



**Government Affairs Committee Agenda  
December 4, 2025**

**Welcome & Introductions**

**Luke Harms**, Director of Government Relations,  
Whirlpool Corporation, Committee Chair

**Special Guest**

**Dr. Amy Acton**, 2026 Ohio Gubernatorial Candidate

**Public Policy Rundown/Staff Reports**

- Leadership
- Energy
- Environment
- Human Resources
- Safety and Workers' Compensation
- Taxation and Finance

**Ryan Augsburger**, OMA President  
**James Lee**, OMA Staff  
**Kim Bojko**, Partner, Carpenter Lipps LLP, OMA  
Energy Counsel

**OMA Counsel's Report**

**Chris Slagle**, Bricker Graydon LLP, OMA General  
Counsel

**Special Guest**

**Senator Mark Romanchuk**, Owner, PR Machine  
Works, Inc.

**Discussion Agenda**

- Protecting competitive energy  
markets
- Ohio's political landscape
- Ballot initiative to abolish property tax
- Legislative opportunities and threats

**2026 Government Affairs Committee Calendar**  
**Meetings begin at 10 a.m.**  
Thursday, March 19  
Thursday, June 4  
Wednesday, September 30  
Thursday, October 1 – Leadership Forum  
Thursday, November 19

**Our Meeting Sponsor:**



OMA Government Affairs Committee - Dec 2025

<b>Name</b>	<b>Company</b>	<b>Location</b>
Kevin Abke	Ohio CAT	Perrysburg, OH
Ann K. Aquillo	Ann Aquillo Consulting LLC	Powell, OH
Ryan R. Augsburg	The Ohio Manufacturers' Association	Columbus, OH
Matt Austin	Austin Legal, LLC	
Steve Austria	Sugar Creek Packing Company	Dayton, OH
Kevin Baird	PPG	Pittsburgh, PA
Jan Bans	AT&T Ohio	Columbus, OH
Bradley H. Belden	The Belden Brick Company	Canton, OH
Riley Bellner	Owens Corning	Toledo, OH
Krista Bistline	Verizon	Lewis Center, OH
Kimberly W. Bojko	Carpenter Lipps LLP	Columbus, OH
John Broderick	Magna Services of America, Inc.	Troy, MI
Stephen Buehrer	Carpenter Lipps LLP	Columbus, OH
Ashley M. Canfield	ArcelorMittal Tubular Products USA	Shelby, OH
Wayne Chamberlain	The Will-Burt Company	Orrville, OH
Skyla Coleman	Telhio Credit Union	Columbus, OH
Kassie Cooper	Center To Advance Manufacturing - Bowling Green State University	Bowling Green, OH
Sara Corona	Crown Equipment Corporation	New Bremen, OH
Andrew P. Corsig	PhRMA	Cincinnati, OH
Russell Decker	Nutrien	Lima, OH
Kevin DeWine	Crown Equipment Corporation C/o CBD Advisors	Beavercreek Township, OH
Matthew DeWine	Foxconn	Warren, OH
Steve Dimon	AMG Vanadium LLC C/o 21 Consulting, LLC	Columbus, OH
Joseph F. Dutt	Summitville A Brand of General Shale Brick	Minerva, OH
Jacqueline Filipovich	B & B Molded Products	Defiance, OH
Colin Fitzsimmons	Vistra	Irving, TX
Andreas Foerster	Starr Manufacturing, Inc.	Vienna, OH
Dale Foerster	Starr Manufacturing, Inc.	Vienna, OH
Patrick G. Foltyn	The Cincinnati Insurance Companies	Columbus, OH
Tayte French Lutz	French Oil Mill Machinery Company	Piqua, OH
Scott Frens	Fort Recovery Industries Inc.	Fort Recovery, OH
Malvina Gasco	The Lincoln Electric Company	
Jennifer Gilliland	Identity Systems Inc	Columbus, OH
Jay Goyal	Goyal Industries, Inc.	Mansfield, OH
Marie Gribble	Haviland Drainage/Haviland Plastic	Haviland, OH
Luke M. Harms	Whirlpool Corporation	Washington, DC
Margaret Hess	Ohio Association of Career Technical Superintendents	Morrow, OH
Rodney Hildebrand	Covestro LLC	Washington, DC
Lawrence D. Holmes	Fort Recovery Industries Inc..	Greenville, OH
Brian Huprich	Ariel Corporation	Mount Vernon, OH
Eric Jenkucky	TJ Clark International LLC	Delaware, OH
Matthew F. Johnston	Worthington Enterprises	Columbus, OH
Mindy Kairis	Owens Corning	Toledo, OH
Elena L. Kelly	Lukjan Metal Products Inc	Conneaut, OH
Matt Koppitch	Bricker Graydon LLP	Columbus, OH
James Lee	The Ohio Manufacturers' Association	Columbus, OH
Jennifer Lehman	The Campbell's Company	Camden, NJ
Timothy Ling	Plaskolite, LLC	Columbus, OH
Jessica A. Lloyd, MBA	Brilex Tech Services	Youngstown, OH
Kenneth D. Magyar	DT Midstream	Canonsburg, PA
Mark Patrick Mahoney	Columbus State Community College	Columbus, OH
Catherine Martin	Phillips Tube Group, Inc.	Middletown, OH
Ryan Matthews	Ariel Corporation	Mount Vernon, OH
Nathan Mays	The Ohio Manufacturers' Association	Columbus, OH
Deb Mazol	Seaman Corporation	Wooster, OH

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<b>Name</b>	<b>Company</b>	<b>Location</b>
Scott Milburn	Scott Milburn LLC	Upper Arlington, OH
Abbie Miller	BSI America Professional Services Inc.	Columbus, OH
Nicholas Miller	The Ohio Manufacturers' Association	Columbus, OH
Mike Moran	Affiliated Resource Group	Dublin, OH
Beth Morantes	Tyson Foods, Inc.	Springdale, AR
Ramola Musante	The Sherwin-Williams Company	Washington, DC
Tom R. Nelson	Yoder Lumber Company, Inc.	Millersburg, OH
Kevin Orr	Pfizer, Inc.	Dublin, OH
Todd Penney	Crown Equipment Corporation	New Bremen, OH
Angela R. Phillips	Phillips Tube Group, Inc.	Middletown, OH
Melanie Pillion	Francis Manufacturing Company	Russia, OH
Rick Platt	Heath-Newark-Licking County Port Authority	Heath, OH
Mike Purcell	GBQ Partners LLC	Columbus, OH
Jeff W. Reed	American Honda Motor Company	Marysville, OH
Jeff W. Reed	American Honda Motor Company	Marysville, OH
Matt Roberts	In-Finite Search Solutions	Westlake, OH
Mark Romanchuk	PR Machine Works, Inc.	Mansfield, OH
Dennis Rowbotham	GRT Utilicorp, Inc.	Wooster, OH
Jim Samuel	Capitol Integrity Group	Columbus, OH
Luke Sears	Brixey & Meyer	Dublin, OH
Jim Sever	P S C Crane & Rigging	Piqua, OH
Shannon Shinaberry	The Goodyear Tire & Rubber Company	Akron, OH
Christopher N. Slagle	Bricker Graydon LLP	Columbus, OH
Richard Smith	Leavitt Group Midwest	Westerville, OH
Jeff Spain	MEP at Columbus State Community College	Columbus, OH
Gretchen Spear	International Paper	Bloomington, MN
Traci Spencer	TechSolve - SW Ohio MEP	Cincinnati, OH
Duane Steelman	Terracon Consultants, Inc.	Parma, OH
Jeri Steinbrook	Bowling Green State University	Bowling Green, OH
Shilpi Sunil Kumar	MARA	
Joy Tidrick, CPA	Brixey & Meyer	Dublin, OH
Ben Trumpower	ArcelorMittal Tubular Products USA	Shelby, OH
Stella Tsirelis	Massillon Container Co	Navarre, OH
Jeffrey C. Turgeon	Zaclon LLC	Cleveland, OH
Matthew Tway	Goodwill Industries of Erie, Huron, Ottawa, and Sandusky Counties	Marion, OH
Kirk Vashaw	Spangler Candy Company	Bryan, OH
Todd Washam	Cenovus Energy	Dublin, OH
Stephanie Weaver	T. Marzetti Company	Westerville, OH
Michael Weber	Schaeffler Group USA	Washington, DC
Adam Weiser	Advanced Fiber Technology	Bucyrus, OH
Zach Williams	Telhio Credit Union	Columbus, OH
Lena Zodda	Graphic Packaging International, Inc.	Germantown, TN
Zuzana Zvarova	Boston Beer Company	Boston, MA

Total Participants 98



## Dr. Amy Acton

Growing up in Youngstown, in a family who'd worked in the steel mills, Amy Acton faced a difficult childhood—overcoming abuse, hunger, and periods of homelessness. That challenging upbringing molded the values and determination that have shaped a career dedicated to lifting others.

From working as a waitress to delivering newspapers, Amy worked her way out of poverty and put herself through college and medical school to become a doctor. She experienced firsthand what so many Ohio families face today—working harder than ever and still feeling like they're falling behind.

After medical school, she began a lifelong focus on children's health. Her first assignment was a pediatrics residency tackling the horrific consequences of the crack cocaine epidemic in children. She then began a residency at Children's Hospital and Ohio State University,

where she trained in pediatrics and preventive medicine. There, she created the first-ever residency rotation in child advocacy and gained a master's degree in public health.

Amy emerged as a community leader for children's health as the Director of Project L.O.V.E, a partnership between Columbus area hospitals and community stakeholders focused on preventive health for Columbus-area children. She also joined the faculty at Ohio State University, where she became an award-winning professor of maternal and child health and global public health.

Amy later joined the Columbus Foundation, where she led on a wide variety of community health issues, from youth homelessness to women's health.

In 2019, Governor DeWine asked Amy to serve in his administration as the Director of the Ohio Department of Public Health. Amy put partisanship aside to serve the people of Ohio. Amid a wide variety of issues, she worked with Republicans and Democrats throughout the state to hold the big drug companies accountable for the opioid epidemic and shape a historic settlement to fund addiction recovery programs.

When the pandemic hit, her steady leadership and voice for common sense not only saved countless lives but also helped Ohio's economy and schools open earlier than other states. For her leadership, Amy earned a Profile in Courage Award from the John F. Kennedy Library Foundation in 2021 and was named Woman of the Year for Ohio by USA Today in 2022.

Following her service in the DeWine administration, Amy returned to the Columbus Foundation and helped found the Center for Human Kindness, then worked with CEOs, mayors, and community advocates to launch Rapid 5, a nonprofit to integrate the region's park system and waterways, while lifting health and economic wellness. She also partnered with WKYC on an award-winning series called *Health, Hope & Healing*, where she spoke to Ohioans about the challenges they face and the innovative solutions they're using to move themselves forward.

Now, Amy's running for Governor because she refuses to look away from Ohioans who are struggling while politicians in Columbus cater to billionaires and corporations.

Amy lives in Bexley, Ohio with her husband, Eric, a lifelong teacher and coach in Bexley Public Schools. Together they have six kids and enjoy traveling, exploring nature, and spending time with their good friends and growing family.



## **Mark Romanchuk**

### **Ohio Senate**

Senator Mark Romanchuk is serving in his second term in the Ohio Senate representing the people of the 22nd Senate District, which includes Ashland, Medina and Richland counties. He previously served four terms in the Ohio House of Representatives.

Senator Romanchuk has over 35 years of experience in small business, systems engineering, management, and community development. He is the owner and CEO of PR Machine Works, Inc., a contract manufacturer in the city of Ontario. Prior to his work at PR Machine Works, he worked at Hughes Aircraft Company in a diplomatic capacity to the former Soviet Union in support of the Intermediate Range Nuclear Forces (INF) Treaty. Also, he was based in Japan as a team leader and technical advisor to the U.S. Navy.

Senator Romanchuk has been heavily involved in his community, particularly in local efforts to create jobs and in workforce development. He is a member of the National Tooling and Machining Association. He also serves on the Ashbrook Center Board.

Romanchuk is also the co-founder and past president of the Regional Manufacturing Coalition and is the past chairman of the Richland Area Chamber of Commerce Board of Directors. He is an active member of the Mansfield Sertoma Club, the National Federation of Independent Business and the Ohio Manufacturers' Association.

#### **Committee Assignments:**

- Medicaid, Chair
- Small Business and Economic Opportunity, Vice Chair
- Finance
- Health
- Public Utilities

## **Ohio Public Policy Highlights December 2025**

### **Overview**

Statehouse activity is winding down in Columbus as lawmakers conclude their fall voting session. Legislators finalized several major agenda items, including property tax reforms, updates to marijuana and intoxicating hemp laws, and passage of a new congressional map.

The legislature's tax reforms are particularly significant, as lawmakers faced mounting pressure to deliver relief and preempt a potential 2026 constitutional ballot initiative to abolish property taxes altogether — a proposal that would require the elimination of critical tax protections for Ohio manufacturers. It remains to be seen if the recent reforms will be enough to stave off the proposal. The OMA will support campaign efforts to oppose the measure if it makes the ballot.

Ohio's political landscape is beginning to stabilize as several top races have effectively shifted to general-election mode well before the primary. Gubernatorial candidates Vivek Ramaswamy and Amy Acton have emerged as their parties' presumptive nominees, while Sen. Jon Husted and former Sen. Sherrod Brown are preparing for a competitive U.S. Senate contest. As a result, Ohio is already becoming a focal point for the general election long before the May primary arrives.

Current priorities for the OMA include:

- Protecting competitive energy markets & Promoting manufacturing friendly energy policy
- Defending manufacturing tax protections from threats posed by property tax abolition
- Advancing workforce development solutions for manufacturers
- Fighting against state MAHA legislation
- Advocating for the rollback of costly and invasive environmental regulations
- Building political support / candidate education

The OMA's testimony supporting legislative reforms can be found in today's meeting materials.

### **State Budget**

In June, the Ohio General Assembly wrapped up deliberations on House Bill 96, the state's two-year operating budget, with both the House and Senate agreeing to the conference committee report with vote counts of 59-38 and 23-10, respectively. The budget appropriates over \$90 billion in General Revenue Funds. OMA "wins" contained in the budget are outlined in the OMA's *"Summary of Manufacturing Impacts in House Bill 96, the State Operating Budget for Fiscal Years 2026 – 2027"*

### **Energy**

Earlier this year, the OMA celebrated passage of House Bill 15, a balanced reform package that included many OMA-driven priorities to protect manufacturing ratepayers. More recently, natural gas utilities lobbied in support of Senate Bill 103 to emulate pro-utility provisions contained in HB 15 benefitting electric utilities, but sponsors failed to balance the bill with pro-customer provisions preventing the OMA from supporting a one-sided utility giveaway.

Meanwhile the OMA has appealed the PUCO's approval of an electric utility proposal to impose discriminatory rate design on "data centers." The Supreme Court of Ohio will consider the matter in 2026. Significant precedential issues facing manufacturing customers are at stake.

At the regional and national level, extraordinary conversations are taking place. Grid operator PJM Interconnection hosted two consecutive auctions that will deprive customers in the 13-state region of over \$30 billion per year in new costs without delivering corresponding customer benefits. OMA has taken issue with utility load forecasts that are largely to blame for the spikes. The OMA is calling for an investigation into one utility's load forecast. In the same week, FERC has stepped up its scrutiny over forecasts. The OMA has delivered significant research and earned media on this topic (see energy section).

### **Workforce**

Earlier this year the state operating budget (House Bill 96) was approved by the General Assembly containing continued investments in Industry Sector Partnership grant and TechCred program. Importantly the bill expanded middle school career technical education opportunities to over 200 additional school districts by eliminating the current waiver that allows school districts to opt out of teaching career tech education in middle school.

More recently, the OMA launched the Ohio Manufacturing Workforce Blueprint together with the DeWine administration as Ohio's statewide plan to strengthen Ohio's manufacturing talent pipeline through shared ownership and coordinated leadership.

### **Civil Justice Reform Bills Roundup**

The House passed a tort reform bill, House Bill 126, to protect against misuse of public nuisance claims. Trial lawyers have made many efforts to expand public nuisance far beyond its intended scope in an attempt to profit off its misuse by applying it to the production and manufacturing of products. The Senate will take up the issue in 2026.

The OMA testified in support of a bill regarding the corporate veil doctrine, which is critically important for maintaining business stability as it establishes and protects the legal separation between a corporation and its owners or shareholders. Senate Bill 146 clarifies which acts are insufficient to pierce the corporate veil to hold individuals liable, allowing the doctrine to be used as intended while also preventing individuals from being exposed to unnecessary liability.

Additionally, both chambers are evaluating pieces of legislation to require plaintiffs funded by a third-party litigation financier to disclose their funding information – House Bill 105 and Senate Bill 10. OMA has supported these bills to require additional transparency and disclosure as lawsuits against manufacturers may attract third-party litigation funders.

Under the leadership of the Ohio Manufacturers' Association, the Ohio Alliance for Civil Justice opposed House Bill 447, which raises Ohio's noneconomic damages caps for both medical malpractice and general tort claims from \$350,000 to \$580,000 and allows annual adjustments based on the Consumer Price Index. The bill's increases will destabilize insurance costs, raise litigation risks, and create financial uncertainty for businesses and health care providers, particularly small businesses already facing rising expenses.

### **Tax Policy**

Ohio lawmakers recently approved a package of bills aimed at easing rising property taxes by expanding homeowner credits and capping future tax increases. The legislation boosts the rollback for owner-occupied homes, phases out the nonbusiness credit that also benefits rental properties, and ties major drivers of tax growth, such as inside millage and school district levies at the 20-mill floor, to inflation.

Lawmakers also granted county budget commissions limited authority to reduce excess levies and broadened the calculation of the 20-mill floor to slow revenue growth and temper tax spikes.

Altogether, the changes are projected to deliver more than \$2 billion in homeowner relief while shifting some costs to the state and limiting local revenue growth.

Lawmakers say a potential property tax relief measure could also reduce pressure for a 2026 ballot initiative that would eliminate property taxes and leave schools and local governments without funding. If passed, this catastrophic reduction in funding will upend Ohio's competitive tax structure for manufacturers and businesses. As a result, conversations have led many to consider reimplementing corporate income, franchise, and tangible personal property taxes, along with eliminating Ohio's manufacturing sales tax exemption, to make up for the funding shortfalls.

### **Marijuana & Intoxicating Hemp Reforms**

After years of infighting, Republican state legislators have come to a deal to pass reforms to adult use cannabis and intoxicating hemp products, following the passage of a 2023 ballot initiative to legalize marijuana.

Key elements include expungement for certain past possession offenses, consolidation of adult-use and medical marijuana statutes, retention of the 10% excise tax, restrictions on packaging and advertising appealing to minors, clarified OVI rules, and limits on THC potency. The bill also allocates 36% of excise tax revenue to host communities with dispensaries and grants the Division of Cannabis Control expanded regulatory authority.

SB 56 aligns state law with recent federal changes by prohibiting intoxicating hemp products outside licensed dispensaries and creating a temporary, regulated market for drinkable cannabinoid products through 2026, allowing sales in grocery stores, bars, and other retailers with clear THC labeling.

The Senate is scheduled to pass the bill in December and send the legislation to the Governor.

Despite the OMA's opposition to cannabis legalization over workplace safety concerns, the bill protects some of the strongest employment law protections in the nation—mirroring provisions the OMA helped craft in 2016 when medical cannabis was legalized.

### **Prompt Pay**

Prompt Pay Legislation has resurfaced this general assembly with the recent reintroduction of HB 288. The legislation sets stringent payment terms in construction contracts and effectively eliminates an owner's right to contract negotiations by requiring all projects to be paid within 30 days. Additionally, HB 288 imposes a penalizing 18% interest rate on payments not made within the state-mandated "prompt pay" period.

Last year, the OMA's advocacy efforts successfully stopped the bill in the final days of the General Assembly, despite a strong last-minute push by contractor unions to quietly advance it through the Senate. This year, the bill advanced out of committee, but only after facing significant resistance from a plurality of Republicans—opposition secured in part through OMA's engagement. For now, that opposition has kept the bill from reaching the House floor for a vote. However, it remains a potential bargaining chip that could resurface during a future lame-duck session.

### **Right to Repair Returns Legislation Returns to Statehouse**

Once again, efforts to enact right to repair legislation have resurfaced in the legislature, with companion bills (HB 301 & SB 176) being recently introduced to require manufacturers of certain digital electronic equipment to provide documentation, tools, and parts to independent repair providers and owners as necessary for diagnosis, maintenance, and repair of that equipment.

The OMA will continue to push back on these proposals for their assault on Ohio's OEM's intellectual property rights and detrimental exposure of trade secrets.

### **OSHA Walk Around Rule**

Last year, OSHA finalized its proposed walkaround rule that will allow third-party non-employees, including union representatives and community activists, to accompany OSHA inspectors during routine inspections.

The OMA submitted comments opposing the rule, which garnered national recognition. The rule's implementation will compromise workplace safety by allowing union officials and other non-expert third-parties to enter non-unionized facilities without the employer's consent, disrupting operations and exposing trade secrets. The OMA's comments underscore the potential risks and adverse impacts on workplace safety and confidentiality if the proposed rule were to be enacted.

The OMA actively involved our members in direct engagement with Ohio's congressional delegation, with nearly 200 OMA member companies endorsing a letter from OMA President Ryan Augsburgur urging federal representatives to use their congressional authority to strike the rule. The National Association of Manufacturers have challenged the rule in federal court. Reports are predicting that the Trump Administration will likely rescind the rule, However no action has been taken to date.

### **Manufacturing Technology Assistance Program**

The OMA is working with Representatives Santucci and Demetriou to support House Bill 159, which creates The Ohio Manufacturing Technologies Assistance Program (MTAP). MTAP aims to assist small to mid-size manufacturers by providing grants of up to \$150,000 for investing in modern smart technologies, machinery, equipment, and training. MTAP is designed to enhance productivity, efficiency, and competitiveness in Ohio's manufacturing industry. The program requires applicants to undergo a technical assessment and be in good standing with the state. Ohio's Manufacturing Extension Partnerships will be leading the assessment process for new technologies. MTAP aligns with nationwide Manufacturing 4.0 initiatives, supporting manufacturers to adopt automation, cybersecurity, robotics, and other innovative technologies, following successful models from states like Iowa and Indiana, initially funded with \$12,000,000 from the Ohio Department of Development. Ultimately, MTAP aims to empower businesses, drive growth, and ensure the resilience and success of Ohio's manufacturing sector in an evolving business landscape.

In May, OMA members testified before the Ohio House Technology and Innovation Committee to support the bill. The OMA delegation included Eric Jenkusky from TJ Clark International, and Jeff Spain from the Columbus State Manufacturing Extension Partnership. That testimony can be found in today's meeting materials along with a draft letter of support to be sent to the Governor and members of the General Assembly.

The bill was voted out of the House Technology and Innovation Committee and Re-referred to the House Finance Committee where it recently received a first hearing from the bill sponsors.

### **Manufacturing Extension Partnership Program Funding Under Threat**

In April, the OMA joined 33 other state manufacturing associations in signing a COSMA-led letter to U.S. Secretary of Commerce Howard Lutnick, urging continued support for the Hollings Manufacturing Extension Partnership (MEP) program following federal funding cuts.

The MEP is a national network that provides hands-on support and consulting to help small and mid-sized manufacturers improve productivity, adopt new technologies, and grow—directly benefiting Ohio’s manufacturing sector by driving innovation, efficiency, and job creation.

OMA continues to advocate for restoring MEP funding through coalition outreach, including partnered engagement with Ohio’s congressional delegation.

### **MAHA Madness: PFAS, Food Additives, and Fluoride Bans, SNAP Bans on Sugar**

Following federal Make America Healthy Again (MAHA) initiatives led by HHS Secretary Robert F. Kennedy, Jr., Ohio lawmakers have introduced a series of bills aimed at improving public health by targeting food products, packaging, and restricting purchases with SNAP dollars. These include: The state budget which included a provision to ban sugar sweetened beverages from eligibility for SNAP purchases (See OMA comments on waiver in your leadership materials), HB 10, which mandates labeling and restricts SNAP purchases of cultivated-protein products; and proposals to ban certain food dyes, oils, and PFAS chemicals. Also under consideration is the removal of Ohio's fluoride requirement in public drinking water. These efforts align with HB 272, a broader bill that would ban PFAS in consumer goods, restrict common food additives, and eliminate mandatory water fluoridation—drawing concern from manufacturers over competitive disadvantages.

### **First Proposed PFAS Ban introduced Ohio**

House Bill 272, named the “Pure Life Act” would impose strict new regulations on Ohio manufacturers by phasing out PFAS in consumer products starting in 2027, with a full ban by 2032 unless deemed “currently unavoidable.” The bill also bans FDA-approved food dyes and additives like Red 40, Yellow 5, and Titanium Dioxide, requiring significant product reformulations. Additionally, it removes Ohio’s mandate to fluoridate public water systems, making the practice optional. OMA legal counsel warns that the bill, which mirrors regulations in the EU and California, could severely disadvantage Ohio businesses compared to those in states with less stringent standards.

### **Trump to Rollback Biden-Harris Environmental Regulations**

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
- Reconsideration of the Green House Gas Reporting Program
- Reconsideration of PM 2.5 National Ambient Air Quality Standards
- Ending the “Good Neighbor Plan
- Reconsideration of Automotive EV Mandates
- 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.

### **OMA Secures Removal of Air Nuisance Rule Incentivizing Citizens Suits**

The OMA secured a budget provision requiring the Ohio EPA to remove a state air nuisance rule that was improperly included in its federal Clean Air Act compliance plan. The rule exposes manufacturers in full compliance with their air permits to litigation from activist attorneys without cause.

In November, the Ohio EPA officially submitted its petition to the U.S. EPA for approval of the rule's removal, which is expected to be granted by the Trump administration within the next year. This action would protect manufacturers from future shakedowns by plaintiffs' attorneys.

## **2026 Campaigns and Elections**

The race to succeed Mike DeWine as Ohio governor is accelerating, with both major parties' leading contenders securing their status as likely nominees well ahead of the May primary.

On the Republican side, entrepreneur Vivek Ramaswamy continues to build momentum, gaining influential endorsements from President Trump and the Ohio Republican Party. In mid-September, Ohio Lt. Governor Jim Tressel announced he would not enter the race, effectively clearing the field for Ramaswamy.

For the Democrats, Dr. Amy Acton has emerged as the clear frontrunner. Former Youngstown-area Congressman and U.S. Senate candidate Tim Ryan recently announced he would not run for governor, leaving Acton without a viable primary challenger and making her the presumptive nominee.

With both parties' nominees largely settled, attention has shifted to the November general election between Acton and Ramaswamy. Early polling gives Ramaswamy an edge, with the RealClearPolitics polling average showing him ahead by 6.5 points.

On the Federal Side the race for Ohio's U.S. Senate seat is taking shape as Republican Sen. Jon Husted and former Democratic Sen. Sherrod Brown emerge as their parties' likely nominees. Husted was appointed earlier this year to fill the vacancy left by Vice President JD Vance, enters the race with the backing of the state GOP. Brown, a longtime US Senator defeated by Senator Bernie Moreno in 2024, recently launched his bid to reclaim his seat.

Early polling gives Husted an advantage similar to Ramaswamy's, with the latest Emerson College survey showing him leading Brown by six points among registered voters.

With Senate President Rob McColley's tenure to expire due to term limits, a battle for the next Senate President is heating up between to front runners. Senate President Pro-Tempore Reineke has publicly announced his intent to seek the gavel, while Senate Finance Committee Chairman, Jerry Cirino, is whipping votes on his own effort to succeed president McColley. The Senate has historically settled their leadership battles swiftly and quietly, with a victor likely to be decided well before the end of 2026.

## **Redistricting**

The Ohio Redistricting Commission unanimously approved a new congressional map, shifting the state from 10–5 to 12–3 in favor of Republicans. The compromise preserves Democratic Reps. Shontel Brown's 11th district and Emilia Sykes' 13th district, while making Marcy Kaptur's and Greg Landsman's districts more competitive. The map keeps key communities intact but moves GOP-leaning areas into safer Republican districts. Despite bipartisan approval, public opposition was strong, and legal challenges remain possible at the Ohio Supreme Court.

## **Leadership News**

[Click here for Leadership Community articles from previous Leadership Briefings.](#)

## Miscellaneous Legislation of Interest to Manufacturers

Prepared by: The Ohio Manufacturers' Association

Report created on November 30, 2025

- HB2**      **ESTABLISH CHILD CARE CRED PROGRAM** (JOHNSON M) To establish the Child Care Cred Program and to make an appropriation.  
*Current Status:* 5/27/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-2>
- HB41**      **ESTABLISH CHILD CARE GRANT PROGRAMS** (WHITE A, ROEMER B) To establish certain child care grant programs, including those related to child care capacity and learning labs, and to make an appropriation.  
*Current Status:* 6/3/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-41>
- 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>
- HB98**      **ESTABLISH COMMUNITY CONNECTORS WORKFORCE PROGRAM** (SANTUCCI N, WILLIAMS J) To establish the Community Connectors Workforce Program and to make an appropriation.  
*Current Status:* 6/3/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-98>
- HB126**      **PROHIBIT PUBLIC NUISANCE ACTIONS-PRODUCT LIABILITY** (MATHEWS A, CRAIG M) To prohibit public nuisance actions concerning product liability.  
*Current Status:* 10/29/2025 - **BILL AMENDED**, Senate Judiciary, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-126>
- HB159**      **CREATE MANUFACTURING TECHNOLOGY ASSISTANCE GRANTS** (SANTUCCI N, DEMETRIOU S) To create the manufacturing technologies assistance grant program and to make an appropriation.  
*Current Status:* 11/18/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-159>
- HB167**      **AUTHORIZE EMPLOYER-PROVIDED CHILD CARE TAX CREDITS** (WHITE A) To authorize nonrefundable tax credits for certain employer-provided child care expenditures.  
*Current Status:* 5/21/2025 - House Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-167>

- HB231**      **EMPLOYER TAX CREDIT-PAID PARENTAL LEAVE** (WILLIAMS J, MILLER M) To create an income tax credit for employers that provide paid parental leave and to name this act the Paid Parental Leave Act.  
*Current Status:* 10/29/2025 - House Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-231>
- SB10**      **REVISE NON-RECOURSE LITIGATION FUNDING AGREEMENTS** (WILSON S, LANG G) To revise and supplement state regulations concerning non-recourse litigation funding agreements.  
*Current Status:* 6/18/2025 - Senate Judiciary, (Fifth Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-10>
- SB32**      **ESTABLISH CHILD CARE CRED PROGRAM** (REYNOLDS M, SCHAFFER T) To establish the Child Care Cred Program and to make an appropriation.  
*Current Status:* 2/18/2025 - Senate Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-32>
- SB38**      **DETERMINE LIABILITY-INJURY FROM FOOD** (DEMORA B) To provide for a reasonable expectation test in determining liability for injury caused by consumption of food containing a substance injurious to health and for the jury to make that determination.  
*Current Status:* 2/12/2025 - Senate Judiciary, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-38>
- SB77**      **ESTABLISH SYSTEM-REPORT WAGE DISCRIMINATION** (HICKS-HUDSON P, SMITH K) To require the Ohio Civil Rights Commission to establish a system for individuals to anonymously report wage discrimination.  
*Current Status:* 2/26/2025 - Senate Judiciary, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-77>
- SB146**      **CODIFY COMMON LAW-PIERCING CORPORATE VEIL** (GAVARONE T, TIMKEN J) To codify the elements of the common law cause of action for "piercing the corporate veil."  
*Current Status:* 11/5/2025 - Referred to Committee House Judiciary  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-146>
- SB157**      **REDUCE STATUTE OF LIMITATIONS-WRITTEN, ORAL CONTRACT** (LANG G) To reduce the statute of limitations for bringing an action upon a written or oral contract.  
*Current Status:* 6/11/2025 - Senate Judiciary, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-157>



**TO:** OMA Members

**FROM:** James Lee and Lindsey Short

**RE:** **Summary of Manufacturing Impacts in House Bill 96, the State Operating Budget for Fiscal Years 2026 - 2027**

**DATE:** July 2, 2025

Last week, the Ohio General Assembly wrapped up deliberations on House Bill 96, the state's two-year operating budget, with both the House and Senate agreeing to the conference committee report with vote counts of 59-38 and 23-10, respectively. The budget appropriates over \$90 billion in General Revenue Funds.

This completes a five-month process in which lawmakers received a budget proposal from Governor DeWine and then worked separately in the House and Senate to craft a bill. Finally, the bill was negotiated in conference committee in which hundreds of points of difference were straightened out between the House and Senate.

Governor DeWine used his line-item veto authority 67 times to eliminate a variety of provisions in the final budget plan. Appropriations included in the budget will take effect immediately, while the vast majority of the provisions will take effect in 90 days.

Highlights on different sections of the budget are included below.

## **ENERGY**

The OMA led the opposition in advocating against a proposed utility regulatory expansion that would have put energy customers on the hook for extra costs to pay for infrastructure they may never use. Additionally, customers got a win with a budget provision requiring increased transparency from the commission tasked with regulating Ohio's utility services.

Unfortunately, not all changes made to the budget were positive. In the final hour of the budget, Governor DeWine opted to veto a change proposed by the legislature that would ensure customers who shop for electricity do not pay twice for transmission-related services.

More details on energy-related items below:

### **Utility Regulatory Expansion for EV Charging Infrastructure Eliminated**

- The OMA-opposed language proposed in the budget would have held customers captive to pay for utility-owned and operated EV charging infrastructure, resulting in increased costs for customers and undermining free market competition.

- This provision also would have allowed utilities to socialize a percentage of the electrical line extension work needed, effectively increasing everyone's electric bills to profit the utility.
- The OMA testified against the proposal and advocated for its removal from the budget. It was ultimately eliminated from the budget entirely.

### Utility Entry into Competitive Generation Blocked

- Another OMA-opposed change to utility law that was removed from the budget would have allowed electric utilities to construct “green energy” generation for mercantile customers. Under Ohio law, green energy has been recently redefined to include natural gas-fired power generation and nuclear power.
  - This would have allowed monopoly utilities into a greater segment of the competitive generation market for large customers, therefore chilling competition, reducing the number of choices available, and raising costs for consumers.

### Performance Audit of Public Utilities Commission of Ohio

- An OMA-supported item that was included in the budget allows for greater transparency into the Public Utilities Commission of Ohio (PUCO).
  - The legislature added language to require the Auditor of State to conduct a performance audit of the PUCO to be completed by May 1, 2027.

### Governor DeWine Vetoes Budget Language Limiting Nonbypassable Utility Charges

- Language included by the legislature in the budget would have provided a safeguard to ensure that customers who choose to shop for electricity through a competitive supplier are not required to also pay for costs associated with utility-provided default services.
  - In his veto message, Governor DeWine noted that additional discussion is needed to fully understand the impact of this language on electric customers. However, his veto of this language will result in electric utilities maintaining their ability to impose a nonbypassable charge on customers who choose to shop for electricity.

Stay tuned for more coverage of energy items of importance to manufacturers at the Ohio Manufacturers' Energy Conference on September 18.

## **TAX & Finance**

In the recently passed biennial budget, House Bill 96, the Ohio Legislature focused heavily on restructuring the state's tax landscape to provide tax relief through changes to personal income taxes and property taxes.

In response, the governor vetoed major provisions of the legislature's priority property tax reforms but kept the legislature's flat 2.75% percent income tax reforms.

The legislature also repealed various sales tax exemptions, most notably on newspaper manufacturers, which were vetoed by the governor with support from the OMA.

Changes were also made to the Commercial Activity Tax, which ultimately survived the governor's veto, that may impact manufacturers and businesses holding refundable credits for net operating losses.

### ***Tax Provisions that Survived the Governor's Veto:***

#### **Personal Income Tax Reforms**

A cornerstone of this budget's tax policy is the phased transition to a flat state income tax rate of 2.75% on nonbusiness income. This will occur over two tax years:

- For Tax Year 2025, the top income tax bracket (for income over \$100,000) will be reduced from 3.5% to 3.125%.
- By Tax Year 2026, the 2.75% rate will apply to all income over \$26,050, effectively flattening the tax structure.

This move is projected to provide over \$1 billion in income tax relief across the biennium, with proponents highlighting its potential to make Ohio more competitive and allow individuals to retain more of their earnings.

#### **Commercial Activity Tax (CAT) and Net Operating Losses (NOLs)**

The budget includes a significant change related to the Commercial Activity Tax (CAT) and certain net operating losses (NOLs). House Bill 96 converts a CAT credit for specific net operating losses that were accrued under the former corporation franchise tax from a refundable credit to a nonrefundable credit after calendar year 2029.

This change may impact manufacturers and other businesses that have been holding these particular credits. After 2029, businesses will no longer be able to receive a cash refund for any unused portion of these NOL credits. Instead, they will only be able to use the credit to offset future CAT liability.

### ***Tax Provisions Vetoed by the Governor:***

#### **Property Tax Reforms**

The governor vetoed the legislature's substantial measures designed to provide direct property tax relief to homeowners and increase local control over property tax collections:

- **School District Carryover Cap:** DeWine vetoed a provision from the state budget that would have required school districts to return excess funds to taxpayers; specifically, if a district's general fund cash balance exceeded 40% of its annual operating budget, the county budget commission would have been empowered to reduce property tax rates, effectively distributing the surplus back to property owners and potentially providing over \$2.5 billion in property tax savings to Ohioans.
- **20 Mill Floor Calculation:** This vetoed provision would have altered the calculation of the "20-mill floor" for school districts; this change, which would have included emergency and substitute levies, was projected to remove over a third of districts from the floor and potentially destabilize public education by limiting their ability to deal with inflation and forcing more frequent levy requests on taxpayers.

These provisions were priority items for both House and Senate leaders, which could prompt the legislature to convene a special summer session to vote on overriding the Governor's vetoes.

#### Sales and Use Tax Exemption Repeals Vetoed by the Governor

The Governor vetoed legislative attempts to repeal certain sales and use tax exemptions, intended to offset income tax cuts. The OMA, committed to defending manufacturing exemptions crucial for Ohio's competitiveness, saw exemptions for newspaper and media machinery targeted. This concerning precedent, which could impact broader manufacturing exemptions in the future, was ultimately countered when the OMA's coalition efforts secured a gubernatorial line-item veto, protecting exemptions for printed material production.

#### Data Center Sales Tax Exemption Repealed

The legislature opted to eliminate the data center sales tax exemption for sales of certain tangible personal property in their final budget. This proposed elimination would jeopardize current investments and projects in the pipeline and impact future jobs and tax revenue for Ohio's communities.

Governor DeWine chose to veto the elimination of the exemption with OMA and business community support, noting that economic development is essential to Ohio's continued growth and prosperity and that our state must stay at the forefront of innovation.

#### ***Uncertainty Ahead: Ohio's Tax Future and the Risk of Cost Shifts for Manufacturers***

The Ohio legislature's recent actions indicate a long-term strategy for substantial tax reductions, including the elimination of the income tax and additional property tax reforms. While the OMA appreciates the goal of making Ohio's tax environment more competitive, these changes risk dismantling a broad-based tax structure. This could result in a tax shift that places an excessive and disproportionate burden on Ohio manufacturers, ultimately killing the state's competitiveness.

Additionally, a strong grassroots effort is aiming for a 2026 constitutional ballot initiative to abolish property taxes statewide. Eliminating this vital tax base would be highly detrimental and force the legislature's hand to take drastic measures to make up for lost property tax revenues that fund local governments and schools.

With significant tax policy changes on the horizon, now is a more important time than ever for manufacturers to collaborate and advocate for broad competitive tax structures to protect the industry's competitiveness and secure future manufacturing growth.

OMA staff relies on the expertise of its members to determine the best path forward in an uncertain tax landscape. OMA's tax policy committee provides members with opportunities to stay informed and engage in discussions with state legislators to protect the state's competitiveness. Contact [jlee@ohiomfg.com](mailto:jlee@ohiomfg.com) to join the OMA's tax policy committee.

## **WORKFORCE**

The operating budget contains key investments and policy changes that support workforce development and strengthen career readiness pathways.

*Key funding opportunities and policy changes include the following:*

### **Expansion of Middle School Career-Technical Education**

- The budget enables the expansion of career-technical education (CTE) in middle schools to over 200 additional schools by eliminating the current waiver allowing districts to opt out of offering CTE.

### **Funding to Upskill Ohio's Workforce**

- Approximately \$50 million for Ohio's innovative TechCred program was allocated to support Ohio workers in expanding their skills by earning technology-focused credentials.

### **Support for Engineering Technician Associate Degrees**

- \$20 million has been allocated to provide institutions of higher education \$10,000 each for every individual who completes an engineering technician associate degree.

### **Industry Sector Partnership Grant Program**

- The budget invests \$10 million in funding for Ohio's network of industry sector partnerships, which are critical to Ohio's manufacturing workforce development.

### **Ohio Work Ready Grant Program**

- \$20 million in funding for the Ohio Work Ready Grant Program has been included in the budget. The Ohio Department of Higher Education and the Governor's Office of Workforce Transformation must work together to establish alternative criteria for in-demand programs aligned to Ohio's emerging workforce needs.

### Innovative Workforce Incentive Program (IWIP)

- \$32 million in funding for the IWIP program to reimburse school districts for students who earn industry-recognized credentials related to manufacturing, engineering, construction, IT, and cybersecurity.

### Career Technical Course Weighting

- The budget includes a GPA weighting requirement for career-technical assurance guide courses, ensuring career-technical courses receive the same academic recognition as AP coursework.

## **SAFETY AND WORKERS' COMPENSATION**

The main operating budget did not contain any meaningful workers' compensation changes. This follows a long-standing precedent whereby the legislature makes workers' compensation and Industrial Commission process changes in each agency's respective budget bills.

### Budget Bills for the BWC (House Bill 81) and the Industrial Commission (House Bill 80)

- The two-year operating budgets for the Bureau of Workers' Compensation (BWC) and the Industrial Commission (IC) were both signed prior to the June 30<sup>th</sup> deadline. Both bills included a slight increase in appropriations for the agencies, but no major policy initiatives were included in their final versions.
- In the last budget cycle, special interest groups unsuccessfully attempted to include policy provisions in the BWC budget that would have been detrimental to Ohio's manufacturing employers. Those provisions included requiring the Bureau to provide PTSD benefits without accompanying injury and a loss-of-use proposal that would have exposed self-insured employers to major liability. The OMA will continue to oppose such proposals in the future should they resurface.

## **ECONOMIC DEVELOPMENT**

Unlike the previous budget's focus on new spending initiatives and infrastructure investments, the recent legislative cycle prioritized tax relief to spur economic growth. This shift resulted in flat funding or cuts for many site-development and infrastructure programs from the last biennium, though new housing programs were created.

*Key Highlights Include:*

### All Ohio Future Fund Significantly Cut

- \$450 million of the state's All Ohio Future Fund, originally designated for investments in mega-project site infrastructure, was cut and redirected to the Brownfield Remediation Program and the General Revenue Fund.

### Brownfield Remediation and Demolition Funding for Site Revitalization and Housing

- Significant funding was allocated to both the Brownfield Remediation and the Demolition and Site Revitalization programs, providing local governments with environmental cleanup and construction assistance to prepare new sites for business and housing development.

### Welcome Home Ohio Program

- Expands the Welcome Home Ohio program. This includes increasing income eligibility thresholds, broadening the eligible properties, and providing funding for fiscal years 2026 and 2027

### Residential Economic Development Grant

- This new program, funded by \$10 million over the biennium, provides grants to counties, townships, and municipalities that adopt "pro-housing development policies" and approve major workforce housing projects (e.g., establishing 100 or more single-family residential units). The goal is to encourage high-density housing and address the housing shortage.

### Residential Development Revolving Loan Program

- \$90 million in SFY 2026 for loans to fund infrastructure improvements (water, sewer, road, electric, or gas) necessary to support new single-family residential dwellings in rural areas (counties with a population under 75,000 and fewer new construction permits than the average county).

### Child Care Choice Program

- The budget establishes the Child Care Choice program with \$100 million for eligible families and increases eligibility for publicly funded childcare programs to address concerns raised by advocates regarding childcare as a barrier to workforce participation.

### Browns Stadium Funding: Ohio Cultural and Sports Facility Performance Grants

- One notable exception to the overall scaled-back funding for economic development includes the creation of the \$1 billion fund for the Ohio Cultural and Sports Facility Performance Grant program, which allocates \$600 million to be used for the Brook Park economic development project supporting the construction of a new Cleveland Browns stadium. The fund does not use General Revenue Fund dollars, instead transferring dollars from the Department of Commerce's Division of Unclaimed Funds.

## ENVIRONMENT

Historically, Ohio EPA's budget has been relatively light with few new regulations; however, notable changes have come this cycle, with major cuts to the H2Ohio program, the installation of new air permit fees, and a major OMA led victory to provide civil protections to manufacturers from overzealous environmental attorneys bringing frivolous lawsuits.

### H2Ohio Funding Cuts

- The H2Ohio program, which remains a DeWine administration priority, saw a first-time reduction to \$165 million in total funding, which was previously funded at approximately \$270 million in the past two budget cycles. The program provides a comprehensive approach to reducing nutrient runoff in Ohio's surface waters. The most notable spending initiatives include phosphorus control programs targeting non-point source runoff in Lake Erie that could ease future regulatory burdens on manufacturers, whose impact is negligible relative to non-point source runoff from the transportation and agricultural industries.

### OMA Secures Air Nuisance Rule Removal

- 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 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. This will protect manufacturers from future harassment enabled by this regulation.

### Moderate 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 the 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; emission-based fees unchanged.
- **Synthetic Minor Facilities:** \$5,000 additional base fee per year; 50% increase in annual emission-based fees.
- **Permit to Install (PTI) Fees:** 50% increase in the current fee structure.

### Solid Waste Fee Increases Removed

- In an OMA-supported action, the legislature removed proposals from the governor to raise tipping fees for construction, demolition, and debris from \$1.60 to \$4.75 statewide.

## PFAS Threats Defeated

- Following the House Budget, the OMA identified attempts by House members to implement the state's first regulations concerning PFAS bans and reporting requirements. The OMA successfully pushed back on these efforts, and the language was not included in the budget. However, separate legislation was introduced in May ([see Bricker Memo](#)), and the OMA is actively working to oppose it. This legislation is scheduled for discussion at the July 16 Environment Committee Meeting.

## **HUMAN RESOURCES & WORKFORCE SAFETY**

The legislature passed a modest employer fee to modernize the unemployment benefits IT system, improving its security and user experience. Separately, a provision was included to enhance transparency in the federal 340B program, aiming to address the cost-shifting of prescription drug expenses onto employers.

### Moderate Unemployment Fee Increases for System Security

- The final state budget incorporated the Ohio Department of Job and Family Services' (ODJFS) proposal for a new employer fee, capped at 0.15% of the taxable wage base per year per covered employee (maximum \$13.50 annually). This fee is dedicated to funding a critical upgrade of the state's outdated unemployment benefits IT system, aiming to enhance system security, streamline application processes, and improve user experience for both employers and claimants. The OMA's Tax and Finance Committee reviewed the proposal and supported these minimal cost increases, recognizing the significant benefit of preventing future system failures that led to widespread fraud and costs for employers during the pandemic.

### Unemployment Compensation Solvency

- For years, the OMA has advocated for reforms to address the insolvency of Ohio's Unemployment Compensation Fund. Such reforms are crucial to protect employers from costly tax penalties during economic downturns, a problem experienced during the 2008 recession and narrowly avoided during the pandemic. Although efforts were made behind the scenes to push for these reforms during budget conference committees, stakeholder negotiations broke down. Consequently, the next opportunity for reform will occur in the upcoming biennium.

### 340B Program Transparency to Prevent Drug Price Cost Shifting on Employers

- The legislature included a provision requiring the Ohio Department of Health to collect data on the usage of the federal 340B program, recognizing that enhanced transparency is needed to identify and mitigate the cost-shifting of prescription drug expenses onto employers and working families, which is an unintended consequence of the program's expanded scope.

## **Make America Healthy Again SNAP and Ingredient Bans**

The OMA opposed legislative efforts to ban SNAP purchases of sugar-sweetened beverages, an initiative that ultimately passed. However, the OMA secured a gubernatorial veto that removed additional language which, by targeting other essential food ingredients, additives, and dyes, could have served as a legislative precursor to comprehensive product bans, similar to those enacted elsewhere and proposed in Ohio's [HB 272](#), which addresses various food ingredients and PFAS in consumer products.

March 11, 2025

Chairman Brian Lampton  
House Insurance  
Ohio Statehouse  
1 Capitol Square  
Columbus, OH 43215

**RE: House Bill 105 – Written Proponent Testimony**

Dear Chairman Lampton:

The Ohio Manufacturers' Association (OMA) was created in 1910 with the mission to protect and grow Ohio manufacturing. Today, it has nearly 1,300 members representing the largest economic sector in the state, which contributed more than \$133 billion to Ohio's economy in 2023. According to the most recent data, nearly 700,000 Ohioans work in manufacturing, and manufacturing has the largest payroll of any Ohio economic sector.

For manufacturers to invest and grow in Ohio – and compete globally – Ohio's civil justice system must be rational, fair, and predictable. Manufacturers must be free to innovate and pursue market opportunities without fear of unreasonable exposure to costly lawsuits, while injured parties must have full recourse to appropriate measures of justice.

The OMA writes in support of House Bill 105, recognizing that H.B. 105 addresses two types of third-party litigation funding: *consumer* litigation funding (less than \$400,000) and *commercial* litigation funding (\$400,000 or more). OMA's comments herein are focused on third-party *commercial* litigation funding as the lawsuits against its members will likely attract third-party commercial litigation funders.

OMA members have historically supported legislation that provides a fair and balanced civil justice system and H.B. 105 is designed to do just that by leveling the playing field. For decades, defendants in Ohio state and federal courts have been required to disclose to plaintiffs whether insurance is available to cover all or part of a settlement or judgment. On the other hand, plaintiffs have been able to proceed in secrecy, without having to disclose if anyone else is funding (or has a financial interest in) their litigation. H.B. 105's disclosure provisions lift this veil of secrecy. Under H.B. 105, plaintiffs who are funded by a third-party *commercial* litigation financier must not only disclose that fact, but must provide their financing agreement to all other named parties "at the time a legal claim is asserted or commenced and at any time thereafter that a commercial litigation financing agreement is executed or amended." Importantly, under this clear provision, disclosure of the third-party financing agreement is mandatory and must occur at the outset of the litigation without a request from the defendant.

Additionally, plaintiffs must continue to disclose throughout the litigation process. OMA appreciates the requirement because it prevents plaintiffs from circumventing disclosure all together. In other words, if the financing agreement is executed after the commencement of litigation or is amended at any time during the litigation, these developments must be disclosed

Chairman of the Board  
**JEFFREY J. ORAVITZ**  
CEO, Seal For Life Industries / Henkel

President  
**RYAN AUGSBURGER**



to the defendant when they occur. There is no way around the disclosure and transparency provisions.

Litigation is costly for defendants – both financially and in terms of lost opportunity costs. The cost of litigation to defendants will only rise as third-party funders enter the picture by increasing the financial resources available to plaintiffs. At a minimum, defendants should be entitled to know whether someone unrelated to the plaintiff is funding (and likely controlling) the litigation against them. H.B. 105 does that.

The OMA appreciates the opportunity to provide proponent testimony on H.B. 105, and urges its passage.

Sincerely,

A handwritten signature in blue ink that reads "Lindsey Short".

Lindsey Short  
Managing Director, Advocacy and Energy Services  
The Ohio Manufacturers' Association

Chairman of the Board  
**JEFFREY J. ORAVITZ**  
CEO, Seal For Life Industries / Henkel



President  
**RYAN AUGSBURGER**

May 28, 2025

Chairman Nathan Manning  
Senate Judiciary Committee  
1 Capitol Square  
Columbus, OH 43215

Dear Chairman Manning:

The Ohio Manufacturers' Association (OMA) was created in 1910 with the mission to protect and grow Ohio manufacturing. Today, it has nearly 1,300 members representing the largest economic sector in the state, which contributed more than \$133 billion to Ohio's economy in 2023. According to the most recent data, nearly 700,000 Ohioans work in manufacturing, and manufacturing has the largest payroll of any Ohio economic sector.

For manufacturers to invest and grow in Ohio – and compete globally – Ohio's civil justice system must be rational, fair, and predictable. Manufacturers must be free to innovate and pursue market opportunities without fear of unreasonable exposure to costly lawsuits, while injured parties must have full recourse to appropriate measures of justice.

The OMA writes in support of Senate Bill 146 to codify the common law action for piercing the corporate veil. The corporate veil doctrine is critically important for maintaining business stability because it establishes and protects the legal separation between a corporation and its owners or shareholders. It ensures that owners, directors, and shareholders are not personally liable for the company's debts or legal obligations.

The corporate veil doctrine also allows for more predictability and consistency in business law. This predictability makes it easier for companies to enter contracts, raise capital, and resolve disputes, all of which are critical to long-term stability. For Ohio's businesses to thrive, it is essential that the corporate veil doctrine be protected.

In rare circumstances, the corporate veil may be pierced and shareholders or directors can be held personally liable for the company's actions or debts, typically in cases where the company is being used fraudulently. Senate Bill 146 clarifies the conditions that must be met in order to allow someone to pierce the corporate veil to hold individuals liable. This legislation allows the doctrine to be used as intended in exceptional circumstances while preventing individuals from being exposed to unnecessary liability. Senate Bill 146 will help contribute to a balanced, fair legal climate in Ohio.

The OMA appreciates the opportunity to provide proponent testimony on Senate Bill 146 and urges its passage.

Sincerely,

A handwritten signature in blue ink that reads "Lindsey Short".

Lindsey Short  
Managing Director, Advocacy and Energy Services  
The Ohio Manufacturers' Association



# OHIO ALLIANCE FOR CIVIL JUSTICE



House Judiciary Committee  
House Bill 447  
November 5, 2024  
Opponent Testimony

Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg and members of the House Judiciary Committee, thank you for providing the opportunity to give opponent testimony on behalf of the Ohio Alliance for Civil Justice on House Bill 447.

By way of background, the Ohio Alliance for Civil Justice (OACJ) was founded in the mid-1980s to stop lawsuit abuse and promote a common-sense civil justice system in Ohio. The OACJ is comprised of representatives of dozens of Ohio trade and professional associations, small and large businesses, medical groups, farmers, non-profit organizations and local government associations. The OACJ's leadership team includes representatives from the following organizations: Ohio Manufacturers' Association, Ohio NFIB, Ohio Chamber of Commerce, Ohio Council of Retail Merchants, Ohio Hospital Association, Ohio Society of CPAs, and the Ohio State Medical Association. OACJ works to ensure that the civil justice system remains stable and predictable for Ohio's businesses.

Ohio enacted noneconomic damages caps for medical malpractice claims in 2003 and for general tort claims in 2005. The OACJ was a proponent of and supported the enactment of these statutory limits on noneconomic damages.

The medical malpractice statutory caps were enacted to promote fairness and reduce volatility in jury awards. At the time, Ohio was experiencing the loss of health care professionals due to Ohio's unpredictable judicial system. When the Legislature enacted R.C. 2323.43 through Senate Bill 281, the General Assembly made express findings about the need to stabilize the medical liability insurance market, retain physicians, and ensure access to care — particularly in underserved areas. At that time, medical malpractice insurance costs were rising to the point that insurers would no longer offer coverage in Ohio, so doctors and medical professionals had limited options to purchase medical malpractice insurance. Without being able to obtain such insurance, medical professionals began to flee Ohio. Ohio's non-economic damages cap provided a mechanism for more predictability with litigation outcomes, more stability in the insurance market, and ultimately more access to health care providers.

Similarly, noneconomic damages for general tort claims were enacted under Senate Bill 80 to level the litigation playing field for Ohio's large and small businesses. These statutory caps, found in R.C. 2315.18, have been upheld as constitutional by the Ohio Supreme Court.

House Bill 447 increases the noneconomic damages cap for both tort and medical malpractice actions from \$350,000 to \$580,000. Besides a one-time increase, the bill allows for the noneconomic damages caps to be adjusted on an annual basis based on a percentage increase in the Consumer Price Index (CPI) as determined by the U.S. Bureau of Labor Statistics for the 12-month period ending on June 30 of the immediately preceding calendar year.

OACJ opposes House Bill 447 because increasing Ohio's caps will be detrimental to Ohio's businesses and health care providers. Increasing Ohio's noneconomic damages caps through the Consumer Price Index (CPI) could cause the caps to increase significantly in just one year time. The CPI in 2022, at a time when the United States economy was experiencing high inflation, was as high as 9.1% in one month. The potential annual increases of the noneconomic damages caps are unknown on an annual basis and does not provide any stability to Ohio's businesses. An increase of the caps will harm Ohio's small businesses who are already combatting rising costs to remain in business. Also, the mechanism for and application of the annual increase in noneconomic damages based on the CPI will likely create additional litigation.

Additionally, OACJ believes the Legislature should not consider changes to the noneconomic damages caps at this time due to pending litigation in the Ohio Supreme Court. Currently, there are two pending cases that challenge Ohio's noneconomic damages caps— *Paganini v. The Cataract Eye Center of Cleveland* and *Lyon v. Riverside Methodist Hospital*. Both cases challenge Ohio's noneconomic damages cap applicable to medical malpractice claims. The OACJ believes the Legislature should delay making any changes to the caps until after the Ohio Supreme Court's rulings in these cases are released.

Thank you for the opportunity to provide testimony on House Bill 447. I am happy to answer any questions committee members may have.



April 16, 2025

The Honorable Howard Lutnick  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, DC 20230

Dear Secretary Lutnick,

**We are writing to express support for the Hollings Manufacturing Extension Partnership program**—the only nationwide network of public–private partnerships that provides operational services to small and medium-sized manufacturers. According to the National Association of Manufacturers, 93% of manufacturers have fewer than 100 employees, and 75% have fewer than 20 employees. **Manufacturing in America is small business.**

Recently, MEP centers in Delaware, Hawaii, Iowa, Kansas, Maine, Mississippi, Nevada, New Mexico, North Dakota and Wyoming were notified by the U.S. Department of Commerce that the Department would not renew their funding—despite Congress authorizing and appropriating funding for this purpose.<sup>1</sup> We also understand that the Department intends to dismantle the program and eliminate federal funding for all 51 centers.

Considering the Trump administration's commitment to revitalizing and advancing American manufacturing, we think it is time to restructure rather than eliminate the MEP centers. We also recognize that the recent [U.S. Department of Commerce's Office of Inspector General report](#) recommendation provides a starting point for restructuring reforms. There is also no doubt among manufacturers and MEP centers that there is an awareness gap of these services. However, without any federal support, it would place those MEP centers with the fewest resources—particularly in rural and underserved communities—at the greatest risk of closure.

In fiscal year 2024, the National Institute of Standards and Technology allocated \$175 million to fund MEP centers. It has not been lost on us that the NIST budget-reduction goal has been met almost entirely by simply eliminating the MEP centers. This illustrates another reason for restructure rather than closure and makes it clear that the MEP centers should be part of another agency with Commerce.

A restructured and refocused MEP network will help American manufacturers improve their productivity and competitiveness. If we are going to realize the full potential of reshoring American manufacturing jobs, it will take resources that are laser-focused on and managed by those closest to the manufacturers in each state. This is an immense opportunity to help thousands of small and medium manufacturers grow American jobs. As such, **we respectfully request that the U.S. Department of Commerce pause its funding rescission for 90 days**

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<sup>1</sup> <https://www.congress.gov/bill/119th-congress/house-bill/1968/text>

**pending a meeting with our delegation to discuss a restructuring plan for the MEP centers.**

Specifically, we think that it is possible to create a more effective MEP network focused on:

- Lean-process improvement/operational efficiency;
- Cybersecurity implementation;
- Supply chain and market development;
- Energy cost reduction; and
- Leadership development.

This new MEP network would also operate under guiding principles utilizing considerations such as:

1. Federal performance-based funding based on manufacturing establishment counts by state;
2. Preference for MEP centers that are contracted to or with state manufacturing or similar trade associations, such as those in Connecticut and Mississippi;
3. Recognition that the MEP center business models vary by state, but all should be directly accountable to their respective state commerce offices;
4. Maintain match requirements to ensure private-sector co-investment in the MEP program; and
5. Ensure maximum funding is deployed to direct services.

In closing, we look forward to meeting with you to discuss our ideas for reforming the **Hollings MEP program and amplifying a leaner and more focused system that will improve U.S. manufacturing competitiveness demonstrably.**

Respectfully,

Alaska Chamber  
AR State Chamber/ AIA  
Arizona Chamber of Commerce & Industry  
Arizona Manufacturers Council  
Associated Industries of Florida  
Associated Industries of Massachusetts, Inc.  
Business and Industry Association of New Hampshire  
California Manufacturers & Technology Association  
CBIA  
Chamber of Commerce Hawaii  
Delaware Manufacturing Association  
Georgia Association of Manufacturers  
Greater North Dakota Chamber  
Illinois Manufacturers' Association  
Indiana Manufacturers Association  
Iowa Association of Business and Industry  
Kansas Chamber and the Kansas Manufacturing Council  
Maine State Chamber of Commerce  
Maryland Chamber of Commerce  
Michigan Manufacturers Association

Mississippi Manufacturers Association  
Nebraska Chamber of Commerce & Industry  
Nevada Manufacturers Association  
New Jersey Business and Industry Association  
Ohio Manufacturers' Association  
Pennsylvania Manufacturers' Association  
Rhode Island Manufacturers Association  
South Carolina Chamber of Commerce  
Tennessee Chamber of Commerce and Industry  
The Business Council of NYS, Inc.  
The State Chamber of Oklahoma  
Utah Manufacturers Association  
Virginia Manufacturers Association  
Wisconsin Manufacturers & Commerce  
WV Manufacturers Association

CC: All Members of Congress

Chairman of the Board  
**SCOTT CORBITT**  
Region Vice-President, State Government Affairs  
Anheuser-Busch Companies, LLC



President  
**RYAN AUGSBURGER**

August 7, 2025

Ohio Department of Job and Family Services  
30 East Broad St.  
Columbus, OH 43215

Chair and Members of the Working Group for the Ohio Supplemental Nutrition Assistance Program (SNAP) Waiver:

On behalf of the Ohio Manufacturers Association (OMA), I am writing to request that the Ohio SNAP Waiver on Soda/Soft Drinks explicitly protect Ohioan's access to medically necessary and nutritionally essential products, by exempting from the SNAP waiver definition of soda/soft drinks several specific categories of food products:

- **Infant formulas**--often sole source of nutrition for infants who are not breastfed and are regulated by the Food and Drug Administration to meet the complete nutritional needs of infants during their first year of life
- **Medical foods**--used under physician supervision, designed for the dietary management of specific diseases/conditions, and include oral rehydration solutions and formulas for metabolic disorders, severe food allergies, and gastrointestinal diseases
- **Foods for special dietary use**--include oral nutrition supplements which are often prescribed or recommended by healthcare providers to help maintain weight, strength, and immune function.

These food products are not sugar-sweetened beverages in the conventional sense and serve critical roles in health maintenance, disease management, and survival for vulnerable populations.

OMA members— Ohio's manufacturers—are deeply invested in the success of our state and the nation, and we recognize that a healthy workforce is a critical driver of economic growth. Representing 1,300 manufacturers across Ohio, the OMA is solely dedicated to protecting and growing manufacturing—the state's largest industry and the top contributor to Ohio's GDP, generating \$130 billion and employing nearly 700,000 Ohioans.

Broad restrictions on "sugar-sweetened beverages" could prevent Ohio SNAP recipients from accessing products crucial to their nutrition, health, and well-being. Infant formula, medical foods, and foods for special dietary use should be exempt from such restrictions to ensure these foods remain available to those Ohioans in need.

Thank you for the opportunity to submit comments. The OMA is happy to answer any questions members of the Working Group may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Lee".

James Lee  
Managing Director, Public Policy Services  
The Ohio Manufacturers' Association



## **Manufacturers Warn HHS' MAHA Strategy Undermines Trump Regulatory Agenda Without Improving Health and Safety**

September 9, 2025 4

**Washington, D.C.** — Following the release of the Make America Healthy Again (MAHA) Commission's strategy report, National Association of Manufacturers President and CEO Jay Timmons issued the following statement:

“Manufacturers share the administration's goals of safeguarding Americans' health and safety. However, in light of this administration's exceptional track record to drive a rebalanced regulatory agenda to strengthen manufacturing and benefit consumers, the Commission's strategy report is a shocking misstep.

“Manufacturers are concerned that policies based on faulty information and misguided science could result in overly burdensome and ineffective regulatory proposals for manufacturers without making consumers safer. If implemented, the strategy would harm manufacturers across the country and the consumers who benefit from an efficient, healthy and cost-effective supply chain. It also would add to the compliance burden that the administration has made so many great strides to unwind. Manufacturers in the U.S. shoulder nearly \$350 million every year in compliance costs—capital that manufacturers would much rather invest in their facilities, their employees, their products, and this administration has been a key partner in alleviating that burden.

“Manufacturers throughout the chemical, pharmaceutical, and food and beverage supply chains prioritize Americans' health and safety. They comply with strict regulatory guidelines and lead with innovation to deliver safe and reliable products, ensure resilient and secure supply chains, safeguard health, preserve consumer choice, and enhance accessibility and affordability.

“Manufacturers are committed to working with the administration to ensure our industry can continue to deliver safe, innovative and affordable products to American families. But the strategy of the MAHA report will take America in the wrong direction.”

**OHIO CAPITAL JOURNAL****With others sitting out, Ohio governor race narrows down to Amy Acton and Vivek Ramaswamy**BY: **MORGAN TRAU** - NOVEMBER 25, 2025 4:50 AM

📷 Dr. Amy Acton, left, Democratic candidate for Ohio governor in 2026. And Republican businessman Vivek Ramaswamy, right, who has been officially endorsed for governor by the Ohio Republican Party. (Photos/Graphic by WEWS.)

The Ohio governor's race is narrowing as Democrat Dr. Amy Acton gears up for a fight against Republican Vivek Ramaswamy, likely avoiding a costly primary battle.

"Together, we are going to build the Ohio that we all want to live in," Acton said in an interview on Friday afternoon.

Former Congressman Tim Ryan announced this morning that he will not be running for governor. This means Acton will remain the Democratic frontrunner.

But for Acton, Friday was just another day on the campaign trail.

We asked Acton if Ryan's announcement came as a surprise.

"People like to create stories and drama, but I can tell you the work that we're doing on the ground every day has been my focus," Acton said.

She is also focused on facing off against Ramaswamy.

GOP leader Tony Schroeder said he was never worried about Ramaswamy's chances, but the party would be more prepared to fight Ryan.

"Our great vice president, then-Senator JD Vance, showed us a pretty good lesson on how to defeat Tim Ryan, and the playbook was already there," Schroeder said. "I think the playbook would be a little different this time."

Each candidate is focusing on affordability, but Acton hopes to sway voters by supporting public education and health care.

Ramaswamy hopes to, and is succeeding, at getting the backing of Ryan's former union support.

"While the Democrats have spent months fighting to secure their shrinking base, Vivek has been talking to voters of all political persuasions to build an unprecedented coalition of support that includes conservative leaders and farmers to truckers and labor unions – and we're just getting started," Ramaswamy's spokesperson Connie Luck said after Ryan's decision was announced.

"If you're receiving union backing as a conservative Republican, you're reaching a different sort of coalition, and I think that's what we're looking at coming into 2026," Schroeder said.

Both Ramaswamy and Acton are also trying to make their campaigns about uniting the state, with Acton reminding the public that she worked closely with Gov. Mike DeWine.

The governor, unlike the majority of the Statehouse and congressional leaders, has not endorsed a candidate.

Previously, he told us he would support the Republican Party. Several weeks ago, he told us he would be endorsing Ramaswamy "soon."

We asked him Friday why he had not endorsed Ramaswamy yet.

"That's coming very soon," he responded.

Pressed on when, but the governor smirked.

Acton and Ramaswamy have raised record amounts, money that Acton will get to save for the general election – instead of a contentious primary.

We asked Acton if she thinks the Democratic Party can now fully come together to support her.

"Well, I think what I'm seeing is that people in Ohio are uniting, uniting to create the kind of state that we all want to live in, that we all deserve," Acton said.

She said she has started vetting for her lieutenant governor, which both she and Ramaswamy are expected to announce in the coming weeks.

Other candidates who have filed to run for governor include Republican Philip Funderburg, Democrat Jacob Chiara, and independent Tim Grady.

Heather Hill had previously announced she would run as a Republican but later stated she would run as either a Libertarian, an independent, or a member of Elon Musk's America Party – a party that is not yet recognized in Ohio.

Together, that group has reported having about \$1,500 cash on hand.

In contrast, Ramaswamy reported raising \$9.7 million, and Acton reported about \$1.4 million.

To make the primary ballot, a governor and lieutenant governor candidate must collect petition signatures together.

Party candidates have a deadline of Feb. 4.

For major parties, teams must collect at least 1,000 valid signatures, and minor parties have to collect 500.

Independents must have 5,000 signatures in by May 4.

Follow [WEWS](#) statehouse reporter Morgan Trau on [X](#) and [Facebook](#).

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# Sherrod Brown Chances of Beating Jon Husted to Flip Ohio for Democrats—Poll

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PUBLISHED

NOV 12, 2025 AT 04:43 PM EST

**By Mandy Taheri**

Politics and Culture Reporter

[Newsweek is a Trust Project member](#)

Former Democratic Senator Sherrod Brown has improved his chances of winning a Senate seat in Ohio after his 2024 loss, according to a new poll released Tuesday.

*Newsweek* has reached out to Brown and Husted's campaigns for comment via email on Wednesday.

## Why It Matters

Brown, who was in office for 18 years, lost last year's [Senate](#) race to Republican Bernie Moreno. Historically, the party in the White House loses seats in the midterms, but Ohio has grown increasingly conservative over the past decade. The state backed President Donald Trump by double digits in November, which also saw its former senator, JD Vance, to the vice presidency.

Democrats notched wins in gubernatorial races, mayoral contests and a key ballot measure on Tuesday, but redistricting fights, an upcoming Supreme Court ruling and a tougher 2026 U.S. Senate [map could temper that momentum heading into the midterms.](#)

Democrats will need to win double-digit Trump seats to win control of the Senate, where [Republicans](#) hold a 53-47 majority. Democrats view Maine, which voted for Vice President [Kamala Harris](#) by about 7 points, and North Carolina, which voted for Trump by about 3 points, as flip opportunities. But no other GOP-held seats in Harris-won or single-digit Trump states are up for grabs, [meaning Democrats have to target more conservative states like Alaska, Iowa, Ohio and Texas.](#)

## What To Know

Brown, who served in the Senate from 2007 to 2025, announced his 2026 Senate run in August. He is running against Husted who was appointed by Ohio Governor Mike DeWine to fill Vance's seat in January.

Senate doesn't elect every member each cycle because senators serve six-year terms. In November 2026, 33 seats will be contested, 20 of which are currently held by Republicans and 13 by Democrats.

A Hart Research poll conducted on behalf of the Ohio Federation of Teachers surveyed 800 likely Ohio voters and found a boost in Brown's chances of flipping Husted's seat.

The survey, released Tuesday and conducted between September 19 and 22, found that likely voters overall prefer Brown, 48 percent, to Husted, 45 percent. It was conducted ahead of the government shutdown and the 2025 elections.

Brown led independent voters by 25 percentage points, with 56 percent backing him and 31 percent supporting Husted. Both candidates polled well among their own parties, while Brown also performed better among women, 54 percent to 40 percent.

The poll also found that Brown is viewed more favorably overall, with a 42 percent favorability rating, while Husted is viewed favorably by only

21 percent. The poll has a margin of error of plus or minus 3.5 percentage points.

Another poll has found Brown slightly ahead. Conducted by Bowling Green State University, the survey showed Brown with 49 percent and Husted with 48. It surveyed 800 registered voters from October 2-14 and has a margin of error of plus or minus 4.5 percentage points.

An earlier Emerson College poll of 1,000 registered Ohio voters conducted between August 18-19, found Husted ahead of Brown, 50 percent to 44 percent. The poll also found Brown's favorability rating higher than Husted's, 44 percent to the incumbent's 33 percent. The poll has a margin of error of plus or minus 3 percentage points.

## What People Are Saying

**Sherrod Brown said in an X post on November 9:** "Half a million Ohioans are facing monthly premiums that are double or triple what they were paying. This is a bad deal for Ohioans. It does nothing to help the out-of-control costs people are facing. We can't allow health care costs to skyrocket and not be willing to fight. This is a problem created by Jon Husted and his special interest friends. At any point over the last 40 days, Jon Husted could have voted to reopen the government and helped people afford health care. But Jon Husted has done nothing to keep health care costs down."

**Senator Jon Husted said in a November 9 X post:** "After 40 days of needless suffering for the American people, enough reasonable Democrats did the right thing and voted with us to end the Schumer Shutdown. We now have a path forward to put a stop to the damage of

the shutdown and get back to work. I voted for the 15th time to reopen the government and to give hardworking Americans the pay and benefits they depend on. Ohioans can always count on me to be part of the solution."

**Ohio Federation of Teachers said in a November 12 X post sharing the poll:** "OFT Poll: @SherrodBrown is leading Senator Jon Husted by 3 points. Sherrod has double digit leads with independent voters, moderate voters, suburban voters, and women, and has a 10 point advantage in net favorability."

# Emerson College

POLLING

## Ohio 2026 Poll: Senator Husted Starts Matchup with Six-point Lead Over Sherrod Brown

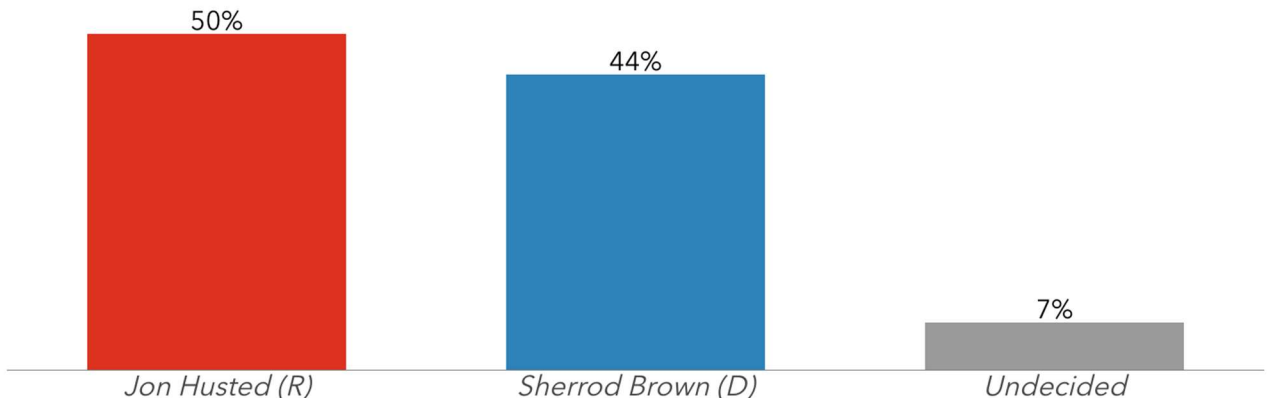
August 22nd, 2025

A new Emerson College Polling survey of the 2026 Ohio Senate race finds incumbent Republican Jon Husted leading former Democratic Senator Sherrod Brown, 50% to 44%, with 7% of voters undecided. Forty-four percent have a favorable view of Brown, 42% unfavorable, and 14% are neutral or have not heard of the former Senator. A third of voters (33%) have a favorable view of Husted, 28% unfavorable, and 40% are unsure or have never heard of the Senator.

### OHIO 2026 POLL



*If the 2026 election for US Senate were held today, and the candidates were Democrat Sherrod Brown and Republican Jon Husted, who would you support?*



*Ohio Voters, Aug. 18-19, 2025, n=1,000, MOE +/- 3%*

“In the first public poll following Sherrod Brown’s 2026 campaign kick-off, the former Senator trails the incumbent Jon Husted by six points, though he has a higher name recognition than the first-term Senator,” Spencer Kimball, executive director of Emerson College Polling, said. “Husted has a 16-point lead among male voters and voters without a college degree, and a 14-point lead among voters over 40. Brown has a 13-point lead among voters under 40, a three-point lead among women voters, and an eight-point lead among independent voters.”

In a hypothetical gubernatorial election between declared candidates Republican Vivek Ramaswamy and Democrat Amy Acton, Ramaswamy leads by ten: 49% to 39%, with 12% undecided. In a matchup against Democrat Tim Ryan, Ramaswamy leads 49% to 41%, with 10% undecided.

### Job Approval

Forty-nine percent of Ohio voters approve of the job Donald Trump is doing as President, while 42% disapprove. A plurality of voters (40%) disapprove of the job Mike DeWine is doing as Governor, while 32% approve, and 28% are neutral.

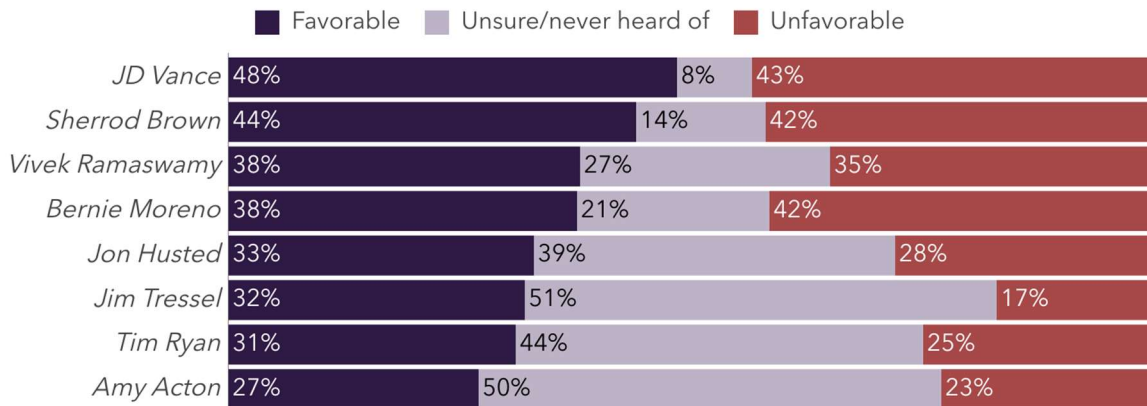
### Name Recognition

Ohio voters were presented with a list of public figures and asked how favorably or unfavorably they view each person.

#### OHIO 2026 POLL



*Do you have a favorable or unfavorable view of the following individuals?*



*Ohio Voters, Aug. 18-19, 2025, n=1,000, MOE +/- 3%*

### 2028 Presidential Nomination

Looking ahead to the 2028 Republican nomination for president, Vice President JD Vance leads the Republican field with 55%, followed by US Secretary of State Marco Rubio (9%), Florida Governor Ron DeSantis (7%), Vivek Ramaswamy (6%), and Nikki Haley (4%).

In the Democratic nomination contest, Gavin Newsom leads with 20%, followed by Pete Buttigieg with 15%, Alexandria Ocasio-Cortez at 8%, and Tim Walz, Kamala Harris, and Bernie Sanders at 7% respectively.

## Ohio Issues

A majority of voters (57%) think mass deportations of undocumented or illegal immigrants in Ohio are a good thing for the state, while 43% think they are a bad thing for Ohio.

- 77% of Ohio Democrats think deportations are a bad thing for the state, 87% of Republicans think they are a good thing, and independents are split: 52% think deportations are good for Ohio, while 48% think they are bad for Ohio.

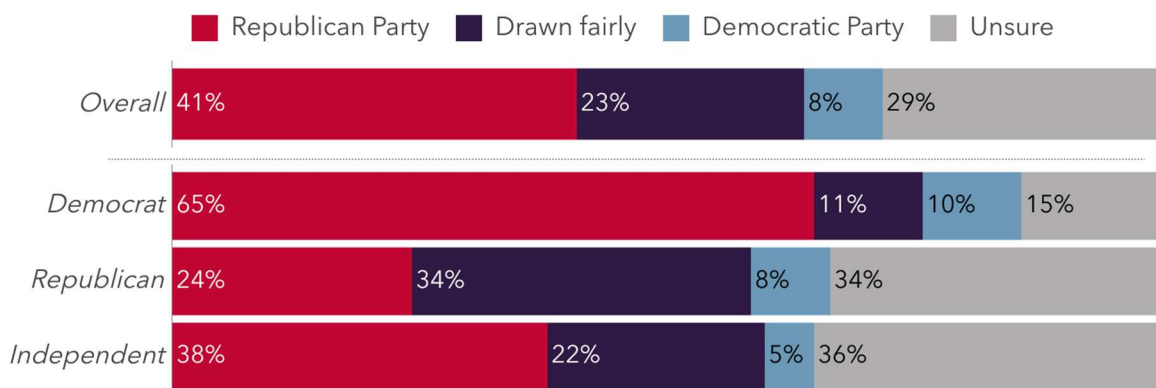
Ohio voters are split on sending National Guard troops to Washington, DC: 44% approve of Ohio sending troops to the nation’s capital, while 42% disapprove of the action; 14% are unsure.

Voters were asked if they think Ohio Congressional district lines are being drawn fairly, based on what they know, or if they are drawn to give an advantage to the Republican or Democratic Party. A plurality (41%) think they are drawn to give an advantage to the Republicans, 23% think they are drawn fairly, 8% think they are drawn to give an advantage to Democrats, and 29% are unsure.

## OHIO 2026 POLL



*Based on what you know, do you think the Ohio Congressional district lines are being drawn fairly, or are they being drawn to give an advantage to the Republican Party or the Democratic Party?*



*Ohio Voters, Aug. 18-19, 2025*

The economy is the top issue for 44% of Ohio voters, followed by threats to democracy (15%), housing affordability (10%) and healthcare (8%).

“Among voters whose top issue is threats to democracy, 82% think congressional district lines are being drawn to benefit the Republican Party,” Kimball noted.

## **Methodology**

The Emerson College Polling Ohio survey was conducted August 18-19, 2025. The overall sample of Ohio active registered voters, n=1,000, has a credibility interval, similar to a poll's margin of error (MOE), of +/- 3 percentage points. The 2026 Republican Primary consists of n=490, with a credibility interval of +/- 4.4%. The 2026 Democratic Primary consists of n=383, with a credibility interval of 5.0%.

The data sets were weighted by gender, education, race, age, party registration, and region based on U.S. Census parameters and voter file data.

It is important to remember that subsets based on demographics, such as gender, age, education, and race/ethnicity, carry with them higher credibility intervals, as the sample size is reduced. Survey results should be understood within the poll's range of scores, and with a confidence interval of 95% a poll will fall outside the range of scores 1 in 20 times.

Data was collected by contacting a voter list of cellphones via MMS-to-web text (list provided by Aristotle), and an online panel and mobile phone panel of voters provided by the Consensus Panel. Panel responses were matched to the Aristotle voter file using respondents' full name and ZIP code. The survey was offered in English.

All questions asked in this survey with the exact wording, along with full results, demographics, and cross tabulations can be found under Full Results. This survey was funded by Emerson College.

**OHIO CAPITAL JOURNAL****Ohio Redistricting Commission unanimously passes congressional map furthering GOP advantage**BY: **SUSAN TEBBEN** - OCTOBER 31, 2025 1:03 PM

📷 Ohio Senate Minority Leader Nickie Antonio and Ohio House Minority Leader Dani Isaacsohn speak to the media after the Ohio Redistricting Commission unanimously adopted a congressional redistricting map Oct. 31 that further favors Republicans. (Photo by Susan Tebben, Ohio Capital Journal)

The Ohio Redistricting Commission unanimously passed a congressional map in a Friday morning meeting, increasing Republican advantage in the state 12-3 and blocking a referendum effort. Democrats expressed optimism they could hold their five seats.

The commission unanimously approved the map to raucous disapproval from the crowd gathered in the Ohio House Finance hearing room.

[The map](#) was introduced at Thursday's meeting by commission co-chair and state Rep. Brian Stewart, R-Ashville.

Republicans currently hold 10 out of 15 Ohio U.S. Congressional districts.

The map gives Republicans the advantage in 12 of the 15 districts in the state, with Republican U.S. Rep. Jim Jordan's 4th district seeing the biggest GOP advantage at 72%.

Democrats on the commission voted to adopt the map because they said they were in an “impossible” situation in which they were provided worse options and felt they needed to take the opportunity to get the best map available.

House Minority Leader Dani Isaacsohn, D-Cincinnati, said the process was out of their control, so they did what they could to preserve Democratic opportunities.

“This is not the congressional map that Ohioans deserve, however, I do believe with this map we have averted a disaster,” said Senate Minority Leader Nickie Antonio, D-Lakewood.

Democratic U.S. Rep. Shontel Brown’s 11th district sees the biggest advantage in her party via the new map, at 78%.

U.S. Reps. Marcy Kaptur, Greg Landsman, and Emilia Sykes would all see significant impacts to their district.

Landsman’s 1st district would lean Republican with a 54% to 47% breakdown.

Sykes’ 13th district would lean Democratic, 52% to 48% Republican, according to data provided by the commission.

Sykes plans to run for re-election in the 13th districts, working to “earn the votes of the new communities that have been added.”

“I will always believe that, regardless of party, all voters deserve to choose their elected officials and not the other way around,” Sykes said in a statement.

Kaptur’s 9th district would lean Republican with a 54.5% to 45.5% Republican to Democratic ratio. In a statement following the vote, Kaptur said gerrymandering “diminishes our state’s stature even as population stagnates.”

“While Democrats on the Redistricting Commission proposed a fair map at the outset of this process, in one-party rule Columbus, self-interested politicians cut side deals to pave their own future,” Kaptur’s statement read.

She pledged to seek re-election “with a renewed focus on accountability and protecting the voice of the people.”

Stewart said the bipartisan passage was a mark of success for redistricting reforms that were passed in 2015 and 2018, and for the commission itself.

“I think there was a very real incentive and a desire amongst the legislative leaders ... that we want this process the voters approved to work,” Stewart said.

“I think there is an intention that there would be some compromises, there would be some recognition of the fact that we would like to come out of here with a deal that both parties could move forward with for multiple years.”

The previous map, adopted in March 2022, had a breakdown of 10 Republican districts and five Democratic districts.

In September, Democrats proposed a map that would have had eight Republican and seven Democratic districts.

That map heard hours of supportive testimony in the Joint Committee on Congressional Redistricting, but never received a vote.

Republican leaders, including commission member Gov. Mike DeWine, approved of the commission-created map, saying it was a proper compromise across the aisle.

They also acknowledged motivation that a referendum would not happen with passage by the commission.

“While it may not be perfect, the map passed by the Redistricting Commission avoids the potential for a referendum funded by special interests to repeal any map that might’ve been passed by the General Assembly,” said Senate President Rob McColley in a statement.

If the process made it back to the General Assembly, legislators could have passed a map with a simple majority in the Republican supermajority that makes up both chambers.

Auditor of State Keith Faber, also a commissioner, said the argument that the state’s voting trends, 55% Republican to 45% Democratic, would bring a map with eight GOP and seven Dem districts doesn’t represent “Ohio’s political geography.”

“This concept that you’re going to be able to draw districts within that range without gerrymandering is false,” Faber said. “... You can’t get to an 8-7 map without unnecessarily splitting and dividing (cities, counties and townships).”

Ohioans expressed their disagreement with Faber, saying state leaders and legislators just hadn’t worked hard enough to get to maps that match that ratio.

Testimony at Thursday’s and Friday’s meeting had a unified message: Ohioans who attended the meetings greatly disapproved of not only the 12-3 map, but the process to get to the adoption.

“This isn’t a compromise, it’s a threat,” Julia Cattaneo, of Columbus, told the commission.

Stewart on Thursday had referred to the people who attended the meeting – many of whom have regularly attended meetings over the several years of the congressional and statehouse

redistricting battles in Ohio – as “paid actors.”

On Friday, some citizens pinned “not a paid actor” labels on their shirts.

They continued their shaming of the commission for “ignoring the law, ignoring the voters,” as Mia Lewis of Common Cause Ohio put it, and emphasizing the need to take politicians out of the redistricting process.

“I wish that the argument between committee members had been about how to fairly draw up county lines that would have fine-tuned those districts to be more accurate,” said Columbus resident Beth Lykins.

“...I think what I say here doesn’t really matter in the end. You will do what you want to do and I have to live with the realization that our government doesn’t work in the way I was taught in my Youth in Government program.”

The map has the potential to be legally challenged, which would be done at the Ohio Supreme Court.

Previous map challenges in the redistricting process, including the 10-5 redistricting map used for the most recent elections, have been struck down as unduly partisan.

The makeup of the state supreme court has changed since then, however.

Current Chief Justice Sharon Kennedy stood in the minority in previous votes on redistricting maps, saying she would have kept the maps in place.

The current supreme court is made up of six Republican justices and one Democratic justice.

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## Reineke seeks to replace McColley as Ohio Senate president



COLUMBUS — State Sen. Bill Reineke (R., Tiffin), currently the second- highest-ranking leader in the Ohio Senate, said Thursday he wants to replace current Senate President Rob McColley (R., Napoleon) in the next General Assembly, keeping the top job in northwest Ohio hands.

The next two-year session won't begin until January, 2027, but the Republican caucus is likely to elect its new leadership slate next year.

Mr. McColley is term-limited and will only complete a single two-year term as president. He has been the subject of conjecture that he might be in the running to be Vivek Ramaswamy's lieutenant governor pick in 2026.

The announcement from Mr. Reineke, a partner in a family-run auto- dealership chain, also demonstrated his fundraising clout with the filing of his own campaign finance report for the first six months of the year.

Leadership candidates often point to their ability to raise funds for the caucus and its candidates. Mr. Reineke reported raising \$417,000 with the biggest contribution of \$16,616 coming from fellow auto dealers, the Dublin, Ohio-based Dealers Investment Group.

The conservative Mr. Reineke is now Senate pro tempore. He was easily re-elected last year to represent the 26th District, consisting of Sandusky, Seneca, Union, Crawford, Marion, Morrow, and Wyandot counties.

Like Mr. McColley, he could serve as president for just a single two-year session before running up against term limits himself. Before moving to the Senate, he served six years in the House of Representatives.

"In just six months, we've enacted transformational energy reform on a bipartisan basis and delivered a historic operating budget that includes significant tax relief and meaningful investments in our state," Mr.

Reineke said. "Should I be chosen by my colleagues to serve as president in the next General Assembly, I will work collaboratively to build on the progress made by the strong conservative leadership we've had these past several years."

He boasted of the endorsements of Sen. Theresa Gavarone (R., Bowling Green) and George Lang (R., West Chester), the third and fourth-ranking leaders on the GOP's current team. Republicans outnumber Democrats 24-9 in the chamber.



MEMORANDUM

TO: Ohio Manufacturers' Association  
Government Affairs Committee

FROM: Bricker Graydon LLP  
Christopher N. Slagle, OMA General Counsel

DATE: December 4, 2025

RE: December 2025 OMA Government Affairs Committee Counsel Report

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I. December 2025 Government Affairs Committee Counsel Report.

Please find below several political, legislative, and judicial efforts our Firm has been monitoring for the OMA.

II. Statewide Ballot Issues Overview.

Abolishment of Taxes on Real Property.

On May 1, 2025, a group of petitioners filed a summary of a ballot issue to abolish property taxes. Attorney General Yost certified the summary as fair and truthful statement on May 9, 2025. Following Attorney General Yost's certification, the ballot board met and certified the ballot measure as a single issue. If approved, the proposed amendment would add a new section to Article XII of the Ohio Constitution stating in part that "No real property shall be taxed, and no law shall impose any taxes on real property." The supporters of this ballot issue are collecting signatures to appear on the November 2026 General Election ballot.

Minimum Wage.

Although, organizers, One Fair Wage, of a proposed constitutional amendment to raise Ohio's minimum wage already had the ability to collect signatures to place the measure on the ballot, the group instead refiled the constitutional amendment with the Attorney General's office on March 27, 2023. The third submission of the constitutional amendment includes an increase of minimum wage to \$12.75 per hour on January 1, 2025, and then increase to \$15 per hour on January 1, 2026. The Attorney General certified the summary as truthful and accurate statement on April 5, 2023. Following, the Ohio Ballot Board met and certified the issue as a single issue for the ballot. The group attempted to collect signatures to file before July 3, 2024, but One Fair Wage made a statement on the deadline date that they failed to collect enough signatures in the required number of counties. Supporters of the measure could be collecting signatures to appear on the November 2026 General Election ballot.



Secure and Fair Elections/Ohio Voter Bill of Rights.

On December 19, 2023, the group submitted similar same day voting registration language to the Attorney General’s office to start the ballot issue process. The Attorney General’s office rejected the summary on December 28, 2023. The group waited a few weeks and on January 16, 2024, the group submitted their second submission and renamed it “Ohio Voter Bill of Rights.” Again, the Attorney General’s office denied the summary. The group filed a writ of mandamus with the Ohio Supreme Court and requested an expedited schedule. The court denied their request for an expedited schedule on February 8. Following, on February 26, 2024, Attorney General Yost filed a motion to dismiss. The Ohio Supreme Court denied the motion to dismiss on May 22, 2024, and set a briefing schedule for the case. After the briefing schedule, on October 30, 2024, the Ohio Supreme Court unanimously ruled that the Attorney General overstepped his statutory bounds to review a summary of a ballot issue. The Court ordered that the Attorney General review the summary within 10 days of the Court’s decision. On November 8, 2024, the Attorney General approved the summary as truthful and fair. Now, the Ohio Ballot Board will meet to determine if the proposed constitutional amendment is one issue or multiple. This proposed ballot issue is similar to another ballot issue proposed in 2020 on election process, which the Ohio Ballot Board found to be multiple issues. However, the ballot board on November 18, 2024 approved the issue as a single issue. The supporters of this ballot issue did not submit petitions for consideration to be placed on the November 2025 ballot.

Protecting Ohioans' Constitutional Rights.

After a long litigation battle, the U.S. Supreme Court declined to stay a ruling and that ultimately forced Attorney General Yost to take steps to certify the ballot issue. Attorney General Yost certified the summary on April 22, 2025, and the Ballot Board determined it was a single issue on April 29, 2025. The petitioners did not submit petitions for review for the November 2025 general election.

Ohio Equal Rights Amendment and Marriage Repeal.

On June 24, 2025, supporters of the constitutional amendment filed a summary of the ballot issue with the Attorney General’s office. Following, Attorney General Yost certified the summary on July 3, 2025. If approved, this ballot measure would add a new section to Ohio’s constitution, which would bar the state or its political subdivisions from denying individuals equal rights under the law based on race, color, creed, religion, sex, sexual orientation or gender identity. The second portion of this constitutional amendment would repeal existing constitutional language defining marriage as between one man and one woman. On July 9, 2025, the Ohio Ballot Board met to consider whether the language in the proposed ballot issue is only one proposed amendment, after a vote of 3-2 the Ballot Board separated the two issues. The supporters of this proposed measure decided not to appeal the decision to the Ohio Supreme Court and instead run two separate but concurrent campaigns. On August 1, 2025, the supporters resubmitted two separate summaries for repeal of the constitutional language defining marriage and the equal rights language. Subsequently, Attorney General Yost certified both summaries on August 8, 2025.



### III. Pending Legislation.

The Ohio Legislature returned to the Statehouse in late September. After failing to pass a new congressional map, redistricting efforts switched to the Ohio Redistricting Commission, which was able to unanimously adopt a map before the October 31<sup>st</sup> deadline. Ohio's new congressional map is 12-3. However, the Republicans are looking to flip the 9<sup>th</sup> District seat in 2026.

During the Legislature's fall session, it worked through property tax reform in an effort to discourage the pending ballot issue. Although, the supporters of the proposed ballot issue made statements that the group is still collecting signatures for the measure to appear on the November 2026 General Election ballot. Additionally, the House and Senate came to a compromise on House Bill 56, to revise Ohio's marijuana and hemp laws. After the conference committee adopted the report on the last day of session, the House agreed to the report that same evening. However, the Senate already adjourned, therefore, the Senate is returning on December 9<sup>th</sup> to agree to the conference report.

The House and Senate announced their session calendars for the first half of 2026. The House is returning in mid- February and will take a short spring break the last week of April and first week of May. The House's last session is scheduled for June 10, 2026. The Senate's session calendar is similar but kicks off in late January.

Manufacturing Technology Assistance Grants. Representatives Santucci (R-Howland Township) and Steve Demetriou (R-Bainbridge Township) reintroduced legislation to create a manufacturing technologies grant program, House Bill 159, on March 6, 2025. The bill was referred to the House Technology & Innovation Committee and has received four hearings. On October 14, 2025, the committee reported the bill and re-referred to Rules and Reference. Following, Rules and Reference Committee re-referred the bill to House Finance Committee.

Income Tax Reduction. Representatives Adam Mathews (R-Lebanon) and Brian Lampton (R-Beavercreek) introduced House Bill 30, to phase-down the state income tax to a flat rate of 2.75% over two years. The bill was referred to House Ways and Means Committee. H.B. 30 received a hearing on March 26, 2025. Senator George Lang (R-West Chester) and Senator Steve Huffman (R- Tipp City) , introduced companion language, Senate Bill 3. Senate Bill 3 was referred to Senate Ways and Means Committee and received its first hearing on March 26, 2025.

Pricing Algorithms. Senators Bill Blessing (R-Colerain Township) and William Blackshear (D-Dayton) introduced Senate Bill 79, to regulate the use of pricing algorithms. This is similar to Senator Blessing's bill from the 135<sup>th</sup> General Assembly. The bill was referred to Senate Financial Institutions, Insurance and Technology Committee. Senate Bill 79 prohibits a business from using to distributing a pricing algorithm that uses, incorporates or is trained with nonpublic competitor data. Nonpublic competitor data means "nonpublic data that is derived from or otherwise provided by another person that competes in the same market as a person, or a related market." "Nonpublic competitor data" does not include information distributed, reported, or otherwise communicated in a way that does not reveal any underlying data from a competitor, such as narrative industry reports, news reports, business commentaries, or generalized industry survey results. The bill received its first hearing on March 4, 2025.



PFAS Ban. Representatives Justin Pizzuli (R-Franklin Furnace) and Monica Robb-Blasdel (R-Columbiana) introduced House Bill 272 on May 13, 2025. House Bill 272 aims to regulate certain 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. The bill has serious implications for Ohio's manufacturers, as Ohio currently does not have a state law restricting products containing PFAS. The bill was referred to House General Government Committee and received its first hearing on June 10, 2025.

Prompt Payment. Representative Sweeney (D-Westlake) and Representative Bill Roemer (R-Richfield) reintroduced prompt pay for private contractors, House Bill 288, on May 20, 2025. The bill was referred to House Small Business Committee, in which it received four hearings, and was voted out of committee on June 17, 2025 right before the summer recess.

Post-Employment Agreements. Senators Bill Blessing (R-Colerain Township) and Bill DeMora (D-Columbus) introduced Senate Bill 11, which would prohibit non-compete agreements. The bill was referred to Senate Judiciary Committee, and thus far, has received three hearings. OMA provided opponent testimony on the bill during its third hearing. Testimony can be found [here](#).

Digital Repair Act. Senate Bill 176 is reintroduced legislation from the 135<sup>th</sup> General Assembly. Senator Bill Blessing (R-) introduced Senate Bill 176 on April 17, 2025, and was referred to Senate Small Business and Economic Opportunity Committee. If enacted, the bill requires manufacturers of certain digital electronic equipment to provide documentation, tools, and parts to independent repair providers and owners. OMA opposed the legislation during the 135<sup>th</sup> General Assembly (S.B. 73). Thus far, the bill has only received sponsor testimony on May 15, 2025.

Companion legislation, House Bill 301 (Mathews) was referred to House Technology and Innovation Committee. The bill has received three hearings. OMA opposed the legislation during the bill's third hearing. Testimony can be found [here](#).

Prohibit Criminal Background Questions. Senators Craig (D-Columbus) and Blessing (R-Colerain Township) introduced Senate Bill 143 on March 11, 2025. If enacted, S.B. 143 prohibits private employers from including on an employment application any question concerning the criminal background of the applicant. The bill was referred to Senate Workforce Development Committee and has received three hearings.

#### IV. Tort Reform.

Counsel is currently monitoring various tort reform legislative efforts and await the possible re-introduction of certain civil justice legislative items from prior legislative cycles.

Third Party Litigation Funding. Senator Steve Wilson (R-Maineville) reintroduced the non-recourse civil litigation legislation, Senate Bill 10. Among other provisions, the bill requires the disclosure of consumer agreements and commercial agreements to other parties to a legal action. The bill was referred to Senate Judiciary Committee and has received five hearings since its



introduction. During its third hearing, on June 11<sup>th</sup>, the committee adopted a substitute bill. The substitute bill included additional consumer protections, specifies that commercial agreements are subject to disclosure if ordered by a court and caps the fee that can be charged at 28%.

A companion bill, House Bill 105 (Craig/ Mathews) was introduced on February 18, 2025. The bill was referred to House Insurance Committee and has received five hearings. The committee amended the bill twice. H.B. 105 similar to S.B. 10 seeks to reform third party litigation funding agreements. The bill was referred to House Insurance Committee on February 26, 2025. During its seventh hearing, the committee adopted a substitute bill, which eliminated the disclosure requirement to litigation parties. Under the substitute bill, H.B. 105 requires consumer and commercial third party litigation funders to register with the attorney general and bans all foreign third party litigation funders. After eight hearings, the bill was reported out of committee and passed by OMA provided proponent testimony on the bill. On the last day of session, November 19, 2025, the House passed the measure out by a vote of 74-12.

Ohio's legislative activity on third party litigation funding has led it to be placed on the "Heat Watch" list for the American Tort Reform Association (ATRA). ATRA's press release can be found [here](#).

Public Nuisance. House Bill 126 was introduced on February 24, 2025 and seeks to codify the Ohio Supreme Court holding in the *In Re National Prescription Opiate* Litigation case. Specifically, the bill prohibits public nuisance actions arising from the sale of a product. After introduction, the bill was referred to the Senate Judiciary Committee. Thus far, the bill has received four hearings. During the bill's third hearing, the committee adopted a substitute bill. The Ohio Alliance for Civil Justice provided proponent testimony on House Bill 126 during the bill's second hearing. The bill received a hearing on May 7, 2025, during such hearing the committee reported the bill out. House passed the bill out of the chamber on May 8, 2025 by a vote 59-36. The Senate referred the bill to Senate Judiciary Committee. Prior to the holiday recess, the committee held three hearings on H.B. 126,

Ohio's legislative activity on House Bill 126 has led it to be placed on the "Heat Watch" list for the American Tort Reform Association (ATRA). ATRA's press release can be found [here](#) and attached following this report.

Product Liability. Senator Bill DeMora (D- Columbus) introduced Senate Bill 38 on January 28, 2025, which seeks to reverse the Ohio Supreme Court decision in *Berkheimer v. REKM* (the boneless chicken wing case). The bill creates a civil cause of action for persons who suffer injury, death, or loss to person allegedly caused by consuming food containing a substance injurious to human health when that food was provided by a food supplier or food service operation. The bill requires the trier of fact to use the reasonable expectation test meaning liability of the food supplier or the food service operator is determined by whether the injured person had a reasonable expectation that the food did not contain a substance injurious to human health when consuming the food. The bill was referred to Senate Judiciary Committee and received one hearing.



Corporate Veil. Senate Bill 146 was introduced on March 12, 2025, and it was referred to Senate Judiciary Committee. Senate Bill 146 aims to codify elements that must be proved with respect to the liability of a “covered person” (individual such as an officer) of a “covered entity” (corporation) for damages or civil penalties under the common law doctrine of “piercing the corporate veil.” Without these elements, a plaintiff cannot pierce the corporate veil. The bill states that a covered person has no liability to any person for damages or civil penalties unless the person seeking to pierce the corporate veil demonstrates the following: (1) “covered person” exerted control over the “covered entity” that the covered entity had no separate mind, will, or existence of its own; (2) the “covered person” caused the “covered entity” to be used for the purpose of perpetuating, and the “covered entity” perpetrated, an actual fraud on the person seeking to pierce the corporate veil primarily for the direct pecuniary benefit of the “covered person;” and (3) the person seeking to pierce the corporate veil sustained an injury or unjust loss as a direct result of the control and fraud described above. If passed, this new statute will apply to all pending cases at the time it becomes effective. After four hearings, on October 29<sup>th</sup>, Senate Judiciary reported the bill out. Following that same day, the full Senate considered the measure and passed it by a vote of 32-0. The bill was referred to House Judiciary Committee.

Contract Statute of Limitations. Senator George Lang (R-West Chester) introduced Senate Bill 157 on March 25, 2025. Following Senator Lang’s work on previously enacted Senate Bill 13 in the 134<sup>th</sup> General Assembly, Senate Bill 157 proposes to lower the statute of limitations for written contracts from six to three years. Additionally, Senate Bill 157 seeks to lower the statute of limitations for oral contracts from three to two years. The bill was referred to Senate Judiciary Committee and has received sponsor testimony and proponent testimony thus far.

## V. Energy Related Legislation.

Repeal of Electric Security Plans/ EDU Ownership of Generation Prohibition. Both chambers expressed that energy policy would be a priority this general assembly.

Representative Klopfenstein (R-Haviland) introduced House Bill 15, which among other things will repeal an EDU’s ability to file an electric security plan and prohibits an EDU from owning a generating facility in Ohio. House Bill 15 has several other competitive provisions that allow for consolidated supplier billing. Chairman Adam Holmes (R-Nashport) provided a thorough committee process, including six hearings and multiple substitute bills considering feedback from interested parties. OMA provided testimony on the bill several times throughout the committee process. On March 26, 2025, the Ohio House passed the bill with bipartisan support (90-3). The House passed version of HB 15 included the elimination of ESPs, mandatory rate cases for EDUs, repeal of subsidies, such as OVEC, enacted in HB 6 (2019), and quicker timelines and procedures for rate cases at the PUCO and siting cases at the Ohio Power Siting Board.

The Senate introduced a placeholder bill, Senate Bill 2 (Reineke), on January 22, 2025. Senate Energy Committee held its first hearing on the bill on February 11, 2025, and released the substitute bill the day prior. Senate Bill 2 included similar provisions to House Bill 15, but included changes to the definition of behind the meter generation, permitted BTM generation on property that is owned by the customer and no longer needs to be adjacent to the customer’s property.



Additionally, Senate Bill 2 allowed for “mini-rate cases” for EDUs to recover capital investment costs for energy development projects, although Senate Bill 2 also repeals the ESP statute. After a through committee process on SB 2, the Senate Energy Committee passed the measure after six hearings. OMA participated in many of these hearings. The Senate unanimously passed the bill out of the chamber on March 19, 2025.

After both chambers passed their respective versions of an energy overhaul bill, the bill sponsors, committee leadership and caucus leadership met to reconcile the differences between the two bills and determine the final version. After a few weeks of negotiations, Senate Energy Committee met on April 29, 2025 to adopt a substitute bill for House Bill 15. The Senate again unanimously passed out the measure, and the House concurred to the Senate amendments by a vote of 94-2. The final version of the bill included:

- Reform to the tangible personal property tax on new generation and energy conversion.
- Creation of priority investment areas for siting projects.
- Repeals OVEC subsidies.
- Repeals ESPs and requires EDUs to file rate cases every three years.
- Expands opportunities for behind the meter generation.
- Requires EDUS to public capacity maps and heat maps of their systems.
- Contains definitions of advanced transmission technologies and requires the Commission conduct a study of such technologies.

Governor DeWine signed the bill into law on May 15, 2025. H.B. 15 will become effective on August 12, 2025.

Carbon Capture. House Bill 170 (Robb-Blasdel, Peterson) was introduced on March 12, 2025. If enacted, House Bill 170 would set a regulatory framework for carbon capture and storage technologies in Ohio. After introduction, the bill was referred to the House Natural Resources Committee and received four hearings. The committee adopted a substitute bill during its June 18, 2025 meeting. When the Legislature returned to the statehouse for its fall session, House Natural Resources Committee reported H.B. 170 out. The House passed the measure by a vote of 91-4. The bill was referred to Senate Energy Committee.

Senate Bill 136, introduced by Senator Chavez (R- Marietta) and Senator Schaffer (R-Lancaster), is companion legislation to H.B. 170. The bill was referred to Senate Energy Committee, which Senator Chavez also chairs.

Voluntary Demand Response Program. Representative Klopfenstein (R-Haviland) introduced House Bill 427 over the summer, which would authorize a voluntary demand response program for residential and small commercial customers. Specifically, the bill allows an EDU to propose such a program in its rate case application. The bill was referred to House Energy Committee. So far, the bill has received four hearings. House Energy amended the bill during the third hearing, which eliminated the utility’s performance and included consumer choice billing. During the fourth hearing, AES Ohio and AEP Ohio came out as opponents to the substitute bill.



## VI. Political Updates.

Congressional Redistricting. The Ohio Redistricting Commission adopted a map before the October 31<sup>st</sup> deadline. The adopted map is a make up of 12-3.

U.S. Senate. In April, President Trump endorsed U.S. Senator Husted as he begins to run his race to be reelected to the U.S. Senate seat he was appointed to in January. The Ohio Republican Party followed President Trump's lead and endorsed Husted during their May 9<sup>th</sup> meeting. Although Senator Husted will likely not have a Republican primary challenger, he will face a challenger in the general election. Former U.S. Senator Sherrod Brown (D) announced he is challenging Senator Husted in 2026.

Ohio Governor. Vivek Ramaswamy is the clear front runner for the Republican primary, with the state party and President Trump's endorsement. Ramaswamy's running mate has yet to be announced.

In November, Tim Ryan announced his decision not to run for Governor, making Amy Acton, former Department of Health Director, the forerunner for the Democrat primary.

Statewide Races. All of Ohio's statewide offices are up in 2026. Quickly after the presidential inaugural and the 2024 election cycle wrapped up, candidates made their announcements for certain statewide spots. Most notably, Treasurer Robert Sprague (R-Findlay) withdrew out of the race for Governor and is running for Secretary of State. Current Auditor Keith Faber (R-Celina) is set to run for the Republican ticket for Attorney General. Current Secretary of State Frank LaRose (R- Upper Arlington) announced his candidacy for Auditor of State. Current State Senator Kristina Roegner (R-Hudson), former State Senator Niraj Antani (R-Miamisburg) and former State Representative Jay Edwards (R-Athens), along with Lake County Treasurer Michael Zuren (R-Willoughby) are in a crowded Republican primary race for Treasurer of State. Ohio has a busy upcoming election cycle.

Ohio Supreme Court. Republicans currently have a 6-1 majority after key races in 2024. Current Justice Pat Fischer (R-Cincinnati) announced that he was challenging Justice Jennifer Brunner (D-Columbus) in her reelection race. Justice Fischer's current term is not set to expire until 2028, however, his run is to try and remain on the court and avoid the mandatory retirement due to age. However, there is a crowded Republican primary for the seat, including Judge Andrew King (Fifth District Court of Appeals) and Judge Ron Lewis (Second District Court of Appeals), and former Franklin County Common Pleas Judge Colleen O'Donnell (R- Columbus).

Justice Dan Hawkins (R) must run for a new term after winning the remainder of Justice Kennedy's term in 2024. Justice Hawkins was endorsed by the Ohio Republican Party in September.

Ohio General Assembly. Although control of the Ohio House and Senate is not likely to change following the 2026 elections, with Republicans likely to keep their robust majorities, Republican leadership in the Senate will change in 2026 due to term limits. President Rob McColley (R-Napoleon) is term limited. Therefore, two other State Senators have announced their intent to run



for Senate President, current Senate President Pro Tempore Bill Reineke (R- Tiffin) and current Finance Chairman Jerry Cirino (R-Kirtland). This will be the first Senate President race that is contested in many years.

VII. Litigation Updates.

A. Monitored cases

1. *State of Ohio v. Du Pont de Nemours and Co., Washington County Common Pleas Court, Case No. 18OT000032 (dismissed); Fourth District Court of Appeals, designated as Case No. 19CA000015 (dismissed); Fourth District Court of Appeals, Case No. 20CA000030 (dismissed); Fourth District Court of Appeals, Case No. 21CA000022 (dismissed); Fourth District Court of Appeals, Case No. 24CA000001; Ohio Supreme Court, Case No. 2025-1456*

On February 8, 2018, Ohio Attorney General Mike DeWine filed a lawsuit against DuPont and the Chemours Company in the Washington County Common Pleas Court alleging that the company released perfluorooctanoic acid (PFOA) from its 1,200 acre facility on the Ohio River for decades, all while knowing the harm the toxic chemical posed to people and the environment.

The complaint cites a 2017 University of Cincinnati study that found residents of the Mid-Ohio River Valley had elevated levels of PFOA. The state further alleges that at least 150,000 pounds of the chemical used to manufacture Teflon products was put into the Ohio River in the 1980s and an additional 350,000 pounds was discharged into the river in the 1990s. The complaint alleges that DuPont negligently caused environment contamination and created a public nuisance through its release of PFOA in the air, soil, and water.

The State is asking for (1) a declaration of DuPont's duty to compensate the state for expenses related to the contamination from the chemical; (2) damages for injury to the state's natural resources; (3) an award of present and future costs to clean up the contamination; and (4) restitution damages for profits DuPont obtained through the conduct alleged in the complaint.

On April 12, 2018, Defendants each filed a motion to dismiss. DuPont argues that the court lacks jurisdiction because the US EPA consent orders preempt such claims and that the state lacks standing. Defendant Chemours Company's motion to dismiss argues that the state failed to state a claim upon which relief can be granted against Chemours. On May 14, 2018, the state filed its memoranda in opposition to Defendants' motions to dismiss, and DuPont filed its reply in support. An oral hearing was held on this motion on July 20, 2018.

On October 12, 2018, the Little Hocking Water Association ("Little Hocking") filed a motion to intervene as a plaintiff. The State opposed the motion. This motion has been fully briefed and the parties are awaiting the Court's decision.

In January 2019, this case was assigned to Judge Timothy Hogan, a retired judge from Hamilton County, Ohio. In late February, Plaintiff requested a status conference with the Court in



late March to address the pending motion to dismiss, the pending motion to intervene, and to discuss a scheduling order.

On June 4, 2019, the court denied the Defendants' motions to dismiss and also denied Little Hocking's motion to intervene. On July 5, 2019, Little Hocking filed a motion for reconsideration, which awaits the court's decision.

On July 5, 2019, Little Hocking also appealed from the June 4 decision denying its motion to intervene. This appeal is pending in the Fourth District Court of Appeals, designated as Case No. 19CA000015. On July 25, the Court of Appeals ordered Appellant to file a memorandum addressing the issue of jurisdiction. Ultimately, the appeal was dismissed for lack of a final appealable order.

On July 29, 2019, Plaintiff filed an amended complaint to add claims for actual and constructive fraudulent transfer under the Uniform Fraudulent Transfer Act, R.C. 1336.01, *et seq.* On August 28, 2019, Defendant filed a motion to separate and stay Plaintiff's claims for actual and constructive fraudulent transfer. The State opposed this motion. On December 26, 2019, the Court denied this motion. On January 15, 2020, Defendants filed their answers to the amended complaint.

On March 12, 2020, the court granted Plaintiff's motion to compel discovery. The court indicated that it was not impressed with some of the Defendants' objections to discovery and stated that, "discovery, if obstructed, shall be met with punishing sanctions."

A new case scheduling order was issued on October 16, 2020, which sets the following deadlines: (1) fact discovery – February 26, 2021; (2) expert discovery – November 30, 2021; and (3) dispositive motions – January 15, 2022. The trial was scheduled to begin on April 4, 2022.

Also, on October 16, 2020, the Court found Defendants to be in noncompliance with some of its previous orders. It ordered Defendants to produce all documents responsive to Plaintiff's First Request for Production of Documents without regard to privilege. If the State intends to use a document, then Defendants may assert a privilege and seek an *in camera* review.

On October 23, 2020, DuPont appealed to the Fourth District Court of Appeals (Case No. 20CA000030) from the October 16, 2020 order to the extent it requires the production of privileged information. On October 26, it also filed an emergency motion for stay pending the outcome of the appeal. Plaintiff opposed the motion to stay. On July 22, 2021, the Fourth District Court of Appeals dismissed the appeal for lack of a final appealable order.

On November 2, 2020, Plaintiff filed a motion for leave to file its second amended complaint due to DuPont's corporate reorganization and alleged attempt to transfer its assets. DuPont opposed this motion. The second amended complaint was filed on March 3, 2021. Answers were filed on April 1, 2021.

On December 22, 2020, the Court ordered Defendants to produce the Corporate Environmental Database and other items listed in Plaintiff's December 2, 2020 letter. The court



further indicated that failure to comply by December 15, 2020 “will result in an evidentiary sanction.”

Judge Hogan retired, effective December 31, 2020 and withdrew from the case. Retired Judge Richard McMonagle was assigned as the presiding judge for this case effective February 1, 2021.

On April 1, 2021, Defendants moved to dismiss Plaintiff’s unjust enrichment claim, which was denied on May 12. Also, on April 1, 2021, Defendants moved to join the Ohio EPA and its Director as real parties in interest. This motion was denied on May 17.

On April 26, 2021, Defendants Corteva, Inc. and DuPont de Nemours, Inc. moved to dismiss the complaint for lack of personal jurisdiction.

On May 10, 2021, Plaintiffs moved for partial summary judgment on the assumption of liabilities of Corteva Inc. and DuPont de Nemours, Inc.

On May 18, 2021, the Court set a final pretrial and settlement conference for October 4, 2022, and trial on November 1, 2022.

On June 11, 2021, E.I. du Pont de Nemours and Company’s filed a Motion for a Protective Order Over Documents Plaintiff Seeks from Third-Party Deloitte.

On June 17, 2021, Plaintiff filed a Motion to Compel Discovery from Defendants E.I. du Pont de Nemours and Co. and The Chemours Company.

On July 2, 2021, the court amended the scheduling order. A final pretrial and settlement conference was scheduled for October 4, 2022. The trial was scheduled for November 1, 2022.

On August 4, 2021, the court denied Corteva and DuPont’s Motion to Dismiss and granted plaintiff’s cross-motion for partial summary judgment on the assumption of liability.

On August 5, 2021, Plaintiff filed a Motion to Compel Production of Documents Improperly Withheld on the Basis of Privilege by Third-Party Deloitte Transactions and Business Analytics LLP, which has been fully briefed. On August 17, 2021, Plaintiff filed a notice of deposition for Deloitte’s deposition. In late October and early November, Plaintiff filed several notices of depositions duces tecum on governmental agencies, including the Ohio EPA and the Ohio Department of Health.

On November 19, 2021, the Court denied Defendants’ motion for a protective order, which was filed on August 13, 2021. The order requires Defendants to produce all documents requested regardless of privilege.

On December 30, 2021, Defendants filed a notice of appeal of this order in the Fourth District Court of Appeals (Case No. 21CA000022) requiring Defendants to produce privileged documents. The appeal was dismissed on March 25, 2022.



On December 3, 2021, the State filed an expedited motion to stay the agency depositions that Defendants have noticed and to hold Defendants in contempt for not providing the documents ordered to be provided on November 19, 2021. This motion has been fully briefed.

On December 30, 2021, DuPont appealed to the Fourth District Court of Appeals (Case No. 21CA00022) from the November 19, 2021 order requiring defendants to produce privileged documents.

An Amended Scheduling Order was filed on May 3, 2022. A status conference was held on September 29, 2022.

On May 18, 2022, defendants filed a motion for summary judgment. Defendants' motion for summary judgment was denied on July 19, 2022.

On August 22, 2022, Plaintiff filed a motion for further sanctions seeking entry of default judgment against Defendants E.I. DuPont de Nemours and Co. and The Chemours Company. On September 14, 2022, Defendants filed an opposition to plaintiff's motion for entry of default judgment, and plaintiff filed its reply in support on September 26, 2022.

On October 3, 2022, the court filed an amended scheduling order: fact discovery due February 13, 2023; second supplemental expert disclosures due February 13, 2023; plaintiff's experts' reports due March 3, 2023; defendants' experts' reports due May 3, 2023; expert discovery due August 3, 2023; dispositive motion due September 29, 2023; responses to dispositive motions due October 30, 2023; replies in support of dispositive motions due November 15, 2023; final pretrial conference scheduled in January 2024; and trial is set for February 2024, but no date has been specified.

On November 3, 2022, the court filed a procedural order appointing a special referee to hear and make recommendations regarding privilege and work product determinations. On November 7, 2022, the court filed an order stating that, before the court enters a protective order, Deloitte is ordered to produce a privilege log so that the court and plaintiff can weigh old DuPont privilege claims over individual documents. Production is to be completed by December 20, 2022. A hearing on objections is set for January 11, 2023.

On December 19, 2022, Plaintiff filed (under seal) its Position Statement Regarding the Challenged Documents. On January 18, 2023, Defendant filed (under seal) its Position Statement Regarding the Challenged Privileged Documents. On February 10, 2023, Plaintiff filed (under seal) its Reply in Support of its Position Statement Regarding the Challenged Documents. No ruling has been made yet.

On January 11, 2023, (1) Plaintiff filed a letter to the Court addressing the Motion to Compel that was filed. That same date, (2) E.I. DuPont filed a letter to the Court in response to Plaintiff's letter asking the Court to rule on a Motion to Compel; and (3) Plaintiff filed a letter to the Court addressing the privilege log that was served on December 30, 2022. On January 19, 2023, Defendants E.I. du Pont de Nemours and Company filed a response to Plaintiff's January 10 letter challenging the privilege log. On January 18, 2023, Defendants filed their position



statement regarding the challenged privileged documents (under seal). On February 10, 2023, Plaintiff filed its reply in support of its position statement (under seal).

On February 23, 2023, Plaintiff filed its notice of supplemental authority, and Defendant filed its response to same. On May 4, 2023, the court filed an Order regarding supplemental discovery. The court ordered E.I. DuPont to conduct a search for the documentation referenced in Plaintiff's April 10, 2023 letter and, to the extent such document(s) exists and is/are reasonably accessible, to produce any and all non-privileged, responsive documentation, that has not already been produced on or before June 1, 2023 and supplement its prior written discovery responses as necessary.

On April 24, 2023, several notices of deposition subpoenas were issued, including to the Ohio Department of Natural Resources, Ohio Environmental Protection Agency.

On July 21, 2023, a Stipulation related to discovery on fraudulent transfer claims was filed.

On July 31, 2023, an Amended Scheduling Order was filed, scheduling the trial in October, 2024, with a date not yet specified. The Court also filed an order granting, in part defendant's motion to compel and stating that plaintiffs must submit their expert report as scheduled, which must comply with the information sought by defendants.

On November 6, 2023, Plaintiff filed objections to Special Referee's privilege recommendations on Challenged Documents (filed under seal). The First Report and Recommendation of Special Referee was filed on November 7, 2023 (filed under seal). Defendants objected to the Report and Recommendation of Special Referee on November 7, 2023.

A Consent Judgment was filed with the court on December 7, 2023. This case was settled/dismissed and terminated on December 8, 2023 and a final appealable order was filed on December 8, 2023.

On January 2, 2024, a Notice of Violation of Court Order and Motion to Reopen and Stay Effect of Consent Judgment to Allow Court-Ordered Process was filed with the court. Plaintiff filed its Response and Opposition to the notice on January 5, 2024.

On January 10, 2024, a Notice of Appeal to the Consent Judgment was filed by the Little Hocking Water Association ("LHWA") to the Fourth District Court of Appeals (Case No. 24CA000001).

On January 12, 2024 (in Case No. 18OT000032), Little Hocking filed an amicus brief seeking ruling clarifying consent judgment and requiring public process for implementation. On May 2, 2024, the court filed an order denying all other relief requested in Little Hocking's brief, both on the merits and because it lacked standing to see post-judgment relief under Civ.R. 60 and 70; and (2) denying all relief requested in the brie for the reasons set forth in plaintiff's response thereto.



In Case No. 24CA000001, DuPont and others filed a motion to dismiss this appeal for lack of standing of LHWA. On January 22, 2024, LHWA filed an opposition to the motion to dismiss. On January 10, 2024, LHWA filed a motion to stay appeal and to remand to the trial court for consideration of its Rule 60(B) motion. DuPont and others opposed this motion. On February 21, 2024, the court denied the appellees' motion to dismiss the appeal and denied LHWA's motion for stay of appeal and limited remand.

On March 8, 2024, LHWA filed its brief. On March 28, 2024, DuPont and the State of Ohio filed their briefs. On April 8, 2024, LHWA filed its reply brief. Oral argument occurred on August 8, 2024.

On September 17, 2025, the court of appeals affirmed the decision of the trial court, denying relief to LHWA. On November 3, 2025, LHWA filed a discretionary appeal to the Ohio Supreme Court. The Court has not yet decided whether to accept the appeal.

2. *John Paganini v. The Cataract Eye Center of Cleveland, Cuyahoga County Court of Common Pleas, Case No. CV-22-971901 (closed); Eighth District Court of Appeals, Case Nos. CA 24 113867 (closed) and CA 24-114019 (closed); Ohio Supreme Court, Case No. 2025-0386*

*Paganini* involves a challenge to R.C. 2323.43(A), which establishes a two-tiered cap on noneconomic damages in medical malpractice cases. Under this statute, plaintiffs with catastrophic injuries may recover up to \$500,000 in noneconomic damages, while those with less severe injuries are limited to \$250,000 or three times their economic loss, up to \$350,000, whichever is greater. Plaintiff John Paganini received a jury award for noneconomic damages exceeding the \$500,000 cap and argued that applying the statutory limit to his case was unconstitutional. Both the trial court and the Eighth District Court of Appeals agreed, finding the cap violated his due process rights as applied to his circumstances.

In support of the Defendants' discretionary appeal to the Ohio Supreme Court, five organizations filed an amicus brief on March 18, 2025: the Ohio Hospital Association, Ohio State Medical Association, Ohio Osteopathic Association, Ohio Alliance for Civil Justice (of which the OMA is a leading member), and Academy of Medicine of Cleveland & Northern Ohio. These groups argue that the appellate court's decision was flawed in several respects. First, they contend that Paganini's "as-applied" challenge is in substance a facial challenge because it could be raised by any plaintiff whose award exceeds the cap. Facial challenges must be proven beyond a reasonable doubt — a higher standard than the "clear and convincing evidence" standard used for as-applied challenges. According to the amici, by accepting Paganini's theory, the court effectively rendered the statute unconstitutional in every instance where it applies, bypassing the proper legal framework.

The amici also argue that the statute easily satisfies the applicable rational basis test, which requires only that the law bear a real and substantial relationship to a legitimate government interest. When it enacted R.C. 2323.43(A) through Senate Bill 281, the General Assembly made express findings about the need to stabilize the medical liability insurance market, retain



physicians, and ensure access to healthcare — particularly in underserved areas. The brief emphasizes that noneconomic damages are (1) inherently subjective and difficult to measure, (2) the statutory caps were enacted to promote fairness, reduce volatility in jury awards, and (3) control healthcare costs. The amici warn that affirming the lower court’s decision would not only disrupt Ohio’s carefully balanced tort reform system but also eliminate an important tool for controlling liability exposure in the healthcare sector. On May 27, 2025, the Ohio Supreme Court accepted the appeal. Briefing is complete.

Appellants filed a motion to dismiss the appeal as improvidently allowed on November 20, 2025. This motion has not yet been fully briefed.

3. *Susan Lyon v. Riverside Methodist Hospital, et al.*, Franklin County Common Pleas Court, Case No. 16CV-12056 (closed); Tenth District Court of Appeals, Case No. 23AP-379 (closed); Ohio Supreme Court, Case No. 2025-1317

On August 21, 2025, the Tenth District Court of Appeals issued its long-awaited decision in *Lyon*, a case involving both “as applied” and facial constitutional challenges to the same statute (R.C. 2323.43) as is being challenged in *Paganini*. In *Lyon*, the Plaintiff challenged the noneconomic damage cap applicable to medical malpractice claims on three constitutional grounds: (1) due process, (2) equal protection, and (3) right to trial by jury.

Relying heavily on *Morris v. Savoy* and *Paganini*, the Tenth District held that the statute was constitutional on its face but unconstitutional as applied to the Plaintiff on due process and equal protection grounds. The Court did not decide the issue of whether the statute violated the right to a trial by jury, stating that it did not need to address this issue in light of finding other constitutional violations.

Defendants appealed to the Ohio Supreme Court. This case is similar to *Paganini* in that both hold that the statute violates the Ohio Constitution’s due process (or “due course of law”) provision. It differs from *Paganini* in that the *Lyon* decision also finds that the statute violates the Ohio Constitution’s equal protection clause. As a result, the *Lyon* Defendants need to win on the equal protection argument even if *Paganini* holds that the statute is not unconstitutional under the due process clause. The case has not been accepted by the Court yet.

- B. *Amicus Cases – Pamela Duff Mundy, Adm. Of the Estate of James Melvin Duff, Deceased, et al. v. Centrome, Inc. dba Advanced Biotech, et al.*, Twelfth District Court of Appeals, Case No. CA2025-09-077

On November 12, 2025, the OMA filed an amicus brief in this case involving an employment intentional tort and large punitive damages award against a manufacturer of food flavorings. The appeal involves three statutes important to manufacturers: (1) the employment intentional tort statute, R.C. 2745.01, (2) the punitive damages statute, R.C. 2315.21, and the statute of limitations for bodily injury, R.C. 2305.10.



Under the applicable two-year statute of limitations for bodily injury caused by exposure to chemicals, a plaintiff's cause of action accrues upon the earliest of either a plaintiff's diagnosis *or* the date a plaintiff should have known that their injury is related to exposure. Plaintiffs filed their lawsuit on September 29, 2017. More than two years earlier in March, May, and August 2015, Plaintiffs completed medical history forms and incident reports describing a number of symptoms which they claimed resulted from diacetyl exposure at work. Plaintiffs also secured counsel to pursue this action in August 2015. The OMA argued that this case was untimely filed because the Plaintiffs knew or should have known that they had an injury related to exposure before they were diagnosed by their lawyer's "for-hire" physician on September 29, 2016.

Regarding the employment intentional tort issue, the OMA argued that the purported injuries fall squarely within the workers' compensation system and not under the narrow employment intentional tort exception to the exclusive remedy for workplace injuries. In short, the trial court failed to apply the employer intentional tort statute in accordance with its intended purpose.

To support a claim of punitive damages, a plaintiff must show by clear and convincing evidence that the defendant acted with malice or committed egregious fraud as set forth in R.C. 2315.21. No such evidence was presented. Nor was any evidence of intent to harm Plaintiffs presented, which is needed to establish an employer intentional tort. Despite this lack of evidence, the jury awarded more than \$4M in punitive damages.

Briefing is ongoing.

## VIII. Tax Updates.

### A. Selected Proposed Ohio Legislation

#### *Regards taxpayer deductions for depreciation, enhancing expensing – H.B. 69*

Introduced on February 10, 2025, H.B. 69 proposes several amendments aimed primarily at simplifying tax deductions and enhancing efficiency for taxpayers/businesses in Ohio. It allows taxpayers to deduct the full bonus depreciation and enhanced expensing allowances in a single year, aligning state tax deductions with federal deductions. The bill also clarifies definitions related to qualifying investors and entities, ensuring consistent treatment with federal tax laws. The bill was referred to the Ways and Means Committee on February 12, 2025, and the first hearing was held on March 19, 2025.

#### *Regards a property tax freeze for certain owner-occupied homes – S.B. 81*

Introduced on February 4, 2025, S.B. 81 proposes a reduction of real property taxes on a homestead owned and occupied by a person sixty-five years of age or older and whose total income does not exceed seventy thousand dollars. The bill was referred to the Ways and Means Committee on February 12, 2025. No further action has been taken as of June 1, 2025.



*Regards total property tax exemption for homestead of totally disabled veterans and their surviving spouses – S.B. 92*

Introduced on February 10, 2025, S.B. 92 proposes to authorize a total property tax exemption for the homesteads of totally disabled veterans and their surviving spouses. The bill was referred to the Ways and Means Committee on February 12, 2025. No further action has been taken as of June 1, 2025.

*Regards a non-refundable tax credit for handgun training and firearms storage –H.B. 235*

Introduced on April 15, 2025, H.B. 235 proposes a nonrefundable income tax credit for the cost of handgun training and firearms storage and locking devices. The bill was referred to the Ways and Means Committee on April 30, 2025.

*Regards a state income tax deduction for overtime wages – H.B. 39*

Introduced on February 3, 2025, H.B. 39 proposes a state income tax deduction for overtime wages for seven years after the year in which the amended is effective. The bill was referred to the Ways and Means Committee on February 5, 2025, and the first hearing was held on April 2, 2025.

*Regards modification of the amount of the homestead exemptions and owner-occupancy property tax credit – H.B. 61.*

Introduced on February 5, 2025, H.B. 61 proposes to replace the standard homestead exemption with a flat property tax credit and replaces the enhanced homestead exemptions for disabled veterans and surviving spouses of emergency responders with a flat property tax credit of \$1500. The bill was referred to the Ways and Means Committee on February 12, 2025, and the first hearing was held on February 19, 2025. No further action has been taken as of June 1, 2025.

*Regards a phase-down of state income tax to a flat rate of 2.75% over two years. S.B. 3*

Introduced on January 22, 2025, S.B. 3 proposes to phase-down the state income tax applicable to nonbusiness income to a flat rate of 2.75% over two years. For the 2025 taxable year, the bill reduces the rate of the top bracket from 3.5% to 3.125%. The bill was referred to the Ways and Means Committee on January 29, 2025. No further action has been taken as of June 1, 2025.

*Regards a tax on certain high-volume landlords – S.B. 28*

Introduced on January 22, 2025, S.B. 28 proposes to implement a tax on taxpayer/landlords owning more than fifty “taxable houses” in one county. Taxable houses are single-family, two-family, or three-family dwellings. For purposes of funding S.B. 28, a levy is proposed entitled a “housing market impact tax” on each person owning fifty or more taxable houses in a county. The “housing market impact tax” is equal to two thousand dollars for each taxable house owned on the first day of each tax period. The bill was referred to the Ways and Means Committee on January 29, 2025, and the first hearing was held February 19, 2025. No further action has been taken as of June 1, 2025.



*Regards a reduction in property taxes for eligible individuals – H.B. 143*

Introduced on March 3, 2025, H.B. 143 proposes to relieve Ohioans from rising property taxes by providing a credit for eligible individuals. The credit reduces property taxes up to \$28,000.00 for the market value of their home and up to \$56,000.00 for disabled veterans. The bill was referred to the Ways and Means Committee on March 5, 2025, and its first hearing was held on May 14, 2025.

*Regards an exemption from sales and use tax on building materials and to amend sections 5739.02 and 5739.03 of the Revised Code – H.B. 147*

Introduced on March 3, 2025, H.B. 147 exempts from sales and use tax building materials sold to a contractor under a contract valued at \$25 million or more for projects in areas with a port authority. The bill was referred to the Development Committee on March 5, 2025. The first hearing was held on May 28, 2025.

*Authorizes a refundable thriving families tax credit for taxpayers with dependents. – H.B. 140*

Introduced on February 26, 2025, H.B. 140 authorizes a refundable thriving families tax credit for certain income taxpayers with dependents who are minor children. The bill was referred to the Ways and Means Committee on March 5, 2025. No further committee activity has taken place as of June 1, 2025.

*Authorizes a tax credit for small businesses with health reimbursement. – H.B. 133*

Introduced on February 24, 2025, H.B. 133 authorizes a nonrefundable income tax credit for small employers that cover their employees with an individual coverage health reimbursement arrangement. The bill was referred to the Ways and Means Committee on February 26, 2025. The fifth hearing before the Ways and Means Committee was held on May 28, 2025.

*Regards a property tax freeze for certain owner-occupied homes. - H.B. 156*

Introduced on March 6, 2025, and referred to the Ways and Means Committee on March 19, 2025, H.B. 156 authorizes a property tax freeze for certain owner-occupied homes. To qualify, the homeowners must meet the following requirements: 1) be at least 65 years old; 2) must have lived in the home or manufactured home for at least two years; 3) the homeowner's total income must be less than \$50,000.00 per year; and 4) the county auditor's appraised value of the homeowner's home must be less than \$500,000.00. The first hearing was held on May 21, 2025, before the Ways and Means Committee.

*Regards Ohio counties authority to cut property taxes – H.B. 309*

Introduced on May 27, 2025, H.B. 309 gives Ohio counties new powers to cut property taxes and requires the county budget commissions to review the property tax rates annually for its residents and reduce the rates if the county collects more than needed. This bill would modify the law governing county budget commissions, property taxation, and alternative apportionment formulas



for local government and public library funds. The bill was referred to the Ways and Means Committee on May 28, 2025.

*Regards exemption of tips from state, municipal, and school district income taxes – H.B. 209*

Introduced on March 31, 2025, H.B. 209 proposes to amend sections 718.01, 5747.01, and 5748.012 of the Revised Code to exempt tips from state, municipal, and school district income taxes. The bill was referred to the Ways and Means Committee on April 2, 2025.

*Regards an increase to the homestead exemption for real property taxes – H.B. 261*

Introduced on May 13, 2025, H.B. 261 increases the homestead exemption for real property taxes from twenty-five thousand to fifty thousand. The bill was referred to the Ways and Means Committee on May 14, 2025.

*Authorizes exemption from sales and use tax certain logistic business items. – S.B. 126*

Introduced in the Senate on February 25, 2025, and referred to the Ways and Means Committee on February 26, 2025, S.B. 126 would exempt from sales and use tax items purchased by a logistics business to transport manufactured products, general merchandise, and grocery products. The first hearing was held on March 18, 2025. No further action has taken place as of June 1, 2025.

*Regards the reduction of tangible personal property tax for pipe-line companies. S.B. 116*

Introduced in the Senate on February 25, 2025, and referred to the Public Utilities Committee on February 26, 2025, S.B. 116 would amend Section 5727.111 of the Revised Code to reduce the tangible personal property tax assessment rate for pipe-line companies. The first hearing was held on March 19, 2025. No further action has taken place as of June 1, 2025.

## B. Update to Previously Tracked Legislation

*Amend competitive retail electric service law – H.B. 15*

Introduced in the House on January 23, 2025, and passed by the House and the Senate on March 26, 2025, and April 30, 2025, respectively, this bill was signed into law by the Governor on May 15, 2025, and becomes effective on August 14, 2025. This bill has the following provisions:

1. Beginning in tax year 2027, the bill reduces the assessment rate for electric generation and energy conversion equipment of electric and energy



companies from 24% to 7% (and 25% to 7% for rural electric companies) for property placed into service in 2027 and thereafter.

2. The bill reduces the assessment rate for electric transmission and distribution property from 88% to 25% for property placed into service in or after tax year 2027.
3. The tangible personal property of pipeline companies placed into service on or after tax year 2027 is assessed at 25% of its value instead of 88%. The reduction in assessment rates will result in an annual revenue loss of \$49 million to \$74 million.
4. The bill provides for a five-year property tax exemption for tangible personal property used to transport or transmit electricity or natural gas within an approved priority investment area (PIA – which is a new designation created in the bill).
5. The bill repeals the current charge on electric ratepayers for costs related to the Ohio Valley Electric Company on the effective date of the bill (8/14/25), saving ratepayers an estimated \$582.5 million through 2030.

#### C. Judicial Actions

*Kresevic v. Chittok*, Case No. CV-2023-01-0031, pending in the Summit County Court of Common Pleas, has been reactivated, with a pretrial hearing scheduled June 4, 2024. Another pretrial hearing was scheduled for December 10, 2024. *Kresevic* involves a medical assistant who worked in, and was subject to the municipal withholding taxes of, the City of Akron was fired from her position in 2020. She successfully sued her former employer in a wrongful termination suit. However, the City of Akron withheld municipal income taxes from the settlement fund. The question raised by the plaintiff is whether the City of Akron is entitled to withhold taxes on the settlement under Section 29. More specifically, it asks whether Section 29 entitles a municipality to withhold from the settlement in a wrongful termination case. This case is still pending before the Summit County Common Pleas Court.

*Rover Pipeline LLC c/o Energy Transfer L.P. v. Tax Commissioner of Ohio, et al.* BTA Case No. 2020-1540, Appeal to the Ohio Supreme Court, Case No. 2024-0484. *Rover* concerns a natural gas pipeline spanning across Appalachia, through Ohio and into Michigan. The case involves the proper valuation of the Ohio portion of Rover's pipeline as to Ohio's public utility personal property tax. *Rover* is appealing the decision by the Ohio Board of Tax Appeals in that the valuation method and calculation was incorrect. On May 2, 2024, The Ohio Supreme Court has referred this matter to mediation and suspended all deadlines at this time. On August 6, 2024, The Ohio Supreme Court returned the case to the regular docket. Appellant's merit brief was filed on October 7, 2024. On November 5, 2024, the Court issued a stipulation to extend time for the Appellee to file merit brief to November 26, 2024. A reply brief was filed on December 16, 2024, and a Motion for the Supreme Court to hear oral arguments. Oral arguments were granted on January 9, 2025, and are to be held on Wednesday, June 4, 2025.



### **Appeal from the Board of Tax Appeals:**

*Aramark Corp., v. Harris*, Case No. 2023-1540, Ohio Supreme Court. On December 5, 2023, Aramark Corporation appealed the November 6, 2023, Decision of the Board of Tax Appeals (“BTA”) (B.T.A. No. 2019-2975, 2023 WL 7431918 (Nov. 6, 2023)). In it, the BTA applied the *Stingray Pressure Pumping, LLC*<sup>1</sup> review standard and determined that Aramark Corporation (“Aramark”) could not exclude certain taxable gross receipts under the agency exception to the Commercial Activity Tax (“CAT”) because it failed to demonstrate that transactions arose from an agency relationship between Aramark and its clients and were not simple business transactions.

The matter was fully briefed as of April 22, 2024, and is pending decision. On October 9, 2024, the Court scheduled oral arguments which were held on February 19, 2025.

#### D. Administrative Actions

1. Ohio Sales Tax Holiday is expanded this year and is scheduled for August 1, 2025, through August 14, 2025.
2. The fee to apply for a new vendor’s license increased from \$25.00 to \$50.00 effective April 9, 2025.
3. Ohio Administrative Code 5703-29-16: Clarification of the exclusion for qualifying distribution center receipts for purposes of the Commercial Activity Tax (CAT). Final and Effective November 22, 2024.

The tax commissioner provided additional guidance as to the conditions which must be met (along with conditions specified in Section 5751.40 of the ORC) to be certified as a “qualified distribution center, a warehouse, a facility similar to a warehouse, or a refining facility.” Abbreviated version: 1) The operator of the warehouse, a facility similar to a warehouse, or the refining facility and members of the operator’s consolidated elected taxpayer group, had at least five hundred million dollars in cumulative costs from qualified property delivered to a distribution center by its suppliers during the qualifying period; and 2) The operator of such warehouse, a facility similar to a warehouse, or a refining facility had more than fifty per cent of the cost of the qualified property shipped to a situs outside Ohio under the provisions ORC 5751.0333 during the qualifying period.

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<sup>1</sup> *Stingray Pressure Pumping, LLC v. Harris*, Slip Op. No. 2023-Ohio-2598 (Aug. 2, 2023).

**To: OMA Government Affairs Committee**  
**From: James Lee, Lindsey Short, Ryan Augsburger**  
**Re: Energy Public Policy Report**  
**Date: December 4, 2025**

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## **Overview**

Earlier this year, the legislature advanced House Bill 15, priority legislation to address electricity reliability and affordability. See below for review. More recently the legislature approved Senate Bill 103, a giveaway for natural gas utilities. See below.

Meanwhile, at the Public Utilities Commission of Ohio (PUCO), Commissioners approved an AEP rate modification governing certain energy-intensive users – data centers. The proposed rate design opens the door to discrimination of customers based on business activity rather than power usage, could result in inflated electric load forecasts that drive up electricity prices, and the design discourages behind-the-meter solutions for data centers to provide their own power. The tariff could result in higher electricity costs for manufacturers and worsened electric grid reliability. The OMA has appealed the PUCO's ruling to the Supreme Court of Ohio. See below.

As an outgrowth of the OMA's intervention in the so-called data center tariff, or rate design case, OMA subject experts have noticed irregularities in utility treatment of data center businesses and related forecasts. Original research has been produced.

An election held less than a month ago showed the salience of electricity affordability. Voters took out candidates tied to incumbent energy interests as customers grew frustrated at greater-than-inflationary rate hikes.

Finally, the OMA Energy Committee hosted the fourth annual Manufacturers' Energy Conference in mid-September where many of these issues were discussed. Thanks to all members and partners for supporting another great forum.

## **Customers on the Hook for Price Spike from PJM Auction**

On July 22, 2025, PJM released the results of its latest capacity auction for the 2026/27 delivery year, which produced a record-high clearing price of \$329.17/MW-day. This marks a significant increase from the 2025/26 auction price of \$269.92/MW-day and hits the ceiling of a newly imposed cap, which will remain in effect for one more auction before expiring. The outcome translates to a total customer cost of \$16.1 billion for the 2026/27 period—up sharply from \$2.2 billion in 2024/25.

The OMA has raised concerns to PJM leadership, pointing out that a lack of accountability and poor oversight are contributing to rising electricity costs for Ohio consumers without delivering improvements in grid reliability. Following the latest auction, total capacity charges paid by customers are expected to reach nearly \$31 billion over just two years—exceeding the total from the past six years combined. Despite this, PJM continues to face delays in both interconnection processing and capacity auctions.

In response to the auction results, the OMA issued a public statement calling on PJM to accelerate generation interconnections, return to its standard three-year auction schedule, and adopt more transparent load forecasting practices. See statement in meeting materials. Additionally, the OMA

has asked PJM's board to prioritize customer-focused leadership that restores confidence in PJM's role as a steward of competitive markets. See included OMA *Retooling Ohio* white paper for more information.

### **PUCO Approved Data Center Tariff, Sets Precedent for Discriminatory Rate Design for Energy-Intensive Users**

Recently, the Public Utilities Commission of Ohio approved a new AEP Ohio rate structure that is designed to specifically target large data centers. The OMA Energy Group opposed the tariff throughout the regulatory process, arguing that the tariff is discriminatory in nature, lacks sufficient evidence, and sets a precedent which could impact industrial customers, including manufacturers, in the future. OMA's expert engineering witness testified that the tariff could result in inflated electric load forecasts that drive up electricity prices, and that the tariff design discourages behind-the-meter solutions for data centers to provide their own power. The tariff could result in higher electricity costs for manufacturers and worsened electric grid reliability.

Additionally of concern, the PUCO's rationale for the tariff was based upon overstated and double-counted speculative load by AEP, despite OMA Energy Group's arguments that AEP failed to actually demonstrate the existence of a transmission constraint.

The PUCO refused the OMA Energy Group's request for a rehearing on the matter. As a result, the OMA Energy Group has appealed the decision to the Ohio Supreme Court.

### **House Bill 15 Priority Energy Reform: ENACTED**

The General Assembly acted swiftly to advance far-reaching energy regulatory reforms earlier in the year. Importantly, this bill promoted competitive generation as the legislature resisted calls for re-regulation from electric utilities who sought to monopolize the generation industry at the expense of customers.

HB15 intends to bolster Ohio's competitive energy market to incentivize new generation in the state. Notably, both bills also included elements of critical pro-customer reforms, taking aim at ending customer-paid subsidies and repealing "riders" on customers' power bills.

The OMA engaged on the bill every step of the way during the House and Senate process: suggesting many changes to ensure consumer protections were added, testifying numerous times before both energy committees, and sending out calls to action to OMA member companies.

This bill contains many components, including:

- Repeal of the electric security plan (ESP) mechanism that has long been used to add above-market charges, known as "riders," to customers' power bills.
- Repeal of customer-paid subsidies enacted as part of House Bill 6 for two uneconomic coal power plants, including one power plant in Indiana, known as the Ohio Valley Electric Corporation (OVEC).
- Prohibits electric distribution utilities from owning generation or bidding into wholesale markets using customer funds.
- Requires electric utilities to publish electric grid heat maps. These maps will identify where the electric system has room for new load and reduces red tape for customers so they can assess economic development opportunities quickly.

- Continues customer programs on a non-discriminatory basis to foster economic development, transmission, and demand response programs.
- Creates a new opportunity for customers to procure their own generation from off-site.

While House Bill 15 included many pro-customer reforms, a provision was added in allowing electric utilities to use “forecasted test years” in their ratemaking. This test year could allow a utility to make up how much money it wants to spend and collect, creating profits for their shareholders. Utilities and their investors stand to gain from this provision. As though not good enough, rumors have circulated that utilities are again seeking re-regulation of generation.

### **Load Forecasts**

While House Bill 15 has been completed and already succeeded in attracting additional generation to the state, claims remain of Ohio facing an imminent power shortage due to increased demand from data centers and new technologies locating in the state. However, regional grid operator PJM reports a reserve margin of approximately 19%. While demand may rise after years of decline, forecasts of data center energy use are considered by many to be overblown.

### **Natural Gas Utility “Giveaway” All but Completed**

The Ohio General Assembly recently completed work on Senate Bill 103 to modify ratemaking processes for natural gas utilities. Regrettably, the final bill contains provisions that will benefit utilities at the expense of customers, such as:

- Allows gas companies to propose partially or fully forecasted test periods. This provision allows utilities to project future costs and revenues, which can result in consumers paying higher rates based on speculative estimates rather than actual, verifiable data
- Fails to eliminate all above-market charges and subsidies, allowing gas companies to receive revenues from inflated, speculative forecasted rates and capital investment riders.
- Creates a large load customer program that could be subsidized by other customers.
- Erodes customer protections by changing what is deemed used and useful.
- Eliminates utility transparency by removing data production requirements for both electric and natural gas utilities.

An opponent to the final legislation, The OMA articulated these concerns and urged lawmakers to bring balance to the bill by including a myriad of customer protections.

### **Submetering**

The House and Senate are considering Senate Bill 108 and House Bill 173, similar legislation to address submetering. Recent cases have revealed inconsistencies in the manner in which private companies offer submetering services. Intended to apply to residential and small commercial properties, the OMA has worked to ensure industrial complexes are unaffected.

These bills would exempt submeterers and billing agents in apartment complexes from being considered a public utility. Both pieces of legislation are currently pending in their respective committees, but more recent revisions have taken place in the House of Representatives.

### **Consumer Utility Billing Transparency Act**

Dubbed the Consumer Utility Billing Transparency Act, House Bill 158 would require utilities to itemize all riders, taxes and other costs on customers' bills.

While the OMA is supportive of greater utility and billing transparency, counsel and retained experts are studying the bill. We will continue to monitor.

### **Carbon Capture and Storage**

Companion pieces of legislation to regulate carbon capture and storage (CCS) technologies have been introduced in both chambers, House Bill 170 and Senate Bill 136. HB 170 has advanced out of the first chamber and is presently pending in the Senate.

Bill sponsors and oil & gas industry leaders have noted that the bills will standardize and better regulate CCS activity and allow companies to deal directly with the Ohio Department of Natural Resources rather than the federal government. The OMA is supportive of the legislation.

### **Carbon Credits**

Senator Shane Wilkin's Senate Bill 151 allows for competitive natural gas suppliers to offer carbon offsets to customers. The bill is supported by at least one OMA connections partner. The bill has cleared the Senate Committee and awaits floor vote which could come soon.

### **Demand Response Programs for Residential and Small Commercial Customers**

Representative Roy Klopfenstein has introduced House Bill 427, authorizing utilities to create demand response programs for residential and small commercial customers. Large commercial and industrial customers already have access to voluntary demand response programs through competitive business providers.

Demand response is an eligible capacity resource in the PJM capacity auction and can have the effect of lowering the price of electric capacity. However, it is not common for residential and small business customers to enroll with competitive demand response providers, and this resource remains underutilized. The proposed bill would allow utilities to create incentivized programs that would allow small energy users to sign up to agree to reduce their energy usage during high demand hours on the network. We will continue to monitor the legislation.

### **Competitive EV Charging Industry**

The OMA recently joined a chorus of proponents in supporting the most recent round of revisions to Senate Bill 106 to clarify that EV charging is a competitive economic activity and therefore not appropriate for monopoly electric utilities to stray into the charging space where they would gain preferential market conditions at captive customers' expense. Importantly, a provision that would allow utilities to build "make-ready" infrastructure, which could have added hundreds of millions of dollars in supplemental transmission project spending to customers bills, was removed.

### **Community Energy Program**

House Bill 303 intends to implement a community energy program. Past versions of the bill favored a single technology, solar, with a virtual net-metering structure that would have created cost-shifting, which is concerning. The model bill was driven mainly by environmental interests,

virtual net-metering at the distribution level is new and may only serve as a cost-shift forcing non-participants to subsidize participants without any meaningful generation benefit. Significant revisions have been made, resulting in a technology neutral program that does have cost-shifting in the virtual net-metering design, and the bill could advance, although utilities are opposed. We will continue to monitor the legislation.

### **Energy Siting Policy**

Senators Mark Romanchuk and George Lang have teamed up to sponsor Senate Bill 294 to alter laws governing the siting of power generation. The ALEC-supported model bill would attempt to prioritize forms of generation based on efficiency of generation per customer dollar, with the stated intent of driving down subsidies for generation. The OMA will continue to monitor the bill.

### **State Operating Budget**

The state operating budget, House Bill 96, contained several policy changes to state electricity regulation. Ultimately the legislature removed an unwise provision that would have altered behind-the-meter generation. A second policy change of interest modified law governing utility ownership and operation of EV charging infrastructure, a competitive industry. This unwise utility-driven amendment was also removed from the final state budget.

A favorable provision was added by the Senate to foster needed transparency of the PUCO. This language requires the Auditor of State to conduct a performance audit of the PUCO to be completed by May 1, 2027.

### **Energy News**

[Click here for Energy Community articles from previous Leadership Briefings.](#)

**Energy Legislation**  
**Prepared by: The Ohio Manufacturers' Association**  
**Report created on November 30, 2025**

- HB15**      **ELECTRIC SERVICE LAW CHANGES** (KLOPFENSTEIN R) To amend the competitive retail electric service law, modify taxation of certain public utility property, and repeal parts of H.B. 6 of the 133rd General Assembly.  
*Current Status:* 5/15/2025 - **SIGNED BY GOVERNOR**; eff. 8/18/25  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-15>
- HB66**      **REPEAL LEGACY GENERATION RESOURCE PROVISIONS** (BRENNAN S, DEAN L) To repeal the legacy generation resource provisions of H.B. 6 of the 133rd General Assembly and provide customers refunds.  
*Current Status:* 2/12/2025 - Referred to Committee House Energy  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-66>
- 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>
- HB121**      **PUBLIC UTILITY STATUS-RNG PRODUCERS** (STEWART B) To declare certain renewable natural gas producers are not public utilities.  
*Current Status:* 2/26/2025 - Referred to Committee House Energy  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-121>
- HB142**      **ALLOW NATURAL GAS ALTERNATIVE RATE PLANS** (DOVILLA M, FISCHER T) To allow for alternative rate plans for natural gas companies to serve large load customers and to make changes to the process of valuating natural gas company property.  
*Current Status:* 9/24/2025 - **SUBSTITUTE BILL ACCEPTED**, House Energy, (Fifth Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-142>
- HB158**      **REQUIRE UTILITY BILL ITEMIZATION** (BRENNAN S, THOMAS D) To enact "The Consumer Utility Billing Transparency Act" requiring the itemization of all riders, taxes, and other costs on certain utility bills.  
*Current Status:* 5/14/2025 - House Energy, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-158>
- HB170**      **ESTABLISH CARBON CAPTURE REGULATION PROCESS** (ROBB BLASDEL M, PETERSON B) To establish a process to regulate carbon capture and storage technologies and the geologic sequestration of carbon dioxide for long-term storage.  
*Current Status:* 10/15/2025 - Referred to Committee Senate Energy

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-170>

- HB173**      **REGARDING BEHIND-THE-METER UTILITY SERVICES** (THOMAS D) Regarding behind-the-meter utility services.  
**Current Status:** 11/12/2025 - House Energy, (Eighth Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-173>
- HB265**      **PUBLIC UTILITY SERVICES RESELLER REGULATION** (BRENNAN S, FISCHER T) To regulate resellers of public utility services as public utilities.  
**Current Status:** 6/4/2025 - House Energy, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-265>
- HB303**      **ESTABLISH COMMUNITY ENERGY PROGRAM** (RAY S, HOOPS J) To establish the community energy program and pilot program and to define electricity measurement in alternating current.  
**Current Status:** 11/19/2025 - **PASSED BY HOUSE**; Vote 77-8  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-303>
- SB2**        **LAW CHANGES-PUBLIC UTILITIES** (REINEKE W) Regarding public utilities law, to make changes regarding utility tangible personal property taxation, and to repeal parts of H.B. 6 of the 133rd General Assembly.  
**Current Status:** 3/26/2025 - Referred to Committee House Energy  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-2>
- SB99**      **MAKE CHANGES-PUCO NOMINATING COUNCIL, PROCESS** (HICKS-HUDSON P, DEMORA B) To make various changes to the Public Utilities Commission nominating council and nomination process.  
**Current Status:** 3/5/2025 - Senate Public Utilities, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-99>
- SB103**     **MAKE CHANGES-VALUATING PUBLIC UTILITIES PROPERTY** (WILKIN S) To allow for alternative rate plans for natural gas companies to serve large load customers and to make changes to the process of valuating property for certain public utilities.  
**Current Status:** 11/19/2025 - **PASSED BY HOUSE**; Vote 91-0  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-103>
- SB106**     **REGARDING EV CHARGING STATIONS** (REINEKE W) Regarding electric vehicle charging stations.  
**Current Status:** 11/5/2025 - Senate Public Utilities, (Fourth Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-106>
- SB108**     **EXEMPT BEHIND THE METER UTILITIES** (BRENNER A) To exempt from regulation as a public utility certain persons or entities providing behind-the-meter utility services and to allow the Public Utilities Commission to register providers of such services.

**Current Status:** 3/5/2025 - Senate Public Utilities, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-108>

**SB116**      **REDUCE PROPERTY TAX ASSESSMENT-PIPELINE COMPANIES** (LANG G) To reduce the tangible personal property tax assessment rate for new pipe-line company property.

**Current Status:** 3/19/2025 - **SUBSTITUTE BILL ACCEPTED**, Senate Public Utilities, (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-116>

**SB136**      **REGULATE CARBON CAPTURE, STORAGE TECHNOLOGY** (SCHAFFER T, CHAVEZ B) To establish a process to regulate carbon capture and storage technologies and the geologic sequestration of carbon dioxide for long-term storage.

**Current Status:** 3/19/2025 - Referred to Committee Senate Energy

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-136>

**SB151**      **ALLOW CARBON OFFSET OFFERS** (WILKIN S) To allow for competitive retail natural gas service suppliers to offer carbon offsets to customers.

**Current Status:** 10/21/2025 - **REPORTED OUT AS AMENDED**, Senate Public Utilities, (Fourth Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-151>

**SB219**      **CHANGE LAWS-OIL, GAS WELLS** (LANDIS A) To make changes to the law governing oil and gas wells and to address federal mineral royalty payments.

**Current Status:** 11/19/2025 - **PASSED BY SENATE**; Vote 25-8

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-219>

**SB231**      **ESTABLISH COMMUNITY PROGRAM, PILOT PROGRAM-ELECTRICITY MEASUREMENT** (ROMANCHUK M, SMITH K) To establish the community energy program and pilot program and to define electricity measurement in alternating current.

**Current Status:** 10/1/2025 - Referred to Committee Senate Energy

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-231>

**SCR2**      **URGE CONGRESS, GOVERNOR-ELECTRIC GRID INVESTMENT** (JOHNSON T) Urging Ohio electric utility stakeholders, the Governor, and the Congress of the United States to invest resources into the security, reliability, and resiliency of the state and national interconnected electric grids against natural and man-made threats.

**Current Status:** 10/15/2025 - **ADOPTED BY HOUSE**; Vote 93-0

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SCR-2>



Nov. 3, 2025

**FOR IMMEDIATE RELEASE**

## **OMA Asks Ohio Supreme Court to Overturn PUCO's Discriminatory Rate Plan Decision**

COLUMBUS, Ohio – The Ohio Manufacturers' Association (OMA) today appealed to the Ohio Supreme Court, urging it to overturn the Public Utilities Commission of Ohio's (PUCO) approval of a data center-specific energy tariff that unfairly discriminates against large energy users and puts Ohio manufacturers at a competitive disadvantage.

"The PUCO has rigged the scales, greenlighting utility discrimination and setting a precedent that could be used to hammer manufacturers and weaken Ohio's economic edge," said Ryan Augsburger, OMA President. "This fight isn't about one tariff. It's about fairness, justice and restoring balance for the future of Ohio manufacturing."

The association maintains that the PUCO's decision is based on overstated and speculative transmission concerns raised by American Electric Power (AEP) and undermines long-standing principles of fair and nondiscriminatory energy policy. The OMA is urging the court to restore balance and protect manufacturers from policies that distort markets, raise costs and undermine investment in Ohio's industrial base.

###

*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](#), [X](#), [Facebook](#) and [YouTube](#).*

**Dave O'Neil**  
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# Energy Engineering Report

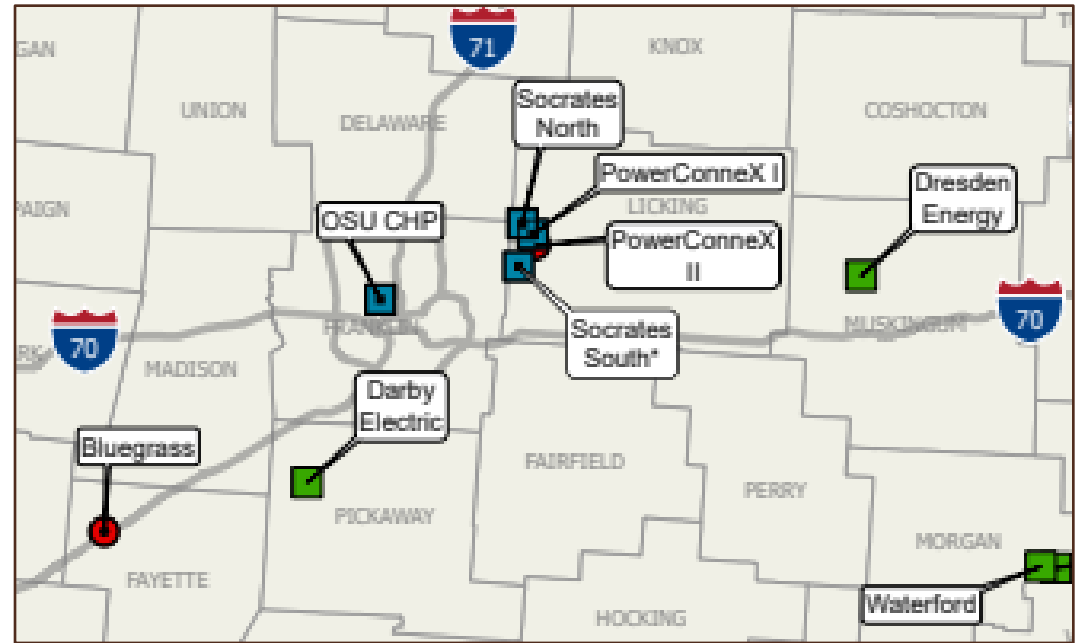
OMA Energy Committee

John Seryak

November 20<sup>th</sup>, 2025

# Behind-the-Meter Gas Generation

- 1,536 MW since HB15
- Ohio's HB15 expanding markets
- Faster interconnection than PJM
- Reduces need for electrical infrastructure and off-site generation
- Less risk and cost to other ratepayers



**What can AEP do? Worsen economics with tariff design, fail to adjust load forecast.**

# Back to the Future: Worry Over Load Forecasts

**“Customers face significant reliability and costs risks when load growth forecasts and projections are uncertain and not transparent”.**

– May 30<sup>th</sup> Letter to FERC, Electricity Customer Alliance, ELCON, Industrial Energy Consumers of America, NASUCA, PJM Industrial Customer Coalition

**OMA Energy Group Motion for PUCO to open an investigation into AEP Ohio load forecast**

– Sept. 15<sup>th</sup>, 2025

**“...improving forecasts by even a few percentage points in the right direction-up or down-can impact billions of dollars in investments and customer bills.”**

– David Rosner, FERC Chairman, Letter to PJM, Sept. 18<sup>th</sup>, 2025

**“OMA has brought forward to PJM staff concerns with AEP’s large-load adjustments to its load forecast of late 2024.”**

– OMA letter to the PJM board, July 16<sup>th</sup>, 2025

**PJM CIFP (Critical Issue Fast Path)**

– Sept. 15<sup>th</sup>, 2025

**“...to provide open access and non-discriminatory access to the transmission system...”**

– Rulemaking request, DOE Secretary Chris Wright to FERC, Oct. 23, 2025

# Load Forecasts Are Important



Affect your utility costs – generation capacity, transmission, distribution



Several types – energy (kWh), demand (kW) (monthly billed, monthly actual, contract capacity, capacity coincident peak, transmission coincident peak, summer, winter, by class, near term, long term)



Monopoly utilities earn profit based on what they build for future needs, not the electricity they sell



Utilities have almost always over-forecast future electrical load

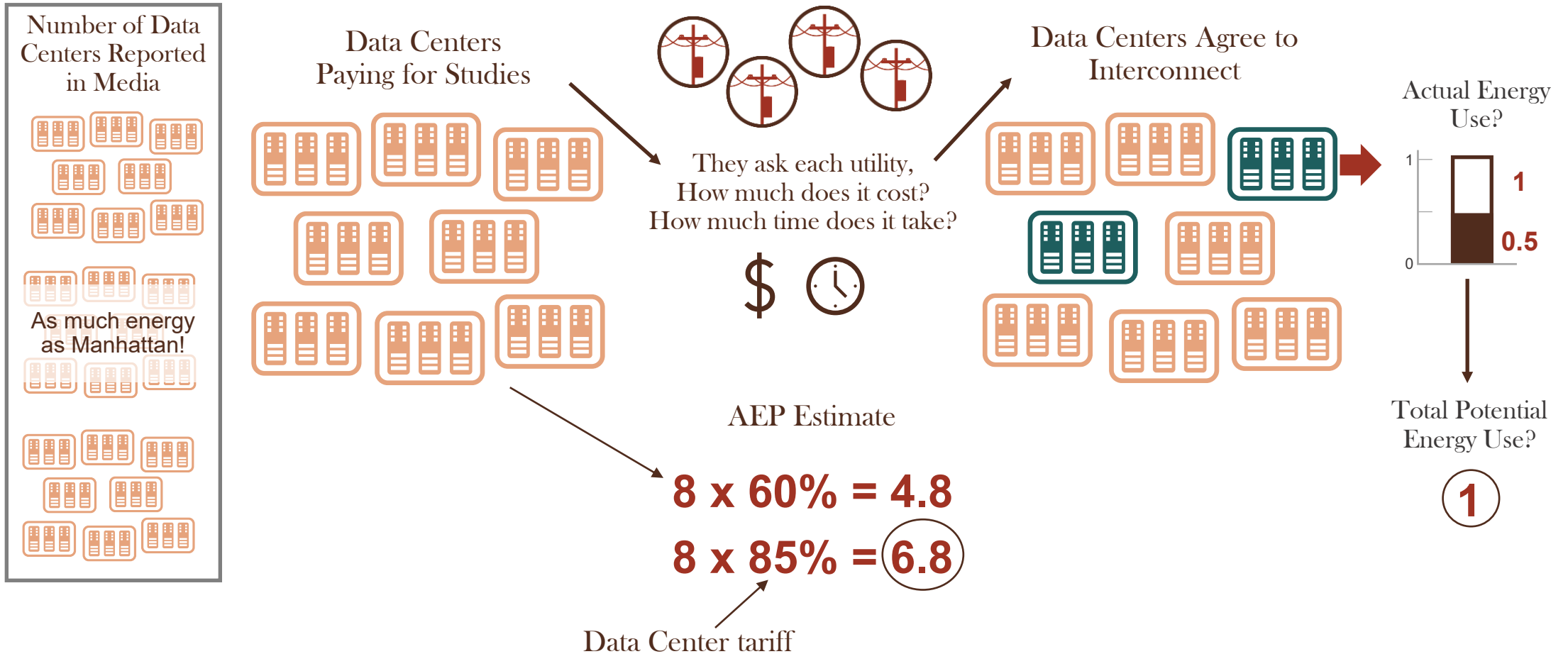


Into this comes data center – how much power will they use?



Utilities are forecasting data center load - not tech companies, not regulators, not independent analysts

# Load Forecast Uncertainty



# What are AI tech companies saying?

**“Are we in a phase where investors as a whole are overexcited about AI? My opinion is yes.”**

– Sam Altman, CEO, OpenAI

**“This is a kind of industrial bubble.”**

– Jeff Bezos, Amazon founder

**“Absolutely, there are a ton of these investments that will be dead ends.”**

– Bill Gates, Microsoft founder

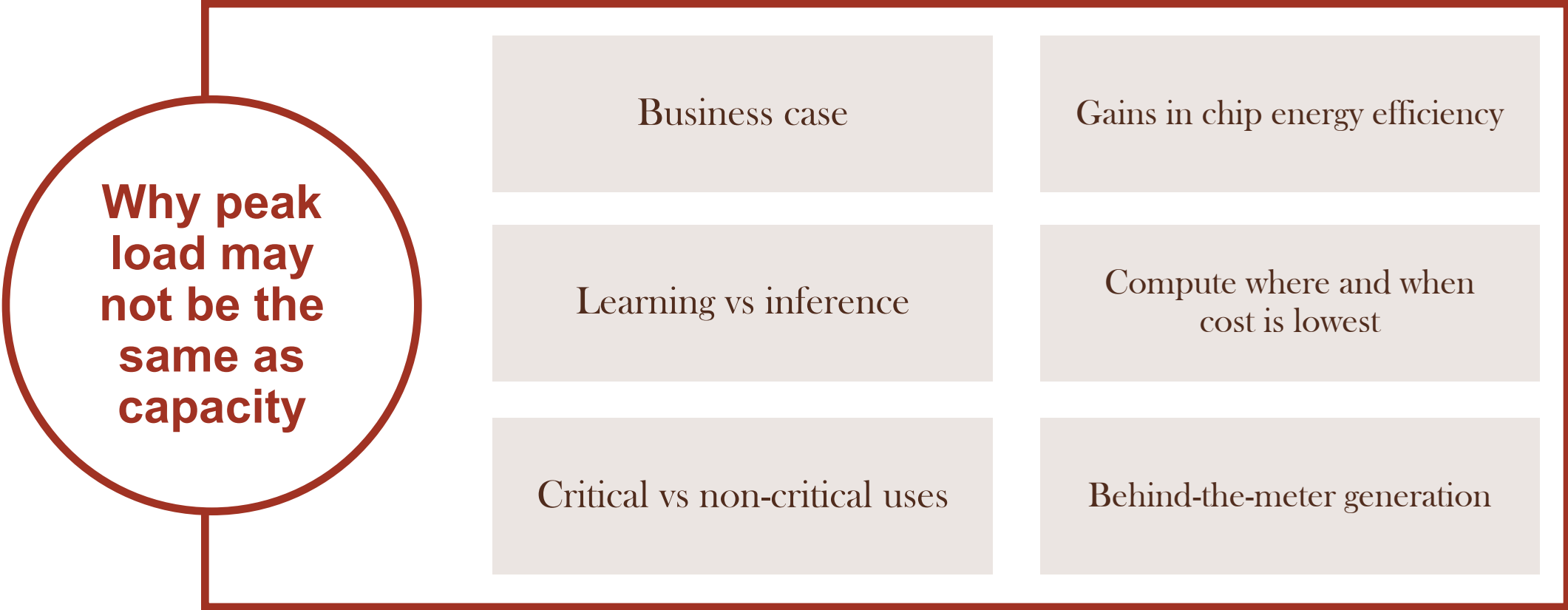
**“This risk... is probably in not being aggressive enough.”**

– Mark Zuckerberg, CEO, Meta

**“We will be able to beat the cost of terrestrial data centers in space in the next couple of decades.”**

– Jeff Bezos, Amazon founder, on solar-powered space data centers

# How much electricity from each energized data center?



# PJM Capacity Auction (2026/27)



Capacity prices increased further from \$269.92/MW-day to \$329.17/MW-day since the last capacity auction.



PJM continues to derate power resources' eligible capacity while increasing the target reserve margin, contributing to the rising price.



Many transmission owners are putting in large load adjustments to demand forecasts, also contributing to the price increase.



Other factors putting upwards pressure on prices include PJM's interconnection queue pause and delayed capacity auction schedule.

Resource Type	2025/26	2026/27	
Onshore Wind	35%	41%	↑
Offshore Wind	60%	69%	↑
Fixed-Tilt Solar	9%	8%	↓
Tracking Solar	14%	11%	↓
Landfill Intermittent	54%	50%	↓
Hydro Intermittent	37%	38%	↓
4-hr Storage	59%	50%	↓
6-hr Storage	67%	58%	↓
8-hr Storage	68%	62%	↓
10-hr Storage	78%	72%	↓
Demand Resource	76%	69%	↓
Nuclear	95%	95%	■
Coal	84%	83%	↓
Gas Combined Cycle	79%	74%	↓
Gas CT	62%	60%	↓
Gas CT Dual Fuel	79%	78%	↓
Diesel Utility	92%	91%	↓
Steam	75%	73%	↓



# Questions?

Thank you.

## Strengthen Ohio's Economy: Choose Competitive Energy Over Entrenched Interests

A persistent truth of the last few years is that energy businesses are investing in growth and seeking communities that will welcome their investment. Ohio is attractive, both to our rejuvenated domestic manufacturing and to new energy-intensive industries like artificial intelligence (AI) data centers. These growing energy intensive loads are in turn attracting investment in electric generation in Ohio.

But investors have a choice of where to locate and will come to the state that can hold itself to the standards of business. The business need now is for speed and innovation, which is the domain of American enterprise and competitive markets. In contrast, the status quo for our electric utility systems is the slow speed of electric regulation. Fortunately, Ohio's General Assembly took an important step to put the state in a competitive position with the recently passed House Bill 15 (HB 15).

HB 15 harnessed the speed and fair play of markets with the following critical law changes:

- Levels the playing field by repealing subsidies for certain coal and solar power plants, saving Ohioans hundreds of millions of dollars,
- Reduces tangible personal property tax on new generation, pipelines and transmission lines,
- Promotes energy infrastructure development projects on brownfields,
- Encourages customer-sited power by allowing generation facilities to be located off-site,
- Repeals Electric Security Plans (ESPs) and with it the above-market-rate fees known as "riders" that utilities have used to derive billions of dollars from customers on their power bills, and
- Requires electric utilities to publish electric grid heat maps. These maps will identify where the electric system has room for new load and reduces red tape for customers so they can assess economic development opportunities quickly.

For these reasons, HB 15 was supported by a wide breadth of business groups, customer watchdogs, competitive power producers, free-market advocates and environmental groups, and passed Ohio's House and Senate chambers by a combined vote of 127-2.

Some tempering of HB 15's excitement is warranted, however. An esoteric provision was included in the law allowing electric utilities to use "forecasted test years" in their ratemaking. Now the electric utilities trumpet this provision to their shareholders, saying,

***"AEP Ohio's transition from ESPs...expires concurrently when the forward looking test year rate case will take effect. This is very positive for AEP Ohio"***<sup>1</sup>.

Investors lauded the profit potential as well: "...but given we're going to a test year, hopefully, in Ohio... the overall trajectory on the ROE (Return on Equity) trend from that ...should push higher as well."<sup>2</sup> The inscrutable part of HB 15 is clearly viewed by electric utilities as creating profits for their shareholders.

<sup>1</sup> American Electric Power Company Q2 2025 Earnings Call, <https://seekingalpha.com/article/4806289-american-electric-power-company-aep-q2-2025-earnings-call-transcript>

<sup>2</sup> Id.

For all the good of HB 15, forecasted test years may come back to haunt. Cloaked as an abstruse inside-baseball term in utility ratemaking, a fully forecasted test year could essentially allow a utility to make up how much money it wants to spend and collect.

## Ohio Can Be a Global Leader in Attracting Power Generation

Let there be no doubt that Ohio has the resources to attract investment in power generation of all types. And welcome news has paralleled the passage of HB 15, as significant investment in new power generation is coming to Ohio. This includes:

- 2,980 MW across three new natural gas fired power plants<sup>3</sup> built in recent years, enough to power 2.3 million homes,
- 3,363 MW of new gas plants and existing plant updates recently selected by the multi-state grid operator PJM for quick interconnection<sup>4</sup>, enough to power 2.7 million homes<sup>5</sup>,
- Over 3,700 MW of utility-scale solar has come online in Ohio within the past 4 years, another 5,100 MW of utility-scale solar is approved for construction, and still 835 MW is waiting for approval at the Ohio Power Siting Board<sup>6</sup>,
- 690 MW of approved electric batteries<sup>7</sup>, and
- 1,536 MW of natural gas behind-the-meter power submitting applications for approval at the Ohio Power Siting Board<sup>8</sup>.

Combined with Ohio's existing nuclear, coal, and wind power generation, and customers' management of their peak power, the projects give Ohio a diverse, reliable, increasingly clean, and growing power portfolio.

Looking further out, Ohio is also well positioned for innovation and could use pilot and demonstration projects to welcome emerging and promising energy technologies, many of which are made in Ohio. These technologies include small modular nuclear reactors made by Akron's Babcock and Wilcox, microgrid controllers made by Cleveland's Eaton, energy efficiency products made by Owens Corning and Copeland, long duration vanadium flow redox energy storage supplied by Cambridge's AMG Vanadium, vehicle-to-grid virtual power plants by Honda and GM, and load response residential and business virtual power plants, among many other Ohio-made energy innovations.

With so many emerging competitive services and products, Ohio legislators should be ready to protect markets by closing any loopholes that utilities could create or exploit to own or operate emerging competitive services. Emerging technologies can also be initially expensive, and some will remain expensive and fail in the market. Small modular nuclear reactors, for example, while technically feasible, have not demonstrated economic viability yet, being quite large and expensive<sup>9</sup>.

For this reason, allowing utilities to own or operate emerging technologies, or subsidizing emerging technologies with taxpayer or ratepayer dollars, could stick ratepayers with the bill for failures. Emerging technology financial support is best provided by investors or federal policy, and monopoly electric utilities should be banned from participating in these nascent competitive markets.

### Key Points

- Ohio has a diverse mix of resources – natural gas, solar, wind, nuclear, coal, batteries, load response.
- Ohio is home to innovating companies with energy products.
- Protect markets by closing loopholes that could allow utility ownership.
- Some products fail in a market – protect customers by avoiding subsidies.

<sup>3</sup> Ohio Power Siting Board, Gas Generation and CHP Map and Statistics

<sup>4</sup> PJM's Reliability Resource Initiative, <https://insidelines.pjm.com/pjm-chooses-51-generation-resource-projects-to-address-near-term-electricity-demand-growth/> and <https://www.pjm.com/-/media/DotCom/committees-groups/committees/pc/2025/20250506/20250506-rri-addendum---post-meeting.pdf>

<sup>5</sup> Assuming 1.25 kW per home

<sup>6</sup> Ohio Power Siting Board, [Solar Farm Map](#)

<sup>7</sup> Ohio Power Siting Board, [Battery Storage and Facilities Map](#)

<sup>8</sup> Ohio Power Siting Board, [Gas Generation and CHP Map and Statistics](#)

<sup>9</sup> <https://ieefa.org/resources/eye-popping-new-cost-estimates-released-nuscale-small-modular-reactor>

## Reform Needed at PJM to Keep Electricity Affordable

Yet, more can be done to attract power generation and more may be needed. Certainly, Ohioans are already paying handsomely to attract power. Ohio is part of a multi-state competitive regional electric grid called PJM, which will have an additional \$28 billion available for power generation over the next two years<sup>10</sup>. PJM's lucrative payments to power plants are expected to stay elevated, providing billions of additional dollars in revenue for new power plants for years to come. The lucrative power payments are raised from utility fees on Ohio's citizens and businesses, and Ohio should compete to bring this money back into our economy.

In the meantime, Ohioans are contributing to the \$28 billion in additional electric revenue that generators are receiving. That's about a 20% increase on manufacturer utility bills. The \$28 billion is also revenue at stake and Ohio can compete for if it can attract generation. Legislators should be ready to open opportunities for investment that can move quicker than the bottlenecked and stalled PJM interconnection queue, which continues to throttle new power generation to a trickle, despite record high prices.

HB 15's innovative change to allow behind-the-meter generation to be located off-site is already yielding over 1,500 MW of new gas generation. This initial momentum can be built upon by promoting competitive microgrids, allowing customers to purchase transmission service at the same rate as our electric distribution utilities, and by creating competitive distributed energy resource aggregators for PJM's markets. And, while interconnection to PJM's electric transmission system is bottlenecked, interconnection to Ohio's electric distribution utilities does not need to be. Ohio's electric distribution system is ripe to host local generation and can be done by Ohio leaders, including the General Assembly, Public Utilities Commission of Ohio (PUCO), and the Ohio Power Siting Board. As technological advances have allowed power generation sizes to scale down, the electric distribution grid can become a sought-after interconnection point that could lead to a rapid expansion in local power generation.

Bringing local power plants back to our communities can be a force multiplier: it creates economic investment, lowers utility costs, improves reliability, and yields environmental benefits. Ohio can open these new markets by creating open-access utility interconnection processes and clarifying and streamlining standards with distribution utilities. All this can be done while supporting needed reforms to competitive regional electric markets, and without reverting to the slow, monopoly-controlled generation that thwarts competitive investment.

## Concerns over Future Demand are Overblown

There have been claims of Ohio facing an imminent power shortage due to increased demand from new technologies and the uptick in data center sites locating to the state. However, Ohio's power supply is not in crisis. In fact, regional grid operator PJM Interconnection reports a reserve margin of roughly 19%. This is more than enough to handle current demand and growth from data centers and electric vehicles over the next few years. And while demand may rise after years of decline, forecasts of data center energy use are considered by many to be overblown. Instead, our rising utility bills right now stem from a flawed system that rewards inefficiency, blocks competition, and allows questionable, subsidized transmission projects with little oversight.

**CONSUMERS HAVE BEEN HIT BY:**

**Increasing costs**

**\$28B**

**Additional Power Costs**

**Increasing Bills**

**20%**

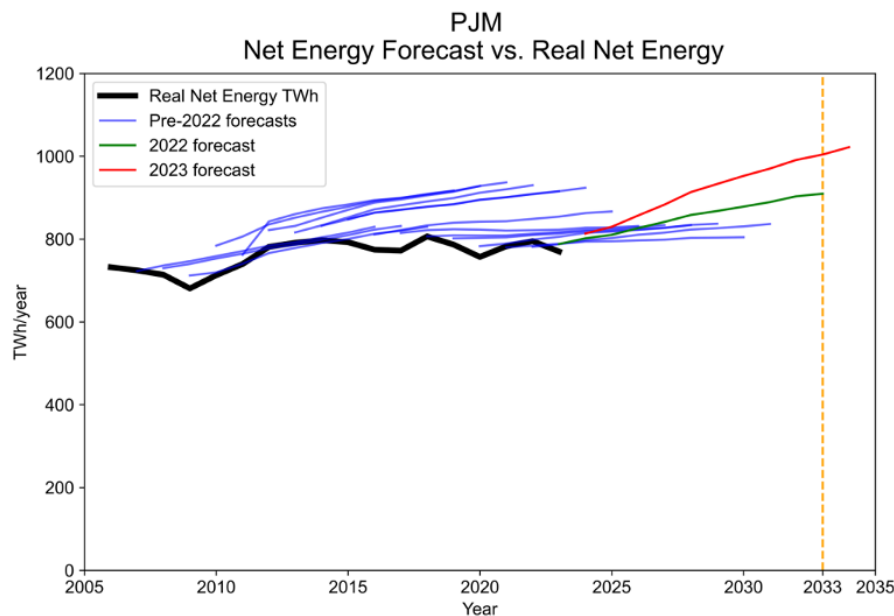
**For Electricity**

<sup>10</sup> \$30.8 billion total for 2025/26 and 2026/27 delivery years as compared to \$2.2 billion for 2023/24 and 2024/25 delivery years. See Table 2 in [PJM 2026/2027 Base Residual Auction Report](#).

Confusion on future energy needs stems from a lack of scrutiny at our PUCO and at PJM of utility load forecasts, which could put Ohio's businesses on the hook for un-needed infrastructure. While AI data centers do indeed use prodigious amounts of electricity, electric utilities have overcounted data center development, under counted behind-the-meter generation, and don't have to account for computer chip efficiency gains or AI adoption risks. For example, our utilities and PUCO are not accounting for behind-the-meter gas, fuel cells, and solar generation in utility load forecasts. And while computer chips are the poster child for how technologies can rapidly improve efficiency, as described by Moore's Law<sup>11</sup> and Koomey's Law<sup>12</sup>, utilities don't account for these efficiency improvements in their load forecasts. The oversight by utilities has drawn critique from Koomey himself, who also points to utilities counting the same data center multiple times in their load forecasts as problematic, stating

***“Data center developers consider multiple states as possible locations for data centers, and they query multiple utilities simultaneously for electricity rates and incentives prior to making a final selection. Therefore, counting data center project proposals to forecast load growth can result in the overestimation of data centers...”***<sup>13</sup>

The considerable evidence that utilities are over forecasting electric load matches their historical behavior as well. For decades, PJM has relied on utility load forecasts that are significantly wrong. Koomey's report for the Bipartisan Policy Institute documents PJM's long history of over-forecasting electricity growth, with actual energy use coming in considerably lower than forecasts.<sup>14</sup>



Source: <https://www.ferc.gov/industries-data/electric/general-information/electric-industry-forms/form-no-714-annual-electric/overview>

11 Moore's Law is an observed empirical trend that shows the number of transistors on an integrated circuit doubles about every two years. See: [https://en.wikipedia.org/wiki/Moore%27s\\_law](https://en.wikipedia.org/wiki/Moore%27s_law)

12 Koomey's law is an observed empirical trend that shows the number of computations per joule of energy doubles about every 2.5 years. See: [https://en.wikipedia.org/wiki/Koomey%27s\\_law](https://en.wikipedia.org/wiki/Koomey%27s_law)

13 Koomey, J., Schmidt, Z., and Das, T. (2025) [Electricity Demand Growth and Data Centers: A Guide for the Perplexed](#). Prepared for the Bipartisan Policy Institute with funding from NVIDIA and other data center interests. Page 10.

14 Id., Page 9.

Over-forecasting data center energy use creates phantom load that drives up capacity costs and creates unnecessary transmission infrastructure investments. These costs will be borne by manufacturers and other ratepayers, not data centers.

Energy-using customers are skeptical – the Electricity Customers Alliance joined with the Electricity Consumers Resource Council (ELCON), Industrial Energy Consumers of America (IECA), PJM Industrial Customer Coalition (PJM ICC), Coalition of MISO Transmission Customers (CMTC), and the National Association of State Utility Consumer Advocates (NASUCA) in a letter to the Federal Electric Regulatory Commission stating their concern that “artificially high forecasts risk overinvestment, unnecessary rate increases for already burdened customers, and stranded costs.”<sup>15</sup>

### Grid Operator PJM Needs to Be Held to Higher Standards

When businesses invest, be it manufacturers or data centers, they want to move quickly to receive a return on their investment. The underpinnings of speedy business are transparent information, choice in suppliers and technologies, and clear but robust regulatory processes and protections. To attract investment in energy using and producing businesses, Ohio must not rest on the success of HB 15 but instead should take quick action on additional legislation and regulatory rulings to open markets.

Ohio has competitive advantages on which to build. Ohio already has one of the most extensive and robust electrical transmission grids in the nation, for which customers have paid billions of dollars for in recent years. And businesses have been coming to Ohio because Ohio is starting with access to plentiful power - PJM has a reserve margin of about 19% – with about 178,400 MW of generation and demand response to handle its forecasted 154,000 MW of peak load<sup>16</sup>. But an important debate has emerged: how much more power will be needed? And will more power be built? PJM has 230,000 MW of generators waiting in line to connect to the grid, and has for years<sup>17</sup>, and has raised the cost of electricity by tens of billions of dollars to attract investment in new power plants. Yet PJM warns of a crisis.<sup>18</sup>

The tale of an expensive crisis is familiar with the electric sector. For example, despite hundreds of millions of dollars of investment specifically for grid modernization, in addition to billions more to maintain and improve its distribution and transmission grid, Ohio's electric system's reliability has not improved in recent years. This reflects lack of accountability, a lack of oversight, and ineffective penalties and incentives for Ohio's electric utilities to perform. The lack of reliability improvement is underscored by the embarrassing absence of an open investigation into the June 2022 power outage in central Ohio. To be clear, Ohio's relative lack of natural disasters and abundant energy resources is one of the reasons that critical businesses want to locate here. But Ohio is not risk free. Summertime straight-wind derechos and winter polar vortices have pushed our grid to the limits and caught our utilities unprepared, and regulators have not responded to this present threat with open investigations. The lack of oversight and lack of urgency to protect customers from blackouts needs an urgent response and an accompanying culture change within Ohio's government.

### Key Points

- Customers and generators need quick grid interconnection.
- PJM's interconnection and delayed auctions have log-jammed new generation.
- Grid operators and regulators need held to account.

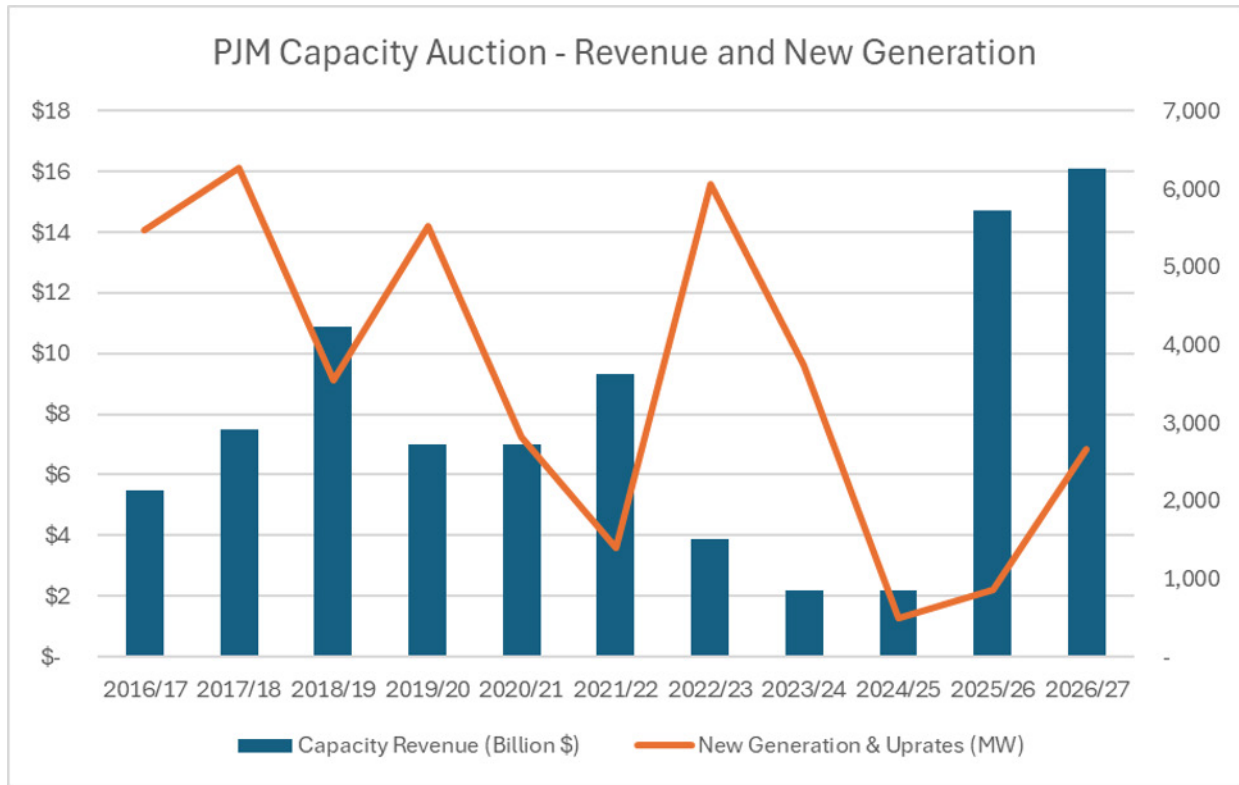
<sup>15</sup> Joint [Letter to the Federal Energy Regulatory Commission from the Electricity Customer Alliance](#), May 30, 2025.

<sup>16</sup> [PJM Summer Outlook 2025: Adequate Resources Available for Summer Amid Growing Risk | PJM Inside Lines](#)

<sup>17</sup> <https://insidelines.pjm.com/pjm-reaches-next-milestone/>

<sup>18</sup> <https://insidelines.pjm.com/pjm-board-supports-action-in-support-of-urgent-grid-reliability-needs/#:~:text=A%20capacity%20shortage%20may%20affect.the%20retiring%20thermal%20generating%20fleet>

While PJM has raised compensation to attract generators with billions of additional dollars per year, paid for by manufacturers and other ratepayers, this potential for a generational investment in new power is falling flat, with only marginal amounts of new generation clearing PJM's capacity auction.<sup>19</sup>



PJM's log-jammed interconnection queue, its chronically delayed power auctions, ever-changing market rules, and crisis messaging have created significant uncertainty and the risk of being counterproductive. Let's be clear: PJM postponed interconnection requests of new power generation years ago. When FERC approved emergency interconnections earlier this year, it said PJM's interconnection queue solution:

***“...includes the unfortunate feature of pausing study of all new interconnection requests while PJM implements its new, faster process. This pause remains in place today, more than two years after the Commission accepted PJM's queue reforms. The result? Developers' ability to respond to market signals by constructing new resources is severely limited.”***<sup>20</sup>

Problems at PJM aren't a surprise, they're a natural consequence of poor decisions. And they add lengthy development time to other systemic headwinds such as supply chain issues, workforce availability, and local opposition to power plants, no matter the fuel. Simply put, PJM needs to do better,<sup>21</sup> and Ohio lawmakers should call for such.

<sup>19</sup> Graphic data compiled from [PJM 2024/25](#) (Table 4), [2025/26](#) (Page 7), and 2026/27 Base Residual Auction Report (Page 7)

<sup>20</sup> Commissioner Phillips and Commissioner Rosner Concurrence Regarding PJM's Reliability Resource Initiative (RRI) Proposal (ER25-712-000)

<sup>21</sup> Ohio Manufacturers' Association, [Letter to PJM](#)

PJM's recent Reliability Resource Initiative and Capacity Interconnection Rights rule changes, which allowed for speedier power generation interconnection, are good but common sense changes that should have been implemented years ago. However, PJM still turned away willing investments in this process. There's no reason to discriminate, new investments in gas power, batteries, and solar power will all help meet power needs, if in different ways.

## The Next Steps for Ohio's Energy Transformation

Ohio's natural resources and competitive advantages are finally starting to be unlocked by key provisions of House Bill 15. But the work is not done. Ohio's political leaders need to engage with PJM and demand additional generation interconnection queue reform. PJM should be held to a high standard befitting its importance and it should quickly process any power generator connection request – this is not the time to bog down business with years-long approval processes or selecting some generators over others. PJM also needs to be held to account on its power auction timeline, as its many delays have made power development extremely challenging, even if tweaks to the auction rules offer improvements.

Our PUCO needs to step up to the moment and protect customers and open markets, not monopoly utility profits. The PUCO needs to enforce the creation of workable and valuable heat maps of the electric grid, as required by case settlements and now HB 15. The PUCO needs to follow through on the promise and spirit of the repeal of Electric Security Plans, and they need to ensure utility spending on distribution service yields benefits and is kept under control. A stiffer backbone is needed from the PUCO is necessary to prevent the "forecast test year" from becoming the next utility cash-grab.

There must be more regulatory oversight of local transmission projects, called supplemental transmission projects, which cost Ohioans' billions of dollars annually with no clear reliability benefit and no true state or federal oversight. To accomplish this, the Ohio Power Siting Board (OPSB) needs to comply with Ohio law to review these projects to ensure that they serve the interests of electric system economy and reliability.<sup>22</sup> The OPSB does not currently conduct an adequate economic or technical reliability review of utility transmission projects. The OMA has recommended<sup>23</sup> guidance on how supplemental transmission spending should be reviewed in order for the OPSB to comply with the law. Additionally, utilities should be required to invest in economic grid-enhancing technologies (GETS) when it's a cost-effective alternative to demonstrated needs to increase transmission system capacity.

Utility load forecasts need deep and open scrutiny, not a rubber stamp from the PUCO and PJM. In AEP territory alone, the PUCO failed to act on testimony that the utility is not accounting for behind-the-meter generation in its load forecasts and planning – a mistake on the scale of Gigawatts, certain to cause electric price increases.

Importantly, the PUCO needs to demonstrate its ability to hold utilities accountable with meaningful actions in the FirstEnergy House Bill 6 cases. The OMA's expert witness recommended that \$769 million of "free cash" collected by FirstEnergy be returned to ratepayers.

### Key Points

- Hold PJM accountable on interconnection queue reform and the capacity auction.
- PUCO action needed on forecast test years, utility load forecasts, and HB 6 refunds.
- Ohio General Assembly should pursue microgrids, behind-the-meter generation, and distribution-grid interconnected generation.

<sup>22</sup> Ohio Revised Code Section [4906.10 \(A\) \(4\)](#)

<sup>23</sup> [Comments](#) of the Ohio Manufacturers' Energy Group, In the Matter of the Ohio Power Siting Board's Review of Ohio Adm. Code Chapters 4906-1 through 4906-7, Case No. 21-902-GE-BRO

Ohio's legislature is just steps away from making Ohio a clear global leader on competitive energy investments. More can be done to create competitive microgrids, to encourage local generation projects that benefit our communities, and to reform customer billing to encourage behind-the-meter generation. Finally, Ohio's heritage of exploration and technical innovation makes us well suited to host pilot and demonstration projects of emerging energy technologies made by our own businesses.

It is this forward-looking vision of American entrepreneurialism, resourcefulness, and ingenuity that can support Ohio's manufacturing, businesses, and communities to become global leaders.

###

**TO: OMA Government Affairs Committee**  
**FROM: James Lee**  
**RE: Environment Public Policy Report**  
**DATE: December 4, 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 publicly stated his skepticism of the need for 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 in 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 News**

[Click here for Environment Community articles from previous Leadership Briefings.](#)

## Environment Legislation

Prepared by: The Ohio Manufacturers' Association

Report created on November 30, 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>



**REGION 5**

CHICAGO, IL 60604

**Organization Chart**

(as of November 3, 2025)



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<b>Great Lakes National Program Office</b>		
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<b>Water Division</b>		
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\* Acting temporarily in the position



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

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

**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.



February 17, 2023

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

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

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

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

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

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

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

Sincerely,

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

Ryan Augsburger  
President

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



President  
**RYAN AUGSBURGER**

April 19, 2023

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

Dear Senator Brown,

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

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

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

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

Thank you for your attention to this important issue.

Sincerely,

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

Ryan Augsburger  
President

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



• Published: Jul. 16, 2023, 5:35 a.m.

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

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

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

More accurately, it has thrived.

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

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

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

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

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

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

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

Government

# State budget kills a 50-year-old clean air law in Ohio

*The now-former law gave citizens and governments a powerful legal tool to sue industrial polluters.*



by **Jake Zuckerman**  
July 2, 2025



Cleveland's industrial heart near the Cuyahoga River. Credit: Jeff Haynes

Ohio's new budget revokes a rule that gives neighbors of industrial polluters a legal pathway to sue them for emissions of smoke, ash, grime and other airborne outflows that endanger public health and safety.

The rule was not among the 67 items Gov. Mike DeWine vetoed within the state budget late Monday evening, meaning the change will go into effect in 90 days.

Since 1974, Ohio has included an “**air nuisance rule**” as part of its implementation plan to comply with the federal Clean Air Act, the bedrock environmental law protecting ambient air quality in the United States.

The rule declares air pollution to be a public nuisance. It prohibits facilities from causing such a nuisance and gives Ohioans living on the fenceline of dirtier operations like steelmaking factories or coal-fired power plants legal power to hold owners accountable for airborne messes they cause.

For example, a Middletown woman recently invoked the rule against a former AK Steel facility after she said deposits from its plant rained “clouds and plumes” of ashy soot down on her home, car, yard and more. A Dayton woman used the law to force a **\$1.3 million settlement** from a nuclear waste disposal company in 2007.

Different Ohio governments have used the law to target polluters as well. Ohio Attorney General Dave Yost’s office used it in 2021 against an iron and steel manufacturer for its lead emissions. And the City of Ashtabula used it in 2008 against Norfolk Southern after, among other air and water disturbances, **water runoff from its coal piles flowed into Lake Erie**.

Ohio’s budget directs the Ohio Environmental Protection Agency to remove the air nuisance rule from the state’s Clean Air Act implementation plan.

## **Steel industry benefits from rule change**

The legal change is of particular importance to the steel industry – which has a large footprint in Ohio and is a major emitter of air pollutants including nitrogen oxides, sulfur dioxide and fine particulate matter. Rates of cancer due to air toxics exposure are 12% higher near steel plants than the national rate, **according to an analysis of federal data by Industrious Labs**, while residents living near coke manufacturing plants have cancer rates 26% higher than national levels from air toxics exposure.

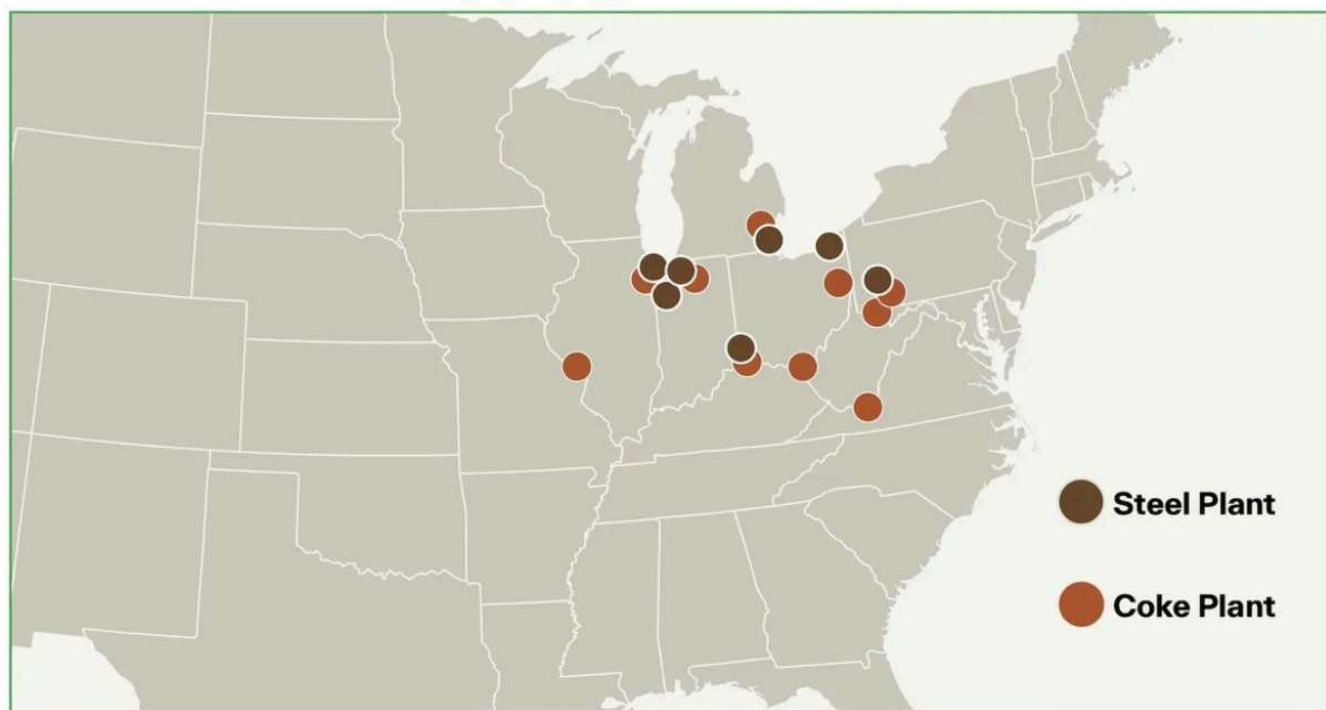
Ohio has six steel and coke plants, more than any other state, all owned by either Cleveland-Cliffs or SunCoke Energy. All of them are among the top emitters in the state of either nitrogen oxides, sulfur dioxide, fine particulate matter, carbon monoxide or lead, according to Industrious Labs.

The repeal campaign has drawn heavy industry backing in recent years, including legislative, administrative and legal efforts to kill it outright.

## Ohio Senate won't say who championed killing the law

The state Senate included its repeal in its 5,500-page budget, but a Senate spokesman declined to say which Senator offered the amendment. Senate Finance Chair Jerry Cirino said in an interview he didn't remember who proposed the idea and directed a reporter toward his aide. Signal Ohio contacted several Republican members of the Senate Energy committee – three said they didn't know the origin of the amendment, and the rest didn't respond.

### Map of U.S. Coal-Based Steel and Coke Plants.



Note: Plant locations are not exact in order to show all plants with minimal overlap. (Industrious Labs)

The repeal of the air nuisance rule traces back to a political effort launched in 2019 by SunCoke, which makes coke, a product derived from coal that's used to make steel.

At first, SunCoke hired lawyers with the firm Perkins Coie, who quietly and successfully lobbied the U.S. Environmental Protection Agency to repeal the air nuisance rule from its state implementation plan on the grounds that it was only included in the first place in error. The lobbyists sent letters to the EPA, which later surfaced in court filings, apparently seeding the alleged error theory.

However, federal courts sided with environmental legal advocates and struck down the repeal effort. Judges with the 6th Circuit Court of Appeals **sided with the environmentalists and ordered the EPA to reconsider**,

heavily emphasizing the fact that Ohio amended the air nuisance law in both 1984 and 2015, which undermines the idea it was filed by the state on accident.

## **Ohio's U.S. senators lead effort to repeal nuisance law**

The EPA reinstated the rule after a court remand, which has prompted congressional intervention. In February, both Ohio's Republican U.S. Senators, Bernie Moreno and Jon Husted, plus Ohio U.S. Reps. Michael Rulli and Troy Balderson, all [mounted a federal push to repeal the rule via federal legislation](#).

They framed President Biden's reimplementation of the 50-year-old rule as wholly unrelated to the preservation of clean air and instead a means to push "frivolous" lawsuits.

"We cannot allow attorneys and environmental advocacy groups to dictate federal policy at the expense of Ohio's economy and workforce," Rulli said in a statement.

Various industry groups, including the Chamber of Commerce, the Ohio Manufacturers Association, and the Ohio Chemistry Technology Council, have all backed the repeal effort. They've argued that victims of pollution from industrial neighbors can still bring different kinds of lawsuits in state (as opposed to federal) court.

However, Neil Waggoner, a campaign manager with the Sierra Club, an environmental advocacy organization, said that the U.S. EPA must still approve any change to Ohio's state implementation plan. And anti-backsliding rules generally prevent states from changing their plans in such a way that increases air emissions.

David Altman, an environmental attorney from Cincinnati, has relied on the air nuisance rule over decades litigating in Ohio and helped win in the federal lawsuit to protect its repeal. He couldn't be reached for a phone call, but, in a voicemail, he likened the State of Ohio's environmental laws to an accident he witnessed in which a man pinned between two cars was mangled beyond recognition.

"It's unrecognizable," he said. "But you know, I've only been doing this for 51 years."

*This story was updated July 3 with added comment from the Sierra Club.*



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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

**TO: OMA Government Affairs Committee**  
**FROM: James Lee**  
**RE: Human Resources and Workforce Public Policy Report**  
**DATE: December 4, 2025**

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### **Overview**

State legislation affecting HR policies has been light year to date. The outlook is light as well. Meanwhile, federal government policies including immigration and visas dominate the news.

Many workforce-related proposals and programs have been included in the state's operating budget, which was signed into law over the summer. While workforce development programs may be discussed throughout the rest of the year, the operating budget is the time when the most significant progress is made at the state level due to the many funding opportunities that are available through the budget. Details of specific workforce programs that have been enacted into law are found in the operating budget section below.

The OMA's Good Jobs Challenge Results have demonstrated manufacturers in Ohio are leading the nation in advancing community based workforce solutions that are building the talent pipeline, resulting in over 3,500 permanent placements in long-term manufacturing careers across the state, a significantly higher placement total than any other state in the country.

### **Senate Bill 11: Ban on Non-Compete Agreements**

Senators Lou Blessing (R- Colerain Twp) and Bill Demora (R-Columbus) introduced legislation to ban non-compete agreements early in the year. The OMA has opposed similar efforts at the federal level to place a ban on noncompete agreements – in 2023 The OMA organized and submitted comments from Ohio's business community opposing the rule upon its introduction, noting the mutual benefits non-compete agreements provide to both employers and employees, along with the necessary protections to manufacturers' trade secrets. The OMA opposed the legislation during its third hearing, and the bill has not moved following public opposition.

### **Senate Bill 143: Ban the Box Legislation**

Senate Bill 143, known as "ban the box" legislation, would prohibit private employers from asking about or considering an applicant's criminal history on initial job applications. While employers could still conduct background checks, the bill imposes extensive notice, response, and documentation requirements before denying employment based on a criminal record.

For Ohio manufacturers, this creates new administrative burdens, potential liability under state civil rights law, and reduced flexibility in hiring. Although intended to expand employment opportunities for individuals with criminal records, the bill could discourage manufacturers from second-chance hiring and increase operational costs. See HR Materials for a detailed memo from the law firm of Bricker Graydon on the impact of the bill.

### **HB 276 and SB 198: 340b Expansion and Employer Costs**

The OMA testified before legislative committees urging a pause on HB 276 and SB 198, companion bills that would expand Ohio's 340B Drug Pricing Program. Although the program was designed to help low-income patients access affordable medications, its current structure allows hospitals, pharmacies, and PBMs to capture significant revenue without ensuring discounts reach patients in need. The OMA cautioned that further

expansion would drive up employer healthcare costs, reduce transparency, and weaken accountability—placing new burdens on manufacturers already struggling with rising healthcare expenses. The OMA’s testimony stressed that meaningful reform must begin with robust transparency requirements at the state level, paired with comprehensive federal reforms, to ensure 340B savings are used as intended and not shifted onto Ohio employers.

#### Senate Bill 50: Youth Work Hours

Senator Tim Schaffer (R-Lancaster) has introduced SB 50, legislation to allow 14- and 15-year-olds to be employed between 7:00 p.m. and 9:00 p.m. at any time during the year if the minor has approval to do so from the minor’s parent or legal guardian. The bill has received support from retailers and small business advocates. The bill passed the Senate chamber and is receiving consideration in the House.

#### House Bill 94: Labor Law Notices

Representatives Thomas Hall (R-Oxford) and Adam Matthews (R-Lebanon) recently passed legislation to allow employers to allow certain required labor law notices to be posted online. The bill passed the House and is receiving consideration in the House.

#### OSHA’s Union Walkthrough Rule

As of February 2025, OSHA’s Worker Walkaround Representative Designation Process rule, which took effect on May 31, 2024, remains in effect. This rule allows employees to designate third-party representatives, such as union officials or community organizers, to accompany OSHA inspectors during workplace inspections if deemed reasonably necessary. The National Association of Manufacturers (NAM), along with other business groups, filed a lawsuit challenging the rule in May 2024, arguing it exceeds OSHA’s statutory authority and infringes on employers’ property rights. The legal challenge is ongoing, and no court has issued a ruling to block or repeal the rule to date.

The OMA made public comments to OSHA opposing the rule on the grounds that allowing virtually anyone to join an OSHA inspection process transforms a safety-focused endeavor into a tool for union organizing, a tactic for attorneys in litigation, a threat to trade secrets, and a means to harass employers.

You can find The OMA’s comments in today’s meeting materials. In follow up advocacy efforts, the OMA sent a letter to Ohio’s congressional delegation with nearly 200 of our member companies signing on to urge legislative action against the rule.

No further action as the rule has been mired in litigation for months.

#### **OMA Impact Report Showcases Statewide Workforce Influence**

The OMA has released its 2025 Good Jobs Challenge Impact Report, highlighting how manufacturers and partners have transformed Ohio’s workforce system through the statewide expansion of the WorkAdvance model — connecting jobseekers to training, support, and quality manufacturing careers.

With more than 6,000 individuals recruited and 3,500 placed into quality jobs, The OMA and its partners have already surpassed early benchmarks and are on track to exceed all grant goals by June 2026. More than 800 employers have engaged in this effort under the OMA’s umbrella, strengthening local pipelines and fueling long-term competitiveness across Ohio’s manufacturing sector.

Read the full 2025 Good Jobs Challenge Impact Report in today's meeting materials to see how manufacturers and Industry Sector Partnerships are driving measurable, statewide impact.

### **Operating Budget Completed, Workforce Programs Finalized**

Every two years in Ohio, the state undergoes its biennial operating budget process. This begins with the governor releasing budget recommendations in the winter and the General Assembly uses the first half of the year to consider the Governor's proposal and develop their own versions of the state budget.

The operating budget includes many different program funding opportunities but ultimately ends up including various policy proposals as well, especially during years when the budget is a bit more constrained and less funding is available.

This year, the operating budget was introduced via House Bill 96 and went through many changes before being signed into law on June 30. After both the House and the Senate modified the Governor's initial proposal, many workforce related investments, programs, and policy changes remained in the budget. These opportunities include:

- **Expansion of middle school career-technical education** to over 200 additional school districts by eliminating the current waiver allowing districts to opt out of offering career tech in middle grades
- **Approximately \$25 million per fiscal year for TechCred**, continuing support for upskilling Ohio's workforce in tech-focused credentials
- **\$5 million per fiscal year for the Industry Sector Partnership (ISP) Grant Program**, sustaining our collective work to build industry-driven regional talent solutions
- **\$4 million per fiscal year**, for competitive grants aimed at increasing student access to career-technical education across Ohio
- **A GPA weighting requirement for Career-Technical Assurance Guide (CTAG) courses**, ensuring career-tech courses receive the same academic recognition as AP coursework
- **\$10 million per fiscal year to support engineering technician associate degrees**, providing institutions \$10,000 for each individual who completes this credential
- **\$16 million per fiscal year for a workforce incentive program** that reimburses schools for students earning industry-recognized credentials in IT, cybersecurity, manufacturing, construction, and engineering
- **\$10 million per fiscal year for the Ohio Work Ready Grant Program**, requiring the Ohio Department of Higher Education and Governor's Office of Workforce Transformation to establish alternative criteria for in-demand programs aligned to Ohio's emerging workforce needs

## Legislation Watch List

While most workforce related policy changes and programs are included in the operating budget, there are several standalone bills introduced that, if enacted into law, would have an impact on workforce development.

- **Community Connectors Program**

House Bill 98 proposes to establish the Community Connectors Workforce Program which is intended to connect students to jobs, internships, and career professionals in their communities. This program would be overseen by the Department of Education and Workforce, and educational service centers (ESCs) are tasked with administering the program for the districts the ESC serves.

The bill is currently pending in House Finance Committee.

- **Child Care Proposals**

Several bills have been introduced to address the availability of child care programs to Ohioans. Child care has also been addressed in the governor's budget proposal to raise publicly funded childcare eligibility from 145% of the federal poverty level to 160% and maintaining the Child Care Choice Voucher Program at 200%.

- Child Care Credit Program: House Bill 2 would establish the Child Care Cred Program in the Department of Children and Youth to allow the costs of child care to be shared equally by participating employees, their employers, and the Department. The bill was recently voted out of House Children and Human Services Committee and has been re-referred to House Finance Committee, as it contains an appropriation and must go through that committee.
- Child Care Capacity Grant Program: House Bill 41 would require the Department of Children and Youth to administer a grant program to expand child care capacity. It would appropriate \$500,000 over the biennium to establish child care cohorts and create an employer-based child care co-design learning lab. Additionally, it would appropriate \$20 million over the biennium to the Department of Children and Youth to administer a grant program to assist employers in equipping their onsite or near-site child care facilities, building new care facilities, and partnering with childcare providers. HB 41 was recently voted out of House Children and Human Services Committee and has been re-referred to House Finance Committee.
- Paid Parental Leave Act: The recently introduced House Bill 231 would create an income tax credit for employers that provide paid parental leave. It has been referred to House Ways and Means Committee and has not yet received a first hearing.

- Workforce Investment Now for Child Care Pilot: Senate Bill 177 was recently introduced to create the Workforce Investment Now for Child Care pilot program to provide publicly funded child care to child care staff members. The bill has been referred to Senate Finance Committee.

- **Graduation Readiness and Development Act**

House Bill 119 has been introduced to create the Graduation Readiness and Development (GRAD) Act. It would require each public school to annually host an exit orientation program for 11<sup>th</sup> and 12<sup>th</sup> grade students to prepare them to enter the workforce, obtain marketable skills, or enroll in higher education or military service. It would also designate September as Workforce Development Month.

House Bill 119 is currently pending in House Education Committee.

- **Manufacturing Technologies Assistance Program**

The OMA is working with Representatives Santucci and Demetriou to pass House Bill 159, which creates the Ohio Manufacturing Technologies Assistance Program (MTAP). MTAP aims to assist small to mid-size manufacturers by providing grants of up to \$150,000 for investing in modern smart technologies, machinery, equipment, and training. MTAP is designed to enhance productivity, efficiency, and competitiveness in Ohio's manufacturing industry. The program requires applicants to undergo a technical assessment and be in good standing with the state.

Ohio's Manufacturing Extension Partnerships will be leading the assessment process for new technologies. MTAP aligns with nationwide Manufacturing 4.0 initiatives, supporting manufacturers to adopt automation, cybersecurity, robotics, and other innovative technologies, following successful models from states like Iowa and Indiana, initially funded with \$12,000,000 from the Ohio Department of Development. Ultimately, MTAP aims to empower businesses, drive growth, and ensure the resilience and success of Ohio's manufacturing sector in an evolving business landscape. HB 159 is currently pending in House Finance Committee.

### **Human Resources News**

[Click here for Human Resources Community articles from previous Leadership Briefings.](#)

### **Workforce News**

[Click here for Workforce Community articles from previous Leadership Briefings.](#)

## Human Resources, Health Care & Employment Law Legislation

Prepared by: The Ohio Manufacturers' Association

Report created on November 30, 2025

- HB2**      **ESTABLISH CHILD CARE CRED PROGRAM** (JOHNSON M) To establish the Child Care Cred Program and to make an appropriation.  
*Current Status:* 5/27/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-2>
- HB34**      **INCREASE STATE MINIMUM WAGE** (JARRELLS D, MOHAMED I) To increase the state minimum wage.  
*Current Status:* 2/5/2025 - Referred to Committee House Commerce and Labor  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-34>
- HB41**      **ESTABLISH CHILD CARE GRANT PROGRAMS** (WHITE A, ROEMER B) To establish certain child care grant programs, including those related to child care capacity and learning labs, and to make an appropriation.  
*Current Status:* 6/3/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-41>
- HB94**      **ONLINE LABOR LAW NOTICE POSTING** (MATHEWS A, HALL T) To allow employers to post certain labor law notices on the internet.  
*Current Status:* 4/2/2025 - Referred to Committee Senate Workforce Development  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-94>
- HB98**      **ESTABLISH COMMUNITY CONNECTORS WORKFORCE PROGRAM** (SANTUCCI N, WILLIAMS J) To establish the Community Connectors Workforce Program and to make an appropriation.  
*Current Status:* 6/3/2025 - House Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-98>
- SB8**      **PROHIBIT EMPLOYEE COMPENSATION-UNION ACTIVITIES** (HUFFMAN S) To prohibit a public employer from providing paid leave or compensation for a public employee to engage in certain union activities.  
*Current Status:* 3/19/2025 - Senate Government Oversight and Reform, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-8>
- SB11**      **PROHIBIT POST-EMPLOYMENT AGREEMENTS** (BLESSING III L, DEMORA B) To prohibit agreements that restrain engaging in a lawful profession or business after the conclusion of an employment relationship.  
*Current Status:* 3/5/2025 - Senate Judiciary, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-11>

- SB32**      **ESTABLISH CHILD CARE CRED PROGRAM** (REYNOLDS M, SCHAFFER T) To establish the Child Care Cred Program and to make an appropriation.  
*Current Status:* 2/18/2025 - Senate Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-32>
- SB33**      **LABOR LAW NOTICES-POST ONLINE** (WILSON S, LANG G) To allow employers to post certain labor law notices on the internet.  
*Current Status:* 4/21/2025 - **SIGNED BY GOVERNOR**; eff. 7/21/25  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-33>
- SB50**      **REGARDING CERTIFICATE, WORK REQUIREMENTS-UNDER AGE 16** (SCHAFFER T) Regarding age and schooling certificate requirements and work hours for a person under sixteen years of age.  
*Current Status:* 11/21/2025 - Sent to Governor for Signature  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-50>
- SB51**      **ESTABLISH LEGISLATIVE OVERSIGHT** (SCHAFFER T) To establish legislative oversight of executive action regarding voluntary federal unemployment compensation programs.  
*Current Status:* 2/11/2025 - Senate Financial Institutions, Insurance and Technology, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-51>
- SB56**      **LAW CHANGES-MARIJUANA, LIQUOR, HEMP** (HUFFMAN S) To revise specified provisions of the liquor control, hemp, and adult-use marijuana laws, to levy taxes on certain hemp products, and to make an appropriation.  
*Current Status:* 11/19/2025 - Consideration of Conference Committee Report; House Accepts Conference Committee Report, Vote 52-34  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-56>
- SB74**      **CREATE FAIR PAYCHECK WORKPLACE CERTIFICATE** (HICKS-HUDSON P, SMITH K) To create the fair paycheck workplace certificate.  
*Current Status:* 2/26/2025 - Senate Judiciary, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-74>
- SB77**      **ESTABLISH SYSTEM-REPORT WAGE DISCRIMINATION** (HICKS-HUDSON P, SMITH K) To require the Ohio Civil Rights Commission to establish a system for individuals to anonymously report wage discrimination.  
*Current Status:* 2/26/2025 - Senate Judiciary, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-77>



**BEFORE THE SENATE HEALTH COMMITTEE  
THE OHIO SENATE  
SENATOR STEVE HUFFMAN, CHAIR  
SENATE BILL 198**

**JOINT TESTIMONY OF  
JAMES LEE  
THE OHIO MANUFACTURERS' ASSOCIATION**

**WILLIAM SMITH  
THE PIONEER INSTITUTE**

**NOVEMBER 12, 2025**

Chairman Huffman, Vice Chairman Johnson, Ranking Member Liston, and members of the Senate Health Committee, thank you for the opportunity to provide the perspective of Ohio's employers and manufacturing sector on Senate Bill 198.

My name is James Lee, and I serve as the Managing Director of Public Policy Services for the Ohio Manufacturers' Association (OMA). The OMA represents nearly 1,300 manufacturers across the state. Founded in 1910, our organization exists for a single purpose: to protect and grow Ohio's manufacturing industry.

Our member companies, ranging from large enterprises to small and mid-sized businesses, contribute nearly \$133 billion to Ohio's GDP, far outweighing that of any other industry sector, while employing 700,000 Ohioans.

The OMA appreciates the Committee's dedication to improving healthcare access across our state.

As an association representing healthcare purchasers, we are concerned that this legislation will increase healthcare costs for employers, fail to enact needed transparency measures, and weaken accountability within the healthcare system.

### **I. The Problem with Program Expansion**

First – I want to emphasize that our members strongly support Ohio's low-income and rural hospitals, which play a vital role in helping our communities and workforce thrive.

We also respect the intent behind the federal 340B Drug Pricing Program — to help uninsured and low-income patients access affordable, life-saving medications. Unfortunately, over time, the program has expanded well beyond its original charitable purpose.

Our primary concern is that legislative efforts such as Senate Bill 198, which seek to expand the program even further, may worsen existing challenges — namely, rising healthcare costs for Ohio's working families and employers — without providing a clear or measurable benefit to the vulnerable patients the program was designed to serve.

### **II. The Burden on Ohio Businesses and Employees**

Our members, particularly small and mid-sized manufacturers across Ohio, are already struggling with persistently rising healthcare costs. These costs directly impact business profitability and limit their ability to invest in hiring, capital improvements, and wage increases.

The 340B program, in its current opaque form, is contributing directly to this burden. According to a study conducted by IQVIA, a prominent health industry consulting firm, the current structure of the 340B program results in an additional 275 million in annual

costs borne by Ohio employers. Expanding a program that already imposes such a significant, hidden tax on our businesses is simply untenable.

### **III. A Lack of Accountability and Patient Benefit**

Additionally, there remains a serious lack of transparency and accountability within the 340B system—one that too often fails to ensure patients receive the intended benefit.

Compounding the cost issue is the severe lack of transparency regarding how the program's substantial savings are utilized. When drug discounts are not clearly traceable, the program risks benefiting large hospital systems and Pharmacy Benefit Managers (PBMs) more than the low-income patients it was created to serve.

This is evidenced by a recent study from the non-partisan Congressional Budget Office (CBO), which reported that there is no evidence suggesting the savings generated by the 340B program are reliably passed on to patients.

Without transparent accounting, we cannot verify that the massive discounts are being reinvested in the community or patient care, leaving Ohio businesses paying higher costs for insurance premiums that subsidize an unaccountable system.

### **IV. Recommendation: Prioritize Transparency Over Expansion**

Before implementing sweeping changes that expand the 340B program, the OMA urges this Committee and the General Assembly to prioritize transparency and accountability. We recommend a pause on expansion legislation like S.B. 198 until fundamental questions about the program's operation in Ohio are answered.

One solution would be to restore the original 340B transparency language that was enacted in Ohio's biennial budget. Key provisions were lined vetoed by Governor DeWine. Restoration of this transparency language would provide necessary information required policy reforms.

Ohio could also look at models successfully implemented in other states, such as Indiana, which recently passed legislation to require more visibility into how 340B dollars are being spent. We must gather the essential data—understanding exactly where the money goes, who benefits, and how the program impacts premium costs for our businesses—to ensure that every healthcare dollar serves Ohioans wisely.

### **The OMA's Position**

The Ohio Manufacturers' Association stands in opposition Senate Bill 198 in its current form because it proposes expansion before accountability, paving the way for potential abuse and increased healthcare costs on employers.

We urge the Committee to instead focus its efforts on developing robust transparency measures that protect vulnerable patients while safeguarding the economic health and competitiveness of Ohio's manufacturing industry and the business community at large.

Before concluding the OMA's testimony, I would like to introduce William Smith, from the Pioneer Institute, as a subject matter expert who can speak more on the 340b program to provide his testimony and answer any questions from the committee.

William is a Senior Fellow and Director with the Pioneer Institute. I first learned about his expertise when he provided testimony on 340B transparency bills with both the Kentucky Association of Manufacturers and the Indiana Manufacturers' Association. Both organizations spoke very highly of his deep knowledge, especially regarding transparency issues and the broader challenges surrounding the 340B program.

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Thank you, Chairman Huffman and members of the Committee, for the opportunity to testify.

Let me say at the outset that I am generally a supporter of the 340B program as many 340B institutions struggle with low government reimbursement and face significant financial challenges. That said, the 340B program needs reform largely because the incentives in the program are misplaced.

How does the program work? 340B institutions get access to significant discounts on drugs and they can arbitrage those discounts to generate revenue. Arbitrage means they can buy low and sell high. So, for example, imagine an oncology drug with a price of \$100,000. A 340B institution may be able to buy that drug for \$25,000 and then bill an Ohio employer for \$100,000 and pocket the spread of \$75,000. On one prescription. For-profit PBMs and pharmacies also can benefit from this transaction by taking a percentage of that \$75,000 spread. There are many winners in this transaction. But there are also losers such as employers who are substantially overpaying for drugs and taxpayers who will overpay for Medicare drugs dispensed by 340B institutions. Another group that loses is patients because studies show that most 340B institutions do not pass along these deep discounts to patients.

You should also notice that under this arbitrage system, 340B institutions have greater incentives to treat wealthier patients with good insurance coverage or Medicare since they can pocket the spread between the discounted price and the reimbursement from insurance. At Pioneer Institute, we studied the placement of 340B contract pharmacies in Ohio, and what we discovered is that 55 percent of 340B pharmacies in Ohio are in

upper income neighborhoods. This confirms our suspicion that the 340B program is increasingly serving wealthier patients with good insurance in order to arbitrage the discounts.

How should this program be reformed? Because I am sensitive to the financial pressures that 340B institutions are under, I would not advocate cutting the program. What is needed is some transparency. The program was created to help these institutions better serve low-income patients. Therefore, a simple place to start would be requiring that 340B institutions disclose exactly how much revenue they secure from the program and exactly what they spend it on. If they take in \$50 million from 340B and spend every dime on free healthcare for indigent patients, they should be commended. However, if they take in \$50 million and spend it on executive salaries and for-profit pharmacy reimbursements, they should be criticized. The problem is that, under the current program, we do not know which institutions are doing the right things and which ones are not. Transparency would help us sort out the good actors and bad actors.

I am grateful to partner with the Ohio Manufacturers' Association on this hearing. While I know 340B institutions face financial pressures, I also know that many employers also face immense financial pressure due to healthcare costs. In this economic environment, it is difficult to justify the significant overpayments for drugs that are inflicted on employers.

I am not sure if some committee members are aware of so-called "penny priced" drugs in the 340B program. When a drug is penny priced, a 340B institution can buy it for one penny. I know of one penny priced drug whereby employers can be billed \$7000 per month. Given the financial challenges of employers, pocketing a \$6999.99 spread on one prescription seems hard to justify to employers.

Thank you for the opportunity to testify, I am happy to answer any questions.

# The Columbus Dispatch

## Not all is golden with drug pricing program expansion plan. Caution is needed

*"In short, employers should be asking:  
Are we expanding a program that helps — or one that hurts?"*



Guest Columnist

**Ryan Augsburger**

**CEO, Ohio Manufacturers' Association**

*Central Ohio native Ryan Augsburger serves as president for the Ohio Manufacturers' Association and its more than 1,300 member companies across Ohio.*

For many Ohio businesses, the word “expansion” typically signals growth, opportunity and new jobs.

But when it comes to the federal [340B Drug Pricing Program](#), recent legislative efforts to expand it — through [House Bill 276](#) and [Senate Bill 198](#) — may actually mean higher costs for employers and fewer benefits for the patients the program was originally designed to help.

### **Why do we have the 340B program?**

The 340B program was created to help uninsured and low-income patients access life-saving medications at reduced costs.

However, over time, the program has grown far beyond its original scope. Large hospital systems, pharmacy benefit managers and other entities have increasingly used the program in ways that don't necessarily benefit patients — and may be driving up costs for Ohio's businesses and working families.

A recent report from the [Congressional Budget Office](#) found no evidence that savings from the 340B program are passed on to patients. Instead, the program may be encouraging behaviors that increase federal spending and raise prices for taxpayers.

[Another study by IQVIA](#), a health industry consulting firm, revealed that Ohio employers are paying an additional \$275 million annually due to the program's current structure.

For small and mid-sized businesses on Main Street, these hidden costs can be significant. Rising health care expenses affect everything from employee benefits to bottom-line profitability.

### **Lawmakers must make informed decisions about the 340B program**

That's why the Ohio Manufacturers' Association is urging lawmakers to pause and reconsider before expanding the 340B program further.

Instead of expansion, our association advocates for transparency and accountability. Indiana recently passed legislation requiring more visibility into how 340B dollars are spent — a model Ohio could follow.

While Ohio has taken initial steps toward transparency in its biennial budget, more data is needed to truly understand how the program operates and whether it's serving its intended purpose.

Before implementing sweeping changes like those proposed in HB 276 or SB 198, Ohio should gather the facts.

That means understanding where the money goes, who benefits and how businesses are impacted. Only then can lawmakers make informed decisions that protect both vulnerable patients and the economic health of Ohio's business community.

In short, employers should be asking: Are we expanding a program that helps — or one that hurts?

Let's replace expansion with understanding and ensure that every dollar spent serves Ohioans wisely.

# # #



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## MEMORANDUM

**TO:** The Ohio Manufacturer’s Association  
**FROM:** Bricker Graydon LLP  
**DATE:** October 31, 2025  
**RE:** Senate Bill 143

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Senate Bill 143, introduced by Senators Hearcel Craig (D-Columbus) and Lou Blessing, III (R-Colerain Township) broadly prohibits private employers from inquiring or considering an applicant’s criminal background on initial employment applications, informally known as “ban the box” legislation. The legislation was introduced on March 11, 2025, and was last heard in the Senate Workforce Development Committee on October 21, 2025.

Below is a summary of the bill and a brief analysis of possible impacts to manufacturers if the bill becomes law.

### I. Bill Summary.

S.B. 143 prohibits private employers from inquiring about or considering a job applicant’s criminal background on any initial employment application. This includes any question that seeks the disclosure of an applicant’s criminal background.

Employers are still permitted to conduct a criminal background check, provided the employer does not consider, distribute, or disseminate any information about 1) an arrest not followed by conviction; or 2) referral to or participation in pre-trial diversion programs (or similar programs).

“Private employer” is defined as a private employer with five or more employees, or the employer’s agent. The bill does not include public sector employers since current law already prohibits state agencies or political subdivisions from including on any employment application form a statement notifying an applicant of any provision of state or federal law that disqualifies an individual with a particular criminal history from employment in a particular position.

Any violation of the provisions of S.B. 143 is considered an unlawful discriminatory practice under Ohio’s Civil Rights Law. Under Ohio’s current Civil Rights Law, any person can file a charge with Ohio’s Civil Rights Commission (the “Commission”) alleging that another individual or entity has engaged or is engaging in an unlawful discriminatory practice relating to employment. The Commission investigates and may initiate further action consistent with Ohio Civil Rights Law.



Current law also permits an individual subject to an unlawful discriminatory practice to sue for damages, injunctive relief, or other appropriate relief.

Should an employer choose to deny an applicant a position of employment because of that person's criminal background, the employer must first make an individual analysis of whether the applicant's criminal background has a direct and adverse relationship with the specific duties of the job that justifies denial of the application. The employer must consider all of the following:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense was committed or the conduct occurred and completion of the sentence; and
- The nature of the job sought.

If there is a preliminary decision that the applicant's criminal background is disqualifying, employers are required to inform the applicant in writing of that determination. The notification, in writing, must include the following:

- A notice of the disqualifying conviction or convictions that are the basis for the preliminary decision to rescind the offer;
- A copy of the criminal background check, if any; and
- An explanation of the applicant's right to respond to the notice of the employer's preliminary decision before that decision becomes final and the deadline by which to respond.

The employer's written notice to the applicant must include an explanation of the applicant's right to respond to the notice, including information the applicant could submit to challenge the accuracy of the criminal background check or evidence of rehabilitation and/or mitigating circumstances. Employers are required to provide applicants at least five days to notify the employer that the applicant disputes the accuracy of the criminal background check. Employers, upon receiving notice of the applicant's challenge, are required to grant the applicant five additional days to respond to the notice. Employers must consider additional information submitted by the applicant during that period before making a final decision.

If the employer makes a final decision to deny the application, the employer is required to provide written notice including the following:

- The final denial or disqualification;
- Any procedure the employer has for the applicant to challenge the decision or request reconsideration; and
- The right to file a complaint with the Ohio Civil Rights Commission. The employer may justify or explain the employer's reasoning for making the final denial or disqualification.



The bill's provisions do not apply to any position where federal, state, or local law requires criminal background checks for employment purposes or to restrict employment based on criminal backgrounds.

## II. Impact on Manufacturers.

The legislation's narrow definition of "private employer" ensures that this legislation applies to practically all manufacturers in Ohio.

Overall, the legislation removes flexibility in hiring by imposing state mandates on employment applications and initial intake and consideration of applicants. The legislation also creates additional internal processes for employers, including the preparation of notices of denials to applicants. The legislation creates additional procedures and interactions between employers and applicants that do not occur for rejected applicants without criminal backgrounds.

Manufacturers should also be concerned that the legislation creates a new violation of Ohio's Civil Rights Law, which opens employers to allegations of unlawful discriminatory practices and the resulting penalties. Even if ultimately absolved of any violation, the process alone can increase costs.

While proponents of the legislation insist the legislation is needed to help reduce recidivism and create additional pathways to gainful employment, the legislation's mandates and penalties could disincentivize employers who have already been proactive and supportive of second-chance hiring, which includes many manufacturers.

## III. Conclusion.

While "ban the box" legislation is well intended, and many employers and manufacturers already proactively engage in second-chance hiring, the legislation's new liabilities and additional processes for employers could have a chilling effect on Ohio's private employers. Much of what the bill seeks to add to Ohio law is already addressed in federal law, including EEOC guidance on the use of criminal history in the selection and hiring of employees, and the Federal Trade Commission's "adverse action notice" requirements applicable to employers who deny employment based on criminal background checks conducted by a third party. A better approach would preserve flexibility, reduce state mandates, and reduce or eliminate liabilities on employers.

# Dayton Daily News

TRUSTED SINCE 1898

## Should private employers be allowed to ask about criminal backgrounds? Dayton Rep proposes ‘banning the box’



Credit: Bryant Billing

### LOCAL NEWS

By [Avery Kreemer](#)

Updated Sept 11, 2025

The attention of some Ohio lawmakers, including Dayton Democrat Rep. Desiree Tims, is turning toward legislative efforts to block employers from inquiring about an applicant’s criminal history.

Removing conviction history questions on job applications, both in the public and private sector, is often referred to as a “fair chance” or “ban the box” law.

Ohio is among a consortium of 37 states, red and blue alike, that already have laws banning the box in public sector employment, [according to the National Employment Law Project](#). Only 15 states, most of which lean Democratic, have extended that rule to the private sector.

Tims recently told a crowd at the 2025 Dayton Regional Impact Ohio Conference that banning the box was a priority for her. She told this outlet via text message that she’ll introduce legislation to the Ohio House once lawmakers return from summer recess.

Asked if her bill would get bipartisan support, Tims said, “One can only hope!” She couldn’t be reached for a full interview before publication.

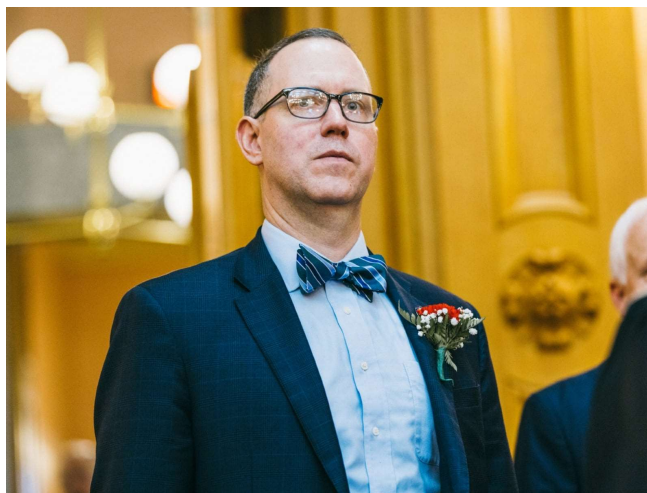
Tims’ forthcoming legislation won’t be the first bill in this 136th General Assembly to propose banning the box. It is one of several proposals in [Senate Bill 143](#), a bipartisan measure introduced in March by Sens. Hearcel Craig, D-Columbus, and Bill Blessing, R-Colerain Twp.

The bill sits in a committee chaired by Sen. Kyle Koehler, R-Springfield, and has not yet had a hearing or public debate. Koehler told this outlet that he attempted to schedule an initial hearing for the bill but was told that the sponsor wasn’t ready.

SB143 wouldn’t fully block private sector employers from doing their own due diligence. They could still perform background checks, but they would be blocked from considering “an arrest not followed by conviction or referral to or participation in a pre-trial diversion program.” The proposal goes on to limit employers to only denying an applicant based on their criminal history if that applicant’s background has “a direct and adverse relationship with the specific duties of that job.”

In an interview, Blessing cast doubt on whether his Republican colleagues, who have a firm grip on the Ohio General Assembly, would put their weight behind SB143.

“I know that this is probably going to go nowhere in the General Assembly, but it’s a shame because it’s well-intended and I think it does try to address something that I think is a problem,” Blessing said.



Ohio state Sen. Bill Blessing, R-Colerain Twp.

Blessing believes “the box” exists on applications most often to filter out past convicts, to the point where he described their exclusion from serious consideration as “automatic” in most cases.

“I just think it’s a basic justice thing. You know, you’ve paid your debt to society,” Blessing said. “I believe there’s some nuance to this, but by and large, having employers just say, ‘You get one strike,’ and there’s no way you can repay your debt to society for us to say, ‘Oh, we’re not just going to overlook you’ — that’s just fundamentally unfair.”

He conceded that the idea, even if it were passed into law, might not be transformative, “but these little reforms add up.”

The idea has garnered support from the [Ohio Justice & Policy Center](#), which is monitoring some 60 legislative proposals at the time of reporting.

“One in every three Ohioans has a criminal record of some kind. Banning the box, it’s popular, it’s good for employers, it’s good for the economy, and of course, we think it’s great for justice-impacted people,” said Michaela Burriss, an attorney who serves as the policy director *for the* OJPC.

Burriss said she’d expect banning the box in the private sector to encourage more people to apply for jobs, as many people with criminal records preemptively remove themselves from consideration for a role if they see an application ask about criminal histories. Burriss described financial instability and recidivism as knock-on effects from a lack of job opportunity, both of which are costly to the state.

### Business concerns

Still, there are competing interests from the private sector, which doesn’t often take kindly to restrictive government mandates.

“Broadly, we have concerns as a pro-business organization any time we restrict a private business from being able to conduct what they need in their hiring processes. That’s probably bottom line what the concerns are,” Dayton Area Chamber of Commerce Vice President Stephanie Keinath told this outlet.

That sentiment is echoed among some of Tims’ colleagues, including area Rep. Phil Plummer, R-Butler Twp., who told this outlet he’d oppose the measure. “They definitely should be able to ask,” he said.

But, from the top of the state down, 2025 has brought conversations about how being more accepting of formerly incarcerated applicants may be one of several ways to contend with workforce shortages in the state.

In March’s State of the State address, Gov. Mike DeWine briefly highlighted the state’s efforts to provide specialized training to the state’s incarcerated population, of which some 18,000 leave the corrections system and reenter society each year.

“Our trained ex-offenders want to work. I say to the employers in Ohio: Give them a chance. Help them find the dignity, purpose, and hope that comes with a job,” DeWine said in his address to lawmakers.

When this news outlet asked Republican legislative leadership about DeWine's remarks and the legislature's role in promoting employment for the state's ex-offenders, their answer didn't hinge on banning the box. It did, however, recognize the population as an important piece of the puzzle.

"We really should be looking at ways to make the pathway from incarceration into the job market easier because ultimately, if they can't find work, they're probably on one of the government welfare programs that we're ultimately paying for," Senate President Rob McColley said in a press conference. "And if they're not on that program, then it still should be a benefit to all of us that they're contributing to the employment of the state."

*Note: This story was updated to reflect comment from Sen. Kyle Koehler, R-Springfield.*

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For more stories like this, [sign up for our Ohio Politics newsletter](#). It's free, curated, and delivered straight to your inbox every Thursday evening. Avery Kreemer can be reached at 614-981-1422, [on X](#), via [email](#), or you can drop him a comment/tip with the survey below.

**TO: OMA Government Affairs Committee**  
**FROM: James Lee**  
**RE: Safety & Workers' Compensation Public Policy Report**  
**DATE: December 4, 2025**

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### **Overview**

As the General Assembly has worked through its new session, state lawmakers are prioritizing two key issues in the areas of safety and workers' compensation: marijuana and synthetic hemp reforms.

After early signs of hope that years of political gridlock blocking major reforms to Issue 2 marijuana laws might finally end, disagreements among lawmakers and stakeholders over how to regulate marijuana and synthetic hemp products like delta-8 THC continued to derail progress. Frustrated by the legislature's inaction on synthetic hemp, Governor DeWine issued an executive order temporarily halting the sale of the product, pressuring lawmakers to find a solution.

Workers' Compensation and Industrial Commission budgets were passed at the end of the summer with no major policy changes.

On the federal side, the OMA is monitoring potential changes to OSHA regulations finalized under the Biden administration, as new policy directives from the Trump administration are likely to come with last week's Senate Confirmation of David Keeling to lead the department.

### **Further BWC Rate Reduction Effective July**

Earlier this year, the Ohio Bureau of Workers' Compensation (BWC) announced a 6% reduction in private employer premiums, set to take effect on July 1, 2025, saving businesses nearly \$60 million. This follows a 7% reduction last year and marks the 16th rate cut in 17 years.

Governor Mike DeWine and BWC leadership attribute the decrease to improved workplace safety and employer participation in safety programs. Strong investment performance has also been a factor enabling continued rate reduction. The actual premium change for businesses will vary based on factors such as industry classification, payroll, and claims history.

A recent study commissioned by Oregon places Ohio premiums among the lowest five nationally.

### **Safety & Workers' Compensation Legislation and Rules**

#### **House Bill 81: Workers Compensation Budget**

In late June, the legislature passed House Bill 81, providing two-year operating funds for the agency. BWC's total request for the biennium is \$754.9 million, a slight 2.73% decrease from the bureau's last budget request.

The BWC budget does not contain significant changes to policy, however, the *Dillon* decision reducing overpayments will likely be targeted as a need for legislative amendments benefiting claimants' lawyers at the expense of employers. The OMA will monitor and defend against any last-minute attempts to push for policy changes in the workers' compensation space.

#### **House Bill 80: Industrial Commission Budget and Proposed Ombuds Office Rename**

As expected, the Commission's requested budget, House Bill 80, included no major policy changes nor big increases in appropriation. The IC Budget Bill, HB 80, was passed in late June. One minor but notable change surrounds a provision in the House version to change the name of the "workers' compensation ombudsperson system" to the "Workers' Compensation

Customer Advocacy Office," prompting some criticism that the change would create confusion and shift the branding of the office away from that of a neutral administrator, toward a brand that sounds closer to a consumer advocate organization.

#### OMA Advocacy Prevents Major PTSD Shift in Workers' Compensation Bill

The Ohio Manufacturers' Association and other statewide business groups successfully pushed to remove a provision in House Bill 338 that would have allowed corrections officers to file workers' compensation claims for post-traumatic stress disorder without a related physical injury.

In a letter to House Judiciary Chair Jim Thomas, R-Jackson Twp., the coalition warned that allowing "mental-only" claims would upend more than a century of workers' compensation precedent and significantly increase costs and liability for employers. The OMA said it supports Ohio's corrections officers and did not oppose the bill as originally drafted. But the association urged lawmakers to remove the provision and conduct a full review before advancing what it called a major change to state law.

The groups noted that Ohio's existing Post-Traumatic Stress Fund already provides a targeted way to assist affected officers without destabilizing the broader workers' compensation system. The letter can be found in today's materials.

#### Senate Bill 241: Penalties for Public Employers Challenging Claims

Introduced July 30, 2025, S.B. 241 would amend R.C. 4123.512 to impose a \$50,000 penalty on any employer that loses an appeal of a workers' compensation award related to firefighter cancer claims under R.C. 4123.68(X), with the penalty paid directly to the claimant. The bill is pending before the Senate Financial Institutions, Insurance and Technology Committee. The OMA is concerned that this measure sets a troubling precedent by penalizing employers for exercising their right to appeal, potentially exposing private employers to similar risks in the future and disrupting the balance of Ohio's workers' compensation system.

#### Senate Bill 56: Recreational Marijuana and Intoxicating Hemp Reforms

After years of infighting, republican state legislators have come to a deal to pass reforms to adult use cannabis and intoxicating hemp products, following the passage of a 2023 ballot initiative to legalize marijuana.

Key elements include expungement for certain past possession offenses, consolidation of adult-use and medical marijuana statutes, retention of the 10% excise tax, restrictions on packaging and advertising appealing to minors, clarified OVI rules, and limits on THC potency. The bill also allocates 36% of excise tax revenue to host communities with dispensaries and grants the Division of Cannabis Control expanded regulatory authority.

SB 56 aligns state law with recent federal changes by prohibiting intoxicating hemp products outside licensed dispensaries and creating a temporary, regulated market for drinkable cannabinoid products through 2026, allowing sales in grocery stores, bars, and other retailers with clear THC labeling.

The Senate is Scheduled to pass the bill in December and send the legislation to the Governor for consideration.

Despite the OMA's opposition to cannabis legalization over workplace safety concerns, the bill protects some of the strongest drug-free workplace protections in the nation—mirroring provisions the OMA helped craft in 2016 when medical cannabis was legalized.

### Legal Challenge Questions Qualifications of Ohio Workers' Compensation Board

A legal challenge filed on March 17, 2025, claims that none of the three Ohio Industrial Commission members meet the state's requirement of six years of workers' compensation expertise. Suzanne Duke, a worker denied benefits, is seeking an injunction to halt hearings until a judge reviews their qualifications. The commissioners, appointed by Governor Mike DeWine and confirmed by the Senate, have backgrounds in law, business, and public service, but their direct workers' compensation experience is unclear. The governor's office and state officials maintain that the appointees are qualified, while the court will determine whether they can continue their roles.

### Employers Receive Win in AutoZone Decision Impacting TTD

On Nov. 26, 2024, the Ohio Supreme Court issued a ruling that benefits manufacturers by clarifying workers' compensation rules. The court determined that an injured worker who is fired for reasons unrelated to their injury is not eligible for temporary total disability (TTD) benefits. Under this ruling, in a case where an injured worker is unable to return to their job due to a work-related injury but is terminated for reasons unrelated to the injury, they can no longer claim TTD benefits. The court's decision ensures that workers can only receive compensation if their job loss is directly tied to the injury.

This ruling is a win for Ohio manufacturers, helping to limit unnecessary workers' compensation costs when the job loss is not injury-related.

### Dillon Supreme Court Case to Save Employers on TTD Overpayment

The *Dillon* decision by the Ohio Supreme Court fundamentally alters the termination date for Temporary Total Disability (TTD) benefits, impacting employers significantly. Previously, TTD benefits could be terminated at the date of the Industrial Commission hearing officer's decision, causing potential overpayments. However, with *Dillon*, benefits can now be terminated on the date of Maximum Medical Improvement (MMI) as determined by any physician, including those hired by the employer, leading to an earlier termination of benefits. This change is anticipated to result in a surge of overpayments declared in Ohio, affecting employers' bottom lines.

The decision's longevity is uncertain, as it may face potential changes in the legislature. To mitigate overpayments, the Industrial Commission could expedite motions for benefit termination, potentially reducing costs for employers. Overall, *Dillon* promises to reduce claim costs and alleviate financial burdens on employers in Ohio. The OMA submitted a joint letter defending a recent ruling to the Industrial Commission, which can be found in today's materials.

### Senate Confirms Trump Appointee David Keeling to Lead OSHA: Key Impacts for Employers

In October, the Senate finally confirmed Trump's OSHA Director appointee, David Keeling. Keeling is expected to roll back Biden-era policies, including electronic injury reporting, public data releases, and the union walkaround rule. His tenure may also halt heat illness regulations, reduce OSHA inspections, and deprioritize infectious disease standards. Employers should prepare for shifts in enforcement priorities and increasing state-level safety regulations.

### Site Specific Targeting Takes Effect

OSHA's updated Site-Specific Targeting (SST) inspection program took effect on May 20, which focuses on non-construction workplaces with 20 or more employees. The new program identifies establishments for inspection based on:

- High Days Away, Restricted, or Transferred (DART) rates in 2023
- Upward-trending DART rates significantly above the 2022 private sector average
- Exceptionally low DART rates to verify data accuracy
- Failure to submit 2023 Form 300A data

The program sets separate DART thresholds for manufacturing and non-manufacturing sectors. This initiative aims to direct enforcement resources to workplaces with elevated injury and illness rates, ensuring safer work environments.

See the article from OMA Connections Partner Fisher Phillips for more information.

#### OSHA Heat Rule Faces Potential Removal Under Trump

Last year, OSHA recently unveiled its first-ever national heat safety rule aimed at reducing heat-related illnesses by requiring employers to implement comprehensive safety measures. This rule will impact manufacturers and employers by necessitating changes to workplace safety protocols, including regular heat risk assessments, hydration, and rest breaks. The rule also introduces new responsibilities such as training, acclimatization programs, and emergency planning, which could increase operational costs and necessitate updates to existing safety procedures.

The rule is likely to be reconsidered under the Trump administration and unlikely to reach finalization.

#### OSHA Walkaround Rule

Last year, Federal regulators finalized a proposed rule to give designated union representatives, or virtually any non-expert third party individual, the right to accompany OSHA inspectors during facility “walkarounds” or inspections — regardless of whether the representative is an employee of the facility. The rule took effect on May 31, 2024. In May, the National Association of Manufacturers (NAM) joined a coalition of national business associations challenging the rule.

The OMA made public comments to OSHA opposing the rule on the grounds that allowing virtually anyone to join an OSHA inspection process transforms a safety-focused endeavor into a tool for union organizing, a tactic for attorneys in litigation, a threat to trade secrets, and a means to harass employers.

You can find the OMA’s comments in today’s meeting materials. In follow-up advocacy efforts, the OMA sent a letter to Ohio’s congressional delegation with nearly 200 of our member companies signing on to urge legislative action against the rule. That letter can also be found in today’s meeting materials.

This rule is likely to be reconsidered by the Trump administration.

#### OSHA Electronic Record Keeping Expansion

Last year, The U.S. Department of Labor finalized and implemented its rule requiring establishments with 100 or more employees in manufacturing and other industries to electronically submit information once a year to OSHA from their Form 300 – Log of Work- Related Injuries and Illnesses and Form 301 – Injury and Illness Incident Report.

The rule has been criticized by employers for implementing onerous and invasive public reporting standards that unfairly open certain businesses to undeserved public scrutiny and potential legal liability.

This rule is predicted to soon be scrapped or watered down under the Trump administration.

#### **Safety & Workers’ Compensation News**

[Click here for Safety & Workers’ Compensation Community articles from previous Leadership Briefings.](#)

**Workers' Compensation Legislation**  
**Prepared by: The Ohio Manufacturers' Association**  
**Report created on November 30, 2025**

- HB80**      **INDUSTRIAL COMMISSION BUDGET (STEWART B)** To make appropriations for the Industrial Commission for the biennium beginning July 1, 2025, and ending June 30, 2027, and to provide authorization and conditions for the operation of Commission programs.  
*Current Status:* 6/27/2025 - **SIGNED BY GOVERNOR**; eff. immediately  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-80>
- HB81**      **BWC BUDGET (STEWART B)** To make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2025, and ending June 30, 2027, to provide authorization and conditions for the operation of the Bureau's programs, and to make changes to the Workers' Compensation Law.  
*Current Status:* 6/27/2025 - **SIGNED BY GOVERNOR**; eff. immediately  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-81>
- HB160**      **REVISE LIQUOR CONTROL, HEMP, MARIJUANA LAWS (STEWART B)** To revise specified provisions of the liquor control, hemp, and adult-use marijuana laws and to levy taxes on marijuana.  
*Current Status:* 5/7/2025 - House Judiciary, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-160>
- HB395**      **TRACK JOB INTERVIEW ATTENDANCE (LORENZ B, GROSS J)** To require the Director of Job and Family Services to establish an online process for employers to report individuals who fail to appear for a scheduled job interview.  
*Current Status:* 11/18/2025 - House Government Oversight, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-395>
- SB56**      **LAW CHANGES-MARIJUANA, LIQUOR, HEMP (HUFFMAN S)** To revise specified provisions of the liquor control, hemp, and adult-use marijuana laws, to levy taxes on certain hemp products, and to make an appropriation.  
*Current Status:* 11/19/2025 - Consideration of Conference Committee Report; House Accepts Conference Committee Report, Vote 52-34  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-56>
- SB86**      **REGULATE HEMP, CANNABINOID PRODUCTS (HUFFMAN S, WILKIN S)** To generally prohibit the sale of intoxicating hemp products, except for sales at licensed dispensaries; to regulate drinkable cannabinoid products, and to levy taxes on drinkable cannabinoid products and other intoxicating hemp products that may be sold.  
*Current Status:* 5/7/2025 - Referred to Committee House General Government  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-86>



**OHIO CHAMBER  
OF COMMERCE**

November 19, 2025

The Honorable Jim Thomas  
Chair, House Judiciary Committee  
77 South High Street, 11<sup>th</sup> Floor  
Columbus, OH 43215

Chair Thomas:

Our organizations, on behalf of our members, are writing you today in opposition to portions of amendment 1215-1 that were accepted during last week's committee hearing on House Bill 338. This amendment includes language that would allow corrections officers to receive Bureau of Workers' Compensation (BWC) benefits for post-traumatic stress disorder (PTSD) without an accompanying physical injury. The adoption of a mental-only diagnosis would create a significant departure to longstanding and clear precedent in Ohio workers' compensation system law.

While we recognize the importance of protecting our corrections officers and have no opposition to the as-introduced version of the legislation, a provision as consequential as allowing mental-only injuries – for the first time in the more than 110 year history of the state's workers' compensation system – needs to be fully vetted instead of being amended into a bill that is already moving. This language is much broader than previous legislation that would allow first responders to receive PTSD coverage and allows individuals to file a claim if they simply learned of a coworker's injury. Also, Ohio allows private companies to operate prisons, so this would apply to any privately employed corrections officers.

As an alternative solution, we support using the State Post-Traumatic Stress Fund to fund these claims. This fund was established with the enactment of House Bill 308 in the 133<sup>rd</sup> Ohio General Assembly and is currently held in the Office of Budget and Management.

We respectfully ask that the House Judiciary Committee delay voting on House Bill 338 until the PTSD provision is removed.

NFIB Ohio  
Ohio Manufacturer's Association  
Ohio Chamber of Commerce  
Ohio Council of Retail Merchants  
Ohio Business Roundtable

# Ohio House passes bill that would ban intoxicating hemp products, revise state's marijuana laws

BY: MEGAN HENRY - NOVEMBER 20, 2025 12:38 PM



📷 A marijuana plant in a flowering room, August 17, 2023, at PharmaCann, Inc.'s cultivation and processing facility in Buckeye Lake, Ohio. (Photo by Graham Stokes for Ohio Capital Journal. Republish photo only with original story.)

Ohio lawmakers passed a bill early Thursday morning that would ban intoxicating hemp products and make changes to the state's marijuana laws.

The Ohio House voted 52-34 to pass [Ohio Senate Bill 56](#), sending it to the Senate.

Ohio Republicans Tim Barhorst, Thaddeus Claggett, Levi Dean, Jennifer Gross, Brian Lorenz, Jason Stephens, D.J. Swearingen, and Michelle Teska joined Ohio Democrats in voting against the bill around 1 a.m. Thursday morning.

The House vote took place after the bill was originally scheduled to go to conference committee Wednesday morning, but the meeting did not happen until just before midnight Wednesday.

Ohio state Sen. Bill DeMora, D-Columbus, offered about a dozen amendments during the conference committee, but none of them were adopted.

The Ohio Senate has session scheduled for Dec. 9 and Ohio House Speaker Matt Huffman, R-Lima, said he is confident the Senate will pass the bill.

The Republican lawmakers on the conference committee said a lot of accommodations had to be made.

“We were so close that things came together and we did not want to walk away being so close with where we’re at,” said Ohio state Sen. Steve Huffman, R-Tipp City. “I think we came to a good compromise.”

Huffman introduced the bill in January and the Senate originally [passed the bill in February](#), but the House made major changes, most notably by adding intoxicating hemp regulations.

The [Ohio House passed Ohio S.B. 56](#) in October with a bipartisan vote and the [Ohio Senate voted unanimously](#) one week later not to concur with changes made to the bill, sending it to conference committee.

After the bill was sent to conference committee at the end of October, changes were made to hemp at the federal level.

Congress recently voted to ban products that contain 0.4 milligrams of total THC per container earlier this month when they voted to reopen the government.

Previously, the 2018 Farm Bill said hemp can be grown legally if it contains less than 0.3% THC.

There is a one-year implementation delay for the federal hemp ban, but states can create their own regulatory framework before then.

“On the hemp side, what the the federal government did certainly influenced what we needed to do,” Huffman said.

Ohio’s bill complies with recent federal changes by banning intoxicating hemp products from being sold outside of a licensed marijuana dispensary.

“When it comes to intoxicating hemp products, we essentially cut to the chase,” said Ohio Rep. Brian Stewart, R-Ashville.

“We had already whittled down most retailers where those could be sold. That is going to kick in. They’re going to have the 90 days of runway that’s in the bill. After that, all those products are either going to be sold in a marijuana dispensary or they won’t be allowed to be sold.”

If the Ohio Senate passes Ohio S.B. 56 in December and Ohio Gov. Mike DeWine signs the bill into law before the new year, Ohio’s intoxicating hemp could take effect as soon as March.



THC-infused beverages for sale at Savor Growl in Columbus, Ohio on Oct. 13, 2025. (Photo by Megan Henry, Ohio Capital Journal).

Ohio S.B. 56 allows five milligram THC beverages to be manufactured, distributed and sold until Dec. 31, 2026.

“There’s aspirational language in here that the legislative leaders have agreed on that says, if the federal government takes action and makes

(THC beverages) legal again, that it’s our intent that we would come back and have legislation to create a structure and have legal THC beverages again,” Stewart said.

On Oct. 8, Ohio Gov. Mike DeWine announced a 90-day [executive order that bans the sale of intoxicating hemp products](#) that started on Oct. 14, but a Franklin County Court of Common judge has placed a [temporary restraining order](#) on DeWine’s [ban until Dec. 2](#).

On the marijuana side, the bill would reduce the THC levels in adult-use marijuana extracts from a maximum of 90% down to a maximum of 70%, cap THC levels in adult-use flower to 35%, and prohibit smoking in most public places.

Part of the probable cause portions were removed from the bill, but some of it still remains.

“More of the probable cause (is) if you’re driving down the road and you’re across the yellow line, if you appear to be intoxicated in other ways, that is the probable cause,” Huffman said.

Ohio S.B. 56 would give 36% of adult-use marijuana sale revenue to municipalities and townships that have recreational marijuana dispensaries.

“We’re glad to see this legislation release the long-promised Host Community Fund dollars,” Ohio Cannabis Coalition Executive Director David Bowling said in a statement. “This cannabis tax revenue is an important way our licensed operators give back to the communities where they live and work.”

The bill also maintains the 10% tax rate on recreational marijuana and keeps home grow the same at six plants per adult and 12 per residence.

Ohioans passed a citizen-initiated law to [legalize recreational marijuana in 2023](#) with 57% of the vote, and [sales started in August 2024](#).

Ohio lawmakers can change the law since it passed as a citizen initiative not a constitutional amendment, something [they have been trying to do since late 2023](#).

“(Ohio S.B. 56) fundamentally undermines the will of the voter and what they said that they wanted,” said State Rep. Bride Rose Sweeney, D-Westlake. “They told us at the ballot box. They said we need to stop punishing adults for responsible use.”

Ohio [recreational marijuana sales topped \\$702.5 million](#) in the first year.

“People wanted the ability to smoke it where they wanted to smoke it, the ability to have their neighbors exchange marijuana and see whose brand was better,” DeMora said. “This bill does none of that stuff.”

Ohio Republicans disagree.

“I don’t think it goes against the will of voters,” Ohio House Speaker Matt Huffman said. “You can say we got 57% of the vote, but is it the will of all the people that you’re allowed to smoke marijuana cigarettes while you’re walking into the Cincinnati Reds baseball game? I don’t think so.”

*Follow Capital Journal Reporter [Megan Henry on Bluesky](#).*

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**TO: OMA Government Affairs Committee**  
**FROM: James Lee**  
**SUBJECT: Tax and Finance Public**  
**Policy DATE: December 4, 2025**

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### **Overview**

In June, the Ohio General Assembly wrapped up the budget process with sweeping income and property tax reforms. The governor took aim at numerous tax proposals, vetoing major property tax reforms and eliminations of industry sales tax exemptions. In response, the legislature passed several new property tax reforms to benefit homeowners.

State's policy makers are under significant pressure to provide adequate property tax relief to stave off a grassroots effort to abolish property taxes in the state of Ohio via a constitutional ballot measure in the 2026 general election. If passed, the loss of 24 billion in property tax revenue would leave schools and local governments unfunded, forcing the legislature to shift the enormous tax burden to Ohio businesses to pay for those services.

On the federal level, the National Association of Manufacturers secured major wins in Congress through the recent Passage of the One Big Beautiful bill, making the 2017 Trump Tax Reforms permanent.

### **State Budget Passed with Notable Vetoes**

On June 25, the General Assembly passed House Bill 96 - the final product of the state budget for the next fiscal biennium. The budget saw both massive spending decreases, due to a lack of federal funding from past years, as well as major tax reforms. The legislature provided Ohioans with a total of \$3 billion in tax relief through decreased tax rates.

Highlights of the budget include the following:

#### **Income Tax Deductions**

- Institutes a 2.75% flat tax to be phased in over two years. For tax year 2025, reduces the top bracket rate (income over \$100,000) from 3.5% to 3.125%, while retaining the 2.75% rate for income between \$26,050 and \$100,000. For tax year 2026, further reduces the top bracket rate so that a flat 2.75% rate applies to all income over \$26,050. The tax rate on business income remains at 3% after applying the business income tax deduction.

#### **Property Tax Relief – Primarily for Homeowners (VETOED BY THE GOVERNOR)**

- Property Tax relief including expanded authority for county budget commissions to adjust voter-approved millage, restrictions on levy types and changes to what kinds of levies are included in the 20-mill floor calculation.

#### **Commercial Activity Tax Changes**

- CAT Tax Changes that converts a commercial activity tax (CAT) credit for certain net operating losses accrued under the defunct corporation franchise tax from a refundable to a nonrefundable credit after calendar year 2029.

#### **Elimination of Sales and Use Tax Exemptions (VETOED BY THE GOVERNOR)**

- Repeals a series of sales and use tax exemptions – most notably for manufacturers:
  - Sales of machinery, equipment, and material used in the production for sale of printed material.
  - Disallows, beginning October 1, 2025, the Tax Credit Authority from entering into an agreement to award a sales and use tax exemption to a computer data center for sales of certain tangible personal property used in the center.

## Gubernatorial Vetoes

The Governor vetoed numerous key tax provisions in the legislature's budget – most notably property tax reforms. The governor justified his vetoes as a necessary protection for the financial stability of schools and local governments. Select tax exemption eliminations impacting print manufacturers and data centers were also vetoed by the governor.

### School Levy Property Tax Calculations:

- The governor vetoed measures that would have allowed counties to eliminate emergency and replacement levies and change the 20-mill floor calculation, which determines a school district's guaranteed minimum tax rate.

### County Budget Commissions:

- DeWine vetoed a provision that would have given county budget commissions increased power to reduce or eliminate voter-approved levies, which he argued could undermine local services.

### Elimination of Printer Sales Tax Exemption:

- In his veto, DeWine highlighted the importance of a free and informed press, noting that newspapers "serve a critical role in our society." The OMA advocated for this veto as a protection for the printing industry in the state and to negate a precedent of eliminating sales tax exemptions for other manufacturing industry sectors.

### Elimination of Data Center Sales Tax Exemption:

- A spokesperson for DeWine cited the economic importance of the data center industry, stating that preserving the tax credit is necessary for Ohio to remain competitive with other states.

## Legislative Response: New Property Tax Reforms Passed this Fall

In response to the governor's vetoes, lawmakers passed five major property tax relief bills and sent them to Governor DeWine for consideration:

- **HB 186 – Inflation Cap on Outside Millage**  
Caps annual growth of *voter-approved (outside)* millage to the rate of inflation, preventing large year-to-year tax bill spikes.
- **HB 335 – Inflation Cap on Inside Millage**  
Extends the same inflation-based growth limitation to *constitutionally guaranteed (inside)* millage, creating system-wide guardrails on rising taxes.
- **HB 129 – Reform of the 20-Mill Floor for Schools**  
Counts substitute and emergency levies toward the 20-mill school funding floor, preserves the 12.5% state rollback, and allows ongoing levy renewals.
- **HB 309 – County Authority to Reduce Voted Levies**  
Allows county budget commissions to reduce levies deemed excessive or unnecessary, though with weaker protections than experts recommended.
- **HB 124 – Shift in Burden of Proof for Valuation Disputes**  
Places the burden on the Ohio Department of Taxation—not county auditors—to challenge property valuations, streamlining local review processes.

Collectively, these reforms aim to curb rising property tax bills by delivering an estimated \$2–\$3 billion in relief, while signaling legislative action as a 2026 ballot initiative to eliminate property taxes gains traction.

### **Constitutional Amendment to Abolish Property Tax**

Petitions are being circulated, and signatures are being collected to support a popular initiative to amend Ohio's Constitution to abolish real estate property taxes. If enough signatures are collected the measure could be placed in front of Ohio voters to decide. The property tax funds the majority of public education and other local government services in Ohio. If approved a massive cost would need to be defrayed by other funding sources. Taxpayers beware! The OMA is following the developments

### **Tax & Finance Legislation**

#### **SB 3: Flat Income Tax Rate Included in the Final Budget**

The Ohio Senate move for a flat income tax through SB 3, which proposes a flat 2.75% rate, was included in the budget – House bill 96. The flat-income tax is likely a first phase in a multiple year plan to eventually phase out Ohio's income tax. Ohio's GOP frontrunner for governor in 2026 – has made multiple public statements calling for the elimination of Ohio's income tax.

#### **Childcare Tax Incentives for Employers: HB 41 & SB 32**

Many childcare subsidy/tax credit proposals did not make it into the budget: DeWine's \$1,000 child tax credit aimed to offset childcare costs was cut from the final version in the general assembly, with significant spending and tax incentive bills childcare in the legislature being thrown to the wayside. Notably, HB 41 proposed grants for companies to form public-private partnerships to expand childcare access, while SB32 proposed a cost-sharing program between employees and employers for childcare expenses.

With neither bill being included in the budget – it is likely these proposals will not be revisited until next biennium.

#### **ODJFS Proposed Employer Fee for UI Software Upgrades – Included in the Budget**

The Ohio Department of Job and Family Services' (ODJFS) budget proposal to include a new employer fee to fund a much-needed upgrade to the state's outdated unemployment benefits IT system, was included in the final state budget. The fee will be up to 0.15% of the taxable wage base per year for each covered employee, equating to a maximum of \$13.50 annually. This modernization aims to enhance system security, streamline application processes, and improve user experience for both employers and claimants.

#### **HB 288: Prompt Pay Defeated in Lame Duck, Expected to Resurface**

Last year, the OMA led the charge in defeating House Bill 203, the Prompt Pay Act, during last year's lame duck session. The proposal would have mandated 30-day payment terms in construction contracts, eliminated owners' negotiation rights, and imposed an 18% penalty fee plus attorneys' fees at the owner's expense. Despite strong labor support and a last-minute push from proponents, OMA's coalition-building activities and legislative advocacy successfully blocked the bill in the Senate.

The bill has been resurrected once again in the House as HB 288. The OMA's counsel at Bricker Graydon, testified against the proposal. That testimony can be found in today's materials.

#### **HB 159: Manufacturing Technologies Assistance Program (MTAP) Reintroduction**

The OMA has been working with a pair of bill sponsors on legislation that would create the Ohio Manufacturing Technologies Assistance Program (MTAP). This program would assist small to medium-sized manufacturers by providing grants of up to \$150,000 for investing in modern smart technologies, machinery, equipment, and training. It is designed to enhance productivity, efficiency, and competitiveness in Ohio's manufacturing industry.

The concept was introduced in HB 435 last year and received a hearing for proponent testimony where several OMA members testified before the Ohio House Finance

Committee to support the bill, including Ethan Karp from MAGNET, John Holeman from TOSOH SMD, and Dale Foerster from Starr Manufacturing. The bill will soon be reintroduced and placed for consideration to be included in this year's operating budget. That testimony is included in today's materials.

#### Unemployment Insurance Solvency Reform Misses this Budget

The proposal for new employer fees from ODJFS mentioned above have reopened conversations for the business community to once again pursue long needed reforms to Ohio's insolvent unemployment compensation system. Last budget cycle, the OMA testified in support of SB 116, which aimed to reform Ohio's unemployment compensation system by implementing a sliding scale for eligibility, eliminating the dependency clause, and increasing the taxable wage base, which would enhance the system's stability and solvency.

These reforms are critical for employers to prevent costly tax penalties on employers during economic downturns that were experienced during the 2008 recession and narrowly avoided during the pandemic. Though efforts were discussed behind the scenes to make a push for reforms during conference committee in this year's budget process – stakeholder negotiations broke down, leaving the next opportunity for reform to come in the next biennium.

#### HB 296 Public Safety Pension Tax Increase on Employers

Last year, the Ohio House proposed significant increases in pension funding for first responders through House Bill 280, which aimed to raise employer contributions to the Ohio Police and Fire Pension Fund from 19.5% to 24% by 2030, resulting in a 20% increase in taxpayer liability for jurisdictions with police forces. The bill was recently introduced on June 4 as House bill 296.

The OMA opposed the bill, arguing it would impose substantial tax burdens on residents and potentially weaken public safety services by discouraging citizens from supporting future necessary tax increases. The OMA also highlighted that recent wage increases for public safety officers have already strengthened the pension fund, warranting a reassessment of its needs. Alongside a coalition of business groups, the OMA advocated for a pause on the bill to allow for further study of its fiscal implications for local jurisdictions. Public comments can be found in today's meeting materials.

#### Future of the CAT Tax in Question

In the last budget cycle, the legislature significantly undermined the fairness and foundation of the Commercial Activity Tax (CAT). Recent cuts reduced the number of CAT payers by ninety percent, causing the share of payers in the manufacturing sector to double from 10% to 22%, thereby placing an unfair and disproportionate burden on the industry. Manufacturers now face the risk of substantial tax increases during revenue shortfalls, as policymakers may be inclined to raise CAT rates despite the diminished tax base.

While discussions were initiated by lawmakers in the last general assembly about potentially eliminating the CAT altogether in future legislation, those efforts seem to have stalled. It is essential for manufacturers to engage in future discussions to develop a strategy that protects the industry from the threat of new taxes that could arise from budget shortfalls.

#### Congress Passes Trump Tax Reforms with Leadership from The National Association of Manufacturers

The National Association of Manufacturers played a key advocacy role in preserving the 2017 Tax Cuts and Jobs Act Tax Reforms as Congress officially passed Trump's "One Big Beautiful Bill." The bill preserves a 21% corporate rate, the 20% pass-through deduction and protects reduced individual income tax rates.

Earlier this year, the OMA joined the NAM's advocacy efforts as they kicked off a nationwide "Manufacturing Wins" tour at the Ohio Statehouse celebrating the importance of the manufacturing industry and emphasizing the need for renewal of the 2017 Trump Tax reforms that have enhanced the industry's ability to remain competitive and create jobs. In additional public relations efforts, the OMA issued a joint op-ed with OMA president Ryan Augsburger and NAM president, Jay Timmons, in support of the OBB that can be found in today's materials.

The OMA submitted testimony to support a HCR8, a resolution urging congress to extend the 2017 Trump Tax Reforms. That testimony can be found in today's meeting materials.

### **Tax and Finance News**

[Click here for Tax and Finance Community articles from previous Leadership Briefings.](#)

**Taxation Legislation**  
**Prepared by: The Ohio Manufacturers' Association**  
**Report created on November 30, 2025**

- HB14**      **INCORPORATE FEDERAL TAX CHANGES** (ROEMER B, WORKMAN H) To expressly incorporate changes in the Internal Revenue Code since March 15, 2023, into Ohio law and to declare an emergency.  
*Current Status:* 3/7/2025 - **SIGNED BY GOVERNOR**; eff. immediately  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-14>
- HB28**      **ELIMINATE REPLACEMENT PROPERTY TAX LEVY AUTHORITY** (MATHEWS A, HALL T) To eliminate the authority to levy replacement property tax levies.  
*Current Status:* 4/8/2025 - Senate Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-28>
- HB30**      **PHASE DOWN INCOME TAX-2.75%** (MATHEWS A, LAMPTON B) To phase-down the state income tax to a flat rate of 2.75% over two years.  
*Current Status:* 3/26/2025 - House Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-30>
- HB39**      **TAX DEDUCTION-OVERTIME WAGES** (FISCHER T, SANTUCCI N) To allow a state income tax deduction for overtime wages.  
*Current Status:* 4/2/2025 - House Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-39>
- HB48**      **TAX CHANGES-529, ABLE CONTRIBUTIONS** (MATHEWS A, SANTUCCI N) To modify the income tax deductions for contributions to 529 plans and ABLE accounts.  
*Current Status:* 10/21/2025 - Senate Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-48>
- HB61**      **MODIFY HOMESTEAD EXEMPTION, OWNER-OCCUPANCY CREDIT** (THOMAS D, DANIELS J) To modify the amount of the homestead exemptions and owner-occupancy property tax credit.  
*Current Status:* 2/19/2025 - House Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-61>
- HB69**      **TAX DEDUCTION CHANGES** (PETERSON B, CLAGGETT T) To allow taxpayers to deduct in a single year the full bonus depreciation and enhanced expensing allowances the taxpayer deducts for federal income tax purposes.  
*Current Status:* 3/19/2025 - House Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-69>
- HB87**      **TAX SUPPORT-CHILDREN, CHILD CARE** (CLICK G, KLOPFENSTEIN R) To authorize tax incentives for conceived children and certain child care items and to name this act the Strategic Tax Opportunities for Raising Kids (STORK) Act.

**Current Status:** 5/7/2025 - **BILL AMENDED**, House Ways and Means, (Second Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-87>

**HB89**      **TEMPORARY PROPERTY TAX REDUCTION (SCHMIDT J)** To authorize a temporary property tax reduction.

**Current Status:** 5/21/2025 - House Ways and Means, (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-89>

**HB159**      **CREATE MANUFACTURING TECHNOLOGY ASSISTANCE GRANTS (SANTUCCI N, DEMETRIOU S)** To create the manufacturing technologies assistance grant program and to make an appropriation.

**Current Status:** 11/18/2025 - House Finance, (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-159>

**HB231**      **EMPLOYER TAX CREDIT-PAID PARENTAL LEAVE (WILLIAMS J, MILLER M)** To create an income tax credit for employers that provide paid parental leave and to name this act the Paid Parental Leave Act.

**Current Status:** 10/29/2025 - House Ways and Means, (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-231>

**HCR8**      **URGE CONGRESS-TAX CUTS, JOBS ACT (WILLIAMS J)** To urge the Congress of the United States to make the 2017 Tax Cuts and Jobs Act permanent and protect prosperity.

**Current Status:** 6/18/2025 - Referred to Committee Senate Government Oversight and Reform

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HCR-8>

**SB3**      **PHASE DOWN OHIO INCOME TAX (LANG G, HUFFMAN S)** To phase-down the state income tax to a flat rate of 2.75% over two years.

**Current Status:** 1/29/2025 - Referred to Committee Senate Ways and Means

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-3>

**SB42**      **AUTHORIZE LOCAL GOVT.-RESIDENTIAL STABILITY ZONES (REYNOLDS M, CRAIG H)** To authorize local governments to create residential stability zones where homeowners may qualify for a partial property tax exemption.

**Current Status:** 2/12/2025 - Senate Local Government, (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-42>

**SB43**      **REPEAL SPECIAL COUNTY LODGING TAX (O'BRIEN S, LANG G)** To repeal the authorization of a special county lodging tax.

**Current Status:** 3/4/2025 - Senate Ways and Means, (Second Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-43>

- SB81**      **AUTHORIZE PROPERTY TAX FREEZE-OWNER-OCCUPIED HOMES** (PATTON T) To authorize a property tax freeze for certain owner-occupied homes.  
*Current Status:* 2/18/2025 - Senate Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-81>
- SB86**      **REGULATE HEMP, CANNABINOID PRODUCTS** (HUFFMAN S, WILKIN S) To generally prohibit the sale of intoxicating hemp products, except for sales at licensed dispensaries; to regulate drinkable cannabinoid products, and to levy taxes on drinkable cannabinoid products and other intoxicating hemp products that may be sold.  
*Current Status:* 5/7/2025 - Referred to Committee House General Government  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-86>
- SB88**      **OHIO PROPERTY PROTECTION ACT** (JOHNSON T) To modify the law that prohibits certain governments, businesses, and individuals from acquiring certain real property and to name this act the Ohio Property Protection Act.  
*Current Status:* 5/27/2025 - **BILL AMENDED**, Senate General Government, (Fourth Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-88>
- SB90**      **ESTABLISH REGULATORY SANDBOX PROGRAM** (CUTRONA A, LANG G) To create a regulatory relief division within the common sense initiative office and to establish a universal regulatory sandbox program.  
*Current Status:* 4/29/2025 - Senate General Government, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-90>
- SB93**      **DECLARE INTENT-NEW SCHOOL FINANCING SYSTEM** (BRENNER A) To declare the General Assembly's intent to establish a new school financing system that provides a statewide per-pupil funding payment to public and chartered nonpublic schools based on a single statewide property tax and increased state sales tax.  
*Current Status:* 10/21/2025 - Senate Finance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-93>
- SB129**      **TAX CREDIT-EMPLOYER GROUP HEALTH PLAN PREMIUMS** (KOEHLER K) To authorize a refundable tax credit for a portion of employer group health plan premiums.  
*Current Status:* 3/18/2025 - Senate Ways and Means, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-129>



**HOUSE SMALL BUSINESS COMMITTEE  
REPRESENTATIVE GHANBARI, CHAIR**

**TESTIMONY OF  
BROCK MISKIMEN  
OF COUNSEL, BRICKER GRAYDON  
JUNE 10, 2025**

Chair Ghanbari and members of the House Small Business Committee, my name is Brock Miskimen. I am an attorney at the law firm of Bricker Graydon and practice in our Construction Law Group. Our firm works with and serves as counsel to the Ohio Manufacturers' Association (OMA).

The OMA was created in 1910 to advocate for Ohio's manufacturers; today, it has nearly 1,300 members. Its mission is to protect and grow Ohio manufacturing.

Thank you for the opportunity to provide opponent testimony on House Bill 288 (HB 288). HB 288 would require that the owners of private construction projects -- including manufacturers that are building, improving, or maintaining facilities in Ohio -- to pay contractors within 30 days of receiving an application for payment from the contractor or, if there is a process of certification of a payment application by a design professional, within 30 days after the payment application has been certified, whichever is later.

HB 288 also contains provisions wherein late payments would be subject to a punitive 18% interest rate plus potential attorneys' fees and costs. These provisions will incentivize litigation and could lead to a cottage industry for attorneys to go after companies that are trying to build improvements and grow Ohio's economy.

One of the pillars of a free-market economy is freedom of contract. Virtually every private construction contract is a freely negotiated agreement that sets forth the payment terms in detail and sets agreed upon consequences for late payment or failure to pay, typically with reasonable interest rates and/or other penalties. We are not aware of systemic late payments coming from manufacturing projects, and thus do not understand the conditions for this proposed legislation.

Our members seek to have their facilities up and running as soon as possible and cannot risk the delays that come with late or missed payments to contractors. Furthermore, an owner who fails to timely pay a prime contractor risks having subcontractors walk off the job because of the inability of the prime contractor to pay them, and the prime contractor also has the ability to file a mechanic's lien against the property for failure to pay. Both of these possibilities are strong incentives for an owner to timely pay a contractor according to the terms of their negotiated agreement.

HB 288 allows the state to step in and set the terms of a contract with a potential windfall to one of the parties at the expense of the other. The provisions contained in the bill are far from industry standards negotiated today in both terms of time allowed to pay and the amount of penalties.

The OMA's members negotiate and engage in countless contracts every year. They have embedded processes to comply with the terms of each contract whether that is for the construction of a new facility or supplying manufactured parts to an OEM. HB 288 rejects the concept of freedom of contract, which has governed the majority of private transactions in this state and substitutes a state-sponsored version with terms and penalties much more punitive – and we would argue unnecessarily so -- than what exists in the marketplace.

We appreciate the opportunity to share our concerns with the bill as drafted and look forward to continuing our dialogue with the bill sponsors and the committee. Thank you. I would be happy to try to answer any questions.

**INITIATIVE PETITION**  
**Amendment to the Constitution**  
**Proposed by Initiative Petition**  
**To be submitted directly to the electors**

To the Attorney General of Ohio: Pursuant to Ohio Revised Code §3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

**TITLE**

Abolishment of Taxes on Real Property

**AMENDMENT SUMMARY**

The proposed amendment would add Section 14 to Article XII of the Constitution of the State of Ohio. The proposed amendment would abolish taxes on real property and prohibit any future taxes on real property. As used in this Section, "real property" includes land itself, all growing crops therein, and all buildings, structures, and improvements permanently attached to the land. This amendment shall take effect on the first day of the year after it is passed.

**CERTIFICATION OF THE OHIO ATTORNEY GENERAL**

This certification of the Ohio Attorney General, pursuant to Ohio Revised Code §3519.01(A), will be inserted when it is provided. This initiative petition must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Ohio Attorney General will issue that certification.

**COMMITTEE TO REPRESENT THE PETITIONERS**

Elayne Cross	321 Suzanne Dr., Kent, Ohio 44240
Keith Davey	2131 Riverside Dr., Lakewood, Ohio 44107
Leonard Gilbert	6812 Glencairn Ct., Mentor, Ohio 44060
John Marra	39 Minnewawa Dr., Timberlake, Ohio 44095
Brian Massie	8196 Rainbow Dr., Concord, Ohio 44077

**FULL TEXT OF THE PROPOSED AMENDMENT**

Be it Resolved by the People of the State of Ohio that the Constitution of Ohio is hereby amended to add Section 14 to Article XII to read as follows:

Section 14. Abolishment of Taxes on Real Property.

(A) No real property shall be taxed, and no law shall impose any taxes on real property.

(B) No other provision of the Constitution shall impose any taxes on real property.

(C) As used in this Section, "real property" includes land itself, all growing crops therein, and all buildings, structures, and improvements permanently attached to the land.

This Amendment shall take effect on the first day of the year after it passes.

# Ohio lawmakers send five property tax reform measures to the governor

BY: NICK EVANS - NOVEMBER 24, 2025 5:00 AM



📷 Gov. Mike DeWine speaking at an event. (Photo by Nick Evans, Ohio Capital Journal.)

Ohio Gov. Mike DeWine has some decisions to make on property tax reform. State lawmakers have signed off on five proposals in recent weeks, and now they're headed for DeWine's desk.

Although the governor has expressed concern about rising property taxes, he has bucked earlier legislative proposals tucked into the state budget.

Lawmakers initially promised to override several of those vetoes but [pulled back after overriding just one](#), which prohibited certain kinds of levies including substitute and emergency levies.

Instead, Republican lawmakers in the House launched a kind of property tax blitzkrieg, led in large part by former Ashtabula County auditor, state Rep. David Thomas, R-Jefferson.

Thomas is a primary sponsor on all five of the bills lawmakers sent to DeWine.

The proposals empower county officials to pare back levies previously approved by voters, create more room for tax reductions, limit the growth of tax bills to the rate of inflation, and

shift the burden of proof in valuation disputes.

On the Ohio Senate floor last week, another former Ashtabula County auditor, state Sen. Sandra O'Brien, R-Ashtabula, reduced it to a simple equation.

“Our taxpayers, whom we represent, want property tax relief,” she said. “The bills that we are about to vote on, offer them that relief.”

She reminded lawmakers they have little margin for error with grassroots organizers around the state collecting signatures for a ballot measure [eliminating property taxes outright](#).

“That scenario, if successful, would place Ohio at the edge of the abyss,” O'Brien said. “Today, we have the chance to show the taxpayers of Ohio that we hear their pleas for property tax relief.”

Speaking at an event Friday, DeWine pointed to the property tax working group he set up after vetoing lawmakers' budget proposals.

He explained the group was tasked with “coming up with solutions where there's no great solutions, frankly, no matter what we do.”

The working group had to balance funding for local services like schools against homeowners struggling to make ends meet.

DeWine acknowledged he doesn't like [all the compromises](#) they reached, but insisted the group did a very good job.

“So, I'll judge those bills based upon what the committee came up with,” he said, “and in a few days, we'll have some comments about that.”

## How the bills compare to recommendations

Ohio House Bills 186 and 335 together limit the increase of property taxes to overall rate of inflation.

The state constitution gives local governments the authority to levy up to 10 mills (or 1%) of property tax without prior voter approval.

That constitutionally guaranteed amount is known as inside millage, while any additional taxes approved at the ballot are known as outside millage.

Ohio House Bill 186 applies to outside millage and Ohio House Bill 335 applies to inside millage.

DeWine's working group explicitly endorsed the former and encouraged lawmakers to apply the same inflationary cap to inside millage.

Ohio has a tax reduction system that lowers a homeowners rates to keep their tax bill steady for decades. But there's an important limitation. The total amount of school levies can't dip below 20 mills.

Ohio House Bill 129 includes additional taxes in the calculation of the 20-mill floor.

In particular the substitute and emergency levies lawmakers prohibited going forward didn't previously count toward the floor.

The working group suggested they should and be renamed as fixed sum levies, as well. I

mportantly, the members urged lawmakers to maintain a 12.5% state share of funding if those taxes get renewed.

Without that so-called 'rollback' districts would get less money for the same levy. All told, the gap would be about \$96 million.

Lawmakers agreed to keep the rollback, but in the House version, allowed for only one renewal of expiring levies.

Critics warned that would delay rather than solve the problem. The Senate tacked on an amendment to allow ongoing renewals.

Ohio House Bill 309 allows the county budget commission, made up the local auditor, treasurer, and prosecutor, to reduce voted levies they deem unnecessary or excessive.

DeWine's veto message said that "breaches" voters' approval.

His property tax working group determined the commission should have the authority but insisted on guardrails. They recommended a five-year safe harbor for new levies and two years for renewals.

The group also said there should be explicit definitions of "excessive" and "unnecessary."

State lawmakers took up the definitions, and in the House, they agreed to a five-year safe harbor for new levies.

Renewals, however, would be eligible for reductions immediately.

In the Senate, lawmakers trimmed further – reducing the protections to just one year after voter approval.

Ohio House Bill 124 gives county auditors the benefit of the doubt when it comes to property valuations.

Ohio counties do a full reappraisal on six-year cycles, but they update values three years in based on statistical trends.

Under current law, if state tax officials object to the county's math, the auditor's only option is to go to the board of tax appeals.

The bill would instead put the onus on the Department of Taxation to bring an appeal if it disputes the auditor's findings.

That proposal wasn't part of the working group's recommendations, but it cruised through committee without any opposition.

*Follow Ohio Capital Journal Reporter Nick Evans [on X](#) or [on Bluesky](#).*

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# Ohio group seeking to abolish property taxes says it has collected well over 100,000 signatures

BY: **MORGAN TRAU** - OCTOBER 27, 2025 4:50 AM



 Getty Images illustration.

The Ohio group seeking to abolish property taxes has collected “well” over 100,000 signatures to get the constitutional amendment on the ballot, the organizer said. This comes as lawmakers are passing bipartisan relief bills.

It’s reached a boiling point for Beth Blackmarr, a Lakewood resident fed up with rising property taxes.

“My house payment is going to be going up to \$120 a month,” Blackmarr said. “It’s crazy. That puts a stress on us.”

She has been begging state lawmakers to provide some relief – and she isn’t the only one. She is part of Citizens for Property Tax Reform, a grassroots organization based in Cuyahoga County.

“Something is wrong and what’s wrong is that the legislature did not do their job,” she said. “Legislature, get moving!”

The state lawmakers say they are trying.

“The changes we made today will save \$2.4 billion over the next three years for our taxpayers in Ohio,” state Rep. Bill Roemer, R-Richfield, said in a press conference Wednesday afternoon.

Roemer and the Republican leadership cheered two bipartisan bills that passed this week.

Both House Bill 186 and House Bill 335 limit how much money school districts can get from rising home values – tying tax increases to inflation.

*Read more in-depth about each proposal on News 5’s media partner [Ohio Capital Journal](#).*

State Rep. David Thomas, R-Jefferson, explained that not everyone will get relief, but this is a step in the right direction.

“It will vary district to district,” Thomas said. “But those that saw the most spikes will then see the most benefit.”

Blackmarr isn’t impressed, laughing at the legislators’ efforts.

“It’s probably about 20 years too late for some of this,” she said.

House Speaker Matt Huffman, R-Lima, knows this and acknowledged the sudden urgency to pass property tax relief bills after years of inaction.

“I have to say that the threat of a ballot initiative is part of the thing that’s driving this,” Huffman said.

Blackmarr is leading the movement to abolish property taxes in the state, collecting signatures to get a constitutional amendment on the ballot.

“We’ll tell you that – well in excess of 100,000,” Blackmarr said when asked how many signatures the campaign has collected.

To get a proposal on the ballot, amendments need to receive about 415,000 valid signatures.

She said they don’t have any backers or money, and aren’t affiliated with any political action committees – it’s all volunteer work.

Lawmakers warn that the initiative could bankrupt local governments. Blackmarr pushed back, saying they better do something to appease homeowners, then.

“They need to compete with this ballot initiative,” Blackmarr said.

When asked how legislators could earn her support, she wasn’t sure.

“I don’t know that they’d earn my support,” she replied. “They need to do something drastic.”

At this point, she said, the campaign is not standing down.