



## 2025 Environmental Summit

Athletic Club of Columbus  
Columbus, Ohio  
November 13, 2025

- 1:00 p.m. Registration**
- 1:30 p.m. Welcome and Introductions**
- **James Lee**, Managing Director, Public Policy Services, OMA
  - **Tim Ling**, P.E., Corporate Environmental Director, Plaskolite, LLC, OMA Environment Committee Vice-Chair
  - **Jeff Hunyor**, General Manager, Systech Environmental Corporation, OESI President
- 1:40 p.m. Public Policy and Procedures Report**
- **James Lee**, Managing Director, Public Policy Services, OMA
  - **Nick Petruzzi**, P.E., CPG, Technical Leader, T&M Associates, OESI Regulatory Committee Chair
- 2:15 p.m. Anne Vogel – USEPA R5 – Regional Administrator**
- 2:45 p.m. Carolyn Persoon – USEPA R5 – Acting Director, Enforcement & Compliance Assurance Division**
- 3:05 p.m. Q&A for USEPA R5**
- 3:15 p.m. Ohio EPA Director John Logue & Division Chiefs**
- **John Logue**, Director, Ohio EPA
  - **Ashley Ward**, Acting Chief, Division of Surface Water
  - **Bob Hodanbosi**, Chief, Division of Air Pollution Control
  - **Joseph Goicochea**, Chief, Division of Materials and Waste Management
  - **Melisa Witherspoon**, Chief, Environmental Response and Revitalization
- 3:50 p.m. Q&A for Ohio EPA**
- 4:00 p.m. Networking Reception**
- 5:00 p.m. Event Concludes**

**Ohio Environmental Summit**

<b>Name</b>	<b>Company</b>	<b>Location</b>
Joseph Adams	Remuriate Delta LLC	La Salle, IL
Ali Alavi	Arcwood Environmental, LLC	East Liverpool, OH
Celine Alkhayri	Civil & Environmental Consultants, Inc.	Columbus, OH
Todd Anderson	Ohio EPA	Columbus, OH
Ann Aquillo	Ann Aquillo Consulting LLC	Powell, OH
Ryan Augsburg	The Ohio Manufacturers' Association	Columbus, OH
Steve Austria	Sugar Creek Packing Company	Dayton, OH
Dex Battista	Magna Services of America, Inc.	Troy, MI
Derek Bedle	Veolia	Dayton, OH
Jamie Beninghof	ArcelorMittal Tubular Products USA	Shelby, OH
Ted Bobak	Charter Steel	Cleveland, OH
Mike Born	Shumaker, Loop & Kendrick, LLP	Toledo, OH
Ray Boyle	Midwest Environmental Services	Hamilton, OH
Lorie Brengelman	Sugar Creek Packing Company	Blue Ash, OH
John Broderick	Magna Services of America, Inc.	Troy, MI
Bob Bundy	American Pan Company	Urbana, OH
Ryan Burke	OSCO Industries, Inc.	Portsmouth, OH
Chad Colman	Ross Incineration Services	Grafton, OH
Colton Creal	Cox-Colvin & Associates, Inc	Columbus, OH
Lisa Cummings-Dye	The Ohio Manufacturers' Association	Columbus, OH
Peter Davis	Midwest Environmental Services	Cincinnati, OH
Steve Dimon	AMG Vanadium LLC C/o 21 Consulting, LLC	Columbus, OH
Anthony Dugan	Republic Services (formerly US Ecology)	Columbus, OH
Paul Dunlavey	P.V.P. Industries, Inc.	North Bloomfield, OH
David Edelstein	Vorys, Sater, Seymour and Pease LLP	Cincinnati, OH
Jacob Elder	Cox-Colvin & Associates, Inc	Columbus, OH
Ryan Elliott	Vorys, Sater, Seymour and Pease LLP	Columbus, OH
Madeline Fleisher	Owens Corning	Granville, OH
Amanda Frey	Pappas & Associates	Columbus, OH
Krystina Garabis	Shumaker, Loop & Kendrick, LLP	Columbus, OH
James Gibson	Reworld ReTron	Grafton, OH
Anthony Giuliani	Vorys, Sater, Seymour and Pease LLP	Columbus, OH
Joseph Goicochea	Ohio EPA	Columbus, OH
Saeed Gunjal	Illuminate USA	Columbus, OH
Deb Hackathorn	Arcwood Environmental	East Liverpool, OH
Kelley Hand	BSI America Professional Services Inc.	Columbus, OH
Luke Harms	Whirlpool Corporation	Washington, DC
James Harrison	Veolia	West Carrollton, OH
Carl Havekost	University of Findlay	Findlay, OH
Steve Higley	Cenovus Energy	Washington, DC
Robert Hodanbosi	Ohio EPA	Columbus, OH
Jeff Hunyor	Systech Environmental Corporation	Paulding, OH
Riley Hurley	Pappas & Associates	Columbus, OH
Austin Johnson	Cox-Colvin & Associates, Inc	Columbus, OH
Audrey Jones-Van Bommel	Crystal-Clean	Oregon, OH
Kurt Joviak	Lorain County JVS	Oberlin, OH

**Ohio Environmental Summit**

<b>Name</b>	<b>Company</b>	<b>Location</b>
Tiffanie Kavalec	U.S. EPA Region 5	Chicago, IL
James Lee	The Ohio Manufacturers' Association	Columbus, OH
Caroline Liethen	Magna Services of America, Inc.	Troy, MI
Tim Ling	Plaskolite	Columbus, OH
John Logue	Ohio EPA	Columbus, OH
RJ Mancini	Envirotest Systems Corp. C/o Government Advantage Corp.	Columbus, OH
Kris Mann	Crystal-Clean	Oregon, OH
Vira Maruli	Liberty Casting Company, LLC	Delaware, OH
Nate Mays	The Ohio Manufacturers' Association	Columbus, OH
Andy McCorkle	Civil & Environmental Consultants, Inc.	Worthington, OH
Regan McHale	Eagle Elastomer Inc	Cuyahoga Falls, OH
Abbie Miller	BSI America Professional Services Inc.	Columbus, OH
Brett Miller	Vickery Environmental, Inc.	Vickery, OH
Kyle Miller	Pappas & Associates	Columbus, OH
Nick Miller	The Ohio Manufacturers' Association	Columbus, OH
Ethan Miner	Plaskolite, LLC	Columbus, OH
Dave Monnin	ArcelorMittal Tubular Products USA	Shelby, OH
Ric Moore	RHM Consulting	Plain City, OH
Nathaniel Morse	Vorys, Sater, Seymour and Pease LLP	Columbus, OH
Jane Neal	AMG Vanadium LLC	Cambridge, OH
Mel Nickerson	NRG Energy, Inc.	Chicago, IL
John Obery	Cenovus Energy	Dublin, OH
Tom Ondrejicka	W2E Americas, Inc.	Westlake, OH
Dave O'Neil	The Ohio Manufacturers' Association	Columbus, OH
Jeff Otterstedt	McWane Ductile, A Division of McWane, Inc.	Coshocton, OH
Shantanu Pahi	Reworld Tron	Twinsburg, OH
Andy Palmer	Crown Equipment Corporation	New Bremen, OH
Tom Pappas	Pappas & Associates	Columbus, OH
Paul Perkins	Tramec, LLC	Urbana, OH
Carolyn Persoon	U.S. EPA Region 5	Chicago, IL
Nick Petruzzi	T&M Associates	Columbus, OH
Rob Pfendler	T&M Associates	Columbus, OH
Danyelle Phelps	Owens Corning	Granville, OH
Miriam Press	T&M Associates	Columbus, OH
Fred Rappold	T&M Associates	Columbus, OH
Steve Rawlings	DT Midstream	Detroit, MI
Lindsay Rich Steinmetz	Shumaker, Loop & Kendrick, LLP	Toledo, OH
Christy Rideout Schirra	Bricker Graydon LLP	Columbus, OH
Rene Rimelspach	American Honda Motor Co. Inc.	Marysville, OH
Jennifer Roberts	Cenovus Energy	Dublin, OH
Jim Samuel	Capitol Integrity Group	Columbus, OH
Colin Sasthav	OnSite Partners	Columbus, OH
Tracy Schmidlin	Kokosing Industrial, Inc.	Toledo, OH
Susan Sevy	Reworld Bedford LLC	Bedford, OH
Sharene Shealey	NRG Energy, Inc.	Princeton, NJ
Chris Slagle	Bricker Graydon LLP	Columbus, OH

**Ohio Environmental Summit**

<b>Name</b>	<b>Company</b>	<b>Location</b>
Sam Smith	Ohio EPA	Columbus, OH
Nick Snellgrove	Casting Solutions, LLC	Zanesville, OH
Michael Snyder	Shumaker, Loop & Kendrick, LLP	Columbus, OH
Duane Steelman	Terracon Consultants, Inc.	Parma, OH
Mark Steil	Casting Solutions, LLC	Zanesville, OH
Dan Straub	Mid West Fabricating Company	Amanda, OH
Dan Syphard	Genovus Energy	Dublin, OH
Walter Tamukong	Cleveland-Cliffs, Inc.	Cleveland, OH
George Terry	Mid West Fabricating Company	Amanda, OH
Bennett Thayer	ScottsMiracle-Gro Company	Marysville, OH
Jessica Ulmer-West	Liberty Casting Company, LLC	Delaware, OH
Anne Vogel	U.S. EPA Region 5	Chicago, IL
Mark Vogt	ArcelorMittal Tubular Products USA	Shelby, OH
Michael Wallenhorst	Fibertech of Ohio, Inc.	Washington Court House, OH
Ashley Ward	Ohio EPA	Columbus, OH
Chris Ward	Calfee, Halter & Griswold LLP	Columbus, OH
Bob West	Amrize - Paulding Plant	Paulding, OH
John West	Cox-Colvin & Associates	Columbus, OH
Melisa Witherspoon	Ohio EPA	Columbus, OH
Jason Ziss	Kurtz Bros., Inc.	Independence, OH

TOTAL 112



## **ANNE VOGEL**

### **Regional Administrator, Region 5**

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### [About Region 5](#)

### [Biography](#)

Anne M. Vogel was appointed Region 5 Administrator by President Donald J. Trump in April 2025. As regional administrator, Vogel oversees

EPA's work across the states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin and 37 Tribal nations.

Prior to joining EPA, Vogel served as director of the Ohio Environmental Protection Agency since December 2022. Previously, she served as policy director for Gov. Mike DeWine and worked for more than a decade at American Electric Power Co. Following law school, Vogel started her career as a litigator at the Columbus law firm of Porter Wright and subsequently clerked for Judge Sargus, U.S. District Court for the Southern District of Ohio.

Vogel holds a law degree from Capital University and an MBA from The Ohio State University.



## **CAROLYN PERSOON**

**Director, Enforcement and Compliance Assurance  
Division, Region 5**

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### Biography

Carolyn Persoon is a nationally recognized environmental leader with more than 15 years of experience in environmental science, public policy, and regulatory enforcement. Her career at the U.S. Environmental Protection Agency (EPA) has been marked by transformative initiatives, impactful results, and a steadfast commitment to EPA's mission of protecting public health and the environment.

Carolyn's career at the EPA began in 2010 in the Air and Radiation Division, where she managed State Implementation Plans, modeling air sources, and mobile source programs. During her time working on mobile sources, she developed a voluntary partnership with Class 1 Railroads aimed at improving air quality that resulted in the replacement of over 41 switcher locomotives in Chicago, leveraging over \$50 million in funding. Additionally, she worked to develop air modeling plans related to lead modeling and monitoring requirements. In 2018, she served as Deputy Director for the Laboratory Services and Applied Science Division where she spearheaded the realignment of the EPA's ten regional laboratories under a single National Program Manager.

Currently, Carolyn serves as the Acting Director of EPA Region 5's Enforcement and Compliance Assurance Division (ECAD). In fiscal year 2025, she led a team of over 100 inspectors in successfully ensuring environmental compliance and transparent, accountable, and consistent enforcement across multiple statutes in Region 5. In her previous role as Deputy Director of EPA Region 5's Enforcement and Compliance Assurance Division, she worked to streamline operations, develop annual strategic plans, and create training models and resources.

Prior to joining the EPA, Carolyn's research focused on persistent organic pollutants, including contributions to the NIEHS PCB Superfund Research Center and the International Joint Commission's work on emerging contaminants in the Great Lakes. Internationally, she developed genetic mapping for rice hybrids at the International Rice Research Institute in the Philippines.

Her career achievements have earned her numerous accolades, including the EPA Exceptional Support to the Office of Research and Development Award, multiple Regional Administrators Awards, and recognition for advancing scientific, regulatory, and enforcement goals. Carolyn's career is marked by her ability to lead change, deliver measurable results, and build coalitions to achieve shared environmental goals. Her legacy includes innovative approaches to environmental problems and empowerment of future environmental leaders.

Carolyn holds a Ph.D. in Environmental Engineering from the University of Iowa, where she specialized in the development of passive sampling techniques and assessments of persistent organic pollutants in the environment. She resides in Homewood, Illinois, with her husband and three daughters. Beyond her professional accomplishments, she is a dedicated community member and mother.



## **JOHN LOGUE**

### **Director**

Ohio Environmental Protection Agency

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### Biography

John Logue was appointed Director of the Ohio Environmental Protection Agency in April 2025 by Governor Mike DeWine. In this role, he leads the agency's efforts to protect Ohio's air, land, and water resources while supporting economic development and public health across the state.

With more than 25 years of experience in workers' compensation and insurance services, including senior roles at Sedgwick Claims Management Services, John brings a deep understanding of risk management, organizational leadership, and strategic innovation to Ohio EPA.

Prior to joining Ohio EPA, John served as Administrator and CEO of the Ohio Bureau of Workers' Compensation (BWC), one of the largest state-run insurance systems in the nation. He was originally appointed as BWC's Deputy Administrator in November 2024, having previously held key leadership roles at the agency since 2019, including Chief of Strategic Direction. During his tenure, he oversaw the Division of Safety & Hygiene, and led initiatives in analytics, business intelligence, business transformation, and establishing the Workforce Safety Innovation Center.

John also served as BWC's Interim Administrator from November 2020 to August 2021 and was reappointed to lead the agency in 2024. His commitment to public service and worker safety earned him an appointment by Governor DeWine to the Ohio Task Force on Volunteer Fire Service in 2022.

He holds a bachelor's degree in economics from John Carroll University, an MBA from Cleveland State University, and an Associate in Risk Management (ARM) designation from The Institutes.



## **JOSEPH GOICOCHEA**

**Chief, Division of Materials & Waste Management**

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### Biography

Joe has over 20 years of experience in leadership and technical roles in the Division of Materials and Waste Management. Most recently, he served as assistant chief for the Division of Materials and Waste Management. His current duties include being responsible for oversight of Ohio's solid waste and construction & demolition debris programs, including landfills, composting facilities, and scrap tire management.

Joe received his master's in public health from The Ohio State University and bachelor's in natural resources from The Ohio State University. He is a Registered Environmental Health Specialist with the State of Ohio.



## **BOB HODANBOSI**

### **Chief, Division of Air Pollution Control**

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### Biography

Bob Hodanbosi became chief of the Division of Air Pollution Control (DAPC) in September 1992. His current duties include being responsible for the air pollution control program for the state of Ohio and development of the programs needed to comply with the Clean Air Act. Prior to the current position,

Bob held several earlier positions within Ohio EPA, including at the Northeast District Office.

Bob received his master's degree in chemical engineering at the Cleveland State University, and a bachelor's in chemical engineering at the Cleveland State University and is a registered professional engineer in Ohio.



## **ASHLEY WARD**

**Acting Chief, Division of Surface Water**

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### Biography

Ashley Ward currently serves as the Interim Division Chief for the Division of Surface Water at the Ohio Environmental Protection Agency (Ohio EPA). With more than 13 years of experience at the agency, Ashley has held a series of leadership roles focused on protecting Ohio's water quality and advancing sustainable environmental practices.

Prior to her interim appointment, Ashley served as Assistant Chief of the Division of Surface Water, where she provided strategic oversight of key water programs and initiatives. She has also managed Ohio's National Pollutant Discharge Elimination System (NPDES) program and supervised teams responsible for implementing state and federal clean water requirements. Her work has emphasized collaborative problem-solving, regulatory innovation, and technical excellence in addressing complex water quality challenges.

Ashley holds dual bachelor's degrees in Chemical Engineering and Environmental Science from The Ohio State University. Her background combines strong technical expertise with a commitment to public service and environmental stewardship.



## **MELISA WITHERSPOON**

### **Chief, Environmental Response & Revitalization**

Ohio Environmental Protection Agency

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### Biography

As chief, Melisa oversees the various programs within the division including voluntary action program, hazardous waste program, and remedial programs. Witherspoon joined Ohio EPA in 2014 at the Southeast District Office (SEDO) in the Division of Air Pollution Control (DAPC). Since then, she served as assistant chief of SEDO before starting her current position in 2019. Witherspoon has years

of experience in environmental assessment and remediation, environmental regulations, and oversight of staff.

Witherspoon graduated from Heidelberg College with a bachelor's in biology/psychology and obtained her master's in occupational health-industrial hygiene from the Medical University of Ohio (now University of Toledo).

**TO: OMA Environment Committee**  
**FROM: James Lee**  
**RE: Environment Public Policy Report**  
**DATE: November 13, 2025**

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## **Overview**

There have been several significant policy developments affecting Ohio manufacturers at both the state and federal levels. State legislators finalized the state's operating budget in late June, and a number of environmental provisions from that legislation — including increases to air permit fees — are beginning to take effect this fall.

A major legislative victory for the OMA in the budget was the elimination of the Air Nuisance Rule from Ohio's State Implementation Plan (SIP). The budget requires the Ohio EPA to petition the federal government to remove this rule, and that process is now moving forward.

Fortunately for manufacturers, the fall legislative session has been relatively quiet on the environmental front, as bills proposing major new regulations on PFAS and essential chemistry have failed to advance.

State agency regulations have remained relatively stable despite the recent leadership change, with Director John Logue assuming leadership of the agency in July. The OMA continues to actively engage in state-proposed water quality rulemakings and monitor the state agency's implementation of federally mandated air emission requirements.

The Trump administration has begun implementing its deregulatory agenda announced in March, signaling significant relief for manufacturers after years of costly EPA regulations under the Biden administration. Early actions include cutting funding for environmental justice programs and moving to eliminate major emissions regulations, including the greenhouse gas reporting program.

## **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.

The Ohio EPA has initiated its SIP modification process, concluded the stakeholder comment period, and will soon submit its proposal to the U.S. EPA. Once the state receives approval to remove the rule, Ohio manufacturers will be protected from future enforcement actions 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.

US EPA Administrator Zeldin has announced the rule as a priority for reconsideration and potential repeal by the Trump administration, though the agency has not taken any official steps to date.

#### 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 Terminates 16 Billion in Climate Grants**

A federal appeals court has allowed the Trump administration’s EPA to terminate more than \$16 billion in climate grants awarded under President Biden’s 2022 Inflation Reduction Act. The D.C. Circuit Court ruled 2-1 that the lower court lacked jurisdiction over the nonprofits’ challenge and found that Administrator Lee Zeldin acted within his discretion to halt the program. The decision effectively frees the EPA to dismantle the Greenhouse Gas Reduction Fund, a key Biden initiative aimed at reducing emissions

#### **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 a statement opposing the rule as a disaster for manufacturers in Ohio.

In June 2024, the National Association of Manufacturers (NAM) filed the opening brief in litigation opposing the rule. In March 2025, 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.

In May 2025, Trump's US EPA Administrator Lee Zeldin made the first modification to the rule, extending compliance deadlines for PFOA and PFOS from 2029 to 2031 for utilities. Following that action, the U.S. EPA sided with the plaintiffs litigating against the rule, asking a court to cancel part of its PFAS drinking water regulation because it failed to follow proper procedures. The agency now plans to remove four compounds — PFHxS, PFNA, PFBS, and HFPO-DA (GenX) — from regulation while continuing to defend limits on PFOA and PFOS.

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.

#### TSCA PFAS Reporting Rule

The U.S. EPA is moving to significantly revise the expansive TSCA PFAS Reporting Rule after multiple reporting deadline delays (now set for October 13, 2026). Responding to industry burden, the EPA plans to introduce key exemptions—most notably for the import of articles containing PFAS—and other modifications to reduce compliance costs. This revision is a win for manufacturers and small businesses, reducing the massive data reporting requirements that were previously estimated to cost the private sector nearly a billion dollars. The final, revised rule is currently expected in June 2026.

**Environment Legislation**  
**Prepared by: The Ohio Manufacturers' Association**  
**Report created on November 11, 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:** 10/1/2025 - Consideration of Governor's Veto; Senate Overrides Veto on Item 66, Vote 21-11  
**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>
- HB182**     **PROHIBIT FLUORIDE-PUBLIC WATER SYSTEMS (DEAN L)** To prohibit a public water system from adding fluoride to its water.  
**Current Status:** 4/30/2025 - House Natural Resources, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-182>
- HB272**     **REGULATE FOOD ADDITIVES, FLUORIDE, PFAS (PIZZULLI J, ROBB BLASDEL M)** To prohibit the use of certain food dyes and additives, the release of substances into the atmosphere for certain purposes, and intentionally added PFAS in various products, to revise the law governing fluoride, and to name this act the Protecting Utility and Resources for Enhanced Living, Improved Food, and Environment Act.  
**Current Status:** 6/10/2025 - House General Government, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-272>

## **OMA Environment News and Analysis**

### **U.S. EPA responds to OMA on air nuisance rule**

November 7, 2025

The Ohio Manufacturers Association (OMA) received a [letter](#) from the U.S. Environmental Protection Agency's Region 5 office acknowledging [OMA's comments on Ohio's air nuisance rule](#). The agency noted the state budget provision, advanced through OMA advocacy, that requires the Ohio EPA to remove the rule from its state implementation plan. The federal agency said it will begin its review once the Ohio EPA submits its plan revision, following the state's recent public comment period and hearing. *11/5/2025*

### **EPA Plans New Rules for Solar Panel, Battery Disposal**

October 31, 2025

The U.S. Environmental Protection Agency is developing new rules under the Resource Conservation and Recovery Act to address end-of-life management of solar panels and lithium-ion batteries.

According to the [Vorys Energy & Environmental Law Blog](#), the proposal would classify discarded solar panels as universal waste, simplifying recycling and disposal requirements. It also would create a new universal waste category for lithium batteries, reflecting their fire and chemical risks.

A notice of proposed rulemaking is expected in early 2026, with final action anticipated by mid-2027. Manufacturers are encouraged to track the process and prepare for changes affecting clean-energy materials management. The Ohio Manufacturers' Association will continue to keep members informed as the rulemaking moves forward. *10/29/2025*

### **OMA Monitoring EPA Emissions Rollback**

October 17, 2025

Recent [reports](#) indicate that the U.S. Environmental Protection Agency's proposal to repeal federal vehicle emissions standards is raising significant concern among several states — particularly Democratic-led states like California, Oregon and Washington. These states warn that eliminating national standards could jeopardize their ability to meet Clean Air Act requirements.

Without consistent federal regulations, states may implement their own climate and air-quality rules, potentially resulting in a fragmented regulatory landscape. Industry groups and state officials caution that such a patchwork of mandates could increase compliance costs, disrupt supply chains, and create uncertainty for long-term investment decisions.

The Ohio Manufacturers' Association continues to closely monitor these developments to help ensure that Ohio manufacturers are not burdened by conflicting or duplicative environmental regulations. *10/16/2025*

### **OMA Continues Fight to Remove Outdated Air Nuisance Rule from Federal Air Plan**

October 10, 2025

The OMA led a collation of business groups in [supporting the Ohio EPA's removal of an Air Nuisance Rule \(ANR\)](#) from the state's federally approved air plan. The ANR was mistakenly added to Ohio's

federal plan decades ago and has no connection to federal air quality standards, subjecting manufacturers to meritless citizen suits and regulatory uncertainty.

The rule's removal is mandated by a provision in state law secured through the OMA's advocacy efforts. Ohio EPA will now begin the process of seeking federal approval to remove the rule from Ohio's air plan. The OMA will continue to work closely with Ohio EPA to support this federal approval process. *10/9/2025*

### **Ohio EPA Advances Removal of Air Nuisance Rule, Strengthening Protections for Permitted Manufacturers**

October 3, 2025

The Ohio EPA is moving forward in its process to remove the state's long-standing air nuisance rule from its Clean Air Act implementation plan, saying it is unnecessary for meeting national air quality standards and noting that many states have already taken similar steps. The agency emphasizes that Ohio regulations will still protect air quality, but the change would give manufacturers operating in compliance with their air permits additional legal protections from meritless citizen lawsuits.

The OMA worked with state lawmakers to secure provisions in the state budget to require the U.S. EPA to remove the rule, winning a 50-year effort to ward off harassment from plaintiff attorneys abusing the rule to shake down law abiding businesses for an easy buck. Public comments on the proposal are open until Monday, Oct. 7. *10/2/2025*

### **Ohio EPA Announces Air Program Fee Increases**

September 26, 2025

Ohio EPA's Division of Air Pollution Control is implementing its first fee increase in nearly 30 years. Beginning in mid-October, Title V and Synthetic Minor (FEPTIO) facilities will pay a new \$5,000 annual base fee, with the charge rolled into regular emissions invoices starting in July 2026. Invoices will be sent to each facility's designated contacts and made available in Air Services, so members should confirm their contact information is up to date.

A detailed FAQ from Ohio EPA is available for additional guidance. *9/25/2025*

### **EPA Advances Revisions to TSCA PFAS Reporting Rule**

September 19, 2025

The U.S. EPA is moving forward with updates to its TSCA PFAS reporting rule. Following its May decision to delay the reporting period, the agency has indicated plans to incorporate exemptions and other changes aimed at reducing industry burden—including a likely carve-out for imported articles containing PFAS.

A Notice of Proposed Rulemaking is expected in December 2025, with a final rule anticipated in June 2026. The current reporting deadline is Oct. 13, 2026, but it may be extended as revisions progress. *9/17/2025*

## **EPA Challenges Biden’s PFAS Drinking Water Standards**

September 19, 2025

According to [recent reports](#), the U.S. EPA has asked a federal court to vacate its 2024 drinking water limits for four PFAS chemicals, citing procedural flaws in how the standards were set. Limits for PFOA and PFOS remain unaffected and are still being defended.

A ruling is expected to shape whether these “Index PFAS” standards stand or are reissued through new rulemaking, with compliance deadlines currently set for 2029. *9/17/2025*

## **EPA Proposes to End Greenhouse Gas Emissions Reporting for Large Industrial Sites**

September 19, 2025

Last week, the U.S. Environmental Protection Agency (EPA) [proposed](#) to end its Greenhouse Gas Reporting Program (GHGRP). Currently, the GHGRP applies to certain large industrial facilities that emit 25,000 metric tons or more of carbon dioxide equivalent, carbon dioxide injection sites and fuel and industrial gas suppliers. This equates to over 8,000 facilities nationwide.

The proposal would remove 46 out of 47 greenhouse gas source categories from the program, leaving only the waste emissions charge in place, a methane emissions fee. The EPA claimed in their [press release](#) that the GHGRP “is not directly related to a potential regulation and has no material impact on improving human health and the environment.”

They also estimate that the removal of reporting could save businesses up to \$2.4 billion. The EPA posted a [fact sheet](#) and will soon open their proposal to public comments. *9/17/2025*

## **Update on US EPA’s Rule on Reclassification of Hazardous Air Pollutant Sources**

September 12, 2025

OMA Connections Partner BSI provides an [update](#) on what’s happening with the EPA’s Clean Air Act rule governing reclassification of hazardous air pollutant (HAP) sources. For decades, facilities labeled “major sources” had to meet strict Maximum Achievable Control Technology standards under the “Once In, Always In” policy. EPA’s 2024 rule would have required certain facilities tied to seven high-priority HAPs to maintain those standards even after lowering emissions and reclassifying as “area sources.”

Congress overturned the rule in June 2025, though EPA is still considering future regulatory actions. *9/11/2025*

## **US EPA Speeds Permitting for Manufacturers**

September 12, 2025

The US Environmental Protection Agency has released [updated guidance](#) on New Source Review preconstruction permitting, streamlining one of the earliest steps in developing new manufacturing projects. According to the [National Association of Manufacturers](#), the changes will make the process clearer and faster while safeguarding air quality—paving the way for new power generation, data centers and production facilities. By reducing delays and uncertainty, this commonsense reform is expected to drive investment, create jobs and strengthen U.S. manufacturing competitiveness. *9/11/2025*

## **Federal Court Backs EPA Decision to End \$16 Billion in Climate Grants**

September 5, 2025

A U.S. appeals court has ruled that the Environmental Protection Agency under the Trump administration can terminate more than \$16 billion in climate-related grants created under the 2022 Inflation Reduction Act.

The grants, intended to reduce greenhouse gas emissions, had been awarded to nonprofit organizations through the Greenhouse Gas Reduction Fund. The court determined that disputes over the funds were contractual and should be heard in the U.S. Court of Federal Claims, and also found the EPA acted within its discretion.

Manufacturers monitoring federal climate and energy programs are likely to see continued shifts in funding priorities under the Trump administration. 9/3/2025

## **State AGs Urge EPA to End Funding for Climate Judiciary Project**

August 29, 2025

Twenty-three Republican state attorneys general sent a letter to EPA Administrator Lee Zeldin, urging the agency to end funding for the Environmental Law Institute (ELI) and its Climate Judiciary Project.

The officials argue the program promotes biased climate education to judges and amounts to political advocacy funded by taxpayers. ELI, which received more than \$600,000 in EPA grants in 2024, maintains that its judicial education efforts are fact-based, science-driven, and independent of federal funding. The EPA has said it is reviewing the letter and will respond through official channels. 8/26/2025

## **EPA Data: PFAS Levels Above Federal Limits Found in Several Greater Cincinnati Water Systems**

August 22, 2025

According to a recent USA TODAY article, new EPA data shows that several Greater Cincinnati water systems have PFAS levels above the federal limit established in 2024.

Kings Island's water system measured 6.3 times the limit, Loveland 4 times, Indian Hill 2.9 times, Morrow 2.5 times, Batavia 2.3 times, Milford 2 times, Bethel 1.9 times, and the Cincinnati Public Water System 1.3 times. PFAS, or per- and polyfluoroalkyl substances, are chemicals that break down slowly and are commonly found in water, soil, air, and various consumer products. Public water systems are required to monitor for PFAS and report any exceedances to the public. 8/21/2025

## **EPA Ends \$7 Billion of Biden-Era Solar Grants**

August 15, 2025

The Environmental Protection Agency last week announced the termination of the \$7 billion "Solar for All" program, originally launched under the Biden administration.

The program's cancellation was attributed to the repeal of its funding authority under the "One Big Beautiful Bill," with Cleveland.com reporting that Ohio would lose \$250 million with the cancellation. The grants were allocated to roughly 60 recipients, including states, tribal nations, nonprofits, and

local governments. 8/12/2025

### **EPA Weighs Cancelling \$7 Billion in Solar Grants**

August 8, 2025

The Environmental Protection Agency is weighing a move to cancel \$7 billion in grants awarded under the Biden administration's "Solar for All" program, prompting concern among low- and moderate-income households nationwide.

The grants—disbursed in 2024 to about 60 nonprofits, tribes, and state agencies—were intended to help vulnerable communities install solar energy. Sources say the EPA may send termination letters to recipients as early as this week. An EPA spokesperson cited implementation of the newly enacted "One Big Beautiful Bill" in affirming the action aligns with congressional intent. To date, the EPA has not made a final decision. 7/24/2025

### **Husted Questions Effectiveness of E-Check System**

August 1, 2025

In a Senate confirmation hearing last Wednesday, U.S. Sen. Jon Husted questioned the effectiveness of the Greater Cleveland E-Check emissions testing program, arguing it may no longer serve its intended air quality goals.

The program, initially credited with helping achieve federal air quality standards, now faces scrutiny amid changing vehicle technology. With most cars passing current tests easily, critics argue it may no longer be the best approach.

The proposal marks a significant shift in Ohio's regulatory approach to emissions oversight, with potential relief for motorists and changes in local environmental policy. A federal decision on E-Check waivers could reshape how air quality is managed in Northeast Ohio. 7/24/2025

### **U.S. EPA to Rescind Greenhouse Gas Endangerment Finding**

July 25, 2025

A proposal by the Trump administration's Environmental Protection Agency seeks to rescind the 2009 "endangerment finding" that classified greenhouse gases as a health threat under the Clean Air Act.

The move would dismantle the legal basis for major climate regulations targeting vehicle emissions, power plants, and methane leaks. EPA Administrator Lee Zeldin described it as "the greatest day of deregulation our nation has seen," framing it as a boost for energy jobs and lower costs. 7/24/2025

### **OMA Environment Committee Celebrates Key Nuisance Rule Win**

July 18, 2025

The OMA's Environment Committee this week celebrated a key win for removing Ohio's Air Nuisance Rule from its State Implementation Plan (SIP).

The OMA secured language in the state operating budget that requires the Ohio EPA to petition the U.S. EPA to remove the rule, protecting Ohio manufacturers from duplicative and The committee also heard a presentation from Battelle on PFAS, including past and upcoming bans and restrictions, key challenges, and strategies for risk and liability management. 7/16/2025

Midwest Ozone Group  
Ohio Technical Projects Proposal on Exceptional Events Demonstrations for  
Ozone and PM2.5  
November 13, 2025

Midwest Ozone Group (MOG) Background

MOG is an affiliation of companies and associations that is involved in addressing the development of legally and technically sound air quality programs affecting the business community. Its primary efforts are to work with policymakers in evaluating air quality policies by encouraging the use of sound science. MOG is currently engaged in pursuing exceptional events and 179B demonstrations in numerous states, including Georgia, Illinois, Indiana, Kentucky, Louisiana, Missouri, North Carolina, Texas, Ohio, West Virginia, and Wisconsin. For information MOG and its position statements on these various initiatives see: <https://www.midwestozonegroup.com/>.

Cleveland Ozone OEPA's Exceptional Events Demonstration

OEPA is requesting comments through December 4, 2025, on an exceptional events demonstration for ozone in Cleveland. The demonstration is based only on 3 days in June 2023 that were affected by Canadian wildfire. If approved, this demonstration would be enough to bring Cleveland into attainment with the NAAQS standard for ozone. Comments being developed will offer legal and technical support for the proposal. The comments would, however, urge OEPA not to retain any RACT requirements after attainment is achieved. The comments would also urge OEPA to support a separate demonstration that would address other days to lower the design value which will increase the headroom applicable to PSD permitting and economic development. Work to be done by Alpine Geophysics is critical to the development of these comments.

Other Ohio Areas

Beyond the ozone demonstration for Cleveland, additional work needs to be undertaken to address ozone in Cincinnati and Columbus and PM2.5 in Cleveland and Cincinnati. This work also focuses on both bringing nonattainment areas into attainment and creating additional headroom in attainment areas to avoid interference with PSD permitting and related economic development. The work to develop this information will be undertaken by Alpine Geophysics.

Funding

The purpose of these actions is to avoid intrusive RACT requirements and related capital and compliance risks, to avoid onerous Title V or synthetic minor permitting obligations and to minimize the restrictions that ambient air quality places on new source permitting. To accomplish this objective, funding is needed for the Alpine Geophysics work on these matters - \$25,200 for ozone and \$20,400 for PM2.5. Cost savings may be achieved if both are authorized concurrently, which would lower the total cost to \$34,200.

## **Agency Procedures Report**

### **General Discussion Points on Agency Procedures**

**Nick M. Petruzzi, PE, CPG**  
Technical Leader  
OESI Regulatory Committee Chair

**T&M Associates**  
4675 Lakehurst Ct, Suite 350  
Columbus, OH 43016

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614-408-9234

Given the diverse group of attendees at this Summit, it is beneficial to discuss agency procedures in a manner that is relatable to any type of industry or regulatory program. This presentation aims to start a dialogue that will improve collaboration and efficiency between regulatory agencies and the regulated community.

#### Partnership Mindset

There is a need for a partnership mindset between agencies and the regulated community, comparable to a customer-service approach that encourages constructive problem-solving. This customer-service approach can even be relevant with enforcement situations. Most Ohio EPA staff exemplify this approach. However, some staff at Region V are perceived to have an adversarial “us against them” mentality, which the regulated community does not share. We need to change this mentality through collaborative efforts.

#### Knowledge Transfer and Consistency

As leadership transitions occur with a wave of retirements and new staff, knowledge transfer and maintaining consistency in regulatory interpretation and expectations is critical. Senior-level oversight on gray-area issues, clear and simple escalation pathways without stigma, and routine checkpoints may support knowledge transfer. Consider tools such as internal guidance, cross-team reviews, and tracking systems to sustain consistency.

#### Predictable Permitting

Timely, transparent, and predictable permitting processes for new permits, modifications, and renewals are needed. The regulated community often experiences extended delays that impact operations. Consider rule changes to extend permit durations, establish expedited processing paths, and provide state authorization of federal permitting where feasible.

#### Practical Flexibility

Some administrative hurdles cannot be avoided. The continued use of creative near-term tools such as orders, authorizations, and conditional approvals is encouraged to enable progress on various actions. These tools are protective of health, safety, and the environment. Additionally, consider transferring certain authorities to states.

#### Responsive Remediation Oversight

For investigations and cleanups, it is crucial that extended pauses from the agency be avoided. These pauses often last months or years and hinder momentum. Additionally, personnel changes lead to loss of institutional knowledge and scope creep due to differing interpretations. There should be internal agency milestones, consistent managerial oversight, and consideration of delegating cleanup authority to states, where feasible.



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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**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."

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*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". The signature is fluid and cursive, written over a white background.

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:

If this e-mail does not display properly, [click here](#) to view our online version.

To ensure continued delivery of this e-mail, please add OMA@informz.net to your e-mail address book.



## 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 the first name "Ryan" being more prominent than the last name "Augsburger".

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.

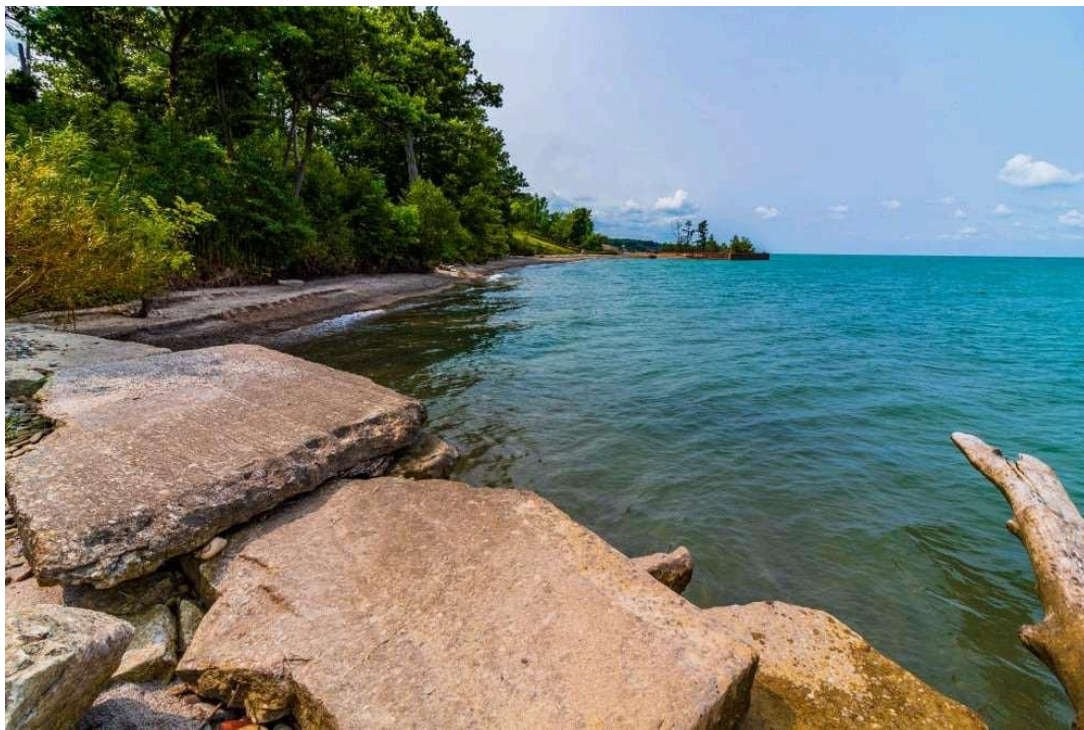
House Speaker Matt Huffman, a Republican from Lima, was asked about the cuts on Thursday during a gathering with media. He suggested they were justified because "a lot" of the money put into the fund the last two years was not spent.

# 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.



# New Title V and Synthetic Minor Fee Increase Frequently Asked Questions

## What is the new fee increase?

For Title V facilities, the annual emissions fees will continue as before, but an additional \$5,000 base fee will be added. For Synthetic Minor (also called federally enforceable permit-to-install and operate or FEPTIO) facilities, the annual emissions fees will be increased by 50%, and an additional \$5,000 base fee will be added.

## Who is affected by the new fee Increase?

Most facilities will not be affected by the annual fee increase, including any considered to be in the “non-Title V” fee category (minor source). The fee increase will affect any existing facility that has a Title V or Synthetic Minor (FEPTIO) permit. A business can check its fee status by looking at its Profile page in [Air Services](#) or reaching out to its district or local permit contact. For perspective, Ohio EPA regulates over 10,000 permitted facilities, and the fee increase will impact approximately 1,200 of the largest emitters.

## Why is Ohio EPA increasing fees?

The division has been operating conservatively under the same fee levels for almost 30 years. Over the years, to continue issuing permits in a timely manner, Ohio EPA implemented process efficiencies, allowing a reduction in staffing levels. With the decline of some of the largest fee-generating sources, primarily coal-fired power plants, the division continues to lose the revenue needed to run the program.

## When will my facility need to pay the new fees?

Ohio EPA will send the first invoices under the fee increase to Title V and Synthetic Minor facilities in early October 2025. The invoice amount will be \$5,000 (base fee) for each facility, and payment will be due 30 days from the invoice date. The next time facilities will need to submit a payment that reflects the increase will be in the invoice for their annual fees, based on the fee emissions reports due April 15, 2026. The invoices will include the \$5,000 base fee and will be sent in July of 2026.

## Didn't my facility already pay fees this year?

Yes, most likely your business paid the annual emissions fees for 2024 when invoices were sent in July. The October invoice is a separate billing to reflect the recently passed legislation. In 2026, you will only receive one combined invoice for the year that is sent in July.

## What authority does Ohio EPA have to collect additional fees?

The new fees were approved in Ohio's 2026-2027 biennium budget ([House Bill 96](#)).

## As a Title V or Synthetic Minor facility, is there anything I can do to avoid paying the fee increase?

The fee increase only affects businesses that have an active Synthetic Minor (FEPTIO) or Title V permit. To avoid the fees in the future, if your facility believes its emissions are at a level that can be permitted as a minor source, an application for a permit modification may be submitted. The fee status will not change until a final permit is issued. Please reach out to your [district or local air agency contact](#) to discuss.

## Title V and Synthetic Minor Fee Increase – Frequently Asked Questions

### Who can I talk to about my specific fee or permitting situation?

Please reach out to your [district or local air agency contact](#).

### Who will receive the invoice at my facility?

Invoices will be emailed to the people listed as the billing and primary contacts in [Air Services](#). Once an invoice is sent, it can be viewed by selecting "Correspondence" on the facility profile page in Air Services. It is recommended that you check your facility contacts regularly and ensure they are updated.

### How can I pay the fee?

There are several methods listed on our [website](#).

### I sold my business. Do I still have to pay the new fee?

In the event of a business sale, the new owner is responsible for transferring the facility into their name and updating facility information to ensure the records are current. This can be done through Air Services. The party responsible will need to pay the fee.

### My business is idled, and I have reported zero emissions. Will I need to pay the base fee?

If you have not operated the business and have zero emissions, there is no annual or base fee required. When completing your fee report, be sure to select "did not operate." Please note that even if your business is idled, if you have an active Title V or Synthetic Minor permit, all reporting requirements of the permit still apply.

### What fees are other states charging?

Ohio EPA looked very closely at what other states in our region were charging for permits and prioritized charging fees at or lower than those of other states. Many other states charge a base fee that is larger than Ohio's and charge for other services, such as modeling review or stack test witnessing, that Ohio does not.

### Are there any other new fees I need to plan for?

The only other fee increase approved for the Division of Air Pollution is a 50% increase in permit-to-install fees for installing or modifying new sources. This fee is a one-time fee for the initial permits or modifications. The full [fee schedule](#) for all DAPC and agency fees is available on our website.

# 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.

Advertisement

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.



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# EPA Launches Biggest Deregulatory Action in U.S. History

## Administrator Zeldin Announces 31 Historic Actions to Power the Great American Comeback

March 12, 2025

### Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

**WASHINGTON** – U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin announced the agency will undertake 31 historic actions in the greatest and most consequential day of deregulation in U.S. history, to advance President Trump’s Day One executive orders and Power the Great American Comeback. Combined, these announcements represent the most momentous day in the history of the EPA. While accomplishing EPA’s core mission of protecting the environment, the agency is committed to fulfilling President Trump’s promise to unleash American energy, lower cost of living for Americans, revitalize the American auto industry, restore the rule of law, and give power back to states to make their own decisions.

*“Today is the greatest day of deregulation our nation has seen. We are driving a dagger straight into the heart of the climate change religion to drive down cost of living for American families, unleash American energy, bring auto jobs back to the U.S. and more,”*  
**said EPA Administrator Zeldin.**

*“Alongside President Trump, we are living up to our promises to unleash American energy, lower costs for Americans, revitalize the American auto industry, and work hand-in-hand with our state partners to advance our shared mission,”* **added EPA Administrator Zeldin.**

These historic actions will roll back trillions in regulatory costs and hidden “taxes” on U.S. families. As a result of these announcements, the cost of living for American families will decrease. It will be more affordable to purchase a car, heat homes, and operate a business. It will be more affordable to bring manufacturing into local communities while individuals widely benefit from the tangible economic impacts.

These actions will create American jobs, including incredible progress to bring back American auto jobs. The Biden and Obama era regulations being reconsidered have suffocated nearly every single sector of the American economy.

Today, EPA Administrator Zeldin announced the following actions:

### **UNLEASHING AMERICAN ENERGY**

- Reconsideration of regulations on power plants (Clean Power Plan 2.0)
- Reconsideration of regulations throttling the oil and gas industry (OOOO b/c)
- Reconsideration of Mercury and Air Toxics Standards that improperly targeted coal-fired power plants (MATS)
- Reconsideration of mandatory Greenhouse Gas Reporting Program that imposed significant costs on the American energy supply (GHG Reporting Program)
- Reconsideration of limitations, guidelines and standards (ELG) for the Steam Electric Power Generating Industry to ensure low-cost electricity while protecting water resources (Steam Electric ELG)
- Reconsideration of wastewater regulations for oil and gas development to help unleash American energy (Oil and Gas ELG)
- Reconsideration of Biden-Harris Administration Risk Management Program rule that made America’s oil and natural gas refineries and chemical facilities less safe (Risk Management Program Rule)

## **LOWERING THE COST OF LIVING FOR AMERICAN FAMILIES**

- Reconsideration of light-duty, medium-duty, and heavy-duty vehicle regulations that provided the foundation for the Biden-Harris electric vehicle mandate (Car GHG Rules)
- Reconsideration of the 2009 Endangerment Finding and regulations and actions that rely on that Finding (Endangerment Finding)
- Reconsideration of technology transition rule that forces companies to use certain technologies that increased costs on food at grocery stores and semiconductor manufacturing (Technology Transition Rule)
- Reconsideration of Particulate Matter National Ambient Air Quality Standards that shut down opportunities for American manufacturing and small businesses (PM 2.5 NAAQS)
- Reconsideration of multiple National Emission Standards for Hazardous Air Pollutants for American energy and manufacturing sectors (NESHAPs)
- Restructuring the Regional Haze Program that threatened the supply of affordable energy for American families (Regional Haze)
- Overhauling Biden-Harris Administration’s “Social Cost of Carbon”
- Redirecting enforcement resources to EPA’s core mission to relieve the economy of unnecessary bureaucratic burdens that drive up costs for American consumers (Enforcement Discretion)
- Terminating Biden’s Environmental Justice and DEI arms of the agency (EJ/DEI)

## **ADVANCING COOPERATIVE FEDERALISM**

- Ending so-called “Good Neighbor Plan” which the Biden-Harris Administration used to expand federal rules to more states and sectors beyond the program’s traditional focus and led to the rejection of nearly all State Implementation Plans

- Working with states and tribes to resolve massive backlog with State Implementation Plans and Tribal Implementation Plans that the Biden-Harris Administration refused to resolve (SIPs/TIPs)
- Reconsideration of exceptional events rulemaking to work with states to prioritize the allowance of prescribed fires within State and Tribal Implementation Plans (Exceptional Events)
- Reconstituting Science Advisory Board and Clean Air Scientific Advisory Committee (SAB/CASAC)
- Prioritizing coal ash program to expedite state permit reviews and update coal ash regulations (CCR Rule)
- Utilizing enforcement discretion to further North Carolina's recovery from Hurricane Helene

Last updated on March 14, 2025



# 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.

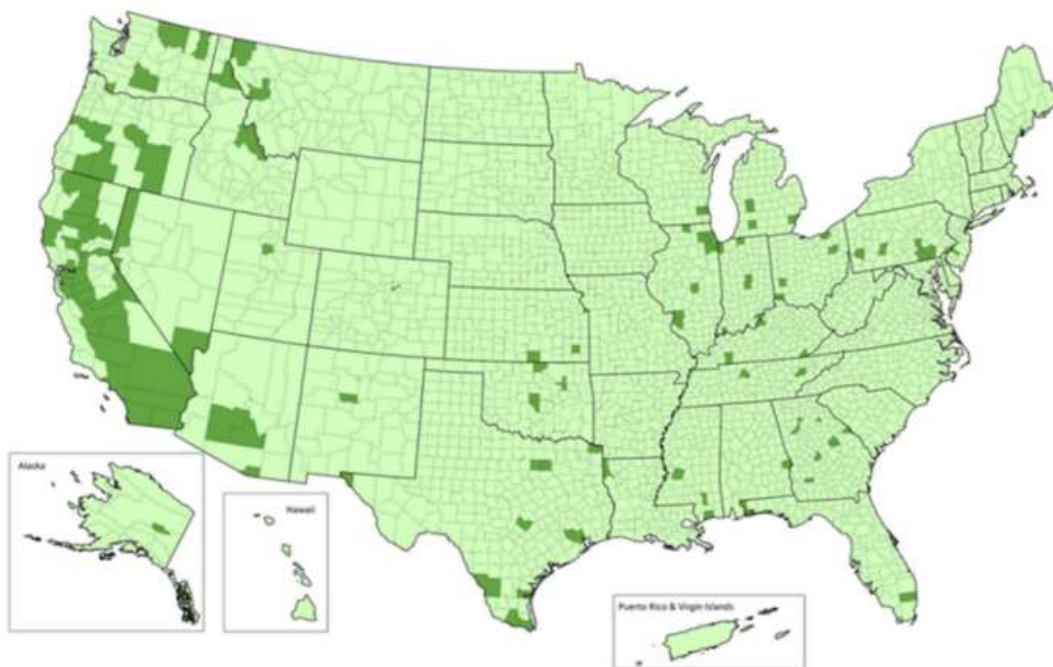
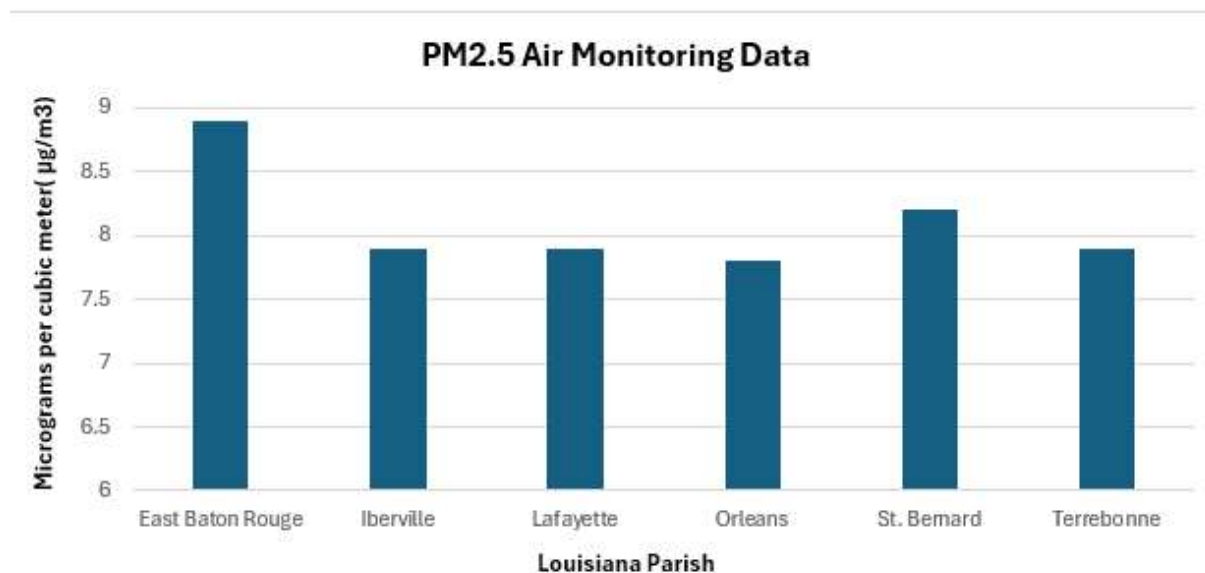


Figure 1: Based on 2020-2022 air monitoring data, the dark green areas on the map indicate counties that do not meet the annual PM2.5 standard of 9  $\mu\text{g}/\text{m}^3$ . [View the data \(pdf\)](#). (courtesy U.S. EPA)

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-TE-AM/](https://www.eenews.net/meet-the-tee-am/) 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."



# EPA Releases Proposal to End the Burdensome, Costly Greenhouse Gas Reporting Program, Saving up to \$2.4 Billion

September 12, 2025

## Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

**WASHINGTON** – Today, in accordance with President Trump’s Day One executive orders, U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin announced a proposed rule to end the burdensome Greenhouse Gas Reporting Program (GHGRP), saving American businesses up to \$2.4 billion in regulatory costs while maintaining the agency’s statutory obligations under the Clean Air Act (CAA). Unlike other mandatory information collections under the CAA, the GHGRP is not directly related to a potential regulation and has no material impact on improving human health and the environment. If finalized, the proposal would remove reporting obligations for most large facilities, all fuel and industrial gas suppliers, and CO2 injection sites.

*“Alongside President Trump, EPA continues to live up to the promise of unleashing energy dominance that powers the American Dream. The Greenhouse Gas Reporting Program is nothing more than bureaucratic red tape that does nothing to improve air quality,” **said EPA Administrator Zeldin.** “Instead, it costs American businesses and manufacturing billions of dollars, driving up the cost of living, jeopardizing our nation’s prosperity and*

*hurting American communities. With this proposal, we show once again that fulfilling EPA's statutory obligations and Powering the Great American Comeback is not a binary choice."*

By reducing the overall regulatory burden, current regulated parties will be able to focus compliance expenditures on actual, tangible environmental benefits. As the agency continues to Power the Great American Comeback, this proposal represents a significant step toward streamlining operations, cutting unnecessary red tape, unleashing American energy, and advancing EPA's core mission of protecting human health and the environment.

The GHGRP requires 47 source categories, covering over 8,000 facilities and suppliers in the U.S. to calculate and submit their greenhouse gas (GHG) emissions reporting annually. Following a careful review, EPA proposed that there is no requirement under CAA section 114(a) to collect GHG emission information from businesses nor is continuing the ongoing costly data collection useful to fulfill any of the agency's statutory obligations. Therefore, EPA is proposing to remove all GHG reporting requirements, except for those subject to the Waste Emissions Charge (WEC).

CAA section 136 only requires data collection for segments of subpart W (petroleum and natural gas systems) subject to the WEC. On July 4, 2025, President Trump signed the One Big Beautiful Bill Act, which amended CAA section 136(g), so that the WEC now applies to emissions reported for calendar year 2034 and for each year thereafter. In accordance with the law, EPA will not be collecting subpart W data until 2034.

EPA will initiate a public comment period to solicit input. Further information on the public comment process and instructions for participation will be published in the *Federal Register* and on the EPA website <<https://epa.gov/ghgreporting>>.

For more information on the proposed rule and how to comment, please see EPA's fact sheet here <<https://epa.gov/system/files/documents/2025-09/reconsideration-of-ghgrp-proposal-fact-sheet.pdf>>.

## **Background**

On March 12, 2025, Administrator Zeldin announced that the agency was reconsidering the GHGRP <<https://epa.gov/newsreleases/trump-epa-announces-reconsideration-burdensome-greenhouse-gas-reporting-program>>. This was announced in conjunction with a number of

historic actions to advance President Trump's Day One executive orders and Power the Great American Comeback. While accomplishing EPA's core mission of protecting human health and the environment, the agency is committed to fulfilling President Trump's promise to unleash American energy.

Congress authorized funding for the creation of the GHGRP in the Fiscal Year 2008 Consolidated Appropriations Act. The Obama EPA promulgated the program and began collecting data in 2010. The GHGRP currently requires reporting of GHG data from certain large GHG emission sources, fuel and industrial gas suppliers, and CO<sub>2</sub> injection sites.

November 18, 2024, the Biden EPA issued the final WEC rule to implement the 2022 Inflation Reduction Act's methane tax provisions. Congress amended the CAA by adding section 136, "Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems." Among other things, CAA section 136 (c)-(g) required EPA to impose and collect a waste emission charge on methane emissions that exceeded specified thresholds from applicable facilities that reported more than 25,000 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) of GHGs under the petroleum and natural gas systems subpart W source category.

On March 14, 2025, President Trump signed a joint resolution of disapproval under the Congressional Review Act, disapproving the November 2024 final WEC rule.

Last updated on September 12, 2025



## DIVE BRIEF

# EPA proposes ending the Greenhouse Gas Reporting Program

The Environmental Protection Agency's proposed rule would eliminate required GHG emissions reporting for carbon dioxide injection sites, fuel and industrial gas suppliers and "most large facilities."

Published Sept. 15, 2025



Lamar Johnson  
Reporter

*The EPA is proposing to rescind the 2009 endangerment finding, which serves as the scientific and legal basis for the EPA to regulate greenhouse gas emissions in power plants. Getty Images*

## Dive Brief:

- Environmental Protection Agency Administrator Lee Zeldin announced Friday that the agency will propose a rule to eliminate the Greenhouse Gas Reporting Program, or GHGRP, which requires over 8,000 companies and entities to calculate and annually report their greenhouse gas emissions for 47 source categories.
- The agency estimated that the rule would save U.S. companies "up to \$2.4 billion" in regulatory costs, according to the announcement. EPA said in a fact sheet that if the proposal is finalized, companies would not have to submit reports with 2025 data.

- Zeldin previously telegraphed Friday's proposal in the spring, when EPA announced a spate of climate and environmental rules it was planning to reconsider during a "day of deregulation" at the agency. Repealing the GHG Reporting Program could hurt the carbon capture industry and remove data that cities rely on to hold polluters accountable.

### **Dive Insight:**

The Greenhouse Gas Reporting Program was established in 2009, after Congress mandated a GHG reporting rule in response to the appropriations act for the 2008 fiscal year, according to EPA. The program currently applies to certain large industrial facilities that emit 25,000 metric tons or more of carbon dioxide equivalent, as well as carbon dioxide injection sites and fuel and industrial gas suppliers, according to a March fact sheet.

EPA is proposing to rescind the GHGRP in accordance with executive orders President Donald Trump issued on his first day back in office. The agency said it plans to maintain its statutory obligations under the Clean Air Act, but claimed in the release that the GHGRP "is not directly related to a potential regulation and has no material impact on improving human health and the environment," unlike other mandatory data collection programs under the CAA.

Zeldin said in the Sept. 12 announcement that the program "costs American businesses and manufacturing billions of dollars, driving up the cost of living, jeopardizing our nation's prosperity and hurting American communities."

The substance of the proposed rule would be an amendment to the program that removes "program obligations for most source categories," according to the rule released for public inspection on Monday. The proposal, which would remove reporting

requirements for carbon dioxide injection sites, “most large facilities” and all suppliers of fuel and industrial gas, will be published in the Federal Register on Tuesday.

The proposed rule would remove 46 of the 47 greenhouse gas source categories from the program. The agency would leave emissions reporting requirements for companies subject to the waste emissions charge, a methane emissions fee established by the 2022 Inflation Reduction Act. But, the recent Congressional Republican budget bill will delay data collection under that subsection for petroleum and natural gas systems — required to report under the CAA — until it reports on calendar year 2034.

The proposal to rescind most of the GHGRP’s requirements comes after EPA announced a plan to revoke the “endangerment finding.” The finding that greenhouse gases endanger public health underpins regulations that look to reduce greenhouse gas emissions in the oil and gas, power and automotive sectors. The move to undo the finding — also previewed during the agency’s “day of deregulation” — was announced in July, but is expected to face “significant legal pushback that could derail implementation,” according to research firm Captstone.

**DIVE BRIEF**

# EPA asks court to vacate part of PFAS drinking water lawsuit

EPA told a judge it failed to follow the Safe Drinking Water Act when limiting four PFAS under the regulations. The agency plans to continue to defend its decision to regulate PFOA and PFOS.

Published Sept. 75, 2025



Megan Quinn  
Senior Reporter

*The EPA under the Biden administration is sued drinking water regulations for certain PFAS in 2024. The Trump administration, as well as a lawsuit from water associations, hopes to revise or reverse aspects of the regulation. Getty images*

**Dive Brief:**

- The U.S. EPA says it now agrees with aspects of a lawsuit filed against it by water utilities and chemical companies last year, according to a motion filed Thursday. That lawsuit aims to overturn the EPA's drinking water regulation for PFAS.
- The American Water Works Association and Association of Metropolitan Water Agencies sued the agency last year, saying the EPA did not follow required legal steps under the Safe Drinking Water Act when it set new drinking water standards for certain per- and polyfluoroalkyl substances under the Biden administration in 2024.
- On Thursday, the EPA requested a federal court throw out part of the case, agreeing with the utilities that the prior administration had not set a required public comment period on the proposed inclusion of four versions of the chemicals: PFHxS, PFNA, PFBS and HFPO-DA, commonly known as GenX. The EPA says it will continue to defend its regulations of two other chemicals in the standard: PFOA and PFOS.

## Dive Insight:

The EPA's latest actions in this court case align with its previous announcement in May that it intends to roll back significant parts of the National Primary Drinking Water Regulation that set legally enforceable limits for six types of PFAS in drinking water.

The EPA under the Trump administration plans to rescind PFHxS, PFNA, PFBS and HFPO-DA from the drinking water standard. It announced in May it would still regulate PFOA and PFOS in drinking water, but it wants to extend compliance timelines from 2029 to 2031. The EPA says it plans to officially propose that new timeline sometime this fall and finalize it in spring 2026.

The waste industry is closely following how these drinking water rules could affect leachate management and groundwater monitoring efforts, and how the rules might also affect relationships with wastewater treatment facilities. The regulations also represent business opportunities for waste companies that service industrial clients.

The American Water Works Association and Association of Metropolitan Water Agencies, which first sued the EPA in June 2024, aim to reverse the full set of PFAS drinking water standards set under the Biden administration. The associations say the EPA "did not use the best available data and appropriate processes in developing the PFAS regulation."

In the EPA's partial motion to vacate filed Thursday, the agency says it will continue to fight the lawsuit as it relates to PFOA and PFOS. The EPA argues it "followed the statutorily prescribed sequencing" by giving appropriate notice on the proposed rule and conducting a required public comment period. The EPA had originally announced the drinking water standard would include those two types of PFAS.

According to the motion to vacate, the EPA agrees with the water associations that it did not correctly follow process when it decided to add four more types of PFAS to the standard. The EPA says it "denied the public and the regulated community the opportunity to adequately comment on and participate in the rulemaking process" and asks the judge to toss out parts of the lawsuit related to those chemicals, noting that a judge's dismissal is an important step in the EPA's intent to "reconsider regulatory determinations" for these four types of chemicals.

The water associations are expected to respond by Sept. 26 to the EPA's request to partially vacate the case.

The EPA's planned rollback of the PFAS regulations and the related court documents on the matter have drawn criticism from environmental groups such as Earthjustice and the Natural Resources Defense Council, which argued that the EPA is attempting "to evade limits that Congress imposed on the agency," the groups said in a statement.

Earthjustice argues that the Safe Drinking Water Act has provisions meant to keep the EPA from weakening standards once they are set. "The EPA is asking the court to do what EPA itself is not allowed to do," the group said.

Meanwhile, Reps. Brian Fitzpatrick (R-Pa.) and Debbie Dingell (D-Mich.) in July introduced the PFAS National Drinking Water Standard Act of 2025, a bill the lawmakers say is meant to ensure that the PFAS drinking water standards set under the Biden administration "remain durable, enforceable, and insulated from future regulatory uncertainty or reversal," according to a news announcement. Fitzpatrick and Dingell, co-chairs of a bipartisan PFAS task force, say a rollback of the PFAS drinking water standard will weaken the ability to protect residents from exposure to the chemicals.

September 16, 2025

# Update: US EPA's Revisions to TSCA PFAS Reporting Rule

Jacob Bartlett

Vorys, Sater, Seymour and Pease LLP

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As part of US EPA's action back in May to (again) delay the reporting period for the TSCA PFAS reporting rule (Rule) the agency also announced that it would use the additional time to consider revisions to the Rule. Last week, US EPA took the next step to revising the rule. According to the [Office of Information and Regulatory Affairs \(OIRA\)](#), US EPA "plans to [revise the Rule and] propose the incorporation of certain exemptions and other modifications to the scope of the reporting rule." An exemption from the import of articles containing PFAS seems likely along with other potential revisions to reduce the reporting burden on industry.

According to OIRA, a Notice of Proposed Rulemaking will be issued in December 2025 with a final rule expected in June 2026. US EPA's latest action delayed the reporting period with a deadline of October 13, 2026 – a deadline that will likely be extended again as part of the revision.

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## COUNSEL'S REPORT

Frank Merrill & Christine Rideout Schirra, Bricker Graydon  
Counsel to the OMA  
November 13, 2025

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

#### 1. Ohio Seeks to Remove Ohio Air Nuisance Rule from Ohio's State Implementation Plan under the Clean Air Act

The Ohio state biennium budget bill (HB 96), signed in July 2025, includes provisions that require Ohio EPA to request that U.S. EPA remove Ohio's Air Nuisance Rule from Ohio's State Implementation Plan (SIP) under the Clean Air Act. This action would reverse U.S. EPA's January 2025 decision to reinstate the rule and could restrict citizen enforcement of air pollution standards in Ohio. As noted by Ohio EPA, the Air Nuisance Rule was included in Ohio's SIP in error in the 1970s when thousands of state and local agency regulations were submitted to U.S. EPA for incorporation into SIPs to fulfill new federal requirements. The Air Nuisance Rule remains fully in effect in state law; Ohio EPA's petition simply seeks to remove this state law from the federally-approved SIP. The OMA submitted comments to Ohio EPA on October 6, 2025 in support of Ohio EPA's draft submission to remove OAC 3745-15-07, the Air Nuisance Rule, from Ohio's SIP.

On October 24, 2025, several environmental groups filed a lawsuit in Franklin County Common Pleas Court against Ohio EPA and the State, alleging that the new law, which was included in H.B. 96, the state budget bill passed in July, violates the One-Subject Rule of the Ohio Constitution (*Ohio Environmental Council et al. v. Ohio et al.*, Case No. 25CV9387, Judge Julie Lynch). Regardless of the lawsuit, Ohio EPA retains its independent authority to pursue SIP revisions.

#### 2. Ohio EPA Redesignation Request and Maintenance Plan for Cleveland (Ozone)

On November 3, 2025, Ohio EPA made available for comment its draft Redesignation Request and Maintenance Plan for the Cleveland, Ohio 2015 8-Hour Ozone Nonattainment Area. Ohio EPA requests that U.S. EPA revise the current air quality designation for the Cleveland, Ohio area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties) to attainment with respect to the 2015 eight-hour ozone NAAQS. Air quality monitoring data collected between 2023 and 2025 in the region demonstrated attainment of the NAAQS, contingent upon U.S. EPA concurrence with Ohio's Exceptional Events Demonstration for 2023 Wildfire-Related Ozone Episodes in Cuyahoga County and Lake County. That Demonstration is also available for public comment. Ohio EPA is holding an in-person and virtual public hearing on December 3, 2025 at 11:00 am and is accepting comments through December 4, 2025.

#### 3. Ohio EPA Draft Rules – Accidental Release Prevention Program

On October 20, 2025, Ohio EPA public noticed draft rules in OAC Chapter 3745-104 to implement the Accidental Release Prevention Program Risk Management Plan (RMP) in accordance

with Section 112(r) of the federal Clean Air Act. The purpose of the rules is to prevent chemical accidents through preparation of hazard assessments, prevention programs, and emergency response programs. Regulated entities include stationary source facilities that hold more than a threshold quantity of a regulated substance and require implementation of a risk management program and submittal of a Risk Management Plan to U.S. EPA. Ohio EPA's primary changes to the rules are to implement new federal regulations that were published on March 11, 2024 (40 CFR Part 68), which include requirements pertaining to third-party audits and employee participation. Ohio EPA is accepting comments on the rules through November 21, 2025.

#### 4. Ohio EPA Water Quality Trading Rules

Ohio EPA recently published an early stakeholder outreach notification informing of its intent to adopt rules pertaining to water quality trading in OAC Chapter 3745-5. The water quality trading program is a voluntary program to allow NPDES permit holders to meet regulatory obligations by utilizing pollutant reductions generated by another wastewater point source or non-point source. Ohio EPA indicates that no major changes to the program are being considered at this time.

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

#### 1. U.S. EPA Commitment to Roll Back PM2.5 Limit

U.S. EPA is expected to propose a plan with a final rule due in February 2026 to scrap the Biden administration's tighter limit on fine particulate matter (PM2.5) and return to the less stringent 2012 standard. More specifically, U.S. EPA has forecasted its intent to rescind the 2024 annual PM2.5 limit of 9 micrograms per cubic meter (ug/m<sup>3</sup>) and return to the 2012 limit of 12 ug/m<sup>3</sup>. U.S. EPA Administrator Lee Zeldin has pledged to move fast to roll back the tougher PM2.5 standard, aiming to finalize such regulations by February 2026, which would require a U.S. EPA proposal soon to allow for public notice and comment procedures.

#### 2. PFOA and PFOS Regulation – CERCLA Hazardous Substances

On September 17, 2025, U.S. EPA announced its ongoing commitment to regulating PFOA and PFOS as hazardous substances under CERCLA and maintaining the final July 8, 2024 rule designating these two compounds as hazardous substances. The announcement follows several stays that were issued by the D.C. Circuit Court in a challenge to the rule, allowing U.S. EPA time to review the rule following the change in leadership (*Chamber of Commerce, et al. v. U.S. Env't Protection Agency, et al.*, No. 24-1193 (D.C. Cir. Nov. 4, 2024)). U.S. EPA further announced that going forward, it intends to develop a CERCLA section 102(a) Framework Rule. The Framework Rule will provide a uniform approach to guide future hazardous substance designations, including how the agency will consider the costs of proposed designations. Section 102(a) gives U.S. EPA authority to designate additional hazardous substances beyond those substances listed under the other statutes referenced in CERCLA (the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and the Toxic Substances Control Act).



# **U.S. EPA Region 5 Updates**

OMA/OESI Environmental Summit  
November 13, 2025

**U.S. EPA Region 5 Administrator Anne Vogel**

# Clean Air, Land, and Water for Every American

“Every American should have access to clean air, land, and water. I will ensure the EPA is fulfilling its mission to protect human health and the environment. In his first term, President Trump advanced conservation, reduced toxic emissions in the air, and cleaned up hazardous sites, while fostering economic growth for families across the country. We remain committed to these priorities in this administration, as well as ensuring emergency response efforts are helping Americans get back on their feet in the quickest and safest way possible. We will do so while remaining good stewards of tax dollars and ensuring that every penny spent is going towards advancing this mission.”

## Restore American Energy Dominance

“Pursuing energy independence and energy dominance will cut energy costs for everyday Americans who are simply trying to heat their homes and put gas in their cars. This will also allow our nation to stop relying on energy sources from adversaries, while lowering costs for hardworking middle-income families, farmers, and small business owners. I look forward to working with the greatest minds driving American innovation, to ensure we are producing and developing the cleanest energy on the planet.”

# Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership

“Any business that wants to invest in America should be able to do so without having to face years-long, uncertain, and costly permitting processes that deter them from doing business in our country in the first place. It will be important for the EPA to work with our partners at the state and federal levels to ensure projects are being approved and companies can invest billions of dollars into our nation. Streamlining these processes, while partnering with businesses to follow the necessary steps to safeguard our environment, will incentivize investment into our economy and create American jobs.”

# **Make the United States the Artificial Intelligence Capital of the World**

“As we rapidly advance into this new age of AI, it is important that the United States lead the world in this field. Those looking to invest in and develop AI should be able to do so in the U.S., while we work to ensure data centers and related facilities can be powered and operated in a clean manner with American-made energy. Under President Trump’s leadership, I have no doubt that we will become the AI capital of the world.”

## **Protecting and Bringing Back American Auto Jobs**

“Our American auto industry is hurting because of the burdensome policies of the past. Under President Trump, we will bring back American auto jobs and invest in domestic manufacturing to revitalize a quintessential American industry. We will partner with leaders to streamline and develop smart regulations that will allow for American workers to lead the great comeback of the auto industry.”



# Perfect Products Site

Malvern, Ohio

*Learn more at  
[response.epa.gov/perfectproducts](https://response.epa.gov/perfectproducts)*



# Cuyahoga Gorge Dam

Akron, Ohio



Learn more at <https://www.epa.gov/great-lakes-aocs/cuyahoga-river-aoc>



# Great Stone Viaduct Brownfield site

Bellaire, Ohio

*Learn more at [epa.gov/brownfields/r5](https://epa.gov/brownfields/r5)*



**Thank you!**

**Contact: [vogel.anne@epa.gov](mailto:vogel.anne@epa.gov)**



# Enforcement and Compliance Updates and Priorities

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*OHIO MANUFACTURERS' ASSOCIATION AND OHIO ENVIRONMENTAL  
SERVICES INDUSTRY*

*NOVEMBER 13, 2025*



Enforcement and Compliance Assurance Division  
Carolyn Persoon, Acting Director

Planning and Administration  
Section

Air Enforcement and  
Compliance Assurance Branch  
(CAA, 112(r)), mobile sources, ODS  
Center of Excellence)

Land Enforcement and  
Compliance Assurance Branch  
(RCRA, TSCA, FIFRA, UST, EPCRA 313,  
AHERA )

Water Enforcement and  
Compliance Assurance Branch  
(CWA, SDWA, UIC, multimedia, FFEO)

# Clean Air, Land, and Water



- CAA Stationary Sources
  - National Compliance Initiatives
  - Landfills, Scrap Yards
- CAA 112r – RMP
- Ozone Depleting Substances
- Mobile Sources
- TSCA and FIFRA
- RCRA
- EPCRA 313
- AHERA Center of Excellence
- CWA
- 404
- SDWA - PWS and UIC

# National Enforcement and Compliance Initiatives (NECIs)

March 12, 2025, Acting Assistant Administrator Jeffrey A. Hall memo, “Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities.”

- Mitigating Climate Change - [update](#)
- Addressing Exposure to PFAS
- Protecting Communities from Coal Ash Contamination - [update](#)
- Reducing Air Toxics in Overburdened Communities - [update](#)
- Increasing Compliance with Drinking Water Standards
- Chemical Accident Risk Reduction - [update](#)



# Powering the Great American Comeback

- *“At EPA, we will do our part to protect human health and the environment while fulfilling all of our statutory obligations to safely regulate chemicals needed for every part of modern life to transport, build, feed, and power the Great American Comeback.” – Administrator Lee Zeldin.*
  - **Pillar 1: Clean Air, Land, and Water for Every American**
  - Pillar 2: Restore American Energy Dominance
  - **Pillar 3: Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership**
  - Pillar 4: Make the United States the Artificial Intelligence Capital of the World
  - Pillar 5: Protecting and Bringing Back American Auto Jobs

