administration take a consistent, measured, and scientifically sound approach to regulating per- and polyfluoroalkyl substances (PFAS) under the Safe Drinking Water Act (SDWA).

The OMA is Ohio's largest statewide business association comprised solely of manufacturers. Established in 1910, the OMA's mission is to protect and grow Ohio manufacturing which continues to serve as the backbone of our state. Our association represents manufacturers of all sizes in every subsector of the industry. Manufacturing remains Ohio's largest economic sector, employing more than 690,000 Ohioans and contributing more than \$130 billion annually to the economy.

PFAS are used in a wide variety of applications, including critical components needed to achieve the President's stated priorities around clean energy technologies and domestic semiconductor manufacturing. Among their many uses, this family of chemicals is used in batteries, electric grid infrastructure, semiconductors, automotive equipment, and virtually all sources of energy in our power sector, including solar panels and wind turbines. In many cases, there is no alternative to PFAS in the manufacturing process. Accordingly, regulations on this topic should be achievable and allow for reasonable flexibility.

Unfortunately, the Environmental Protection Agency's (EPA) current regulatory proposal under the SDWA does not reflect a balanced or technically feasible approach to addressing PFAS. The EPA's proposed limits are below 10 parts per trillion (PPT). For comparison, a PPT is a single drop of water in an Olympic swimming pool, effectively setting an unachievable standard that will cost everyone billions of dollars to chase. Regulations set near zero are technologically and economically impossible to achieve. Limits at such low levels have the three-fold impact of raising prices for consumers across the country, threatening manufacturing supply chains, and imposing a severe financial burden on local communities and ratepayers who will foot the bill for cleanup efforts.

In fact, a report released last year from the [American Water Works Association](#) projected that potential regulatory compliance for just two of the six PFAS covered under the new rules would cost \$3.8 billion per year. As such, the proposed rule threatens to wreak havoc on Ohio's supply chains and hurt the manufacturing of key products. The severity of the proposed regulations will mean higher prices for everything from community water and waste systems to medical treatments. The onslaught of regulations facing the industry is putting at risk new investment, slowing hiring, and reducing innovation on products critical to everyday life.

Given the significant economic consequences of the new SDWA regulations, we respectfully request that the EPA withdraw the current proposal to regulate PFAS under the SDWA and reissue a proposal that considers the real-world impacts on local taxpayers and manufacturers in Ohio. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Augsburger". The signature is fluid and cursive, with a prominent initial "R" and "A".

Ryan Augsburger  
President  
The Ohio Manufacturers' Association

## Ohio legislature follows through with steep cuts to the H2Ohio water quality program



CLEVELAND, Ohio – The General Assembly’s final budget approved Wednesday includes steep cuts to the state’s H2Ohio program, which is designed to address water quality concerns in the state.

Instead of the \$270 million that Gov. Mike DeWine was seeking, the legislature agreed to appropriate just shy of \$165 million.

Earlier in the budget process, the House of Representatives was proposing \$150 million for the fund and the Senate was offering \$170 million.

The news of the cuts was a disappointment to the Ohio Environmental Council Action Fund, which lobbied for full funding of the governor’s proposed amount.

“Water quality is a staple of life for our drinking water, our recreation, and many Ohio Businesses,” Pete Bucher, executive director of the Ohio Environmental Council Action Fund, said in a written statement. “For six years, the H2Ohio program has protected waterways to safeguard Ohioans. The funding cuts in HB 96 deliver a devastating blow to Ohio’s communities, threatening the very waterways they rely on for life, livelihood, and future prosperity.”

DeWine started the H2Ohio program in 2019, in part to mitigate the outbreak of harmful algal blooms in the Western Basin of Lake Erie.

The blooms are largely caused by excessive amounts of phosphorus getting into the Maumee River and then flowing into the lake.

A major element of [H2Ohio](#) is a voluntary program run by the Ohio Department of Agriculture that helps farmers reduce the amount of phosphorus they put on their fields and finds ways to limit the amount of runoff during heavy rains. The National Center for Water Quality Research at Heidelberg University in Tiffin, Ohio, has reported that phosphorus concentrations in the Maumee have [started to decline](#) and that the H2Ohio program may be one of the reasons. Chris Winslow, director of the Ohio Sea Grant College Program and Ohio State University’s Stone Laboratory, said Thursday that he’s happy the amount of dissolved reactive phosphorus in the Maumee has come down over the past decade.

“But we are not at targets yet,” he said. “So, we need to keep plugging away.”

Winslow took part in a webinar Thursday in which it was revealed that researchers expect the harmful algal bloom in the Western Basin of Lake Erie this summer to be in the mild-to-moderate range.

The legislature's budget reduces the H2Ohio funding for the Agriculture Department to \$107.2 million over the next two years, down almost 12% from the roughly \$121 million that DeWine had in his budget.

The cuts to H2Ohio also reduce the amount of money going to the Ohio Department of Natural Resources, which has been working to improve water quality in Lake Erie and state rivers by restoring wetlands, by 55%.

Also having to proceed with less H2Ohio money is the Ohio EPA, which uses the funds primarily to improve drinking water in the state. Its share was reduced by almost 73%.

In addition, the budget gives \$264,000 to the Lake Erie Commission and includes language that prohibits H2Ohio funds from being used to purchase land for conservation purposes.

DeWine has until Monday to sign the budget into law.

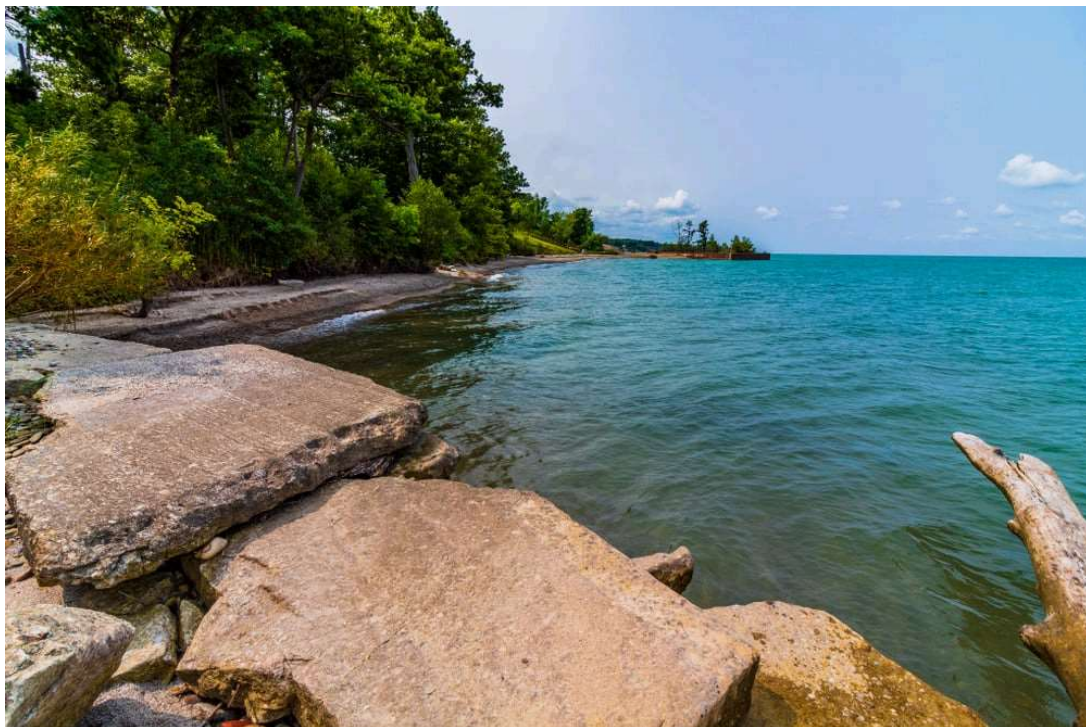
House Speaker Matt Huffman, a Republican from Lima, was asked about the cuts on Thursday during a gathering with media. He suggested they were justified because "a lot" of the money put into the fund the last two years was not spent.

# Federal Judge Approves Intervention in Lawsuit Challenging Deficient Lake Erie Clean Up Plan

By: Waterkeeper Alliance

[Clean Water Defense](#) | [News](#) | [Press Releases](#) | [Waterkeeper Movement](#) | [Algal Bloom](#) | [Clean Water Act](#) | [Drinking Water](#)

**July 8, 2025**



Lake Erie Coastline, Ohio | Photo credit: Shutterstock

Waterkeeper Alliance, Lake Erie Waterkeeper, and Food & Water Watch have been approved to intervene in a federal lawsuit in Ohio District Court, *Board of Lucas County Commissioners et al. v. U.S. Environmental Protection Agency (EPA)*. The groups filed their [complaint](#) today.

The groups will join the City of Toledo, Lucas County, and Environmental Law and Policy Center in challenging EPA's unlawful approval of the Western Lake Erie Total Maximum Daily Load (TMDL), officially known as the Maumee Watershed Nutrient TMDL. TMDLs are Clean Water Act plans to restore polluted waterways—in this case, the plan is required to reduce harmful algae caused by too much phosphorus pollution flowing into Lake Erie. One of the dominant sources of Lake Erie's excess phosphorus is factory farm manure. However, the TMDL fails to hold factory farms accountable for their discharges and runoff. The groups will ask the court to vacate and set aside the deficient clean up plan and direct EPA to issue a new plan that complies with federal law and addresses factory farm manure pollution.

“Reducing phosphorus pollution coming from Concentrated Animal Feeding Operations is key to restoring western Lake Erie but EPA approved a TMDL that allows this pollution to continue unabated,” said **Waterkeeper Alliance Senior Attorney Kelly Hunter Foster**. “Adopting an ineffective TMDL that does not address pollution discharges from major regulated sources violates the Clean Water Act and improperly permits this industry to continue expanding and overapplying manure to lands throughout the watershed without adequate pollution controls—practices that coincided with the return of large harmful algal blooms in the lake.”

For decades, phosphorus pollution caused primarily by agriculture has severely impaired Lake Erie, fueling massive harmful algal blooms visible from space. Algal blooms can span hundreds of square miles, threatening aquatic ecosystems, recreation, and drinking water for over 12.5 million people. In 2014, Ohio [declared a state of emergency](#) when these toxic blooms contaminated drinking water for nearly half a million Toledo residents.

“The excessive and increasing overapplication of untreated manure from confined animals results in large amounts of phosphorus discharges to

waterways, one of the main sources and reasons for Lake Erie’s harmful algae blooms,” added **Lake Erie Waterkeeper Executive Director Sandy Bihn**. “Farmers using commercial fertilizer phosphorus have reduced phosphorus land applications by over 40%, but even these improvements are not enough to counteract the increase in confined animal manure phosphorus. Even if all of the phosphorus reductions required by the TMDL are achieved, it would not offset the growing harmful impact of this manure pollution or restore water quality. With the court’s decision, Lake Erie Waterkeeper will be able to present the evidence showing how disastrous this plan is for Lake Erie and what Ohio and USEPA must do to protect it.”

After years of refusing to address the problem and a series of lawsuits forcing action, state and federal regulators approved a grievously inadequate clean up plan in September 2023. The plan places no restrictions whatsoever on the watershed’s increasing number of factory farms and their massive amounts of excessively applied, untreated manure, despite the central role they play in polluting the world’s largest freshwater system. The TMDL’s failure to do so—and EPA’s approval of the plan notwithstanding its deficiencies—violate the Clean Water Act.

“EPA has been giving factory farms a free pass to pollute our waterways for decades, time and again refusing to hold these polluting operations accountable as federal law requires,” said **Food & Water Watch Staff Attorney Emily Miller**. “We refuse to stand by and allow the Agency to double down on this failed approach when one of our country’s most important freshwater resources is at stake. With the court’s decision, communities and advocates who rely on Lake Erie will have a chance to fight for a TMDL that forces the worst polluters to finally clean up their act.”

At the same time the court granted the advocacy groups’ motion to intervene in the case, it denied a bid from numerous Big Ag lobby groups to intervene in defense of the lax regulation, reasoning that EPA adequately represents their interests.

### **Background:**

*Board of Lucas County Commissioners et al. v. U.S. EPA* was initially filed in May 2024 in federal court in the Northern District of Ohio. Attorneys for EPA responded in July; groups moved to intervene in December. That same month, the court permitted the Ohio EPA, which shares responsibility for creating and implementing the clean up plan, to intervene in defense of the TMDL. The court has yet to set a briefing schedule for the case. The case number is 3:24-cv-00779.

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# Supreme Court sides with states in ‘good neighbor’ pollution case

By [SEAN REILLY](#) | 06/18/2025 11:05 AM EDT

The high court considered whether states had to fight EPA disapproval of their pollution plans in D.C. appeals court or if they could look to regional appellate courts.



Mark Wilson/Getty

Images

The Supreme Court has dealt a further blow to a Biden-era “good neighbor” rule intended to limit the spread of smog-forming emissions across state lines.

In an [8-0 opinion released Wednesday](#), the high court found that states can contest EPA’s earlier decision to first disapprove state good neighbor plans in regional appellate courts instead of the U.S. Court of Appeals for the District of Columbia Circuit, which is the usual venue for bringing challenges to nationally applicable rules.

Particularly in Republican-leaning areas, those regional courts are often seen as friendlier to state and industry interests.

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The Supreme Court's opinion, written by Justice Clarence Thomas, overturns a ruling by the 10th U.S. Circuit Court of Appeals in litigation brought by Oklahoma and Utah. Justice Samuel Alito recused himself from the opinion without explanation.

Under the Clean Air Act's good neighbor provision, states are barred from allowing releases of smog-forming emissions from power plants and other industrial sources that contribute to downwind compliance problems outside of their borders. EPA's disapproval of the state plans in early 2023 was a prerequisite for release of the federal alternative soon after by then-President Joe Biden's administration.

The Supreme Court last year stayed implementation of the federal plan, which EPA under current President Donald Trump now plans to repeal.

The agency is reviewing the opinion, a spokesperson said in an email.



# The Energy Law Blog


Insight and Analysis of Legal Issues Impacting the Energy Industry

## EPA to Reconsider Previous Administration's PM 2.5 NAAQS, Continuing its Deregulatory Push



By Greg L. Johnson, Clare M. Bienvenu & Colin North on March 25, 2025



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On March 12, 2025, EPA Administrator Zeldin announced that the agency, as one of its **31 historic deregulatory actions** to advance President Trump's Day One executive orders and EPA's "**Powering the Great American Comeback**," will reconsider the previous administration's rule tightening the Particulate Matter National Ambient Air Quality Standards (PM2.5 NAAQS). The PM2.5 NAAQS rule has raised implementation concerns from various states across the country, including Louisiana, and has been the subject of litigation in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit).

### Final Rule Tightening PM2.5 NAAQS

On March 6, 2024, EPA issued a final rule tightening the PM2.5 NAAQS, which set the primary (health-based) annual NAAQS for PM2.5 at 9 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), down from the prior limit of 12  $\mu\text{g}/\text{m}^3$ . See **89 Fed. Reg. 16202 (Mar. 6, 2024)**. EPA also laid out its timetable for states and the agency to implement the tightened standards, with the first designations of areas of the country as meeting or violating the limit targeted for 2026 and compliance deadlines beginning in 2032. The new standards could result in many areas of the country being designated as nonattainment, triggering costly control requirements for facilities located in those new nonattainment areas. The map below depicts the counties/parishes that do not meet the annual PM2.5 NAAQS of 9  $\mu\text{g}/\text{m}^3$  based on 2020-2022 air monitoring data.

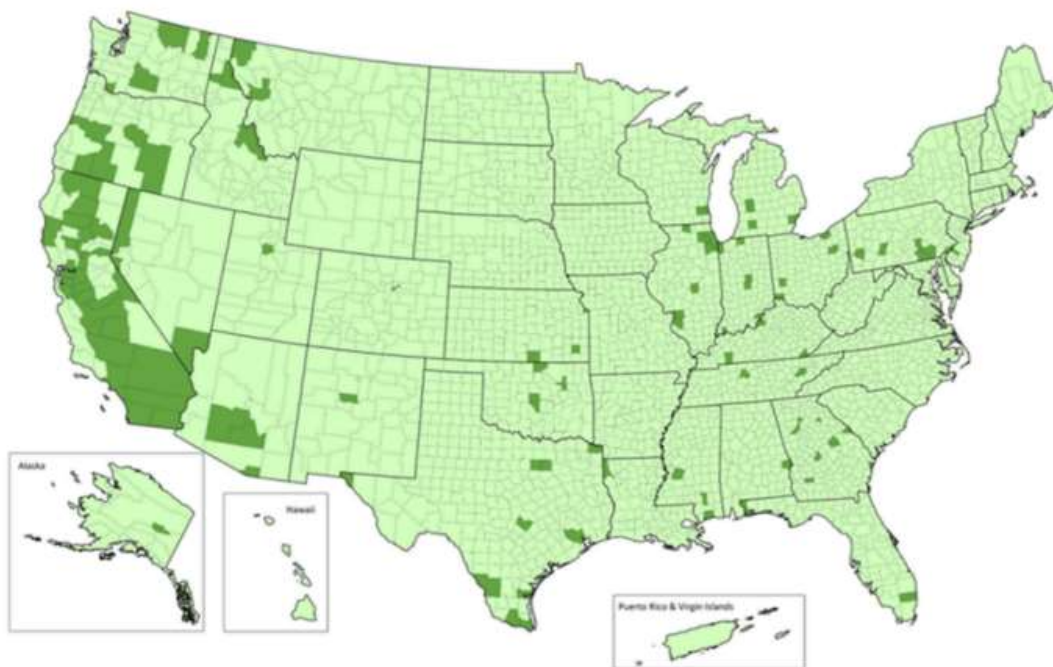
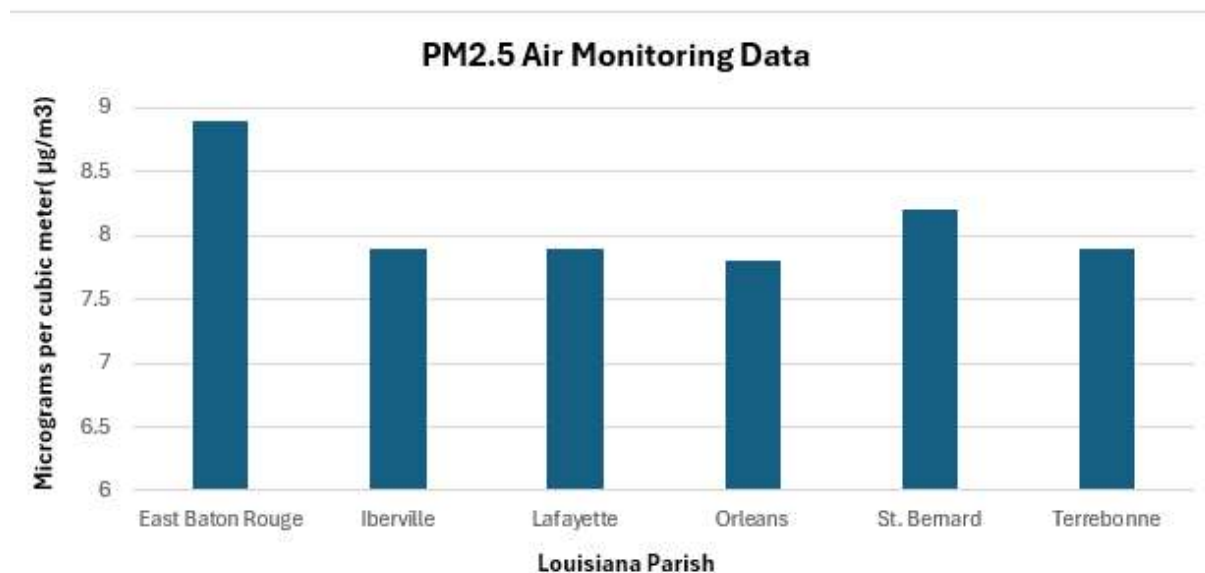


Figure 1: Based on 2020-2022 air monitoring data, the dark green areas on the map indicate counties that do not meet the annual PM2.5 standard of 9  $\mu\text{g}/\text{m}^3$ . [View the data \(pdf\)](#). (courtesy U.S. EPA)

In Louisiana, Caddo Parish and West Baton Rouge Parish, with design values of 9.6  $\mu\text{g}/\text{m}^3$  and 9.1  $\mu\text{g}/\text{m}^3$ , respectively, would not meet the PM2.5 NAAQS of 9  $\mu\text{g}/\text{m}^3$ .

However, Louisiana's Department of Environmental Quality has submitted two "exceptional event"<sup>1</sup> demonstrations to the EPA for consideration, both dealing with the Port Allen monitoring station in West Baton Rouge Parish. The events included a Saharan Dust that resulted in 5 days of elevated PM<sub>2.5</sub> levels in June 2022 and a Canadian Wildfire Smoke that resulted in 2 days of PM<sub>2.5</sub> exceedances in October 2023. Removal of these "exceptional events" would result in West Baton Rouge Parish meeting the PM<sub>2.5</sub> NAAQS of 9 µg/m<sup>3</sup>.

In addition to the areas that would likely be in non-attainment, there are also numerous areas that would be very close to exceeding the standard, which would severely limit growth and development in those areas. In Louisiana specifically, the following parishes have design values that are approaching the 9 µg/m<sup>3</sup> standard:



### Litigation Challenging Final Rule Tightening PM<sub>2.5</sub> NAAQS

On March 6, 2024, a group of states, including Louisiana, and other industry groups filed petitions for judicial review in the D.C. Circuit, requesting the court to vacate EPA's rule tightening the PM<sub>2.5</sub> NAAQS. See *Commonwealth of Kentucky et al. v. EPA et al.*, No. 24-1050 (D.C. Cir. Mar. 6, 2024). The industry groups and states claimed that EPA acted in a manner contrary to law by improperly undertaking a discretionary, non-statutory reconsideration of the PM<sub>2.5</sub> NAAQS, rather than a statutorily-mandated review under CAA § 109(d) (i.e., five-year review), and failing to adequately consider all required and relevant factors, including costs, in making its decision. Oral argument was held on December 16, 2024. Most recently, on February 25, 2025, the D.C. Circuit granted EPA's motion to hold the case in abeyance for 60 days to allow new EPA leadership to review the PM<sub>2.5</sub> NAAQS.

## Reconsideration of PM2.5 NAAQS

In connection with the agency's March 12, 2025, announcement to reconsider the PM2.5 NAAQS, EPA Administrator Zeldin noted that the previous administration's PM2.5 NAAQS raised serious concerns from states and served as a major obstacle to permitting. "Under President Trump, we will ensure air quality standards for particulate matter are protective of human health and the environment while we unleash the Golden Age of American prosperity," said Zeldin. It is important to note that any attempt by EPA to revise the previous administration's PM2.5 NAAQS will be subject to the formal rulemaking process, including notice and comment periods.

In addition to a reconsideration of the PM2.5 NAAQS, EPA announced that "it will soon release guidance to increase flexibility on NAAQS implementation, reforms to New Source Review, and direction on permitting obligations."

Stay tuned for further developments. Liskow will be monitoring and covering further actions regarding the new administration's reconsideration of the PM2.5 NAAQS on Liskow's **The Louisiana Industrial Insights Hub**. For more information on industry impacts and opportunities arising under the new administration, please contact Liskow attorneys **Greg Johnson**, **Clare Bienvenu**, and **Colin North**.

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<sup>1</sup>One of EPA's 31 historic deregulatory actions includes a **reconsideration of its Exceptional Events Rule**.

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## Zeldin could target a single word to undo endangerment finding

By [JEAN CHEMN CK \(HTTPS://WWW.EENEWS.NET/MEET-THE-TEAM/JEAN-CHEMN-CK/\)](https://www.eenews.net/meet-the-team/jean-chemn-ck/) | 05/16/2025 06:18 AM EDT

The EPA administrator might have provided a road map to revoking the critical scientific finding in a rule that repeals the power plant climate regulation.



EPA Administrator Lee Zeldin testifies before a House Appropriations subcommittee Thursday. Francis Chung/POLITICO

EPA's proposed repeal of the nation's climate rule for power plants may reveal how the agency plans to undo the scientific basis for regulating greenhouse gases, known as the endangerment finding.

It could hinge on a single word: "Significantly."

Three EPA administrations - including President Donald Trump's first - have used Section 111 of the Clean Air Act to curb climate pollution in the power sector. The [provision's language](https://subscriber.politicopro.com/article/eenews/2025/04/28/zeldins-endangerment-finding-plan-accept-warming-contest-its-costs-00311602) (<https://subscriber.politicopro.com/article/eenews/2025/04/28/zeldins-endangerment-finding-plan-accept-warming-contest-its-costs-00311602>) asks EPA to determine whether a new stationary source "causes, or contributes significantly" to harmful air pollution.

Conservative legal experts - including some who worked in past Republican administrations - told POLITICO's E&E News that EPA could reinterpret "significantly" to play down the role that carbon emissions from U.S. power plants and other domestic sectors have on global warming.

If successful, the argument could be used to undermine the endangerment finding - and the authority it granted to EPA to regulate six greenhouse gases. It would also allow the Trump administration to wage war on a single word - and how it has been used by Democratic administrations - rather than on the trove of scientific studies that offer evidence of the perils that climate change poses to people.

"These kinds of more finessed approaches are certainly smarter than taking on the endangerment finding head on," said Jonathan Adler, a law professor at Case Western Reserve University School of Law. "Targeting specific rules is better than trying to tackle all of climate science."

The White House regulatory office is reviewing a draft rule that would be used to scrap the [power plant](#)

climate regulations that were finalized last year

(<https://subscriber.politicopro.com/article/eenews/2024/04/25/climate-rule-barrage-caps-bidens-green-agenda-1-00154237>) The draft was submitted for review in record time - a mere 102 days after Trump's second inauguration - and is widely believed to exclude a replacement rule for coal and gas plant emissions - a move that would leave the power sector unregulated for climate pollution.

The word "significantly" doesn't show up in other Clean Air Act sections that govern how EPA weighs the dangers of pollution for the purposes of regulation. For example, the original Obama-era endangerment finding was drafted under Section 202 (a), which directs EPA to regulate pollutants from new motor vehicles if they "cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare."

Under that section, any level of harmful pollution triggers an endangerment finding, which in turn opens the door for regulation. EPA would likely aim to undo that broader finding, too, at a later date.

But the presence of "significantly" in Section 111 gives EPA more wiggle room. Other language does too, including phrases in the same section that give EPA Administrator Lee Zeldin the task of deciding what "significantly" means.

"Contribute significantly' is not defined in the statute," said Jeff Holmstead, who served as EPA air chief under President George W. Bush. "It's the sort of term that the administrator has some discretion on."

Zeldin is likely to define "significantly" differently from past EPA leaders, such as Gina McCarthy or Michael Regan, both of whom led the agency under Democratic presidents. Adler said EPA would have to account for that change in the rule.

"They will have to defend that change, and they will have to hope that their interpretation of 'significantly' is more convincing to the courts than the prior definition," said Adler.

Future administrations could reverse any changes that Zeldin makes to the interpretation of "significantly."

An agency spokesperson declined to provide details about its plans, saying only that the agency "will be kicking off a formal reconsideration of the 2009 Endangerment Finding in collaboration with the Office of Management and Budget and other relevant agencies."

### **Attacking a word, not science**

The administration's efforts to repeal the power plant rule - and the endangerment finding - are coming as the power sector's contribution to climate change has fallen.

EPA's most recent greenhouse gas inventory

(<https://subscriber.politicopro.com/article/eenews/2025/05/09/enviros-release-climate-emissions-data-after-epa-refused-00338529>), which the Environmental Defense Fund, an advocacy group, released this month after obtaining it through a Freedom of Information Act request, showed that in 2023 the power sector contributed 31 percent of U.S. carbon emissions from fossil fuel combustion. But that share is trending down. The power sector released 22.3 percent less carbon from fossil fuels in 2023 than it did in 1990, driven mostly by a transition away from coal-fired electricity. Transportation overtook power generation as the highest-emitting U.S. sector in 2016, and its lead has grown ever since.

The U.S. economy's overall contribution to global CO2 emissions is also falling. In 2015, when the nation's first climate rule for power plants, the Clean Power Plan, was finalized, the U.S. was responsible for 14.2 percent of the world's CO2 emissions, according to Carbon Brief, a U.K. media outlet that covers climate change. In 2023, it was 13 percent.

So, EPA could argue that the U.S. power sector contributes less to the global problem of climate change than it did when the Obama administration first started using Section 111 of the Clean Air Act to regulate it.

"You don't have to dig into the science, and you don't need a huge record," said Holmstead, who is an attorney with Bracewell LLP. "You know what power plant CO2 emissions are. We have great data on that. We know that as a percentage of global emissions, they're continuing to fall."

"I don't think that's a bad argument," he said.

If EPA succeeds in defining power sector emissions as not "significant" to climate change, it could have a cascading effect. Other stationary source categories - like oil and gas facilities - could wiggle out of regulatory requirements created by the endangerment finding. Because they contribute smaller amounts of U.S. emissions than the power sector.

But EPA faces some obstacles to doing that. And at least one stems from Trump himself.

A week before Trump left office in January 2021, EPA published a final (<https://www.federalregister.gov/documents/2021/01/13/2021-00389/pollutant-specific-significant-contribution-finding-for-greenhouse-gas-emissions-from-new-modified>) "significant contribution finding" in the *Federal Register* that attempted to define any sector that's responsible for less than 3 percent of overall U.S. greenhouse gas emissions. The idea was to identify emissions sources that had contributed too little pollution to warrant regulation. The finding said stationary sources like oil and gas production, iron and steel manufacturing, and landfills all fell comfortably below that threshold.

"It was an effort to protect smaller, but still important source categories from regulation," said Sean Donahue, an attorney with Donahue Goldberg & Herzog. "It was an effort to pre-exclude them."

But the finding affirms that power plants meet every possible criteria for being significant contributors of greenhouse gas emissions.

"Although emissions from [power plants] have fallen since the EPA promulgated the 2015 rule, they still remain uniquely large among stationary source categories," it stated.

The power sector's contribution to climate pollution was "greater than the emissions of all but four countries," it noted, making it "the most appropriate place" for EPA and states to look for opportunities to reduce emissions.

The U.S. Court of Appeals for the District of Columbia Circuit vacated the administration's last-minute finding on procedural grounds. But it could still present a stumbling block for EPA, if it offers a radically different conclusion, said Donahue.

He said such an approach would be "indefensible."

"Anyone who knows anything about climate change knows that it is inherently produced by multiple sources around the world, and that the only way you mitigate is by attacking at least the largest of those source categories," Donahue said.

If EPA were to say power sector emissions aren't significant enough to warrant regulation, he said, "I think you're basically saying nothing would be."

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# Potential Fallout if Endangerment Finding Is Rescinded

By [John Lushetsky](#) , [R. Neal Martin](#), [Myria Garcia](#)

## Introduction

On March 13, the Environmental Protection Agency (EPA) **announced** it would move forward with reconsideration of the **Greenhouse Gas Endangerment Finding** (Endangerment Finding) as directed in President Trump's **Executive Order 14154** (Unleashing American Energy). The Endangerment Finding is the basis for regulating GHGs under the Clean Air Act (**CAA**) and allows the EPA to set standards for GHG emissions from power plants, vehicles, aircraft, and other sources that could impact health and welfare. This analysis provides an overview of how various rules and programs could be impacted by EPA's actions related to this executive order.

## Background

Section 202(a) of the Clean Air Act ( **42 USC§ 7521**) requires the EPA to regulate air pollutants if they "cause, or contribute to, air pollution, which may reasonably be anticipated to endanger public health or welfare." The Supreme Court case **Massachusetts v. EPA** (2007) held that GHGs are classified as air pollutants within the EPA's regulatory authority under the CAA, and that the EPA was required to determine the endangerment of GHGs. In 2009, the Obama administration's EPA issued a **final rule** that issued the Endangerment Finding, concluding that GHGs do endanger public health and welfare.

## Statutory Overview

The **Inflation Reduction Act** of 2022 (IRA) added seven new sections of the CAA to enhance the Endangerment Finding by creating statutory determinations of GHGs as pollutants for

the purposes of the amendments. Section 60101 created a program for clean heavy-duty vehicles, Section 60103 established the GHG Reduction Fund, and Section 60105 authorized a grant program for states implementing GHG emissions standards.

## Potentially Impacted Programs, Strategies, and Rules

President Trump's "**Unleashing American Energy**" executive order details that the EPA administrator must create recommendations to the Director of the Office of Management and Budget "on the legality and continuing applicability of the Administrator's findings" in the 2009 Endangerment Finding. The Endangerment Finding could not be completely revoked without the Supreme Court overturning the *Massachusetts v. EPA* (2007) case. This would require a legal strategy that the EPA has not yet revealed and potential strategies for revoking the Endangerment Finding are beyond the scope of this analysis. However, if the case, and subsequently the finding, were overturned, the below rules or programs could be impacted.

### The Clean Power Plan

**Review of the Obama Administration's Actions.** Initially announced by President Obama in 2015, the **Clean Power Plan** established final emission guidelines for states to follow while developing plans to reduce GHG emissions from existing fossil fuel-fired electric generating units (EGUs). More specifically, the Clean Power Plan established the following carbon dioxide emission performance compliance paths for fossil fuel-fired electric utility steam generating units and stationary combustion turbines: 1) state-specific CO<sub>2</sub> goal reflecting the CO<sub>2</sub> emission performance rates and 2) guidelines for the development, submittal, and implementation of state plans that establish emission standards or other measures to implement the CO<sub>2</sub> emission performance rates.

**The First Trump Administration's Impact.** In 2017, President Trump signed an executive order mandating that the EPA review the plan. After initially repealing the Clean Power Plan in an effort to change the way the EPA calculates the health risks of air pollution in October 2017, the EPA issued a final rule on the Affordable Clean Energy Rule, the Clean Power Plan's replacement, in June 2019. On January 19, 2021, the final full day of the Trump administration, the DC Circuit Court **overturned** the Affordable Clean Energy rule and sent it back to the EPA for further review in line with its decision. The court described the ACE rule as a "fundamental misconstruction" of environmental legislation. This decision effectively left no federal regulations limiting carbon dioxide emissions from existing power plants, setting the stage for future regulatory actions. Subsequently, in June 2022, the Supreme Court's decision in *West Virginia v. EPA* (2022) further constrained the EPA's authority to regulate greenhouse gas emissions, particularly limiting the agency's ability to implement broad measures like the CPP without clear congressional authorization.

**The Biden Administration's Clean Power Plan 2.0.** In April 2024, the EPA **issued** Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants, establishing stringent limits on CO<sub>2</sub> emissions from both existing coal-fired power plants and new natural gas-fired combustion turbines. Under this rule, facilities planning to operate beyond 2039 are required to implement carbon capture and sequestration (CCS) technologies to achieve a 90% reduction in CO<sub>2</sub> emissions by 2032. The implementation of these standards has faced legal challenges from various states and industry groups. However, as of October 16, 2024, the US Supreme Court declined to pause the enforcement of the EPA's power plant emissions rule, allowing the regulations to remain in effect while litigation continues.

**The Second Trump Administration.** On March 12, 2025, the EPA **announced** it would reconsider the Clean Power Plan 2.0 regulations. The EPA provided no specifics about how they plan to reconsider the rule, but **overturning the Endangerment Finding would likely cause the existing power plant regulations to be nullified.**

## Industrial Sources

**Overturning the Endangerment Finding would likely nullify the New Source Performance Standards (NSPS) for Industrial Sources and CO<sub>2</sub> emission limits set under Section 111(b) of the CAA for new industrial sources.** This rule impacts new cement plants, steel mills, refineries, and chemical plants. In addition, methane emissions standards for new and existing oil and gas facilities under Section 111(b) and (d) would also likely be nullified.

## Methane Sources

In November 2024, the EPA finalized its rule establishing the Methane Emissions Reduction Program, which includes a fee (starting in 2025) on methane emissions that exceed certain defined thresholds from onshore and offshore oil and natural gas facilities that are subject to the EPA's GHG reporting rule. On March 14, President Trump signed into law a Congressional Review Act (CRA) to repeal this rule. However, because a Waste Emissions Charge is explicitly required by statute, the CRA resolution repealing the rule still leaves the underlying statutory provisions in place, thus obligating the EPA to promulgate a replacement rule implementing the fee. **However, if the Endangerment Finding is overturned, the fee would go away entirely.**

## Transportation Sources

**Overturning the Endangerment Finding would nullify the EPA's ability to regulate CO<sub>2</sub> emissions for passenger cars, light trucks, and heavy-duty vehicles.** In March 2024, the EPA **finalized** the "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles," targeting further reductions in GHG and other pollutants. The proposed standards aim for a 56% reduction in projected fleet average GHG emissions levels by MY 2032 compared to the existing MY 2026 standards.

Depending on manufacturers' compliance strategies, the EPA projects that electric vehicles (EVs) could account for 67% of new light-duty vehicle sales and 46% of new medium-duty vehicle sales by MY 2032.

Note that overturning the Endangerment Finding would not impact Corporate Average Fuel Economy (**CAFE**) standards set by the Department of Transportation (DOT). CAFE standards are regulated by the National Highway Traffic Safety Administration (NHTSA) under the Energy Policy and Conservation Act (EPCA) of 1975, not the CAA. CAFE standards set requirements for the average fuel economy (measured in miles per gallon) of vehicle fleets rather than directly regulating CO2 emissions. Automakers could comply with CAFE by improving fuel economy without necessarily reducing CO2 emissions as effectively.

## GHG-Related Programs & Tools

Overturning the Endangerment Finding is not necessary to eliminate the tools listed below; however, any action to reverse the finding could put a spotlight on the programs and lead to their modification or elimination through other means.

- **DOE Appliance Standards**

The US Department of Energy (DOE) derives its authority to set appliance and equipment efficiency standards from a combination of legislative acts, primarily the EPCA, as amended by subsequent laws. The EPCA was enacted to reduce energy consumption in the United States and established the foundation for federal appliance efficiency standards. Under this act, the DOE was given the authority and requirement to develop, revise, and enforce minimum energy conservation standards for a wide range of consumer products and commercial equipment. Additional authorities were granted under the National Appliance Energy Conservation Act (**NAECA**) of 1987, the Energy Policy Act (**EPAct**) of 1992 and 2005, and the Energy Independence and Security Act (**EISA**) of 2007.

**DOE's authority to set appliance standards would NOT be impacted by the Endangerment Finding being overturned.**

- Independent of the above, on March 5, 2025, the House passed a **CRA**, 223-203, to rescind the Biden administration's energy-efficiency final rule for certain consumer products and commercial equipment. If passed in the Senate, the resolution would rescind the original standards. Similarly, DOE also recently **announced** a hold on appliance standards - including those for central air conditioners, clothes washers and dryers, general service lighting, walk-in coolers and freezers, gas instantaneous water heaters, commercial refrigeration equipment, and air compressors. However, under the existing statute referenced above, DOE is still required to revise and publish both these

sets of standards.

- **The ENERGY STAR Program.** The **ENERGY STAR Program** utilizes more than 15,000 private and public sector organizations to deliver the technical information and tools that organizations and consumers need to choose energy-efficient solutions and best management practices. The program has resources for creating energy-efficient **commercial buildings** and **industrial plants**, provides tools to **small businesses**, and certifies products that use less energy, save money, and protect the environment.
  - The ENERGY STAR Program's **Portfolio Manager** tool helps companies track their **greenhouse gas emissions**. This tool helps companies understand the value of a GHG inventory and the emissions they avoided by utilizing green power. Additionally, the tool calculates direct emissions, indirect emissions, and biomass emissions.
- **The EPA's GHG Emission Factors Hub:** The **GHG Emission Factors Hub** includes tools such as the **Greenhouse Gas Reporting Program**, the Emission and Generation Resources Integrated Database, and an **Inventory of US Greenhouse Gas Emissions and Sinks**.
- **The Combined Heat and Power Partnership (CHP) Resource Center.** The EPA's **Combined Heat and Power (CHP) Partnership Resource Center** provides tools, resources, and information to help evaluate CHP as a means to reduce the environmental impacts of power generation, increase a facility's operational efficiency, and decrease energy costs.
  - CHP provides users with an **Energy and Emissions Savings Calculator** that is used to calculate and compare the estimated fuel consumption and air pollutant emissions (these pollutants include GHGs) of a CHP system and comparable separate heat and power system.
- **State and Local Climate and Energy Program.** This **program** helps state, local, and tribal governments develop policies and programs that can reduce GHG emissions, lower energy costs, improve air quality and public health, and help achieve economic development goals. This includes resources such as the **Tribal Greenhouse Gas Inventory Tool**, the **Local Greenhouse Gas Inventory Tool**, and the **State Inventory and Projection Tool**.
- **The EPA's Renewable Energy Programs.** The **Green Power Partnership** is a voluntary program that encourages organizations to use green power as a way to reduce the environmental impacts associated with conventional electricity use. To become a partner, organizations are required to meet several **requirements**, including an incremental green power requirement that mandates that renewable electricity generation is sourced from a

state that has a mandatory GHG cap.

- **The EPA's Supply Chain Network.** The **Green Suppliers Network** works with large manufacturers to engage their suppliers in low-cost technical reviews to identify strategies for improving process lines, using materials more efficiently, and reducing waste. This is part of the **E3 program**, a federal technical assistance framework to help companies engage in a green economy.
  
- **Methane Emissions Reduction Strategies.**
  - **The AgSTAR Program.** **AgSTAR** promotes the use of biogas recovery systems to reduce methane emissions from livestock waste.
  
  - **The Landfill Methane Outreach Program (LMOP).** **LMOP** promotes the use of landfill gas as a renewable, green energy source. Landfill gas is the natural by-product of the decomposition of solid waste in landfills and is comprised primarily of carbon dioxide and methane.
  
  - **Natural Gas STAR Method Challenge Program.** This **program** recognizes oil and natural gas companies that make specific and transparent commitments to reduce methane emissions.
  
- **Strategies to Increase Fuel Efficiency in Transportation and Logistics**
  - **SmartWay** is a public-private partnership between the EPA and the freight transportation industry that helps freight shippers, carriers, and logistics companies improve fuel efficiency and save money.



# The Environmental Protection Agency delays limits on PFAS in drinking water

MAY 14, 2025 5:07 PM ET



Pien Huang



The Environmental Protection Agency is backing away from recent rules that would have tightened limits on PFAS and several related chemicals in drinking water.

*Catherine Falls Commercial/Moment RF/Getty Images*

The Environmental Protection Agency announced Wednesday that it is delaying the timeline for water utilities to comply with reducing some per- and polyfluoroalkyl substances, or PFAS chemicals, in drinking water — and reconsidering the allowable levels for others.

"The work to protect Americans from PFAS in drinking water started under the first Trump Administration and will continue under my leadership," EPA administrator Lee Zeldin said [in the announcement](#).

PFAS are a class of thousands of chemicals that have been used for decades [to waterproof and stainproof a variety of products](#) including clothing, cosmetics, upholstery and firefighting foams. They're sometimes called "forever chemicals" because they contain strong molecular bonds that persist for decades. Long-term exposure to PFAS has been linked with [harms to human health](#), such as certain cancers or damage to the liver and immune systems.

In April 2024, the EPA under the [Biden Administration set limits](#) on certain PFAS chemicals in drinking water, requiring community water systems to find alternative water sources or [install filtration systems](#) to remove them. It was the first time the agency had set enforceable caps on PFAS in drinking water, and water utilities were required to comply by 2029.

Now, the EPA is proposing to extend the compliance deadline to 2031 for two of the most common PFAS chemicals – [PFOA and PFOS](#). And it's rescinding and reconsidering the limits for the other four listed in the initial regulation – PFHxS, PFNA, HFPO-DA, and PFBS. "That doesn't mean that [the limits] gets weaker...when I go through a process and we follow the law, at the end of it, the final [levels] might be a lower number, not a higher number," EPA administrator Lee Zeldin said at a [Congressional hearing on May 14](#).

Some environmental advocates expressed skepticism. "The way the issue is being framed [in the announcement] is not about providing additional protections or making it stricter," says Anna Reade, a senior scientist with the Natural Resources Defense Council. "It's about providing relief in terms of cost to water systems."

Groups representing water utilities praised the move.

"We strongly support the agency's decision to rescind the regulations...and ensure future rulemakings respect the [Safe Drinking Water Act](#) process," read a joint email [statement](#) from the heads of the American Water Works Association and the Association of Metropolitan Water Agencies, two groups that have [sued the EPA](#) over its PFAS regulation. They said the process requires EPA to construct rules that "maximize public health benefits in a cost-effective manner. This is critical for water systems and their communities, because the process helps ensure every ratepayer dollar is directed toward the most pressing public health risks."

The Safe Drinking Water Act also contains a measure commonly known as the "[anti-backsliding provision](#)," which deems it illegal to weaken a drinking water rule once it's set, says Reade. While she's concerned that the agency may attempt to weaken the rule regardless, "The real damage right now is that it's delaying movement towards drinking water protections for PFAS," she says.

The EPA estimates that 6-10% of water systems serve water with [excess PFAS levels](#), according to the 2024 regulations, affecting some 100 million people in the U.S. According to [EPA analysis](#), it would cost \$1.5 billion a year for water companies to comply with the regulation. The benefits of reducing PFAS in drinking water would equal or exceed the costs, the agency said, in terms of less cancer and fewer heart attacks, strokes and birth complications in the affected population. Health advocates worry that the move will delay the removal of these chemicals from drinking water and that more people will be exposed to chemicals that may contribute to chronic health problems.



DIVE BRIEF

# Cities sue Trump administration over termination of climate justice grants

Local governments say the EPA's blanket cancellation of equity-related funding jeopardizes climate resilience efforts, air quality monitoring, flood mitigation and tree planting.

Published July 11, 2025



Robyn Griggs Lawrence  
Editor

*A coalition of local governments, nonprofits and tribes has sued the Trump administration for terminating the Environmental Protection Agency's Environmental and Climate Justice Grant programs. Gregory DiSalvo via Getty Images*

## Dive Brief:

- A coalition of local governments, nonprofits and tribes sued the Trump administration on June 25 for terminating the Environmental Protection Agency's Environmental and Climate Justice Grant programs.
- Allegheny County, Pennsylvania; Kalamazoo County, Michigan; Martin Luther King Jr. County, Washington; San Francisco; Sacramento, California; and Springfield, Massachusetts; are among the plaintiffs seeking class action certification and preliminary relief on behalf of 350 grant recipients who have lost funding for climate disaster preparedness, air quality monitoring, mitigating storm water and flood damage and urban tree planting, among other initiatives.

- Attorneys general from 20 states filed an amicus brief supporting the lawsuit on July 7, stating that “illegal termination of grants funded through this program deprives the country’s most vulnerable communities of funding necessary to achieve a healthy environment.”

### **Dive Insight:**

The Environmental and Climate Justice Program was created by the Inflation Reduction Act, under the Clean Air Act, to award \$3 billion in congressionally appropriated funding for environmental and climate justice activities.

On January 20, President Donald Trump issued an executive order directing federal agencies to stop disbursing all funds under the Inflation Reduction Act and terminating all “equity-related” grants and contracts.

In March, EPA disbanded offices focused on environmental justice and diversity, equity and inclusion programs, including the Environmental and Climate Justice Program. EPA Administrator Lee Zeldin said in a statement that the term environmental justice “has been used primarily as an excuse to fund left-wing activists instead of actually spending those dollars to directly remediate environmental issues for those communities.”

EPA terminated the grants administered through the Climate Justice Block Grant program in total, “without distinguishing among grant recipients or activities,” according to the lawsuit.

“Terminating these grant programs caused widespread harm and disruption to on-the-ground projects that reduce pollution, increase community climate resilience and build community capacity to tackle environmental harms,” Hana Vizcarra, senior attorney at nonprofit environmental law organization Earthjustice, said in a statement.

Communities across the country “are now unable to address environmental harms through these community-driven environmental, climate, and public health projects,” the plaintiffs claim.

Losing grant funding has impacted communities nationwide, according to an Earthjustice press release. In Sacramento, losing the grant funding means the city is unable to move forward with a plan to plant trees in historically under-resourced neighborhoods. King County, Washington, had to halt a program partnering with community organizations to monitor impacts on indoor air quality and public health of people living in areas disproportionately affected by climate change. The Parks Alliance of Louisville, Kentucky, had to scale back plans to expand access to green space in an area impacted by the urban heat island effect.

“Unlawfully ending this program threatens the ability of local governments to protect their people and the environment,” said Jon Miller, chief program officer for the Public Rights Project, in a statement.

## Reuters

### California, 10 other states sue to block Trump from killing 2035 EV rules

David Shepardson

June 12, 2025

States say U.S. Senate action

was unlawful Trump says

California EV rules a 'disaster'

Automakers praise action calling EV rules unworkable

WASHINGTON, June 12 (Reuters) -A group of 11 states led by California on Thursday filed suit challenging a repeal by Congress of the state's 2035 electric vehicle rules and heavy duty truck requirements.

U.S. President Donald Trump on Thursday signed three resolutions approved by lawmakers barring California's electric vehicle sales mandates and diesel engine rules, including its landmark plan to end the sale of gasoline-only vehicles by 2035.

"We officially rescue the U.S. auto industry from destruction by terminating the California electric vehicle mandate once and for all," Trump said on Thursday.

"Trump's all-out assault on California continues," California Governor Gavin Newsom responded. "And this time he's destroying our clean air and America's global competitiveness in the process."

The states asked a judge to declare that Trump's repeal of waivers issued by the Environmental Protection Agency under President Joe Biden have no effect on state emissions rules.

"The Federal Government carried out an illegal playbook designed to evade lawful procedures that might prevent the 'take down' of disfavored California laws," said the lawsuit filed in U.S. District Court in northern California.

The plaintiffs include New York, New Jersey, Colorado, Massachusetts and Washington state. The defendants are Trump, the EPA and its Administrator Lee Zeldin.

In March, the Government Accountability Office said the waivers cannot be repealed under the Congressional Review Act. Senate Republicans rejected the advice of the Senate parliamentarian in moving forward under the act.

Biden's waiver allowed California to mandate that at least 80% of new vehicles sold in the state be electric by 2035, with the remainder being plug-in hybrids.

Trump also signed a resolution to rescind the EPA's 2023 approval of California's plans to require a rising number of zero-emission heavy-duty trucks, and another resolution on California's low-NOx, or low-nitrogen oxide, regulation for heavy-duty highway and off-road vehicles and engines.

The lawsuit said regulations requiring "crucial emission

reductions from gasoline- and diesel-fueled vehicles got swept in for termination too."

The Alliance for Automotive Innovation, representing General Motors (GM.N), Toyota (7203.T), Volkswagen (VOWG.DE), Hyundai (005380.KS), Stellantis (STLAM.M) and others, praised Trump's signing, saying the EV rules were unachievable and made cars less affordable, limited consumer choice and reduced industry competition.

Alliance CEO John Bozzella said Trump "got behind this repeal before the EV mandates did real damage to the auto industry in America, stood up for customer choice and helped restore a degree of balance to U.S. emissions regulations."

Experts and automakers say Trump's repeal significantly reduces the value of Tesla's (TSLA.O) EV emissions credits.

The EPA said the lawsuit lacked merit. "This is nothing more than California throwing a temper tantrum because the American people don't want the state's terrible policies," agency spokeswoman Molly Vaseliou said.

A separate bill passed by the U.S. House in May would end a \$7,500 tax credit for new EVs, impose a new \$250 annual fee on EVs for road repair costs and repeal vehicle emissions rules designed to prod automakers into building more EVs. It would also phase out EV battery production tax credits in 2028. Another Senate proposal would eliminate penalties for not meeting federal fuel economy requirements.

Reporting by David Shepardson; Editing by Richard Chang  
Our Standards: **The Thomson Reuters Trust**



# DOE cancels \$3.7B in carbon capture, decarbonization awards

Calpine, PPL Corp., Ørsted and Exxon Mobil are among the companies affected by the decision.

Published May 30, 2025



Ethan Howland  
Senior Reporter

*The U.S. Department of Energy on May 30, 2025, canceled \$3.7 billion in awards from its Office of Clean Energy Demonstrations, mainly for carbon capture and decarbonization projects. Ron and Patty Thomas via Getty Images*

The U.S. Department of Energy on Friday canceled \$3.7 billion in awards from its Office of Clean Energy Demonstrations, including \$540 million in grants for two carbon capture projects planned by Calpine.

The canceled awards were mainly for carbon capture and sequestration and other decarbonization projects, according to DOE. Affected companies include PPL Corp., Ørsted and Exxon Mobil Corp.

The Calpine grants were for CCS projects at its 550-MW gas-fired Sutter power plant in Yuba City, California, and its 810-MW Baytown power plant in Baytown, Texas.

“After a thorough and individualized financial review of each award, the DOE found that these projects failed to advance the energy needs of the American people, were not economically viable and would not generate a positive return on investment of taxpayer dollars,” DOE said.

Sixteen of the 24 terminated awards were signed between President Donald Trump’s election in November and Jan. 20, according to DOE.

The DOE assessed the canceled awards under a review process outlined earlier this month. The department said it is reviewing 179 awards that total over \$15 billion in financial assistance.

“DOE is prioritizing large-scale commercial projects that require more detailed information from the awardees for the initial phase of this review, but this process may extend to other DOE program offices as the reviews progress,” the department said.

DOE created the Office of Clean Energy Demonstrations in late 2021 to manage about \$27 billion in funding appropriated by the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, according to a mid-November report from the U.S. Government Accountability Office.

Below is a list from DOE of the canceled awards announced on Friday.

Recipient	Award Execution Date	Total Award Amount (\$)	Project Location
SUTTER CCUS, LLC	12/31/2024	\$270,000,000	Yuba City, CA
Calpine Texas CCUS Holdings, LLC	12/31/2024	\$270,000,000	Baytown, TX
Research Triangle Institute	12/31/2024	\$4,304,715	Vicksburg, MI
PPL Corporation	12/31/2024	\$72,016,473	Louisville, KY
TDA Research, Inc.	12/31/2024	\$49,032,200	Gillette, WY
Brimstone Energy, Inc.	12/31/2024	\$189,000,000	TBD
Technip	12/16/2024	\$200,000,000	Gulf Coast Location TBD
Orsted Star P2X LLC	12/9/2024	\$99,000,000	Chambers County, TX
Gallo Glass Company	12/4/2024	\$75,000,000	Gallo Modesto, CA
American Cast Iron Pipe Company	11/25/2024	\$75,000,000	Birmingham, AL
United States Pipe and Foundry Company, LLC	9/17/2024	\$75,500,000	Bessemer, AL
Heidelberg Materials US, Inc.	8/12/2024	\$500,000,000	Louisiana
Libbey Glass LLC	9/9/2024	\$45,133,953	Toledo, OH
Owens-Brockway Glass Container Incorporated	1/6/2025	\$57,263,726	Zanesville, OH
Skyven Technologies, Inc.	1/14/2025	\$15,316,593	Medina, NY
Kraft Heinz Food Co	11/15/2024	\$170,881,459	10 Locations
Eastman Chemical Company	9/12/2024	\$375,000,000	Longview, TX
Diageo Americas Supply, Inc.	12/16/2024	\$75,000,000	Shelbyville, KY & Plainfield, IL
Sublime Systems	11/4/2024	\$86,907,197	Holyoke, MA
National Cement Company of California, Inc.	12/4/2024	\$500,000,000	Lebec, CA
Exxon Mobil Corporation	12/17/2024	\$331,885,548	Baytown, TX
Nippon Dynawave Packaging	12/16/2024	\$46,594,001	Longview, WA
Kohler Co.	10/22/2024	\$51,200,000	Casa Grande, AZ
Nevada Gold Mines, LLC	10/31/2024	\$95,000,000	Eureka County, NV
		<b>\$3,729,035,865</b>	24

Permission granted by US Department of Energy

DOE's decision to terminate the awards was "shortsighted," according to Steven Nadel, executive director of the American Council for an Energy-Efficient Economy. "Locking domestic plants into outdated technology is not a recipe for future competitiveness or bringing manufacturing jobs back to American communities," Nadel said in a statement.

The award cancellations are a "major step backward in the nationwide deployment of carbon management technologies," Jessie Stolark, the executive director of the Carbon Capture Coalition, said. "Ensuring projects funded by the bipartisan Infrastructure Investment and Jobs Act move forward toward commercialization are necessary to demonstrate the technology across fossil fuel power generation and key industrial sectors, including natural gas-fired power generation, cement, and basic chemicals."

DOE's decision is a blow to American competitiveness, new jobs and cleaner air, according to Iliana Paul, deputy director for industrial transformation at the Sierra Club.

"American workers, fenceline communities, and forward-thinking companies have had the rug pulled out from under them," she said.

*Editor's note: This story has been updated with comments from the Carbon Capture Coalition and the Sierra Club.*

## COUNSEL'S REPORT

Frank Merrill & Christine Rideout Schirra, Bricker Graydon  
Counsel to the OMA  
July 16, 2025

### **A. Ohio EPA Activities of Note**

#### **1. New Assessment and Implementation of Water Quality Standards Rules**

Ohio EPA is considering adding new rules to OAC Chapter 3745-2 to govern the technical procedures used by the agency to convert water quality standards contained in OAC Chapter 3745-1 into waste load allocations, which are used to help calculate limits for NPDES permits. As part of this nutrient assessment rulemaking, Ohio EPA recently issued draft rules for public comment. This public comment period ends July 23, 2025.

These rules are in addition to how Ohio EPA implements any such assessment determinations as set forth in its National Pollutant Discharge Elimination System (NPDES) implementation rules in OAC 3745-33. The OMA is participating in a stakeholder workgroup to provide input to Ohio EPA as it works to update the assessment and implementation rules in OAC Chapters 3745-2 and -33. A stakeholder call was held by Ohio EPA on May 2, 2025, and the OMA provided supplemental comments to Ohio EPA in response to the workgroup call held on May 23, 2025. Ohio EPA further held a public hearing on June 17, 2025 with a Q&A session on its Nutrient Assessment rulemaking.

#### **2. Draft Rules Governing the State Emergency Response Commission**

On June 20, 2025, Ohio EPA made available draft rule changes applicable to the State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPCs), found in OAC Chapter 3750. These rules establish emergency planning and release reporting requirements to facilities that store hazardous chemicals or extremely hazardous substances or have a spill or release of extremely hazardous substances, CERLA-regulated hazardous substances, or oil. Ohio EPA forecasts that minor changes were made in accordance with its 5-year rule requirements, but that Ohio EPA will also consider other changes as warranted based on comments received. Ohio EPA will be accepting comments through July 21, 2025.

#### **3. Ohio EPA Submits SIP Revision Request to US EPA for Alternative Certification Procedure under E-Check**

On July 9, 2025, Ohio EPA submitted a State Implementation Plan (SIP) revision to EPA to address recent legislation enacted in Ohio that impacts Ohio's Inspection and Maintenance (I/M) program ("E-Check"). On March 21, 2025, the Governor signed Amended Substitute House Bill 54 (HB 54), which provides for issuance of alternative emissions certificates to be issued by Ohio EPA if an attestation form is submitted and approved by the Director, in lieu of car owners being required to receive actual emissions testing. Under HB 54, the addition of the alternative emissions certification to Ohio's E-Check program is not effective until Ohio EPA submits this request for SIP

approval and the U.S. EPA approves the modification of Ohio's I/M program. Once obtaining EPA approval, Ohio EPA will amend the Ohio Administrative Code regulations governing the E-Check program and Ohio EPA will submit those regulations to U.S. EPA as a revision to the SIP-approved regulations. Ohio EPA provided an opportunity for public comments from April 24, 2025 through June 2, 2025. In order to approve the SIP revision, EPA will need to find that the revision will not interfere with any applicable requirement concerning attainment or reasonable further progress.

## **B. U.S. EPA Activities of Note**

### **1. TSCA PFAS Reporting and Recordkeeping**

EPA's Toxic Substances Control Act (TSCA) reporting and recordkeeping rule, found at TSCA Section 8(a)(7), requires PFAS manufacturers and importers to report information related to exposure and environmental and health effects. On May 13, 2025, EPA issued an internal final rule granting an extension on the 18-month compliance timeline for reporting, with a new deadline of October 13, 2026, and with an alternate end date for small manufacturers reporting exclusively as article importers of April 13, 2027. During this extension, EPA is considering modifications to the PFAS reporting rule. This delay also allows time for consideration of public comment and finalizing any modifications to the rule before the April 2026 data submission period. The interim final rule was effective on May 13, 2025, and EPA is accepting comments on the rule until June 12, 2025.

### **2. EPA Announces Intent to Keep Drinking Water MCLs for PFOA, PFOS**

On May 14, 2025, EPA Administrator Zeldin announced that the agency would keep the current National Primary Drinking Water Regulations for PFOA and PFOS, which set nationwide limits for these PFAS contaminants in drinking water. However, EPA also announced its intent to extend compliance deadlines currently in effect for PFOA and PFOS, to establish a federal exemption framework, and to initiate enhanced outreach to water systems in rural and small communities, in order to reduce the burden on drinking water systems. In regards to the other PFAS contaminants currently regulated under the National Primary Drinking Water Regulations (including PFHxS, PFNA, and HFPO-DA, commonly known as GenX), Zeldin announced that EPA would rescind the regulations and reconsider the regulatory determinations for these contaminants. EPA plans to issue a proposed rule this fall and finalize this rule in the Spring of 2026.

### **3. EPA Announces Actions to Combat PFAS Contamination**

On April 28, 2025 EPA Administrator Zeldin announced major upcoming agency actions to address PFAS. Zeldin announced that EPA will advance research and testing, stop PFAS from getting into drinking water systems, and hold polluters accountable and provide certainty for passive receivers. Included in Zeldin's list of PFAS actions, Zeldin announced (i) the designation of an agency lead for PFAS to better align and manage PFAS efforts across agency programs, (ii) the evaluation of effluent limitation guidelines needed for reduction of PFAS discharges, and (iii) a commitment to establishing a clear liability framework to ensure the polluter pays and passive receivers are protected.

The administration further announced that there is insufficient scientific information for certain additional PFAS regulations at this time, and it intends to focus on stronger science while continuing to honor existing PFAS statutory obligations. While the new administration continues to

focus on PFAS, it has slowed the pace of related rulemaking compared to 2024, extending public comment periods and reviewing previous actions.

### **C. Judicial**

#### **1. Litigation Update: Maumee Watershed TMDL Litigation**

On May 1, 2024, the Board of Lucas County Commissioners, the City of Toledo, and the Environmental Law & Policy Center (ELPC) filed a complaint in U.S. District Court for the Northern District of Ohio against U.S. EPA alleging that U.S. EPA failed to comply with its obligations under the Clean Water Act to prevent the formation of harmful algal blooms (HABs) in western Lake Erie. The Commissioners, the City of Toledo, and ELPC argue that the current Total Maximum Daily Load (TMDL) that Ohio EPA prepared for western Lake Erie, which was approved by U.S. EPA last year, will not remediate Lake Erie, arguing it fails to limit pollution caused by dissolved reactive phosphorus and does not meaningfully address the concentrated animal feeding operations (CAFOs) that are responsible for polluting the watershed. The lawsuit asks the court to set aside the U.S. EPA's approval of Ohio's TMDL and to order the U.S. EPA to prepare a new TMDL that complies with the Clean Water Act and will strive to improve Lake Erie's HABs.

On September 20, 2024, a group of state and national agricultural associations filed a motion to intervene as defendants in the suit to protect the interests of their members in the challenged TMDL. Separately, on October 18, 2024, the Ohio EPA moved to intervene as a defendant, noting Ohio's significant interest in the Western Basin of Lake Erie and the TMDL it developed for the Maumee Watershed. The court permitted the Ohio EPA and other environmental advocacy groups to intervene as defendants. The court denied motions to intervene from several agricultural associations. With the intervention motions decided, the case is now moving forward, with the newly intervening plaintiffs filing their complaints.

#### **2. 5<sup>th</sup> Circuit Ruling on NAAQS Designation**

In a recent appellate ruling in the U.S. Court of Appeals for the 5<sup>th</sup> Circuit in *State of Texas et al. v. EPA*, where two Texas counties disputed their classification under the NAAQS, the court reversed its prior ruling in which it deferred to EPA and articulated a new test for when areas' attainment of national ambient air quality standards (NAAQS) should remain "unclassifiable." Under the new test, EPA's data must "reliably support" a finding of attainment or nonattainment, and if it does not, EPA must label the areas "unclassifiable," allowing them to escape pollution control requirements needed in nonattainment zones. This definition will apply throughout the 5th Circuit states of Texas, Mississippi and Louisiana.

This ruling comes in the wake of the *Loper Bright* Supreme Court decision ending *Chevron* deference on statutory interpretation. The court rejected EPA's technical work, faulting EPA for relying solely on Sierra Club modeling that was called into question by conflicting monitoring data, finding that EPA forced a result on sparse and conflicting evidence, in violation of the Administrative Procedure Act. The case could be a test of the courts' handling of deference to EPA on technical issues post-*Loper Bright*. Furthermore, this case may have implications for future cases involving factual determinations based on modeling or other technical evidence relied upon by regulators.

JULY 2025

# Your Product Has PFAS, Now What? What to Know About PFAS Bans

Presented to:  
The Ohio Manufacturers Association

**BATTELLE**

It can be done

*Environmental Law and  
Science PLLC*

Environmental Law Informed by Science

# What We Will Cover

## BACKGROUND

- PFAS Basics: definition, number and range of uses

## CURRENT REGULATORY STATUS

- Past PFAS phase outs, chemical specific restrictions
- Efforts on the Federal Level
- Survey of state PFAS bans and restrictions

## CHALLENGES AND CONSIDERATIONS

- Top Four Challenges
- Key considerations and what to do



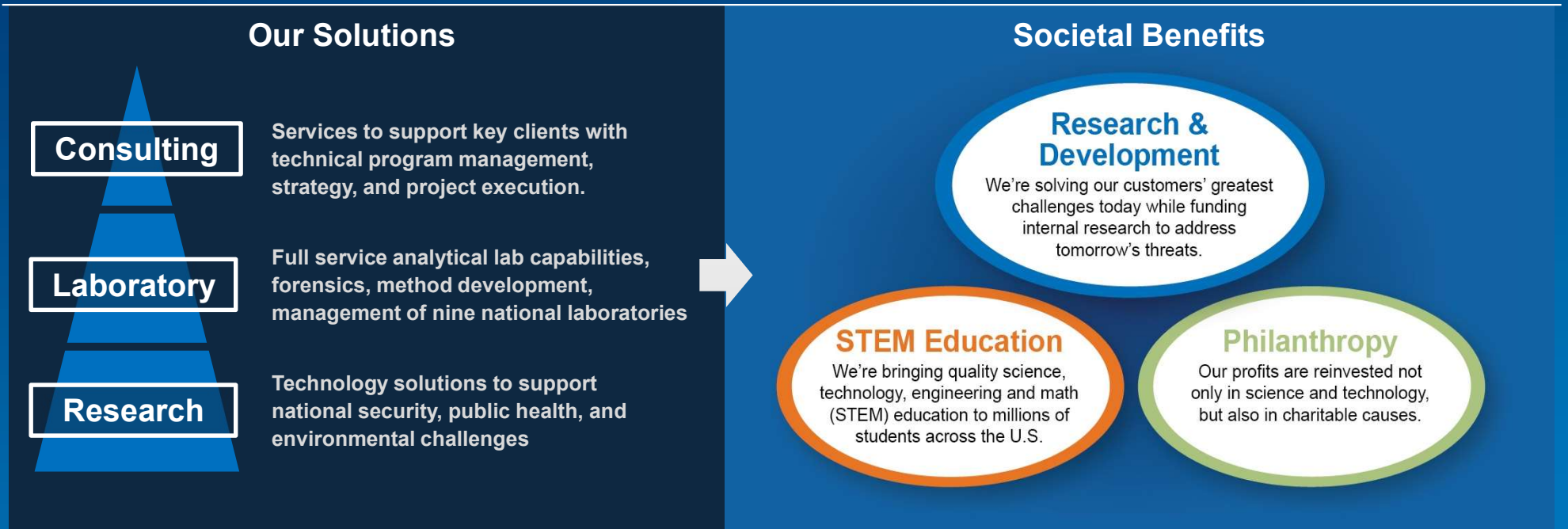
*Dan Longbrake*  
*Business Development Director*



*Shalene Thomas*  
*Emerging Sciences Program Manager*

# Battelle: Over 90 Years of Innovation

**OUR MISSION:** To translate scientific discovery and technology advances into societal benefits.



**Nonprofit, charitable trust formed in 1925**

# Battelle PFAS by the Numbers



## Deep Subject Matter Expertise

- **19** Years of PFAS Experience
- **60+** Experts in PFAS Investigation/Remediation
- **50+** Experts in PFAS Chemistry/Products/Alternatives



## Accredited Analytical

- **10K+** PFAS Samples Analyzed Annually
- **13** Average Turn Around Time in Days (2024)
- **50+** Products Tested



## Site Investigations

- **600+** PFAS Chemicals in Proprietary Library
- **20+** Forensics/Background Site Evaluations
- **200+** Assessments/Investigations



## Technology/R&D

- **\$10.5M+** PFAS Technology and Internal R&D
- **7** PFAS Innovations Commercialized
- **90+** Patent filings and **20** Patents for PFAS Technologies



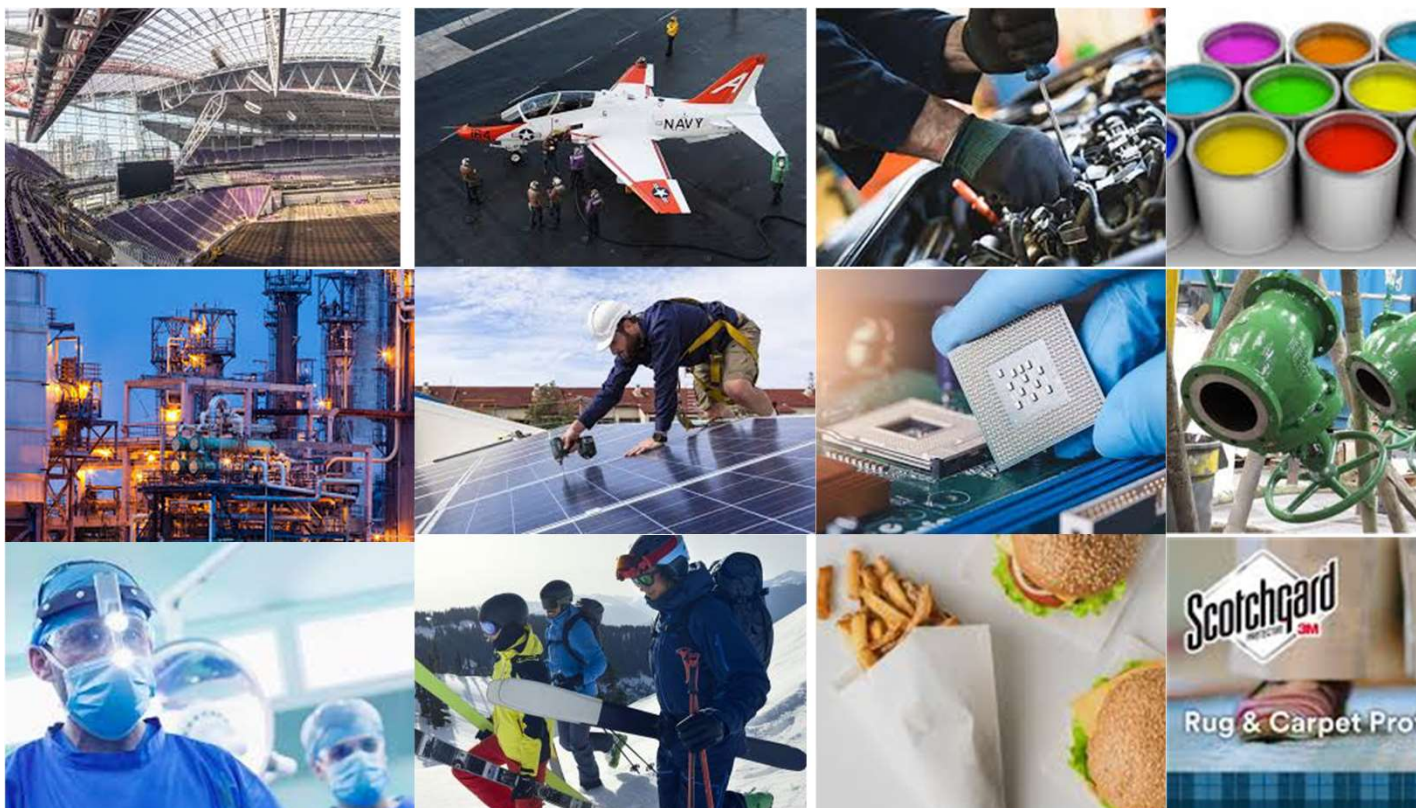
## Battelle FIRSTS

- **2007**- Supported first and largest epidemiological study (C8 Panel)
- **2010** – Applied analytical forensics to identify PFAS at DoD Base (Warminster)
- **2014** - Initiated the first PFAS RIs with state oversight (Warminster)
- **2016** - First accredited laboratory for PFAS Drinking Water Method
- **2023** - First commercialized technologies for PFAS destruction and treatment (Revive)

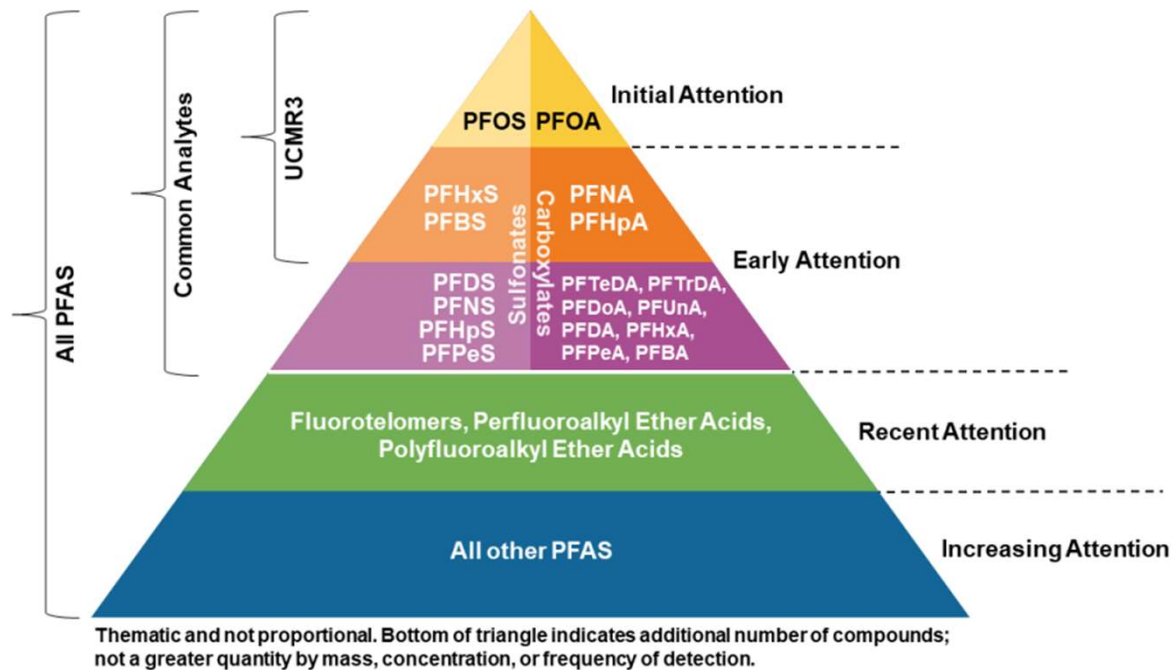
# BACKGROUND

PFAS Basics: definition, number and range of uses

# PFAS are Widely Used in Commerce

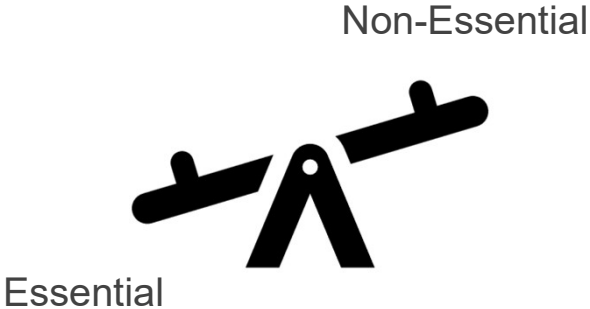


# PFAS Means Perfluoroalkyl and Polyfluoroalkyl Substances

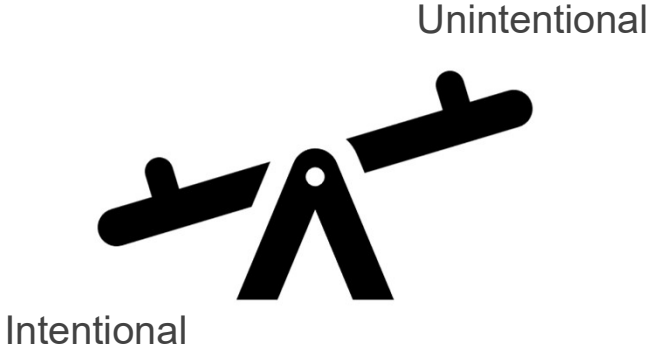


# Key Themes in PFAS

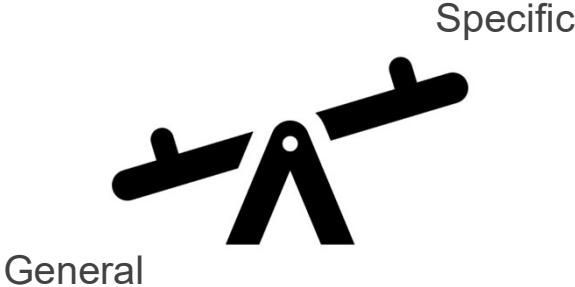
## PFAS USE



## PFAS PROCESS



## PFAS-FREE DEFINITION



# CURRENT REGULATORY STATUS

Past PFAS phase outs, chemical specific restrictions

Efforts on the Federal Level

Survey of state PFAS bans and restrictions



# Ohio Proposed Bill 272

- “Protecting Utility and Resources for Enhanced Living, Improved Food, and Environment Act”
- Proposed May 13, 2025
- Bill includes:
  - Ban on products containing PFAS
  - Makes fluoridation of drinking water optional, and
  - Prohibits dyes and other chemicals from being used as food additives.

## Sale and Distribution



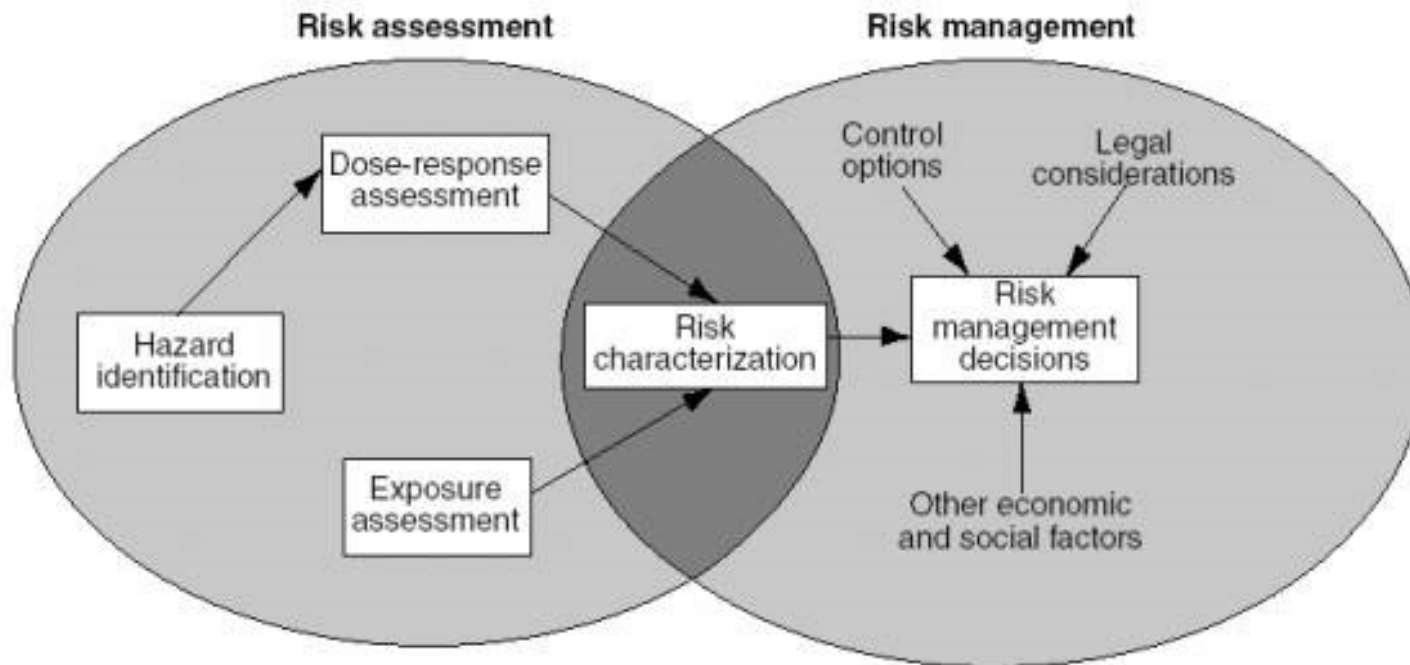
Jan 2027 / Jan 2028 / Jan 2032

## Reporting



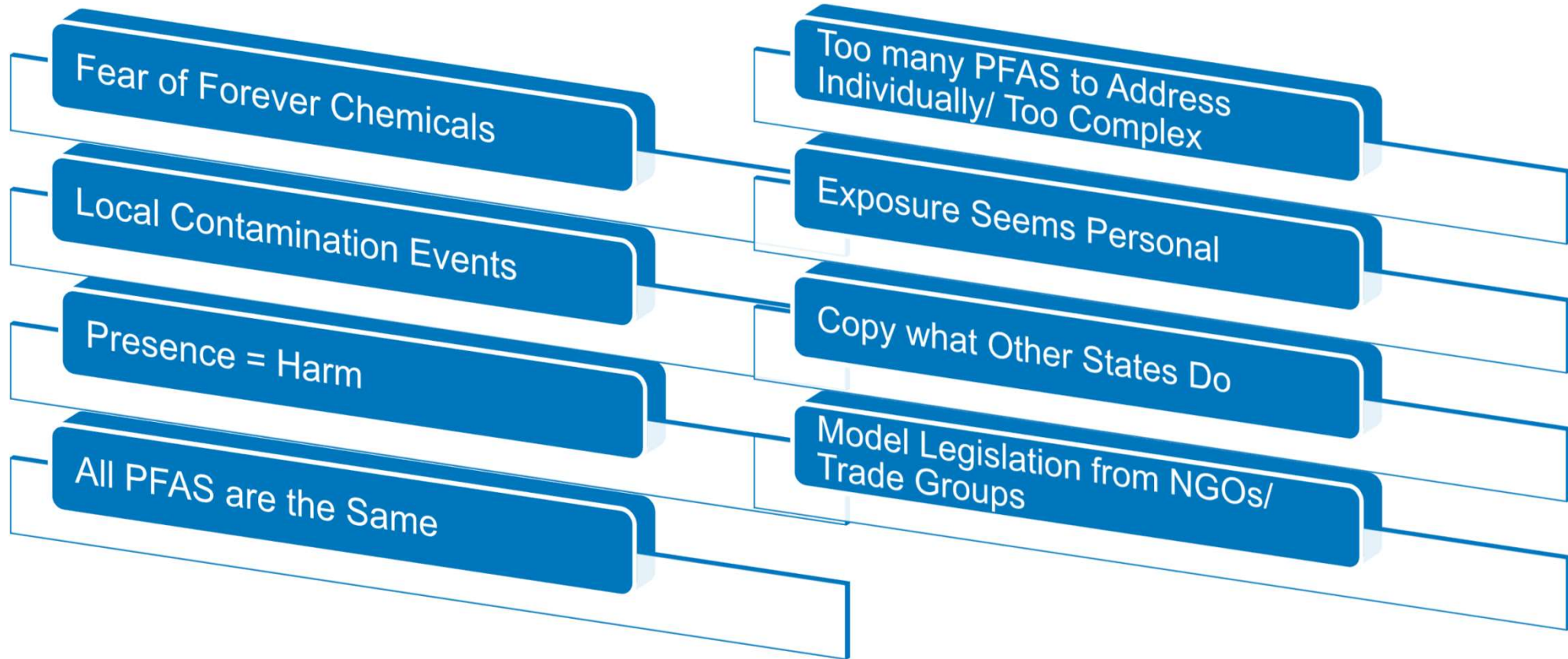
Jan 2027

# How PFAS Product Ban Decisions Should Work

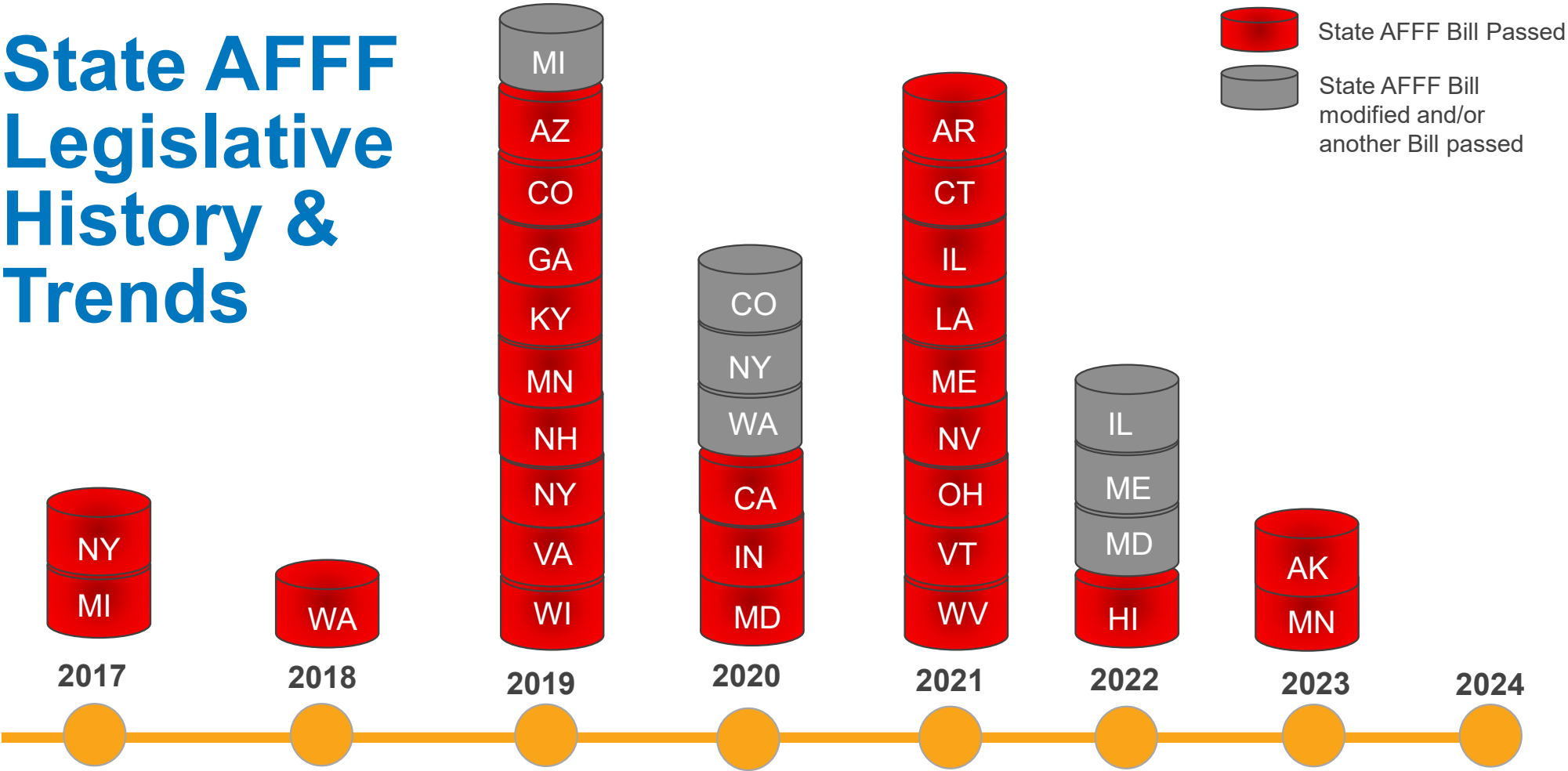


Source: EPA Office of Research and Development.

# How PFAS Product Bans Actually Come About



# State AFFF Legislative History & Trends



<https://pfasproject.com/pfas-governance-tracker-2/>

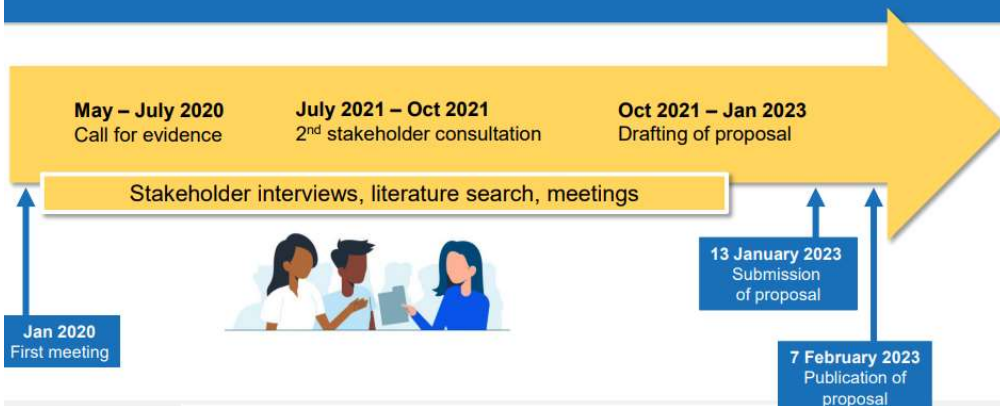
# Global Activities

## Europe REACH Restriction Proposal- Broad BAN on PFAS

Two options

1. Full Ban of all PFAS
2. Ban with use-specific derogations based on alternatives analyses and socio-economic considerations

### The road to the restriction proposal



### Next steps



Many other countries considering or implemented bans as well (ie France, Norway)

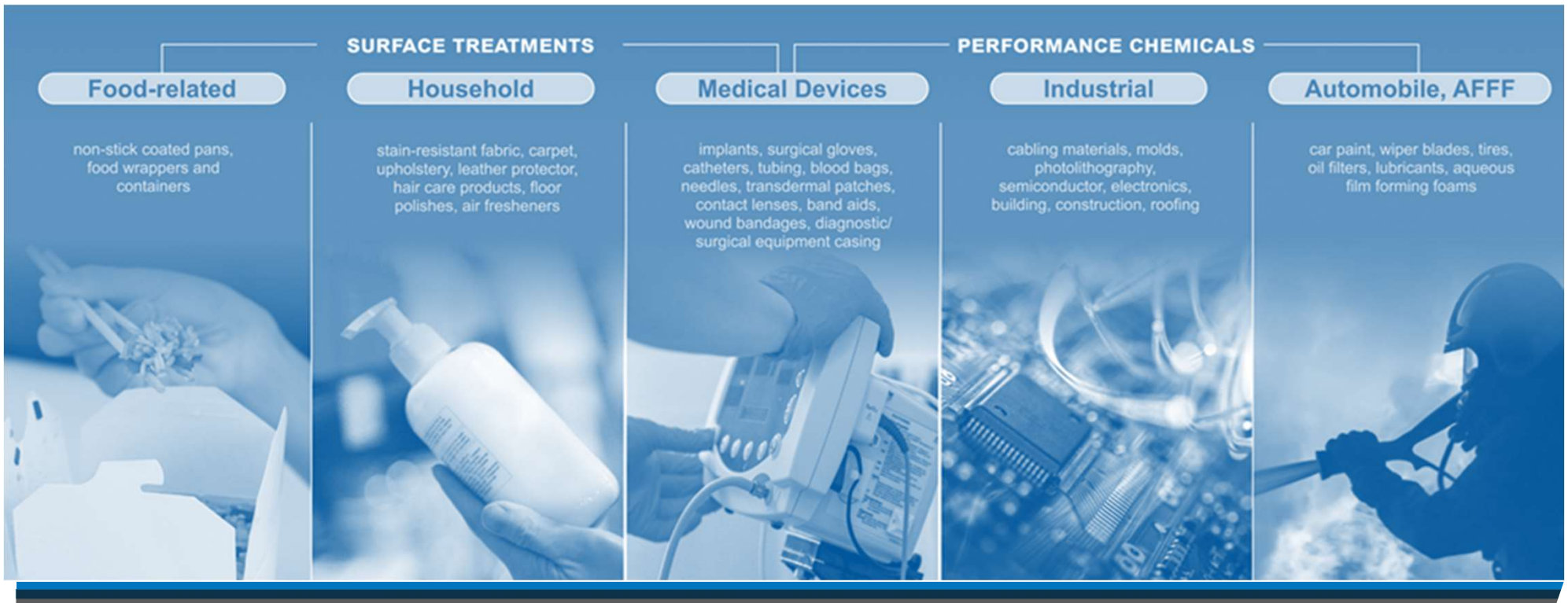
# CHALLENGES AND CONSIDERATIONS

Key considerations and How do I know I have PFAS?

What to do? Replacements, Self-Bans and Litigation

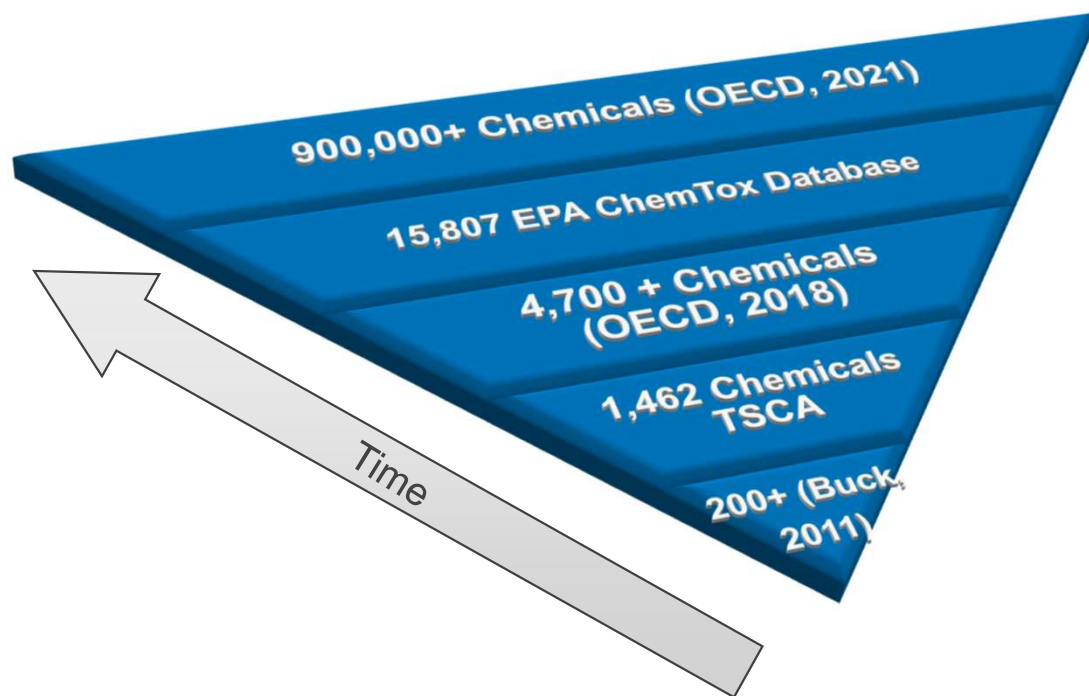
# Challenge #1

## PFAS are Ubiquitously Used and Found



## Challenge #2 PFAS Definitions are Inconsistent and Growing

- ✓ There is no universally accepted definition
- ✓ References, definitions, and resources include:
  - Buck et al. (2011)
  - OECD (2018)
  - OECD (2021)
  - USEPA CompTox Chemicals Dashboard
  - TSCA 8a(7)



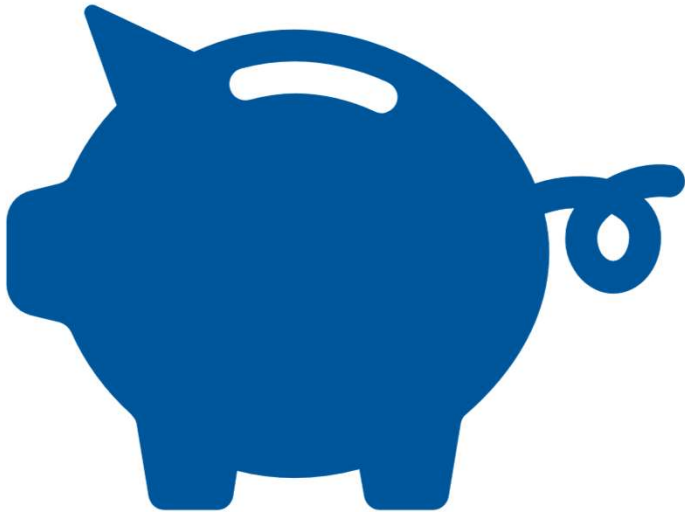
**DEFINITIONS NEED TO BE FIT FOR PURPOSE**

# Challenge #3

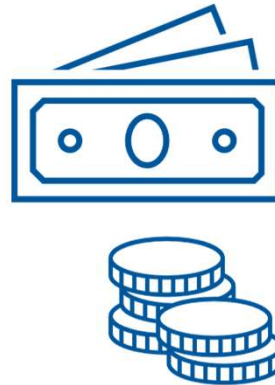
## Not all PFAS are created equally

### Measurement can be challenging

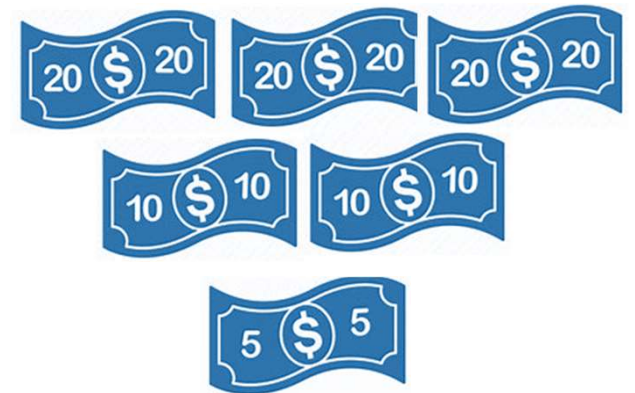
**Total Fluorine (TOF, AOF)**  
DL generally 20 ppm+



**Non-target Analysis/  
Suspect  
Screening**



**Target Analysis**  
DL generally single  
digit ppt



# Challenge #4

## Understanding the Definition of PFAS-Free



**Firefighting Foam via Total Organic Fluorine**  
<1ppm PFAS  
No intentionally-added PFAS

**Food Packaging via Total Fluorine**  
<100 ppm  
No intentionally-added PFAS



**Firefighting Foam via EPA 1633 (Targeted)**  
<1 ppb unintentionally added  
No intentionally-added PFAS



**Products via Total Organic Fluorine**  
<100 ppm (Jan 2025)  
<50 ppm (Jan 2027)



**Products (No method Specified)**  
No limit specified  
Only PFAS definition provided

**Intentionally-added vs Unintentional By-Product??  
Essential or Currently Unavoidable Use?**

## Challenge #4 (continued)

# Understanding the Definition of PFAS-Free

- PFAS-free, PFOS-free, PFOA-free and Fluorine-free.
- Many certifications allow a minimum limit to be present.
- Inconsistencies
  - ✓ PFAS considered
  - ✓ Method for validation
  - ✓ Intentional vs unintentional
  - ✓ Claim on product
  - ✓ Basis of “PFAS-free” definition

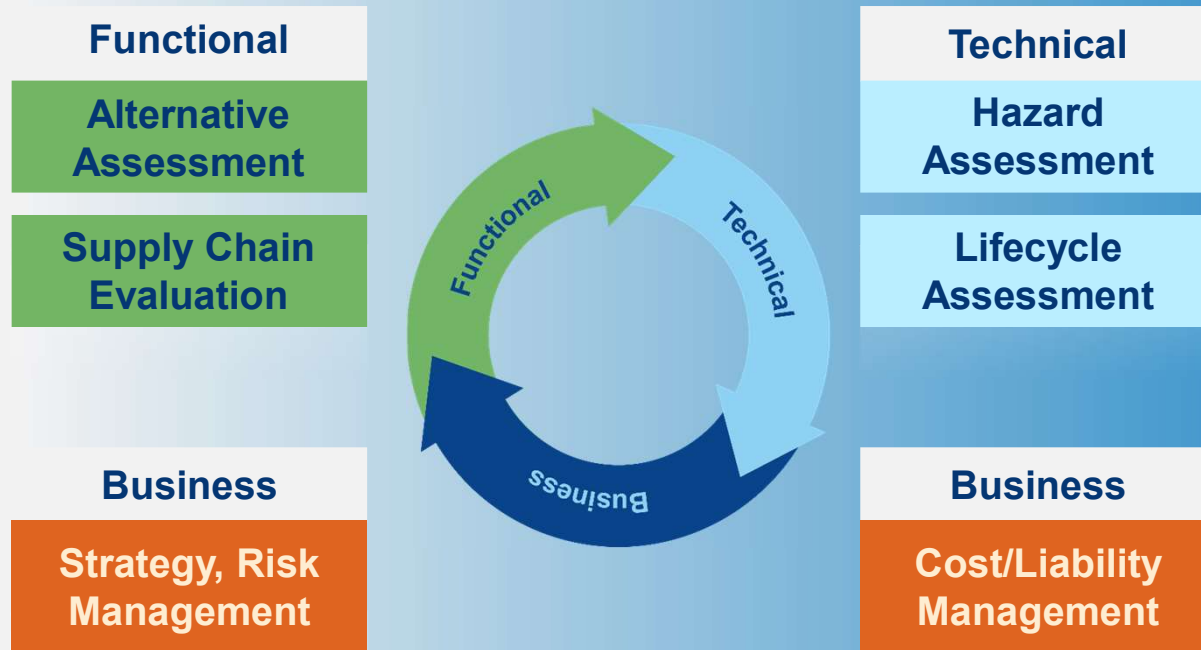


# Considerations

Developing and Executing Lifecycle Solutions to Mitigate Risk



# Solutions for Risk and Liability Management



## Vulnerability Assessment

- ✓ Develop a management framework
- ✓ Be nimble, create/modify BMPs based on regulatory or litigation trends
- ✓ Prioritize, set aside program funding, and mitigate risk

# PFAS Technology Innovation

FY18-24 Tech Investment	FY2025 Early-stage
Patents Issued	FY 2026- 2030- Ideation

## Investments 2018 to present

## Commercialization

### Prevent

Replacements (NextGen elastomers and heat transfer fluids/refrigerants)

AI Tools to Accelerate replacement Approaches

### Collect

PFAS Insight™

PFAS Air Insight™

### Analyze

TOF Sensing Technologies

Raman Detection and Quantification of Total PFAS

PFAS Signature™  
PFAS Predict™

### Treat

Ultrashort chain Treatment

Concentrator

Electrokinetic removal

Biosolids Applications for Mitigation/Management

### Destroy

Jet-milling for solids

Mineralization

### Re-Use/Recycle

Sustainable/ Circular solutions for:  
  
SEMI Wastewater  
SEMI Process  
Medical Device Applications

### Treat/Destroy

PFAS Annihilator®  


GAC RENEW™  


## What's Next with PFAS?

- ✓ Federal program movement slower
- ✓ States expected to pick up speed
- ✓ Europe continues focus on broad PFAS product ban under REACH
- ✓ Litigation risks in the US continue to grow
- ✓ Prepare, prioritize, and be proactive





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# ***BATTELLE***

**It can be done**

[www.battelle.org/pfas](http://www.battelle.org/pfas)

800.201.2011 | [solutions@battelle.org](mailto:solutions@battelle.org) | [www.battelle.org](http://www.battelle.org)

# PFAS Engagements



# Join Us!!

CHANGE|chemistry

# INNOVATORS ROUNDTABLE

September 9-11, 2025 | Columbus, OH

HOSTED BY  
**BATTELLE**  
It can be done

PLATINUM SPONSOR  
**CAS**

# Supplemental information

- Database sources-
  - EPA PFAS Analytics Tool - <https://echo.epa.gov/trends/pfas-tools>
  - PFAS Project Lab- <https://pfasproject.com/>
- Training resources
  - ITRC- <https://pfas-1.itrcweb.org/>
- Regulatory Tracking
  - <https://governance.pfasproject.com/>
  - <https://www.saferstates.org/>

# Budget Update

- **General Agency Updates**
- **Air Updates**
  - State
  - Federal
- **Water Updates**
  - State
  - Federal

# Budget Update

- **New Director – John Logue**



# Air Updates – State

- **State Budget Update**
  - DAPC Fee Modernization
  - Nuisance Rule
  - Limitations on use of sensor data
- **Cleveland Ozone Nonattainment**
- **Good Neighbor Rule**

# Air Updates – Budget

- **DAPC Fee Modernization**
- **Nuisance Rule**
- **Limitations on Use of Sensor Data**

# Air Updates -Cleveland

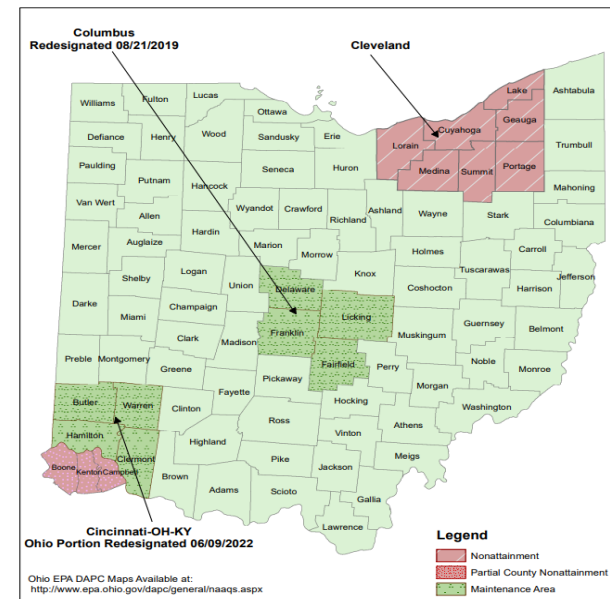
- **Cleveland Ozone Nonattainment**

- Ozone is formed from “precursor” emissions of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) in the presence of sunlight.
- The ozone standard changes over time.
  - Since 1997 – it has been based on a 3-year average of the annual 4th highest daily maximum 8-hour concentration (called “design value”).
    - 1997 – 80 ppb.
    - 2008 – 75 ppb.
    - 2015 – 70 ppb. **\*Current Standard**
- Ozone monitoring season in Ohio is March 1 to October 31.

# Air Updates - Cleveland

- **2015 Ozone Standard Designation Timeline**
- August 3, 2018: U.S. EPA finalized nonattainment areas.
  - Columbus, Cincinnati, and Cleveland areas designated *marginal* nonattainment.
  - Marginal attainment date set for August 3, 2021 (2018-2020 design values).
- November 2022: Cleveland “bumped up” to *moderate* nonattainment.
- Moderate attainment date set for August 3, 2024 (2021-2023 design values).

Ohio 2015 Eight-Hour Ozone (0.070 ppm)  
Nonattainment Areas  
Effective 08/03/2018



# Air Updates – Cleveland



## Cleveland Ozone Outlook (as of

5/13/25)

Site Name	Site ID	County	2021 4 <sup>th</sup> High	2022 4 <sup>th</sup> High	2023 4 <sup>th</sup> High	2024 4 <sup>th</sup> high needed to violate 2015 standard	2024 4 <sup>th</sup> High*	2021- 2023 DV	2022- 2024 DV*
District 6	39-035-0034	Cuyahoga	73	71	72	70	62	72	68
GT Craig NCore PAMS	39-035-0060	Cuyahoga	61	65	65	83		63	62
Berea BOE	39-035-0064	Cuyahoga	65	75	65	73	61	68	67
Mayfield	39-035-5002	Cuyahoga	65	73	70	70		69	66
Notre Dame	39-055-0004	Geauga	64	66	66	81	64	65	63
Eastlake	39-085-0003	Lake	76	72	71	70		73	
Painesville	39-085-0007	Lake	62	73	69	71	61	68	67
Sheffield	39-093-0018	Lorain	63	64	61	88		62	
Chippewa	39-103-0004	Medina	67	72	65	76	59	68	65
Lake Rockwell	39-133-1001	Portage	71	70	67	76		69	
North HS	39-153-0026	Summit	69	71	69	73	59	69	66

# Air Updates Cleveland

- **“Mandatory” Serious Classification Requirements**

- Keep all moderate programs in place.
- NO<sub>x</sub> and VOC RACT – lower thresholds for applicability from 100 TPY to 50 TPY.
- Additional challenges permitting new and modified sources.
  - NSR offset ratio 1.2:1.
  - Baseline year reset.
  - Major source permitting threshold lowered from 100 TPY to 50 TPY.
    - More Title V and synthetic minor sources.
    - Application timing to avoid Title V.
- Major modification significance levels decrease from 40 TPY to 25 TPY thresholds will be lowered.
  - More changes at existing facilities will trigger.

# Air Updates Cleveland

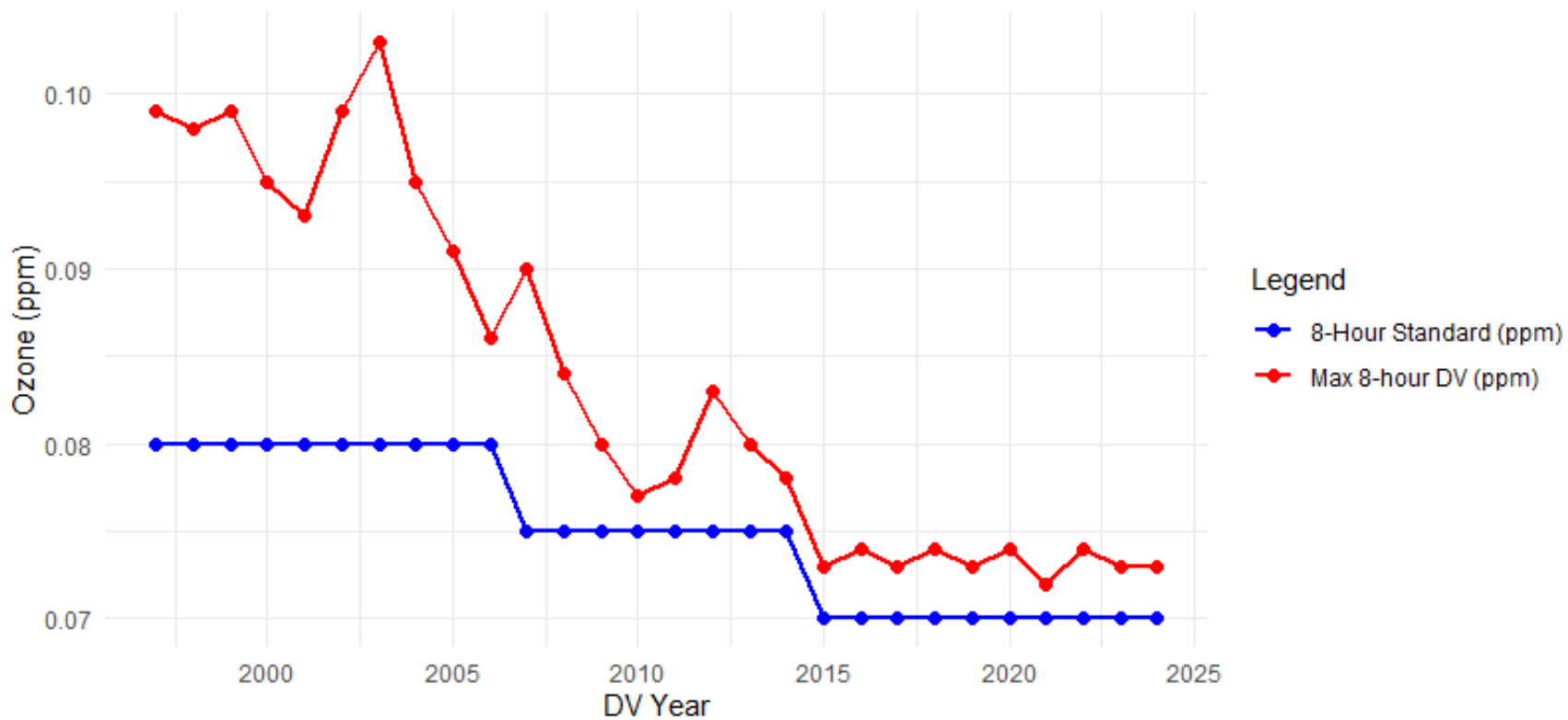
- ***Serious Bump-up Timeline***
- Attainment deadline for moderate 8/3/24.
  - Relied on 2021-2023 DVs.
  - Failed to attain: Eastlake - 73 ppb, District 6 – 71 ppb.
- Finding of failure to attain and bump-up.
  - CAA due w/in 6 months - 2/3/25.
  - New approach communicated.
    - Direct final action – effective January 16, 2025.
- Attainment date for serious 8/3/27.
  - Rely on 2024-2026 DVs.
  - 2022-2024 already failed to attain.
  - Eastlake - 73 ppb, District 6 – 72 ppb.

# Air Updates Cleveland

- **Be prepared!**

- Cleveland has three more years to attain under the serious bump up or face a bump up to severe:
  - 2022-2024. ← **Already violated**
  - 2023-2025.
  - 2024-2026.
- Ohio EPA will be looking at potential control options, both
  - Short-term/immediate actions.
  - Longer-term actions.
  - Important to meet standards to avoid further restrictions.

# Air Updates – Cleveland



- **Good Neighbor Rule**

- **We won!** - U.S. Supreme Court placed a stay on federal enforcement
- On list of 31 rules for reconsideration

# Air Updates – Federal



- **Federal Updates**
  - NAAQs PM 2.5
  - Methane Rules

# Water Updates – State



- **State Budget Update**
  - H2Ohio
- **Regional Water Studies**
- **Water Reuse**

# Water Updates – Budget

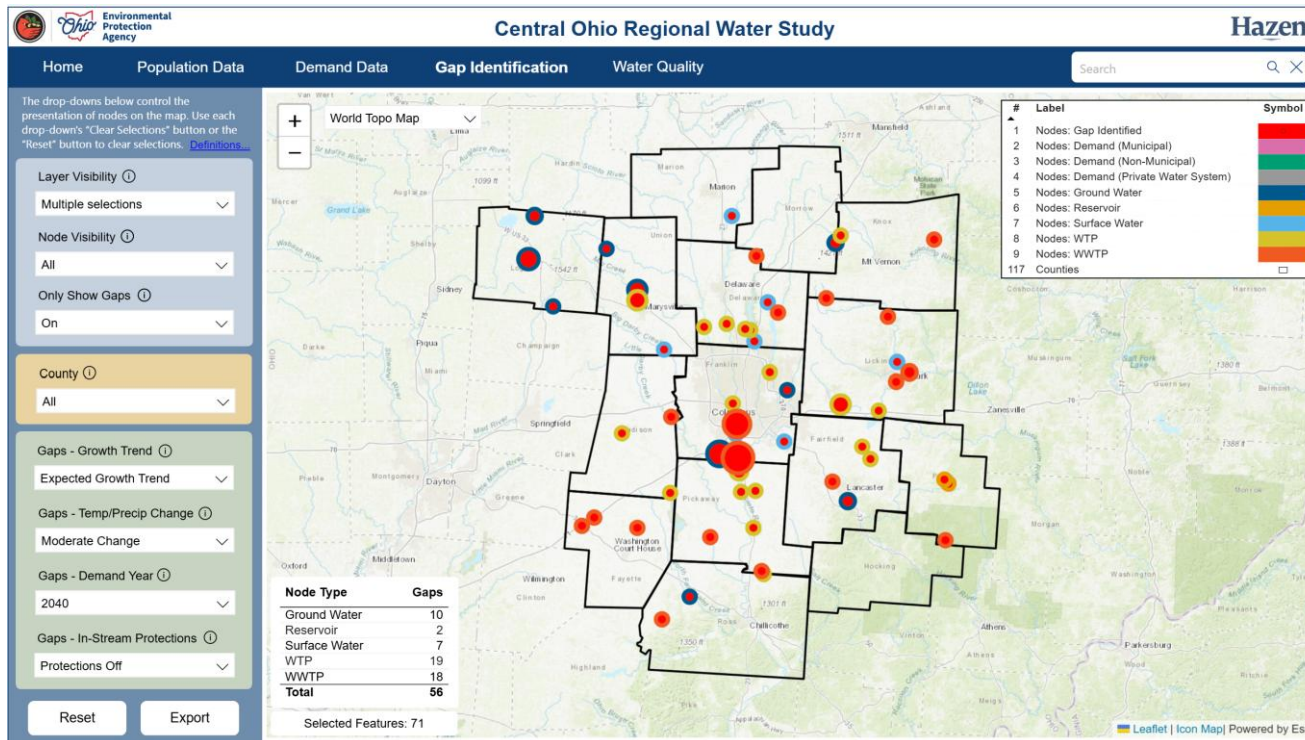


# Water Studies

## Launch of the Central Ohio Regional Water Study



# Water Studies – Central



# Water Studies – Southwest



Mercer and Auglaize Counties - Part of Dayton Comprehensive Economic Development Area

Logan and Fayette Counties - Regional Jobs Ohio plan

# Water Studies – Southwest

## **Tentative Timeline:**

- Release of RFP: August 4, 2025
- Proposals Due: August 29, 2025
- Notice to Proceed: October 2025
- Study Completion: November 2026

# Water Studies – Southeast



## Executive

### Board

*John Newsome*  
Columbus  
President

*Brian Coghlan*  
Del-Co  
Vice President

*Aaron Zonin*  
City of Dayton  
Secretary

*Andrew Sampson*  
MSD Cincinnati  
Treasurer

### Utility Members

- Aqua Ohio
- Dayton
- Delaware County
- Delphos
- Euclid
- Heath
- Johnstown
- Marysville
- Mason
- Mid-Ohio W&SD
- New Albany
- NEORS
- Ottawa County Sanitary Eng
- Piqua
- Sidney
- Licking Regional Water District
- Springfield
- St. Henry
- Sunbury
- Toledo



### Institution Members

- Cleveland Water Alliance
- Licking County Soil & Water
- MORPC
- Negev Foundation
- OHIO811
- Ohio Business Roundtable
- Ohio Environmental Council
- Ohio Kentucky Indiana (OKI)
- Ohio Water Environment Association
- Ohio Water Resources Center – OSU
- US EPA Office of Research and Development

### State Agencies

- Ohio Environmental Protection Agency
- Ohio Dept. Natural Resources
- Ohio Dept. of Health
- Ohio Dept. of Agriculture

### Coalition Members

- Amazon Web Services
- Intel
- Google

### Business Members

- American Structurepoint
- Arcadis
- Baker & Associates
- Black & Veatch
- Burgess & Niple
- CDM Smith
- EMH&T
- Eurofins
- Frost Brown Todd
- H2O Innovation
- Hazen & Sawyer
- HDR Inc
- Intuitech
- Jacobs
- Jobs Ohio
- Kokosing Industrial, Inc
- McMahon Degulis LLP
- MS Consultants, Inc
- Stantec
- Trojan Technologies

Early Goals of the Committees Include:

- *Common definitions of terms*
- *Evaluate what other states have enacted*
- *Participate in national conversations*

Goal is to have an *Ohio Framework*



Committee	Name	Organization	Role
Financial	Michael Frommer Jamie Decker	CDM Smith Hazen & Sawyer	Chair Vice-Chair
Non-Potable	Matt Kallevant Erik McPeck	Black & Veatch Delaware County Regional Sewer District	Chair Vice-Chair
Onsite	Brian Tornes Grace McInerney	Burgess and Niple Columbus – Division of Water	Chair Vice Chair
Outreach	Sierra McCreary Kyle Schwieterman	Black & Veatch American Structurepoint	Chair Vice-Chair
Potable	Johnathon Sheets Matt Steele	CDM Smith Columbus- Division of Water	Chair Vice-Chair
Regulatory	Scott Alpert Susan Brownstein	Hazen & Sawyer CDM Smith	Chair Vice-Chair

# Water Updates – Federal



- **Federal Updates**
  - PFAS Drinking Water Standards
  - Sackett

# Other Updates – Federal



- **Federal Updates**
  - Coal Combustion Residuals
  - Enforcement