



**Government Affairs Committee Agenda**  
**March 19, 2026**

**Welcome & Introductions**

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

**Public Policy Rundown/Staff Reports**

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

**Ryan Augsburg**, OMA President

**James Lee**, OMA Staff

**Jacob Sargent**, OMA Staff

**Lindsey Short**, OMA Staff

**John Seryak**, RunnerStone  
OMA Energy Engineer

**OMA Counsel's Report**

**Matt Koppitch**, Bricker Graydon Wyatt LLP,  
OMA General Counsel

**Special Guest**

**Robert Blizzard**, Founder/CEO, UpOne Insights

**Special Guest**

**Senator Bill Reineke**, Senate President Pro  
Tempore, Ohio Senate

**Discussion Agenda**

- Protecting competitive energy markets
- 2026 Election Cycle
- Ballot initiative to abolish property tax
- Legislative opportunities and threats

**Our Meeting Sponsors:**



**2026 Government Affairs Committee Calendar**

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

Thursday, March 19

Thursday, June 4

Wednesday, September 30

**Thursday, October 1 – Ohio Manufacturers' Annual Meeting**

Thursday, November 19

OMA Government Affairs Committee - Mar 2026

Name	Company	Location
Kevin Abke	Ohio CAT	Perrysburg, OH
Mary Beth Arensberg, PhD, RD, LD,FADA	Abbott Nutrition	Columbus, OH
Ryan R. Augsburger	The Ohio Manufacturers' Association	Columbus, OH
Steve Austria	Sugar Creek Packing Company	Dayton, OH
Kevin Baird	PPG	Pittsburgh, PA
Jan Bans	AT&T Ohio	Columbus, OH
Krista Bistline	Verizon	Lewis Center, OH
Allyson Blandford	Amgen USA	Fishers, IN
Bob Brewster	Hylant	Dublin, OH
Charlene Bridges	Slalom	Columbus, OH
John Broderick	Magna Services of America, Inc.	Troy, MI
Angie Brunswick	Fort Recovery Industries, Inc.	Fort Recovery, OH
Destiny Bryson	OhioSE	Nelsonville, OH
Sean Callahan	SoftBank	Washington, DC
Ashley M. Canfield	ArcelorMittal Tubular Products USA	Shelby, OH
Josh Compton	O-SCAN/ Clearview Management Resources	Worthington, OH
Kassie Cooper	Bowling Green State University	Bowling Green, OH
Alex Coorey	Charter Communications	Columbus, OH
Sara Corona	Crown Equipment Corporation	New Bremen, OH
Andrew P. Corsig	PhRMA	Cincinnati, OH
Gordon Daugherty	Universal Metal Products	Wickliffe, 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
Emily B. Elizer	PPG	Pittsburgh, PA
Shaun Eller	Ohio Gratings, Inc.	Canton, OH
Gina Eschke	Lorain County Community College	North Ridgeville, OH
Jacqueline Filipovich	B & B Molded Products	Defiance, OH
Brandy Fink	RHI US LTD	Ashtabula, OH
Colin Fitzsimmons	Vistra	Irving, TX
Dale Foerster	Starr Manufacturing, Inc.	Vienna, OH
Tayte French Lutz	French Oil Mill Machinery Company	Piqua, OH
Scott Frens	Fort Recovery Industries Inc.	Fort Recovery, OH
Danielle Fulton	Millat Industries	Kettering, OH
Prince Ohilebo Garuba	Ohio Association of Goodwill Industries	Columbus, OH
Malvina Gasco	The Lincoln Electric Company	
Mike Gill	A.R.M. (USA) Inc.	Wintersville, OH
Jennifer Gilliland	Identity Systems Inc	Columbus, OH
Lucas Gorz	Columbus State Community College	Columbus, OH
Genevieve Gurnick	Seaway Bolt & Specials Corporation	Columbia Station, OH
Chris Hansell	The Sherwin-Williams Company	Washington, DC
Luke M. Harms	Whirlpool Corporation	Washington, DC
Margaret Hess	Ohio Association of Career Technical Superintendents	Morrow, OH
Rodney Hildebrand	Covestro LLC	Washington, DC
Ron Holbrook	Sugar Creek Packing Company	Blue Ash, OH
Joseph Hollabaugh, Jr	Shumaker Advisors	Columbus, OH
Nicole Hoyer	Miami University	Oxford, OH
Brian Huprich	Ariel Corporation	Mount Vernon, OH
Jeremy Jackson	Deloitte	Columbus, OH
Eric Jenkusky	TJ Clark International LLC	Delaware, OH
Matthew F. Johnston	Worthington Enterprises	Columbus, OH
Jerry Joyeux	Cenovus Energy	Dublin, OH
Jeff Kasler	Johnson & Johnson	Dublin, OH

OMA Government Affairs Committee - Mar 2026

Name	Company	Location
Katherine Kehres	The J.M. Smucker Company	Orrville, OH
Amber Kohler	OhioSE	Nelsonville, OH
Matt Koppitch	Bricker Graydon Wyatt 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
Johann Lopez	Caterpillar Inc	Washington, DC
Kenneth D. Magyar	DT Midstream	Canonsburg, PA
RJ Mancini	Envirotest Systems Corp. C/o Government Advantage Corp.	Columbus, OH
Bill Martin	Spangler Candy Company	Bryan, OH
Brian Mayle	Brechbuhler Scales Inc.	Canton, OH
Nathan Mays	The Ohio Manufacturers' Association	Columbus, OH
Deb Mazol	Seaman Corporation	Wooster, OH
Regan McHale	Eagle Elastomer Inc.	Cuyahoga Falls, OH
Ric Moore	RHM Consulting	Plain City, OH
Beth Morantes	Tyson Foods, Inc.	Springdale, AR
Ramola Musante	The Sherwin-Williams Company	Washington, DC
Jay O'Bryant	Vistra	Columbus, OH
Tom Ondrejicka	W2E Americas, Inc.	Westlake, OH
David O'Neil	The Ohio Manufacturers' Association	Columbus, OH
Jeffrey J. Oravitz	Seal for Life Industries / Henkel	Cincinnati, OH
Kevin Orr	Pfizer, Inc.	Dublin, OH
Todd Penney	Crown Equipment Corporation	New Bremen, OH
Angela R. Phillips	Phillips Tube Group, Inc.	Middletown, OH
Nicholas Phillips	Ideal Electric and Manufacturing Company	Mansfield, OH
Melanie Pillion	Francis Manufacturing Company	Russia, OH
Rick Platt	Heath-Newark-Licking County Port Authority	Heath, OH
Hernando Posada	Griffon Analytics	Rolling Meadows, IL
Mike Purcell	GBQ Partners LLC	Columbus, OH
Amy Rasmussen	Modula	Franklin, OH
Jeff W. Reed	American Honda Motor Company	Marysville, OH
Josh Riley	Middlefield Bank	
Dennis Rowbotham	GRT Utilicorp, Inc.	Wooster, OH
Jacob Sargent	The Ohio Manufacturers' Association	Columbus, OH
Krystina Schaefer	Google LLC	Mountain View, CA
Joshua Scott	IT Solutions	Fort Washington, PA
Brian M. Sernulka	O-I Glass, Inc.	Atlanta, GA
John Seryak, PE	Runnerstone	Worthington, OH
Lindsey Short	The Ohio Manufacturers' Association	Columbus, OH
Christopher N. Slagle	Bricker Graydon Wyatt 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
Preston Stapleton	Middlefield Bank	Powell, OH
Steve Staub	Staub Manufacturing Solutions	Dayton, OH
Duane Steelman	Terracon Consultants, Inc.	Parma, OH
Shilpi Sunil Kumar	MARA	
Brent Thomas	Fifth Third Bank	Columbus, OH
Ben Trumppower	ArcelorMittal Tubular Products USA	Shelby, OH
Kirkland Vashaw	Spangler Candy Company	Bryan, OH
Todd Washam	Cenovus Energy	Dublin, OH
Michael Weber	Schaeffler Group USA	Washington, DC
Adam Weiser	Advanced Fiber Technology	Bucyrus, OH
Jason Wetzel	General Motors Corporation	Indianapolis, IN
Zuzana Zvarova	Boston Beer Company	Boston, MA



**Robert Blizzard**

Founder and CEO  
UpOne Insights LLC  
[robert@uponeinsights.com](mailto:robert@uponeinsights.com)  
[uponeinsights.com](http://uponeinsights.com)

**Biography**

Robert Blizzard is the founder and CEO of UpONE Insights and one of the top Republican pollsters in the country. Blizzard’s political experience includes polling for presidential campaigns, major races for U.S. Senate and Governor across the country, party committees and Super

PACs, dozens of Republicans in Congress, and state legislative caucuses across America.

This past cycle, Blizzard polled on behalf of America PAC to help re-elect Donald Trump as President and to assist Republicans in capturing the U.S. Senate Majority. Over the years, Blizzard also helped elect current U.S. Senators Marsha Blackburn (TN), Tom Cotton (AR), Chuck Grassley (IA), Roger Marshall (KS), Mitch McConnell (KY), and Joni Ernst (IA).

In 2024, Blizzard helped several GOP incumbents return to Congress, including Claudia Tenney (NY-24), Andy Barr (KY-6), and Thomas Massie (KY-4) – helping the GOP maintain the U.S. House Majority. Blizzard also helped Kentucky Republicans maintain their overwhelming majority in the General Assembly. In the past, Blizzard has also helped Republican state legislative caucuses in Alabama, Connecticut, Iowa, Michigan, New York, Ohio, and Oregon.

In addition to his political expertise, Blizzard also regularly conducts corporate image, messaging, and crisis management research for national and state-based associations, public affairs groups, and Fortune 500 companies on topics related to criminal justice, consumer and customer strategy, education, energy, finance, health care, retail, and tech, among others.

A graduate of Clemson University, Blizzard lives in the Washington DC area with his wife and two sons. Prior to founding UpONE Insights, Blizzard spent nearly two decades at Public Opinion Strategies, working his way from intern to co-owner of the firm and top political pollster.



## **The Honorable Bill Reineke, Senator**

Ohio Senate

(614) 466-8049

[ohiosenate.gov/bill-reineke](http://ohiosenate.gov/bill-reineke)

### **Biography**

Senator Bill Reineke represents the 26th District in the Ohio Senate, which includes Union, Crawford, Marion, Morrow, Sandusky, Seneca, and Wyandot counties. He is currently serving his second term as State Senator and was elected by his colleagues as President Pro Tempore for the 136th General Assembly. His foremost priority is workforce development and job creation, which he pursues as

a member on the Governor's Executive Workforce Board.

Senator Reineke previously served three terms in the Ohio House of Representatives. He has worked closely with the Seneca County Chamber of Commerce, Tiffin Seneca Economic Partnership, Tiffin Tomorrow, and Tiffin Rotary Club as a business owner in Tiffin and now representing the district in Columbus.

Senator Reineke attended Morehead State University. He is a business partner in Reineke Family Dealerships, a three-generation family business that has grown to include 10 dealerships and over 400 full and part time employees. He is a 41-year resident of Tiffin and the proud father of two daughters and grandfather of William and Scarlette.

### **Committee Assignments:**

- Public Utilities, Vice Chair
- Rules and Reference, Vice Chair
- Energy
- General Government
- Higher Education
- Transportation

## Ohio Public Policy Highlights March 2026

### 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 solidified their position 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:

- Opposing attempts by electric utilities to monopolize generation at the expense of captive customers
- Requiring more oversight on inflated utility load forecasts that have driven up customers' electricity bills
- 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 and candidate education

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

### Energy

As electricity prices continue to rise, new research published by the OMA highlights how unverified utility load forecasts are contributing to higher costs for customers across the PJM region. Because utilities earn returns on approved infrastructure investments, inflated demand projections can incentivize construction of generation and transmission projects that may never be needed. These forecasts are often treated as guaranteed demand in grid planning, driving up capacity prices and triggering costly investments that ultimately fall on the backs of ratepayers. Forthcoming legislation will require more thoughtful review of load forecasts. While speculative forecasts are the driver of higher electricity costs, data centers have served as a scapegoat and have been the target of numerous pieces of newly-introduced legislation. See energy section for research and more details.

Legislation has been introduced to codify a discriminatory tariff placed on energy intensive users. Last year, the PUCO approved an AEP Ohio rate structure designed to target data centers. The OMA opposed the tariff, arguing that it sets a precedent which could impact industrial customers, including manufacturers. Additionally of concern, the tariff could increase costs to other customers.

Other significant legislative activity includes a push from utilities to re-enter the generation

market, turning back the clock on competitive generation. Customers will pay the price if utilities are permitted to monopolize generation. See energy report.

Transmission costs remain on the rise and have climbed sharply in Ohio over the past decade. These concerns continue to escalate as new transmission charges are not being adequately scrutinized by regulators, resulting in customer cost increases without corresponding benefits.

### **Workforce**

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. Key statewide partners include the Governor's Office of Workforce Transformation, Ohio Department of Education and Workforce, Ohio Department of Higher Education, Ohio Department of Job & Family Services, JobsOhio, and Ohio TechNet.

On the legislative front, the OMA recently supported Senate Bill 328, legislation aimed at strengthening Ohio's education-to-workforce alignment through expanded career exploration, improved coaching consistency and greater transparency on workforce outcomes. The bill would require structured middle school career exploration, establish a statewide career coaching framework and create an Education and Workforce Return on Investment Initiative to better align education data with labor market demand.

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

Last year, 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 to profit off its misuse by applying it to the production and manufacturing of products. The bill remains pending in the Senate.

The Senate passed an OMA-supported bill, Senate Bill 146, 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. The bill now awaits a hearing in the House.

Additionally, there are two pieces of legislation pending 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. Both bills are currently pending in the Senate, as House Bill 105 was voted out of the House in November.

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.

### **Property Tax Reform**

Lawmakers continue to pass a number of changes to Ohio's property tax system in an effort to reduce pressure for a 2026 ballot initiative that would eliminate property taxes and leave schools

and local governments without funding. 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, and eliminating Ohio's manufacturing sales tax exemption, to make up for funding shortfalls.

On February 4, the Director of the Ohio Office of Budget and Management, Kimberly Murnieks, issued a memo to Governor DeWine titled "Consequences of Local Property Tax Abolishment." In the memo, she highlighted the catastrophic impacts on essential local services and the challenges of replacing the substantial revenue loss should the tax be abolished. She also highlighted specific challenges local schools and jurisdictions would face.

### **2025 Tax Conformity**

SB 9 was passed and signed by Governor Dewin in March of this year, despite some difficulties in the House. The bill would conform Ohio's tax code to federal tax changes enacted by President Trump's "One Big Beautiful Bill." The National Association of Manufacturers played a key advocacy role in preserving the 2017 Tax Cuts and Jobs Act, 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.

OMA provided proponent testimony for SB 9, provided by Sycamore Growth Group President Rick Kleban. OMA specifically advocated for the restoration of immediate expensing under Section 174 for research and experimental (R&E) expenditures, also known as "specified Research or Experimental (SRE) expenditures found in the 'One Big Beautiful Bill,'" highlighting its benefits at the federal level and explaining how it would operate within Ohio.

On February 18<sup>th</sup>, SB 9 was put on the House floor for a vote. After some procedural debates, the House Democrat Caucus voted to remove the emergency clause from SB 9 and pass the bill. As a result of this action, SB 9 would not take effect until after Tax Day in 2026, meaning Ohio would be fully decoupled for this tax year. In response, OMA led a coalition of other pro-business associations in writing a letter to the House Democratic Caucus Leader, explaining the issue with his caucus' actions and advocating for a swift legislative fix ahead of the 2026 tax season.

### **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 legislature passed SB 56 in late December 2025, and Governor DeWine promptly approved the measure.

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.

Recently, marijuana activists have received approval from Attorney General Dave Yost to begin collecting signatures to put a referendum on the November ballot to repeal SB 56. To qualify, a campaign would need to collect 250,000 valid signatures by today, March 19. Many sources have reported that the marijuana industry in Ohio largely opposes this referendum, and the campaign is largely disorganized and unlikely to acquire the needed signatures.

### **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 and was rumored to be put on the House floor for a vote. Through OMA's advocacy, the bill was halted and never reached a vote. HB 288 has not moved since.

### **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.

### **Manufacturing Extension Partnership Funding Freeze**

In December, the U.S. Department of Commerce announced an abrupt and immediate suspension of Manufacturing Extension Partnership (MEP) funding, marking the latest in a series of bureaucratic attempts to dismantle these critical centers. These programs provide essential modernization and engineering services that small and mid-sized manufacturers rely on to remain competitive. Unfortunately, the state immediately followed suit—a decision that led to the permanent closure of programs across Ohio, with the exception of MAGNET.

The OMA has led a coalition of industry partners to push back against the administration's decision to mirror the federal suspension, arguing that withholding these funds created the worst possible outcome for Ohio's industrial base. The OMA is currently working with state lawmakers to secure a long-term, stable funding solution that insulates these vital services from an increasingly adversarial federal bureaucracy. On the federal level, U.S. Senators Jon Husted and Bernie Moreno deserve significant credit for their aggressive efforts to challenge the Department of Commerce and release the held funds following the issuance of the final report. OMA's advocacy efforts are reflected in today's materials.

### **Environment**

On the federal level, the U.S. EPA continues to aggressively roll back major legacy regulations to reduce the compliance burden on industry. Key to this effort is the rescinding of the Endangerment Finding, which previously empowered the agency to regulate greenhouse gases, alongside the targeted removal of unattainable PM 2.5 NAAQS standards and the Good

Neighbor Rule as outlined in Administrator Lee Zeldin's reform agenda. These shifts signal a move toward more pragmatic, growth-oriented federal oversight.

At the state level, the OMA is securing significant victories to insulate Ohio manufacturers from litigation and permitting gridlock:

#### **PFAS Consumer Product Bans:**

Ohio House Bill 272, known as the "Pure Life Act," would impose strict new regulations on Ohio manufacturers by phasing out PFAS from consumer products starting in 2027, with a full ban by 2032 unless deemed "currently unavoidable." The bill recently a majority of provisions, including bans on FDA-approved food dyes and additives like Red 40, Yellow 5, and Titanium Dioxide, and removed 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.

OMA is actively lobbying the committee to remain in opposition to the legislation.

**Litigation Protection:** The OMA's efforts to remove a "nuisance rule" that exposed manufacturers to citizen suits—where plaintiffs could recover attorney's fees—are slated for U.S. EPA approval by year-end. This removal effectively mitigates future litigation risk for the industry.

**Air Attainment Headroom:** The OMA is actively exploring the use of "exceptional events" designations to move Northeast and Southwest Ohio into attainment for PM 2.5 and Ozone standards. By accounting for non-industrial factors, this strategy protects future economic growth in these regions by creating the necessary permitting headroom for new projects and expansions.

#### **MAHA Madness**

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 and packaging, and by restricting purchases with SNAP dollars. For example, HB 10 mandates labeling, restricts SNAP purchases of cultivated-protein products, and proposes a ban on certain food dyes, oils, and PFAS chemicals.

In March, the Food and Nutrition Service (FNS) approved a request from the Ohio Department of Job and Family Services to exclude sugar- sweetened beverages from purchase using SNAP benefits.

#### **2026 Campaigns and Elections**

The race to succeed Mike DeWine as Ohio governor is accelerating, with both major parties officially endorsing their candidates.

On the Republican side, entrepreneur Vivek Ramaswamy continues to build momentum, gaining influential early endorsements from President Trump and the Ohio Republican Party. In January, Vivek selected current Senate President, Rob McColley, as his running mate.

For the Democrats, Dr. Amy Acton has emerged as the clear frontrunner. On the same day as Vivek, Dr. Acton announced David Pepper, former Ohio Democratic Party Chair, as her running mate in the upcoming election.

Early polling has been largely mixed, in stark contrast to late last year when RealClearPolitics had Vivek's polling average showing him ahead by 6.5 points. Just this week Quantus Insights' polling showed Amy Acton with an exact 1-point lead.

The Vivek Ramaswamy campaign has also made a \$10 million ad buy across the state that is expected to continue until election day. Vivek's significant financial lead has continued to widen, with him reportedly raising \$19.5 million last year, while Amy Acton reported raising only \$4.4 million.

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 in 2025 to fill the vacancy left by Vice President JD Vance. 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. Quantus Insights also polled this race this week and found that Husted had a 1-point lead over Brown.

Both the Ohio Republican Party and the Ohio Democratic Party have also chosen to endorse down-ballot races. The GOP elected not to endorse in the Treasurer of State race, while the Democrats elected not to endorse in the Secretary of State's race.

GOP endorsements:

Attorney General: Keith Faber  
Auditor of State: Frank LaRose  
Secretary of State: Robert Sprague

Democrat endorsements:

Attorney General: John Kulewicz  
Auditor of State: Annette Blackwell  
Treasurer of State: Seth Walsh

Senate President Pro-Tempore Bill Reineke has emerged as the co-chair of the coveted Republican Senate Campaign Committee, along with Senate President Rob McColley. This is believed to have happened because President McColley will be focused on his bid for Lt. Governor. This is a clear sign that Senator Reineke will be the next Senate President in 2027.

**Constitutional Amendment to Ban Data Centers**

On March 16, a group of rural Ohio activists submitted petitions to the Ohio Attorney General's office to amend the Ohio Constitution to ban data centers larger than 25 megawatts. If approved, the group would then have to gather 413,000 valid signatures by July to place the amendment before voters this November.

This amendment has surfaced as data centers have been a frequent topic of discussion and have been targeted by numerous legislative proposals. The OMA continues to circulate research demonstrating that higher electricity prices result from inflated utility load forecasting – not from data centers.

**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, Joyce Beatty's 3<sup>rd</sup> 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, but there have been no legal challenges to the approved maps.

**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 March 16, 2026

- 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>

- HB447 INCREASE CIVIL ACTION DOLLAR CAPS (STEWART B)** To increase the dollar caps on noneconomic damages and punitive or exemplary damages in civil actions and to provide a procedure for the Department of Taxation to make annual adjustments of those caps based on the consumer price index.  
*Current Status:* 11/5/2025 - House Judiciary, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-447>
- 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:* 2/18/2026 - Senate Judiciary, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-157>
- SB292 INCREASE DAMAGES CAPS-CIVIL ACTIONS (BLESSING III L)** To increase the dollar caps on noneconomic damages and punitive or exemplary damages in civil actions and to provide a procedure for the Department of Taxation to make annual adjustments of those caps based on the consumer price index.  
*Current Status:* 10/15/2025 - Referred to Committee Senate Judiciary  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-292>



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.

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.”

# Rural Ohioans seek to ban data centers through constitutional amendment

• Published: Mar. 16, 2026, 12:45 p.m.



Emily Harper, from left, Jessica Baker, Nikki Gerber, and Danielle Kinhalt submit their petitions to the Ohio Attorney General's Office on Monday, March 16, to ban data centers larger than 25 megawatts. Anna Staver

Ohioans says they have little control over the spread of large data centers, and they want to amend the state's constitution to ban those larger than 25 megawatts.

"My biggest concern is because I love Adams County," Nikki Gerber said. "What it feels like they are doing is just taking advantage of the unzoned rural areas of Ohio, where they can go ahead and put in whatever they want."

Gerber and a handful of residents from Adams and Brown counties gathered about 1,800 signatures in eight days to start the ballot process.

They submitted those petitions to the Ohio attorney general's office on Monday. That's the first step before supporters can begin collecting signatures statewide.

State law requires at least 1,000 valid voter signatures to begin the process. The petitions must also include the full text of the proposed amendment and a summary explaining what it would do.

Attorney General Dave Yost's office now has 10 days to decide whether the summary fairly and truthfully describes the proposal. If it does, the measure will move to the Ohio Ballot Board.

Supporters would then need to gather about 413,000 valid signatures by July to place the amendment before voters this November.

“They think we’re a small radical group,” Jessica Baker said. But she had people crowding around to sign her petition all week. “I don’t see the half million signatures being a problem.”

The proposal comes amid [growing frustration over data centers](#), especially in rural Ohio communities where the facilities are often built.

Residents say the massive buildings consume large amounts of electricity and water while bringing relatively few permanent jobs.

Gerger was also frustrated by the proliferation of non-disclosure agreements between big tech companies and local officials.

In Adams County, Gerber said those NDAs have left residents unable to learn basic details about proposed projects—including how much water the facilities would use.

State Reps. Brian Stewart, from Pickaway County, and Adam Bird, from Clermont County, have introduced [House Bill 695](#) to prohibit certain local officials from signing NDAs tied to economic development deals.

Ten years ago, a 30-megawatt data center was considered large, according to [an analysis from McKinsey & Company](#). Today, facilities using 200 megawatts or more are becoming common, driven by the rapid growth of artificial intelligence.

A 25-megawatt limit would effectively block most modern data centers from being built in Ohio.

“Pretty close to a complete ban,” Buckeye Institute research fellow Greg Lawson said. “It’s a terrible idea. It would definitely shut down all the hyperscalers.”

Business groups say data centers have become [an important part of the state’s economy](#).

A 2025 report from the Ohio Chamber of Commerce projected data centers would support 132,500 jobs and add \$20 billion to Ohio’s economy by 2030. That would put it on par with Ohio’s automotive or agricultural sectors.

## Ohio manufacturing program funding freeze could end after audit, nominee tells Moreno

- Updated: Mar. 06, 2026, 1:08 p.m.
- Published: Mar. 05, 2026, 2:54 p.m.



Sen. Bernie Moreno, R-Ohio, on Thursday asked President Donald Trump's nominee to head the National Institute of Standards and Technology to restore manufacturing money to Ohio. (AP Photo/Tom Brenner)AP  
By [Sabrina Eaton, cleveland.com](https://www.cleveland.com/author/sabrina-eaton/)

WASHINGTON - President Donald Trump's nominee to lead the agency overseeing frozen manufacturing funds for Ohio pledged Thursday to restore the money if the state

addresses any issues identified in an ongoing audit.

Dr. Arvind Raman, nominated to be Under Secretary of Commerce for Standards and Technology and Director of the National Institute of Standards and Technology, made the commitment during his Senate confirmation hearing, when U.S. Sen. Bernie Moreno pressed him on the funding freeze that has devastated manufacturing support centers across the state.

The funding freeze has paralyzed Ohio Manufacturing Extension Partnership programs, which support 14,000 manufacturing businesses via six nonprofit centers throughout the state. The Commerce Department froze \$6.1 million in federal funding, which triggered the loss of matching state dollars for a total impact of nearly \$15 million.

“Assuming the audit findings are resolved, can I get your commitment to restore the funding for these MEP programs at Ohio?” Moreno asked during the hearing before the Senate Commerce Committee.

Raman said “Yes.”

“Senator, like I said, I’m fully committed to advancing manufacturing and reindustrialization in America, whatever resources Congress provides [NIST] to do so I’ll make sure that we do our very best to make full utilization of those resources to advance manufacturing America,” Raman responded.

[The funding freeze began in December](#). During the hearing, Moreno told Raman the freeze has forced Ohio’s centers to lay off virtually their entire staffs.

“These centers help small and medium sized manufacturers modernize operations, adopt new technologies, strengthen supply chains and stay competitive,” the Westlake Republican said. “Rebuilding that is going to be very, very difficult.”

Moreno expressed frustration with the lack of information provided by the Commerce Department about the freeze.

“I’ve gotten almost no information on what’s actually going on, which has been very disappointing,” Moreno said. “Supposedly, there’s an audit out there, but yet, there’s nothing public to provide the detailed findings.”

Records released by the state show federal officials suspended the program because of red flags with financial data reported by the Ohio Department of Development and three other organizations — CIFT of Toledo, Columbus State Community College and FastLane in Dayton. Cleveland’s MAGNET had no issues flagged, according to the records.

MAGNET, Cleveland’s nonprofit manufacturing advocacy group, faces a \$5.9 million funding gap and has planned for up to 40 layoffs from its roughly 75-person staff. The organization receives \$3.5 million from the state and \$2.4 million from federal sources, both of which are now halted.

MAGNET CEO Ethan Karp has said the organization has been complying with a federal audit since May 2024 without hearing of any problems. He called the funding suspension unjust, saying it came without warning or due process.

Ohio’s Republican and Democratic congress members have sent letters to Commerce Secretary Howard Lutnick seeking restoration of the funding and more information about the audit findings.

Sen. Jon Husted, a Columbus-area Republican, said during [a January press conference](#) that he’s calling the Department of Commerce on a weekly basis demanding evidence to justify the funding freeze.

“I think it’s wrong to suspend funding for somebody on the suggestion that they did something wrong without evidence,” Husted said.

A [group of Ohio Republican lawmakers](#), led by U.S. Rep. Max Miller of Bay Village, sent a letter in December expressing “deep concern” over what they called a lack of due process in the suspension. The letter noted the Commerce Department action was taken before publication of a final inspector general’s audit report, without giving Ohio or its regional MEP centers any meaningful opportunity to review findings, respond, or undertake corrective actions.

Ohio’s Democratic Congress members [sent a separate letter](#) led by U.S. Reps. Shontel Brown of Warrensville Heights and Marcy Kaptur of Toledo, calling the decision “reckless” and noting that MEP centers generate approximately \$24 in economic activity for every \$1 of federal investment.

The Ohio Manufacturing Extension Partnership system has delivered services to more than 40,000 manufacturers in Ohio over the last five years, generating over \$3.23 billion in new and retained sales, more than \$500 million in cost savings, and over 23,000 manufacturing jobs created or retained since 2020, according to the Republican lawmakers’ letter.

Raman, who has served as dean of engineering at Purdue University for the past several years, told the committee he is “fully committed to advancing manufacturing and reindustrialization in America.” Indiana has its own MEP program that runs through Purdue University.

During the hearing, Moreno also sought clarity on whether Raman supports the MEP model generally, separate from concerns about the Ohio audit.

“Do you support the model? Yes or no? Do you think the model works?” Moreno asked.

“You know, I think a lot of MEP programs have done a lot of good work,” Raman responded.

“I’m not sure that that’s a yes. We’ll have to explore that one,” Moreno replied.

United States Senate  
WASHINGTON, DC 20510

December 11, 2025

Hon. Howard Lutnick  
Secretary of the U.S. Department of Commerce  
Herbert C. Hoover Building  
1401 Constitution Avenue, NW  
Washington, DC 20230

Secretary Lutnick,

Thank you for your continued leadership of the U.S. Department of Commerce (DOC). I write today in regards to the Notice of Suspension that was sent from the National Institute of Standards and Technology (NIST) and the DOC to the Ohio Department of Development regarding their \$6 million annual grant to support the Manufacturing Extension Partnership (MEP) program.

Ohio is the backbone of American manufacturing. The manufacturing sector employs 687,345 workers, equivalent to 12% of my state's workforce.<sup>1</sup> Ohio manufacturers contribute \$137.9 billion to gross domestic product (GDP), the fifth highest in the nation<sup>2</sup> and boost American international competitiveness through \$55.8 billion in annual exports. I share the Trump Administration's goals of reshoring and onshoring critical manufacturing sectors to American soil, and in short, you cannot do "Made in America" without "Made in Ohio."<sup>3</sup>

The Ohio Manufacturing Extension Partnership (Ohio MEP) is an important component of this strength. This public-private partnership supports small and mid-sized manufacturers with technical assistance, as well as workforce and management training. With 90% of job growth concentrated among Ohio's small and mid-sized manufacturers, the support of MEP is critical for maintaining Ohio's continued manufacturing dominance.<sup>4</sup>

The data makes this reality unambiguous. In FY2024, Ohio MEP reports that it's six regional partners produced \$621.5 million in increased/retained sales, 3,175 new/retained jobs, \$117.7 million in new investment, and \$146.7 million in savings for Ohio manufacturers.<sup>5</sup> Ohio MEP applies time-tested principles of limited government and private sector collaboration to produce results that boost small manufacturers and working-class Ohioans.

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<sup>1</sup> [https://www.ohiomfg.com/wp-content/uploads/2025/12/OMA\\_ManufacturingCounts2025\\_PDF\\_FINAL.pdf](https://www.ohiomfg.com/wp-content/uploads/2025/12/OMA_ManufacturingCounts2025_PDF_FINAL.pdf)

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> <https://development.ohio.gov/business/manufacturing/ohio-manufacturing-extension-partnership#:~:text=MAGNET:%20The%20Manufacturing%20Advocacy%20and.://www.manufacturingsuccess.org/>

<sup>5</sup> <https://ws680.nist.gov/mepmeis/Document.ashx?SC=OH>

United States Senate  
WASHINGTON, DC 20510

Given this clear record of success, I am discouraged to hear reports that all funding for this critical program is being threatened based on ambiguous and unclear allegations. Given the administration's appropriate focus on boosting American manufacturing, I request immediate and specific clarification on why the federal funding for the Ohio MEP program is being suspended.

The Ohio MEP program relies on the support it receives from NIST and the matching grants from the Ohio Department of Development. Like you, I believe fraud should be investigated, eliminated, and the responsible parties held accountable. However, a potential months-long, blanket suspension of all MEP funding, without additional and detailed clarification on the decision to pause the funding, would amount to the possible permanent closure of these programs across the entire state of Ohio, which I hope is not the DOC's intent.

I appreciate your time and consideration of this issue, and look forward to working together towards an appropriate resolution of this matter.

Sincerely,



Jon Husted  
United States Senator

# Vivek Ramaswamy Dealt Double Polling Blow in Ohio Governor Race

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PUBLISHED

MAR 16, 2026 AT 01:57 PM EDT

By Andrew Stanton

Weekend Staff Writer

[Newsweek is a Trust Project member](#)

Republican [Vivek Ramaswamy](#) was dealt a double polling blow in the [Ohio](#) gubernatorial race, with another survey showing Democrat Amy Acton with a lead over him on Monday. *Newsweek* reached out to Acton's and Ramaswamy's campaigns for comment via email.

## Why It Matters

Ohio, once a premier battleground, voted for President Donald Trump in each of his three presidential bids. The Buckeye State has steadily drifted toward [Republicans](#), giving Trump a double-digit victory last November against then-Vice President Kamala Harris. Ohio backed Trump by about 11 points in 2024, a rightward shift from his eight-point victories in 2020 and 2016.

But [Democrats](#) are hoping to make a comeback in Ohio in this year's Senate and gubernatorial races as [Trump's declining approval rating](#) fuels optimism about the [midterms](#).

Acton, the former Ohio Department of Health director who helped manage the state's COVID-19 response, is viewed as the Democrats' presumptive nominee. Ramaswamy, who rose to national prominence when he ran for president in 2024, is viewed as the Republican frontrunner.

A Quantus Insights [poll](#) released Monday gave Acton a slight lead over Ramaswamy. She received 45.9 percent support in the poll, compared to Ramaswamy's 44.9 percent. It surveyed 809 likely voters from March 13-14 and had a margin of error of plus or minus 3.8 percentage points.

"Neither candidate reaches the fifty percent mark, a reminder that the electorate remains fluid eight months before the election. In modern Ohio politics, races that begin within a point or two during a competitive environment often remain that way well into the campaign season," the polling report reads.

It noted that the results "suggest a state still open to persuasion rather than firmly aligned behind either party."

It found that 47 percent of Ohio voters approve of and 50 percent disapprove of Trump's job performance.

Just last week, a poll from the Ohio Environmental Council showed [Ramaswamy trailing Acton by 10 points](#). In that poll, Acton received support from 53 percent of respondents, while Ramaswamy received support from 43 percent. It surveyed 1,343 likely voters from February 10-22 and had a margin of error of plus or minus 2.7 percentage points.

## Who Is Amy Acton?

Acton is a physician who was appointed to lead the Ohio Department of Health by Republican [Governor](#) Mike DeWine in 2019. During her tenure, she played a major role in

leading the state's response to the COVID-19 pandemic. She resigned from that position in 2020 but continued as a health adviser to the governor. She has never held elected office.

### **Who Is Vivek Ramaswamy?**

Ramaswamy ran for president as a Republican in 2024. He struggled to garner enough support to overtake Trump, but became a favorite among many conservatives during his run. He also gained national political attention through his criticisms of “woke” corporate culture.

Ramaswamy was also selected by Trump to co-lead the Department of Government Efficiency (DOGE) upon his return to the White House but ultimately stepped away from the position in its early days, later announcing his gubernatorial run.

### **What Do Other Ohio Governor Race Polls Say?**

An Emerson College poll from late 2025 showed Acton leading Ramaswamy by a single point (46 to 45 percent). It had surveyed 850 registered voters from December 6- 8.

A Bowling Green State University/YouGov poll, on the other hand, gave Ramaswamy a 3-point lead over Acton (50 to 47 percent). It surveyed 800 registered voters from October 2-14, 2025, and had a margin of error of plus or minus 4.5 percentage points.

### **Ohio's Rightward Shift**

Ohio had shifted right in recent cycles—Trump carried the state by about 11 percentage points in 2024, an improvement on his 2020 and 2016 performances in the state. He won Ohio by about eight points in 2020 and 2016. But former President Barack Obama narrowly carried Ohio in 2008 and 2012. It has shifted as Trump performed well among the state's working class voters.

Still, it has been competitive in recent elections. Former Democrat Senator Sherrod Brown won reelection in 2018. He lost in 2024 by fewer than four percentage points. Democrats hope their candidates can improve on that in a more favorable national environment this November. Brown himself is [seeking a comeback in this year's Senate race](#).

### **What People Are Saying**

**Amy Acton wrote in a March 14 post to X:** “The problems we're facing don't care if you're a democrat or a republican - they're just problems that need to be fixed. I've worked across the aisle to solve hard problems throughout my career, and as governor, no Ohioan, community, or concern will be overlooked by me.”

**Vivek Ramaswamy's campaign wrote in a March 12 press release:** “Since receiving President Donald Trump's endorsement on the first day of his campaign and the Ohio Republican Party's endorsement in May 2025, Vivek has built a broad coalition of support from conservative lawmakers, community leaders, labor unions, law enforcement, and business leaders across the state.”

### **What Happens Next**

Forecasters give Republicans an advantage in the race. Both the Cook Political Report and Sabato's Crystal Ball classify the race as Likely Republican. Ohio's primary is set for May 5, 2026.

# Sherrod Brown's Chances of Beating Jon Husted in Ohio Senate Race—Poll

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By Mandy Taheri

Politics and Culture Reporter

[Newsweek is a Trust Project member](#)

Former Democratic Senator [Sherrod Brown](#) faces a competitive race with Senator Jon Husted, who was appointed to fill the remainder of JD Vance's [Ohio Senate](#) seat, in the upcoming November [election](#) according to a new [poll](#) that shows the two leading candidates in a neck-and-neck race.

## Why It Matters

Republicans hold a 53-47 majority in the Senate, and Ohio is among a small group of GOP-held seats where Democrats see a potential pickup opportunity, making the race key to control of the chamber.

Senate, House and local candidates are ramping up their campaigns for the 2026 elections. Traditionally, the party that does not hold the White House tends to perform better in [midterms](#). Democrats face a difficult task to take back control of the Senate, needing to hold all of their seats and flip four Republican seats.

Ohio has shifted toward Republicans in recent cycles. Trump won the state by about 11 percentage points in 2024, and it has not backed a Democratic presidential nominee since 2012. The Cook Political Report lists the race as "lean Republican."

## What To Know

The race between Husted and Brown remains tight, with Brown bringing statewide name recognition after 18 years in the Senate and more than a decade in the House. In 2024, Brown lost his reelection bid to Republican Bernie Moreno, who flipped the seat after garnering over 50 percent compared to Brown's 46.4 percent.

## Politics

A Quantus Insights poll of 784 likely voters conducted between March 13 and 14 found Husted with a near one-percentage point advantage ahead of Brown, 45.5 percent and 44.4 percent respectively. About 6.5 percent of participants were undecided and 3.6 percent said they would vote for another candidate.

The economy and jobs ranked as the top issue among respondents at 25 percent, followed by threats to democracy at 21.6 percent, and immigration and border security

at 15 percent. On handling economic issues, Brown received higher support than Husted, 44 percent to 39.6 percent.

The poll has a margin of error of plus or minus 3.8 percentage points, placing many of the closely divided results within that range and indicating a virtual deadlock.

[A previous GOP linked poll by](#) On Message Public Strategies conducted between March 3 and 8 of likely voters found Husted with 45 percent of the vote and Brown edging above with 47 percent. Eight percent of the participants were undecided. The poll did not list the sample size or margin of error.

An Emerson College Polling survey of 850 registered Ohio voters conducted between December 6 and 8 found Husted ahead, with 49 percent compared to Brown's 46 percent. About 5 percent of voters were undecided. The poll has a margin of error of plus or minus 3.3 percentage points.

That poll also asked participants about whether they have a favorable or unfavorable view of some Ohioan politicians, with more people "unsure" or saying they have "never heard of" Husted than Brown. Forty-three percent of participants had a favorable view of Brown, 44 percent were unfavorable, and 13 percent were either unsure or never heard of him.

### **What People Are Saying**

**Former Senator Sherrod Brown said in a March 7 X post:** "Despite what my opponent says, Ohioans' work ethic is not 'broken.' In reality, Ohioans are working harder than ever just to get by. The real problem is that Jon Husted would rather fight for billionaires than stand up for working Ohioans."

**Senator Jon Husted's campaign team said in a March 9 X post:** "While Sherrod Brown was in Washington for 32 years catering to the elite, Senator @JonHusted was right here in Ohio, fighting for what really matters."

**Jesse DiRenna, the International Union of Operating Engineers Local 66 business manager, said in October:** "The Mahoning Valley is the backbone of Ohio's working class. Sen. Jon Husted leads with action, not just photo ops or political talking points. His values align with ours, which is why we proudly support him."

**International Brotherhood of Electrical Workers International President Kenneth W. Cooper said in August:** "The working men and women of IBEW in Ohio have no more consistent partner or friend than Sherrod Brown, and he has our wholehearted support in his bid to return to the U.S. Senate."

### **What Happens Next**

Ohio's primary election is scheduled for May 5, with the general election set for November 3.



MEMORANDUM

TO: Ohio Manufacturers' Association  
Government Affairs Committee

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

DATE: March 19, 2026

RE: March 2026 OMA Government Affairs Committee Counsel Report

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I. March 2026 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.

SB 56 Referendum.

On February 3, 2026, the Attorney General certified petitioners' second attempt of a summary for the referendum to repeal certain sections of Senate Bill 56. Now, petitioners are circulating petitions to collect 248,092 signatures to qualify for the ballot. Senate Bill 56 was signed into law by Governor DeWine on December 19, 2025. The bill revised provisions of Ohio's marijuana laws that were implemented after Ohioans approved the citizen-initiated statute in 2023. Petitions must be submitted to the Secretary of State's office by March 19<sup>th</sup>.

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 could collect signatures to appear on the November 2026 General Election 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 supporters of this ballot issue could collect signatures to appear on the November 2026 General Election ballot.

#### 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. The supporters of this ballot issue may be collecting signatures to appear on the November 2026 General Election ballot.

### III. Pending Legislation.

The Ohio Legislature returned to the Statehouse in February after a two-month break. Both the House and Senate are scheduled to meet until the end of March before a break prior to the May primary election. After the primary election, the Legislature will return until mid- June.

In February, the Legislature announced that it will consider a capital budget with hopes that the measure will pass prior to the summer break.

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 Pizzulli (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. The bill is scheduled for its second hearing on March 17, 2026.

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 five hearings. During its fifth hearing on March 3, 2026, a substitute bill was adopted. The substitute bill removes language prohibiting employers from asking job applicants about an arrest that did not result in a conviction or participation in a pretrial diversion program.

#### 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.

Non-Economic Damages Cap. Representative Brian Stewart (R- Asheville) introduced House Bill 447 on September 15, 2025. House Bill 447 aims to increase Ohio's non-economic damages caps from \$350,000 to \$585,000. Besides a one-time increase, the bill requires the caps to be adjusted on an annual basis on a percentage increase in the Consumer Price Index (CPI). The bill was



referred to House Judiciary Committee and has received three hearings. During the bill's third hearing, the Ohio Alliance for Civil Justice provided opponent testimony on the bill. Testimony can be found [here](#).

Companion legislation was introduced by Senator Bill Blessing (R- Colerain Township), Senate Bill 292. The bill was referred to Senate Judiciary Committee. The bill has not received any hearings.

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, 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 three hearings thus far. OMA provided proponent testimony on the bill during its second hearing. Testimony can be found [here](#).

#### V. Energy Related Legislation.

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. Thus far, the bill has received two hearings.



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. Data Center Legislation.

Data Center Study Commission. On January 14, 2026, Representatives Gary Click (R-Vickery) and Kelli Deeter (R- Norwalk) introduced House Bill 646. The bill creates a data center study commission to study economic development, electricity usage, environmental, and land impacts of data centers. The Commission must draft and issue a report no later than six months after the effective date of the bill. This bill was referred to House Technology and Innovation Committee. The bill received three hearings. During the third hearing, the committee adopted a substitute bill, which revises the members of the commission, and reported the bill out of committee.

Prohibit Non-Disclosure Agreements. Introduced by Representatives Adam Bird (R-) and Brian Stewart (R- Ashville), House Bill 695 prohibits county commissioners, township trustees, village council members, and village mayors from entering into non-disclosure agreements regarding matters related to their official duties. The bill was referred to House Local Government Committee. H.B. 695 received its first hearing on March 11, 2026.

Minimum Requirements for Electric Service to Data Centers. House Bill 706 was introduced by Representatives Dave Thomas (R-Jefferson) and Tristan Rader (D-Lakewood) on February 17, 2026. The bill requires data centers to enter into agreements with electric distribution utilities for electric service subject to approval of Public Utilities Commission of Ohio. The service agreements must include 85% of contracted capacity for minimum billing demand, exit fees and collateral. The minimum contract term cannot be less than 12 years, including a load ramp period up to four years. H.B. 706 was referred to House Energy Committee, and has received one hearing.

Incentives to Data Centers. Introduced on February 24, 2026, House Bill 710 prohibits incentives to new data centers by a state agency or political subdivision. The bill also prohibits data centers from being built on "prime farmland" unless the board of county commissioners adopts a resolution authorizing such construction. H.B. 710 also limits a new data center from being approved, permitted or interconnected to receive utility service unless the new data center developers demonstrate to the satisfaction of the public utilities commission that the new data center's electric load will not result in increased electricity rates for residential, agricultural, or small business customers. Compliance is presumed if the data center developer constructs or contractually secures newly constructed nuclear or natural gas-fired electric generation capacity



equal to 100% of the data center's projected peak electric load. The bill was referred to House General Government Committee.

## VII. Political Updates.

U.S. Senate. In April 2025, 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, 2025 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. In January 2026, Ramaswamy announced his running mate, current Senate President Rob McColley (R- Napoleon).

Amy Acton, former Department of Health Director, is the presumed Democrat gubernatorial candidate. Action announced her running mate also in January 2026, David Pepper, who is the former Ohio Democratic Party chair.

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) and former State Representative Jay Edwards (R-Athens) will face off 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), Judge Ron Lewis (Second District Court of Appeals), former Franklin County Common Pleas Judge Colleen O'Donnell (R- Columbus), and current Ninth District Court of Appeals Judge Jill Flagg Lanzinger (R- Portage Lakes).

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. Justice Hawkins is being challenged by current First District Court of Appeals Judge Marilyn Zayas (D) in the general election. Judge Zayas previously ran for the Ohio Supreme Court challenging Justice DeWine in 2022.



Ohio General Assembly. Although partisan 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.

All 99 seats are up in the Ohio House, and 17 seats are up in the Ohio Senate.

## VIII. 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 (dismissed)

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. 21CA000022) 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 brief 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. On January 20, 2026, the Ohio Supreme Court declined to accept jurisdiction. This matter is now closed. This will be the last report on this matter.

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. On December 9, 2025, the Court denied the motion to dismiss. The Ohio Supreme Court heard oral argument on February 10, 2026. No decision has been issued to date.

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.

On October 6, 2025, 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. On December 23, 2025, the Ohio Supreme Court accepted the appeal, held it for the decision in *Paganini*, and stayed the briefing schedule.

## B. Amicus Cases



1. *Pamela Duff Mundy, Adm. Of the Estate of James Melvin Duff, Deceased, et al. v. Centrome, Inc. dba Advanced Biotech, et al.*, Warren County Common Pleas Court, Case No. 2025-09-077 (appealed); Twelfth District Court of Appeals, Case Nos. CA2023-01-012 (dismissed) and 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.

On February 12, 2026, the Court of Appeals granted the parties' oral motion for a limited remand to give the trial court jurisdiction to sign the parties' agreed entry. It appears that this case has settled.

## IX. Tax Updates.

### A. Selected Proposed Ohio Legislation

*Regards municipal income tax net operating loss carry-overs – H.B. 642*



Introduced on January 12, 2026, and referred to the Ways and Means Committee on February 4, 2026, H.B. 642 authorizes businesses to carry forward net operating losses to future tax years without a timeframe, i.e., unlimited carryforward period, whereas under current law, there is a 5-year carryforward period. The bill has been introduced and in the committee phase. No further action has taken place.

*Regards temporary increase in the amount of homestead exemption– S.B. 356*

Introduced on February 10, 2026, and referred to the Senate Finance Committee on February 11, 2026, S.B. 356 provides relief to homeowners by increasing the homestead exemption to reduce property taxes for eligible seniors and disabled individuals. The bill has been introduced and in the committee phase. No further action has taken place.

*Regards delinquent property taxes and assessments upon lot transfer– S.B. 366*

Introduced on February 17, 2026, and referred to the Senate Local Government committee February 18, 2026, S.B. 366 requires the payment of all delinquent property taxes and assessments when a lot or tract of real estate is transferred to a new owner. To ensure that delinquent property taxes are dealt with during a real estate ownership transfer, the bill would mandate grantors to pay all of these taxes, not just those currently due, at the time of transfer, with exceptions for government transfers, deeds in lieu of foreclosure, or specific court-ordered/trust transfers. The bill has been introduced and in the committee phase. No further action has taken place.

*Regards voter approval of municipal tax reciprocity credit – HB 503*

Introduced on October 7, 2025, and referred to the Ways and Means Committee on October 8, 2025, H.B. 503 would require local voter approval before city councils can reduce or eliminate existing income tax reciprocity credits. This bill would allow taxpayers to initiate, increase, or enact reciprocity credits through a petition process and would prohibit city councils from combing changes to reciprocity credits with tax rate increases on the same ballot. The sixth Ways and Means Committee hearing was held on February 18, 2026.

*Regards sales and use tax exemption for certain projects – S.B. 367*

Introduced on February 18, 2026, S.B. 367 proposes to amend sections 4582.72, 5739.02, and 5739.03 of the Ohio Revised Code to exempt sales and use tax for materials and services used in certain development projects even if a port authority or county refuses to endorse a project agreement. No further action has taken place.

*Regards tax enforcement authority and sales tax exemption – S.B. 359*

Introduced on February 10, 2026, S.B. 359 modifies how penalties and interest are computed on delinquent real estate taxes. The bill was referred to the Ways and Means Committee on February 11, 2026. No further action has been taken.



*Regards Ohio Capital Gains Tax Repeal Act – H.B. 617*

Introduced on December 1, 2025, and referred to the Ways and Means Committee on February 4, 2026, H.B. 617 eliminates capital gains from state and municipal income tax. The bill would provide relief for investors and individuals who currently pay capital gains on profits from the sale of assets like stocks, bonds, and real estate. The first Ways and Means Committee hearing was held on February 25, 2026.

*Regards tax enforcement authority – H.B. 613*

Introduced on November 25, 2025, and referred to the Ways and Means Committee on February 4, 2026, H.B. 613 establishes a 180-day limit for hearings and allows taxpayers 30 days to review proposed final determinations from the Ohio Department of Taxation. The bill proposes to stop the accrual of interest on unresolved tax reassessment petitions after one year and allows taxpayers to appeal directly to the Board of Tax Appeals if the Ohio Department of Taxation fails to act within one year. No further action has been taken.

*Regards statewide owner-occupied residence property tax credit – H.B. 673*

Introduced on February 3, 2026, and referred to the Ways and Means Committee on February 4, 2026, H.B. 673 aims to expand the statewide owner-occupied residence property tax credit to apply to all tax levies, even those passed after the November 2013 general election. The first Ways and Means Committee hearing was held on February 25, 2026.

*Regards law governing property taxes and other local taxes – H.B. 608*

Introduced on November 19, 2025, and referred to the Ways and Means Committee on February 4, 2026, H.B. 608 proposes a requirement for counties to offer installment payment plans to taxpayers for property taxes while guaranteeing at least 30 days between the mailing of a property tax bill and its due date. This bill would ensure that property owners receive mailed notices of any property valuation changes and allow for the Real Estate Assessment Fund to return excess funds directly to owner-occupied households. No further action has been taken.

*Regards employment under Ohio’s overtime and minimum wage laws – H.B. 624*

Introduced on December 8, 2025, and referred to the Commerce and Labor Committee on February 4, 2026, H.B. 624 proposes to amend sections 4111.03 and 4111.14 and enact section 4111.20 of the Ohio Revised Code to establish a specific “economic realities” framework to determine if a worker is an employee or independent contractor for purposes of minimum wage and overtime. No further action has been taken.

*Regards law governing tax appeals and property tax complaints – H.B. 590*



Introduced on November 12, 2025, and referred to the Ways and Means Committee on November 19, 2025, H.B. 590 proposes to amend sections 5715.19 and 5717.04 of the Ohio Revised Code to modify laws regarding property tax complaints and tax appeals. No further action has been taken.

*Regards CAT exclusion for contractor payments to subcontractors – S.B. 325*

Introduced on November 10, 2025, and referred to the Ways and Means Committee on November 18, 2025, H.B. 325 proposes to amend sections 5751.01 of the Ohio Revised Code by authorizing a Commercial Activity Tax (CAT) exclusion for payments made by contractors to subcontractors. No further action has been taken.

*Regards property taxation of farmland – H.B. 575*

Introduced on November 5, 2025, and referred to the Ways and Means Committee on November 12, 2025, H.B. 575 proposes to updated the Current Agricultural Use Value (CAUV) program by eliminating annual renewal requirements, mandating county auditors to accept electronic filing, enabling multi-county, non-contiguous land to be under one application, and ensuring CAUV savings are clearly stated on tax bills. No further action has been taken.

*Regards partial property tax deferral for eligible homeowners – H.B. 483*

Introduced on September 29, 2025, and referred to the Ways and Means Committee on October 1, 2025, H.B. 483 proposes a partial property tax deferral program for eligible Ohio homeowners where seniors and those with limited income may defer tax increases exceeding 120% of the previous year's bill, with 3% annual interest, to be paid upon sale or transfer. The first Ways and Means Committee hearing was held on November 12, 2025.

*Regards sales tax credit for trade-in value of certain goods – H.B. 404*

Introduced on August 5, 2025, and referred to the Ways and Means Committee on September 15, 2025, H.B. 404 authorizes a sales tax credit for the trade-in value of portable electronics and home appliances. This bill modifies the definition of "price" in the tax code to allow a reduction in sales tax when a consumer trades in a used device for a similar new or used item, provided the credit is clearly stated on the invoice or bill of sale. The first Ways and Means Committee hearing was held on October 29, 2025.

*Regards Property Tax Refund Act – H.B. 365*

Introduced on June 17, 2025, and referred to the Ways and Means Committee on June 18, 2025, H.B. 365 proposes a refundable income tax credit or rebate for Ohio homeowners and renters whose property taxes or rent payments exceed 5% of their total income. No further action has been taken.



B. Update to Previously Tracked Legislation

*Amended substitute budget bill – H.B. 96*

Introduced in the House on February 11, 2025, and passed by the House and the Senate on April 9, 2025, and June 11, 2025, respectively, this bill was signed into law by the Governor on June 30, 2025, with operating appropriations effective June 30, 2025, most items effective September 30, 2025, and some items subject to special effective dates. The bill has the following provisions:

- Sales and use tax exemption is repealed as of January 1, 2026, for the following:
  - Sale of refrigerated food vending machines
  - Rental payments for motor vehicles provided to the owner or lessee of a motor vehicle that's being repaired or serviced, where the payments are reimbursed by the service provider.
  - Sale of advertising material or catalogs that price and describe property offered for retail sale
  - Purchases by direct marketing vendors of items that are used in printing advertising material and equipment primarily used to accept orders
  - Sales of digital audio on juke boxes and similar devices in commercial establishments
  - Sales of telecommunications services that are used directly and primarily to perform the functions of a qualified call center
  - Tangible personal property used in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing
  - The 25% refund of sales and use taxes provided to providers of electronic information services.
- The bill caps the prompt payment sales and use tax vendor discount at \$750 per vendor's license per month. In addition, it exempts remittances from the sale of motor vehicle leases from the cap; the discount for such sales remains at 0.75% of the amount due on the return.
- The bill reduces the top bracket rate so that a flat 2.75% rate applies to all income over \$26,050. For tax year 2026, taxpayer with modified adjusted gross income of \$500,000 or less will be the only taxpayers eligible for the joint filing credit and personal and dependent exemptions.
- The bill amends the Commercial Activity Tax credit for certain net operating losses accrued under the defunct corporation franchise tax from a refundable to a nonrefundable credit starting in calendar year 2029.



### C. Judicial Actions

*Jones Apparel Group/Nine West Holdings v. Harris*, Slip Opinion No. 2026-Ohio-74, Jones Apparel Group/Nine West Holdings (“Appellant”) filed a claim with the Tax Commissioner of Ohio (“Appellee”) requesting a refund of Commercial Activity Taxes it paid with respect to a portion of merchandise that was sold and shipped to its customer’s distribution center in Ohio. While all of the merchandise was received at its distribution center in Ohio, large portions of the merchandise were shipped to the customers’ stores outside of Ohio. Appellant argued that because certain merchandise was ultimately shipped outside of the state of Ohio, that merchandise was therefore exempt from Ohio CAT tax. The Tax Commissioner denied the claim for a refund and the Board of Tax Appeals confirmed. On January 14, 2026, Appellant brought an appeal to the Ohio Supreme Court. The Court held that “[b]y using the word ‘amount, R.C. 5751.08(A) contemplated that the taxpayer must make a quantitative showing of the amount of the claimed refund with documentary evidence that justifies the issuance of a refund.” As Appellant failed to provide sufficient evidence of the actual amount of gross receipts for the merchandise that was transported and received outside of Ohio, the Court upheld the Board of Tax Appeal’s denial of refund.

### D. Administrative Actions

The Ohio Department of Taxation provided additional guidance as to the changes made to the timely filing discount found in ORC section 5739.12 and made by the amended *substitute H.B. 96*. Under prior law, the vendor would receive a discount of 0.75% of the amount due on the return if they filed a return and paid the amount due on or before the date the return was required to be filed. Under current law, which became effective on January 1, 2026, this discount is capped at \$750 per vendor’s license for each month covered by the return.

To align Ohio’s withholding rate on bonus income and supplemental compensation to Ohio’s income tax rate for 2026, Ohio Administrative Rule 5703-7-10 became effective to decrease Ohio’s withholding rate from 3.5% to 2.75%.

# POLITICAL ENVIRONMENT



UpONE  
INSIGHTS

Robert Blizzard  
UpONE Insights

March 19, 2026

# The Landscape

# WHAT'S HAPPENING NOW

## ✓ Trump approval is still locked in by political polarization

The President's national approval continues to hold steady and closely mirrors where he stood at this point in his first term. With the country deeply polarized, significant movement, either up or down, appears increasingly unlikely.

## ✓ Domestic economic concerns dwarf foreign policy actions

ICE, Venezuela, Greenland, and Iran have driven the news cycle so far in 2026. Yet voters are craving both attention and action on affordability. The GOP needs the White House to push the economy front and center.

## ✓ The Republican edge on the economy has eroded

While the Republican Party still leads on border security, crime, and immigration, Americans today are now evenly divided on which political party is better equipped to handle the economy.

## ✓ The Democrats are clearly the more energized party

The 2025 election season was generally a success for Democrats, and so far into 2026, they are continuing to show signs of being far more motivated than Trump supporters and the GOP for the upcoming midterm.

# Trump Job Approval

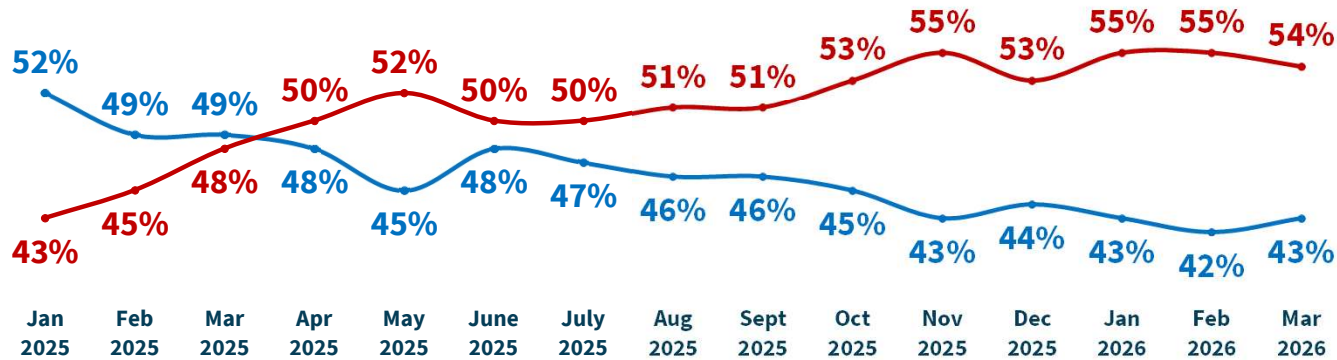
## Trump Approval vs. Predecessors:

March 2026 Trump	43%	54%
March 2022 Biden	42%	53%
March 2018 Trump	41%	54%
March 2014 Obama	43%	53%
March 2010 Obama	49%	46%
March 2006 Bush	37%	57%

The extreme polarization in the country continues to suggest the President's job approval rating is not likely to fluctuate significantly.

Trump's approval today is consistent with where he was, and both his predecessors (Obama '14/Biden '22) were at this point in other terms.

## Trump Approval Rating Over Time:



Source: Historical Public Polling Averages & Trump Approval Trend

# VOTERS MAY BE STARTING TO SEE SOME PERSONAL FINANCIAL RELIEF, BUT AFFORDABILITY STUBBORNLY REMAINS THE TOP ISSUE

*% Who Say Their Personal Financial Situation is "Improving"*



*Which one of the following issues matters most to you right now?*

<b>Inflation and the cost of living</b>	<b>38%</b>
The economy	17%
Immigration and border security	14%
Medicare & Social Security	9%
Health care	8%
Abortion policy	3%
The size of the federal deficit	3%
Crime	2%

So far, do you think the Trump administration is focusing too much, about the right amount, or not enough on...

Too Much      Right Amount      Not Enough

Putting tariffs on goods from other countries



Deporting immigrants who are in the U.S. illegally



International matters and events overseas



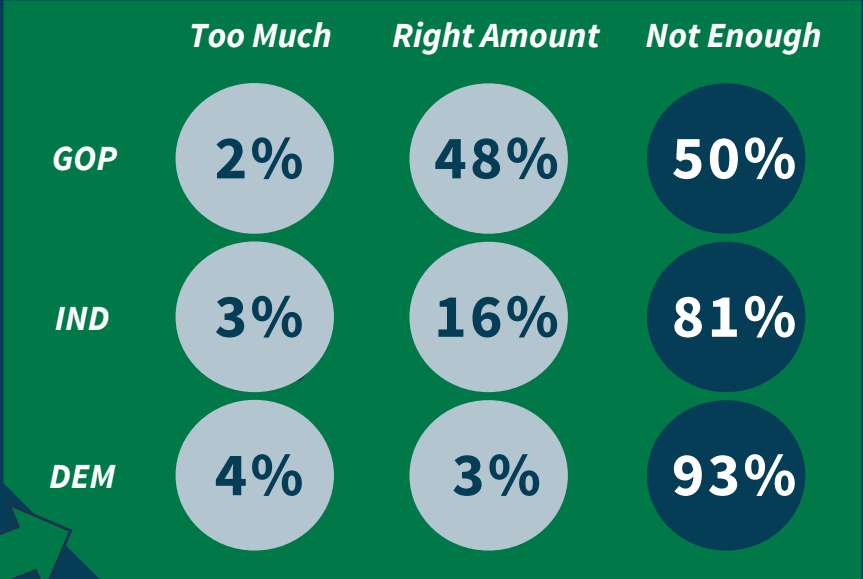
Crime and law enforcement



Lowering prices of goods and services



## AMERICA WANTS TRUMP LOCKED IN ON COSTS

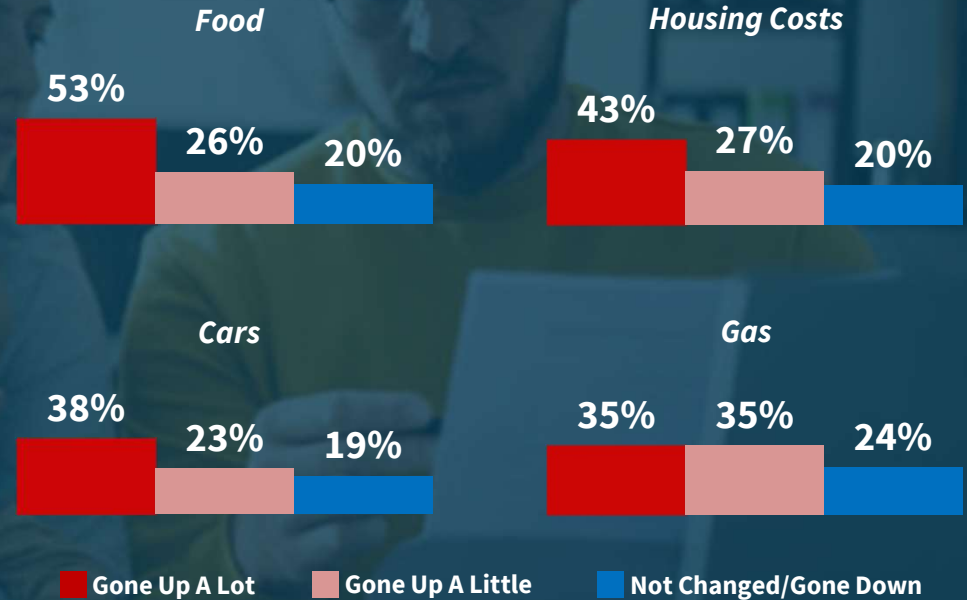


# Affordability Concerns Continue To Dominate One-In-Five Say Managing An Unexpected \$1,000 Expense Would Be “Impossible”

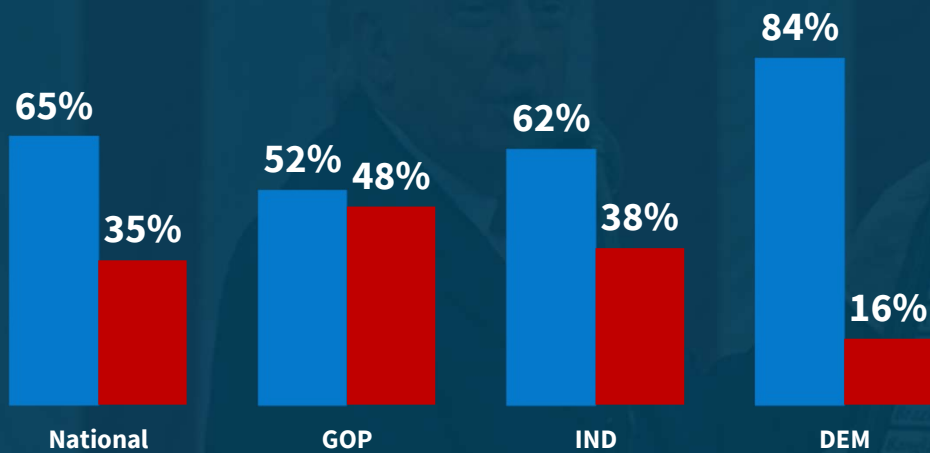
How easy would it be for you to pay an unexpected \$1,000 expense?

	Easy	Difficult	Impossible
<b>National</b>	<b>38%</b>	<b>44%</b>	<b>18%</b>
White	43%	40%	17%
Black	21%	55%	24%
Hispanic	28%	51%	21%
18-29	30%	53%	16%
30-44	36%	44%	20%
45-64	36%	40%	24%
65+	49%	40%	11%
< College Degree	28%	48%	24%
College Degree +	55%	38%	8%

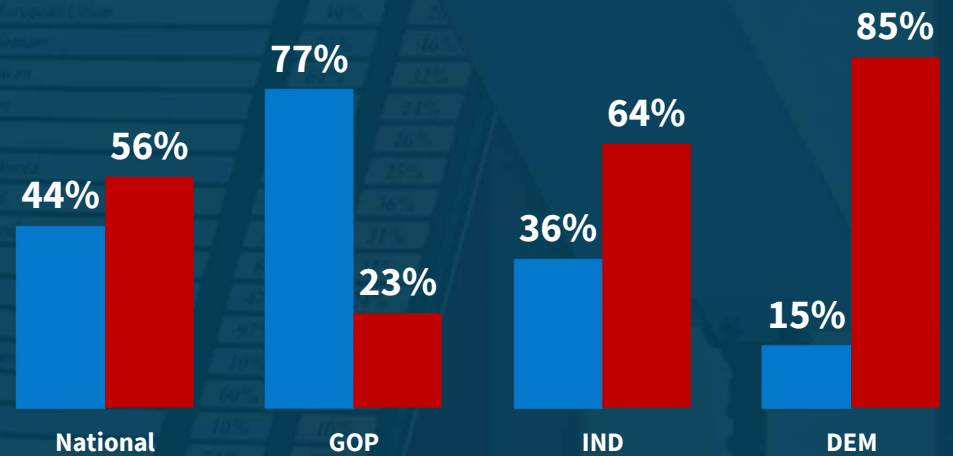
In your experience, have prices of the following goods gone up or down in the last year?


























Do you **agree** or **disagree** with the Supreme Court's decision that only Congress has the authority to impose tariffs in non-emergency situations unless it explicitly gives the executive branch the power to do so?



Do you **support** or **oppose** President Trump's decision to announce a new 15% global tariff after the Supreme Court struck down his earlier tariff authority?



**Tariffs: Americans Agree With Supreme Court;  
Oppose New 15% Global Tariff Policy**

	September 2022	September 2023	October 2025	March 2026
Dealing with border security	 +36	 +30	 +31	 +27
Dealing with crime	 +23	 +26	 +22	 +22
Dealing with immigration	 +17	 +18	 +18	 +12
Dealing with the economy	 +19	 +21	 +1	TIED
Protecting democracy	 +7	 +1	 +11	 +11
Dealing with healthcare	 +20	 +23	 +23	 +20

# THE GOP HAS LOST GROUND ON ECONOMIC TRUST

# The 2026 Election

1994



Win U.S. Senate  
Win U.S. House

1996



**CLINTON ELECTED TO A 2D TERM WITH SOLID MARGINS ACROSS U.S.; G.O.P. KEEPS HOLD ON CONGRESS**

2004



**BUSH CELEBRATES VICTORY**

2006



Win U.S. Senate  
Win U.S. House

2008



**OBAMA**  
RACIAL BARRIER FALLS IN DECISIVE VICTORY

2010



Win U.S. House

2012



**OBAMA'S NIGHT**  
TOPS ROMNEY FOR 2ND TERM IN BRUISING RUN; DEMOCRATS TURN BACK G.O.P. BID FOR SENATE

2014



Win U.S. Senate

2016



**TRUMP TRIUMPHS**  
OUTSIDER MOGUL CAPTURES THE PRESIDENCY, STUNNING CLINTON IN BATTLEGROUND STATES

2018



Win U.S. House

2020



**BIDEN BEATS TRUMP**  
RACE IS FINALLY CALLED AFTER RECORD TURNOUT; CHAOTIC TERM ENDS WITH RARE INCUMBENT LOSS

Win U.S. Senate

2022



Win U.S. House

2024



**TRUMP STORMS BACK**  
HE DEFEATS HARRIS AND CAPS HIS RESURGENCE FROM OUTCAST TO ELON TO PRESIDENT ELECT

Win U.S. Senate

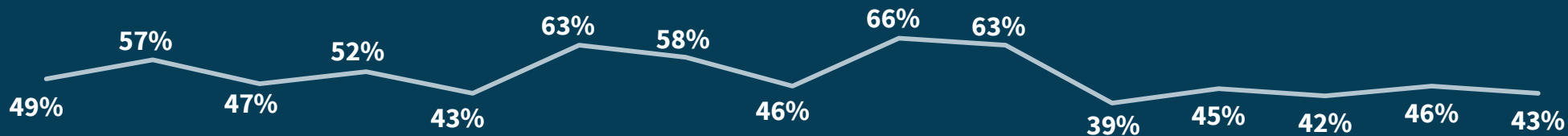
2026

?

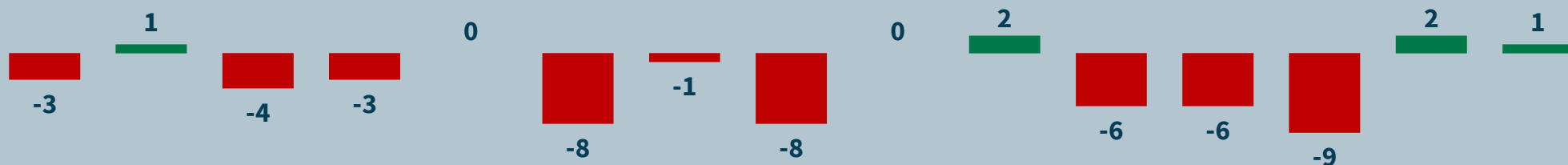
THINGS CAN CHANGE IN A HURRY

UpONE  
INSIGHTS

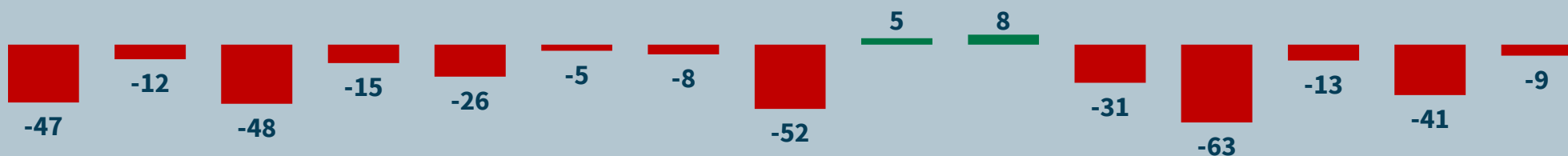
### Midterm October Presidential Job Approval



### President's Party U.S. Senate Wins/Losses



### President's Party U.S. House Wins/Losses

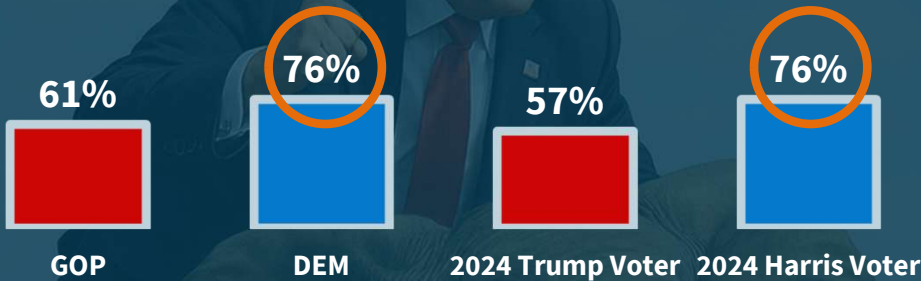


1966 1970 1974 1978 1982 1986 1990 1994 1998 2002 2006 2010 2014 2018 2022

Midterm Exams Rarely Are Passed By President's Party In The House; The Senate Has Been A Different Story

# DEMOCRATS MORE MOTIVATED

% Extremely Motivated to Vote in 2026 Midterm Elections



# GOP Needs To Counter A More Energized Left

# DEMOCRATS OVERPERFORMING

2025 RACE	2024 HARRIS	2025 DEM	DIFF
FL CD 1	31%	42%	+11
FL CD 6	35%	43%	+8
WI Sup Ct	49%	55%	+6
VA CD 11	66%	75%	+9
AZ CD 7	61%	69%	+8
VA GOV	52%	58%	+6
NJ GOV	52%	57%	+5
TN CD 7	38%	45%	+7

# DEMOCRATS TURNING OUT

Democratic turnout in Texas primaries reaches record levels, in latest sign of party enthusiasm

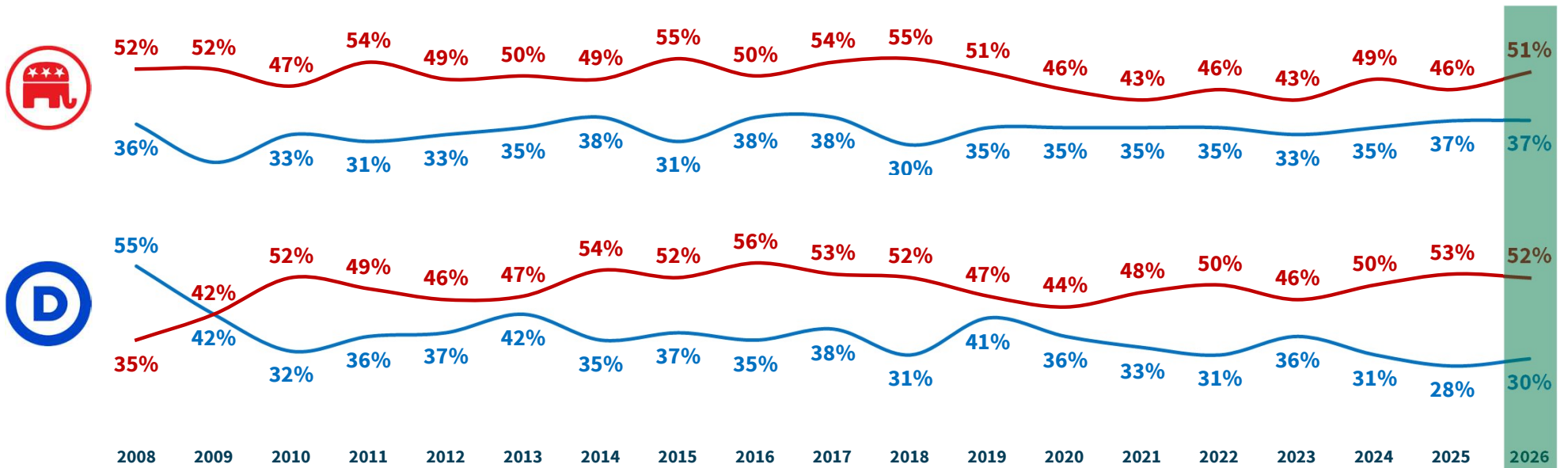
Turnout surges for Democratic Senate primary, while GOP primary sees drop



Source: Recent Election Results & Echelon Insights - February 2026

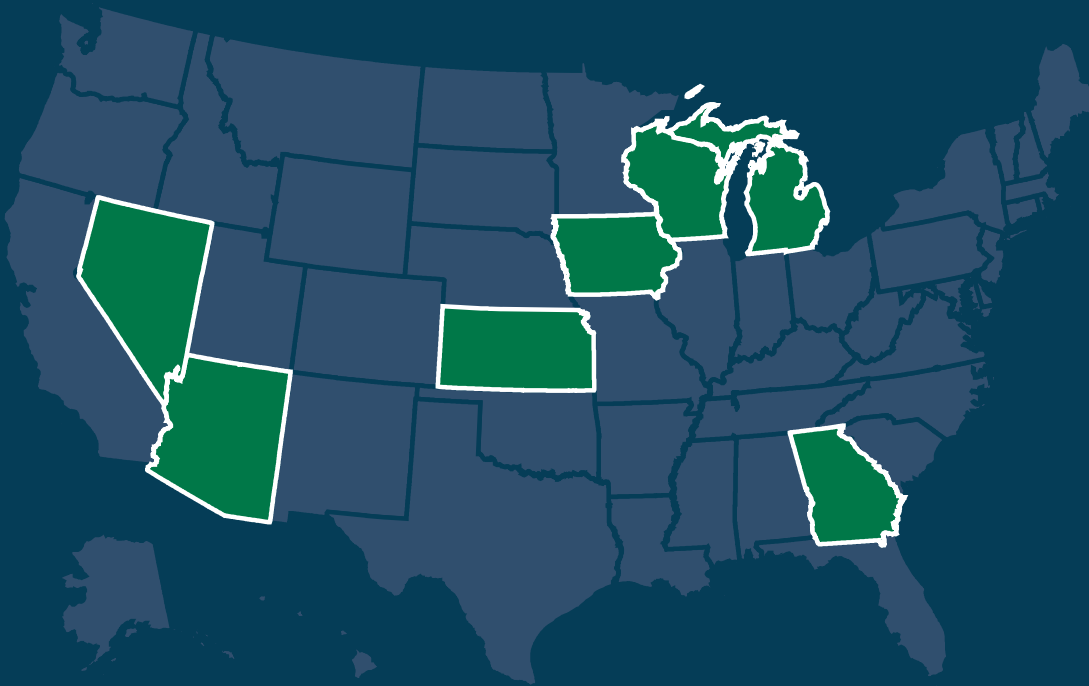
# DEMOCRATS' ERODING IMAGE: DEM BRAND PROBLEMS COULD LIMIT OPPORTUNITIES

Political Party Images: *Favorable vs. Unfavorable*



Source: Quinnipiac National Polling ('08-'19) & NBC News National Polling ('20-'26)

# In Battleground Gubernational Races for 2026, Iowa and Kansas Join Familiar Swing State Faces



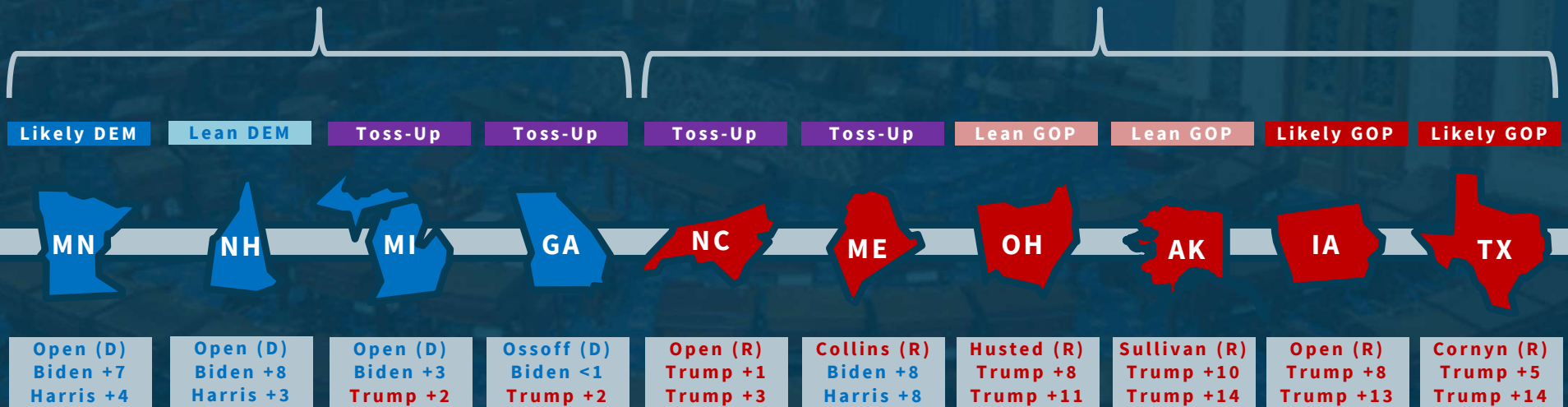
## TOSS-UP/LEAN RACES

STATE	RATING	STATUS	'24 PRES	'22 GOV
Arizona	Toss-Up	DEM Held (Hobbs)	R +5	D <1
Georgia	Toss-Up	GOP Held (Open)	R +2	R +7
Michigan	Toss-Up	DEM Held (Open)	R +1	D +11
Nevada	Toss-Up	GOP Held (Lombardo)	R +3	R +1
Wisconsin	Toss-Up	DEM Held (Open)	R <1	D +3
Iowa	Lean GOP	GOP Held (Open)	R +13	R +18
Kansas	Lean GOP	DEM Held (Open)	R +16	D +2

# Senate Majority is Tough Terrain for Democrats

Democrats Would Need To Hold All 4 DEM Seats

Democrats Would Need To Win 4 of 6 GOP Seats



On paper, the map is hard for Democrats, as they will need an incredibly strong year to be able to take the U.S. Senate. Democrats would need to flip 4 Republican seats from red to blue to take outright control of the U.S. Senate Majority for 2027-2028. That's also assuming no losses for Democrats in states Trump won like Georgia or Michigan, or in New Hampshire.

Still, it's not implausible. Two GOP-held seats are now in "toss-up" territory, likely GOP nominees in Ohio and Iowa are both first-time Senate candidates, Alaska has moved into play, and the Texas Republican primary could potentially complicate the general election.

# The U.S. House

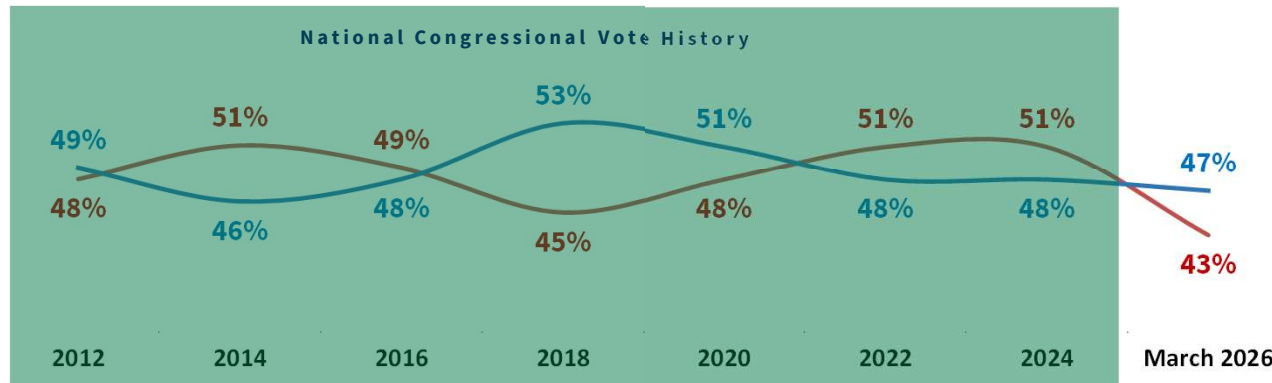
As we saw the last two cycles, the U.S. House playing field is likely to be narrow and extremely competitive.

**Keep a close eye on retirements and redistricting over the next few months** to see the impact on the U.S. House battleground map for 2026.

## Current Status:

**202** Solid/Likely GOP    **197** Solid/Likely DEM  
**4** Lean GOP    **14** Lean DEM  
**18** Toss-Up

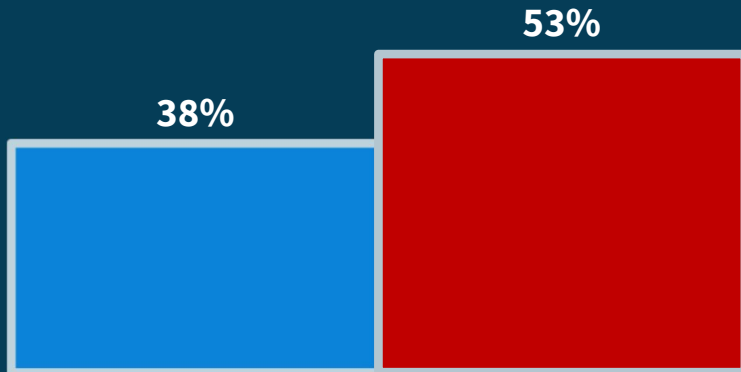
## Generic Congressional Ballot:



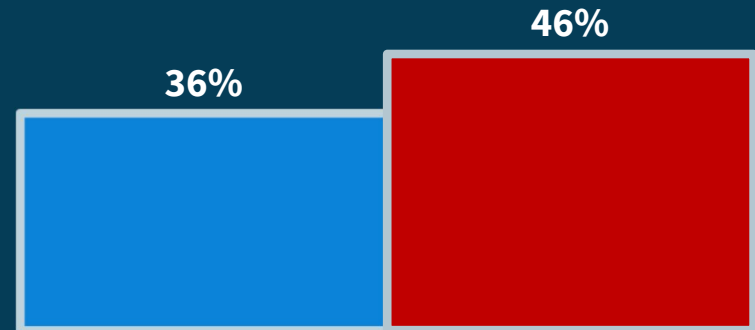
# The Ohio Landscape

# Ohioans are pessimistic about the direction of the country AND the state.

Do you believe that **the country** is headed in the **right direction** or is it off on the **wrong track**?

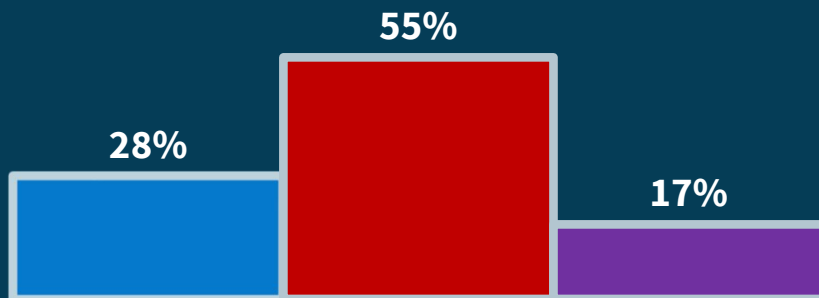


Do you believe that **Ohio** is headed in the **right direction** or is it off on the **wrong track**?

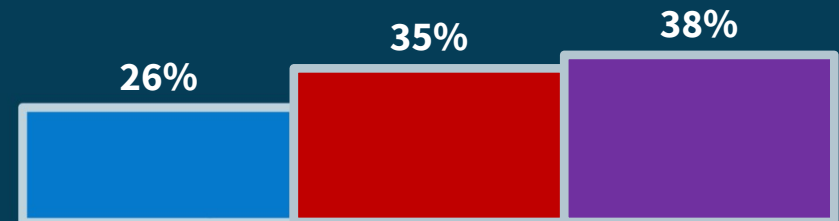


# Ohioans believe the nation's economic situation has worsened, and only one-quarter say their own personal situation has improved.

Over the past year, do you feel the nation's economic situation has...



Over the past year, do you feel your own economic situation has...



■ Gotten Better ■ Gotten Worse ■ Stayed About The Same

## Affordability Tops The Issue Agenda Among Ohioans

% Combined	Total	GOP	IND	DEM	Cleveland DMA	Columbus DMA	Cincinnati DMA	Dayton DMA	Toledo DMA	Youngstown DMA	Small DMAs
Lower cost of living	54%	50%	55%	58%	62%	59%	41%	43%	66%	33%	41%
Better economy and more jobs	33%	28%	44%	37%	31%	28%	42%	17%	36%	59%	40%
Safer streets and communities and less crime	30%	49%	24%	9%	33%	33%	26%	31%	28%	21%	27%
More affordable, high-quality health care	28%	12%	29%	49%	29%	24%	33%	37%	19%	12%	36%
Lower taxes	25%	38%	15%	13%	16%	29%	27%	26%	32%	42%	24%
Better public education	13%	6%	11%	23%	13%	12%	15%	19%	18%	15%	2%
Reduced government regulations	8%	11%	9%	4%	9%	8%	8%	8%	2%	6%	17%
Improved infrastructure like roads and bridges	8%	6%	14%	8%	7%	7%	8%	18%	-	14%	3%

## RECENT STATEWIDE TOP-OF-TICKET WINNERS

YEAR	WINNERS
2024	Trump (R) / Moreno (R)
2022	DeWine (R) / Vance (R)
2020	Trump (R)
2018	DeWine (R) / Brown (D)
2016	Trump (R) / Portman (R)
2014	Kasich (R)
2012	Obama (D) / Brown (D)
2010	Kasich (R) / Portman (R)

## BATTLEGROUND STATEWIDE

RACE	CURRENT STATUS
Governor	Open (GOP Held)
U.S. Senate	Husted (GOP Held)
Congressional District 1	Landsman (DEM Held)
Congressional District 9	Kaptur (DEM Held)
Congressional District 13	Sykes (DEM Held)
Secretary of State	Open (GOP Held)
Attorney General	Open (GOP Held)
State Auditor	Open (GOP Held)
Secretary of State	Open (GOP Held)

# 2026: All Eyes on Ohio?





Robert Blizzard  
[robert@uponeinsights.com](mailto:robert@uponeinsights.com)  
@robertblizzard



**To: OMA Government Affairs Committee**  
**From: Lindsey Short**  
**Re: Energy Public Policy Report**  
**Date: March 19, 2026**

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## **Overview**

The Ohio legislature is over halfway through their two-year legislative session. Last year, significant energy policy movement resulted in the passage of House Bill 15, priority legislation to address electricity reliability and affordability. While the legislature affirmed their support of competitive generation through House Bill 15, a recent draft proposal has been circulating at the Statehouse that would allow utilities to re-enter into owning generation. The OMA stands ready to oppose any attempt that would see utilities monopolize generation at the expense of captive customers.

The Public Utilities Commission of Ohio (PUCO) Commissioners approved an AEP rate modification last year governing certain energy-intensive users – data centers. This type of rate design has opened the door to discrimination of customers based on business activity rather than actual power usage. Additionally of concern, the tariff has the potential to increase costs to other customers. The OMA Energy Group is appealing the matter to the Ohio Supreme Court. Meanwhile, much has been said about a crisis in electricity demand in recent years with data centers serving as the culprit. The OMA recently published research revealing the true cause of higher electricity bills: inflated utility load forecasts.

Accurate electric load forecasting is essential to protecting customers from excessive and unnecessary costs. When projections are inflated, the consequences are real: increased capacity prices, declining electric affordability, and a growing threat to Ohio's economic competitiveness.

## **Paper Demand, Real Costs: OMA Calls for More Accurate Utility Load Forecasting**

As power bills continue to climb, new research published by the OMA demonstrates how unverified electricity demand forecasts from utilities are driving up costs for customers across the PJM region. Because utilities earn returns on approved infrastructure, overstated forecasts can encourage building even when projected load never materializes, shifting the cost to customers. Unverified demand forecasts are being treated as guaranteed load and baked into grid planning, pushing up capacity prices and triggering unnecessary transmission and generation projects. There is a current lack of scrutiny of these load forecasts at both the PUCO and grid operator PJM Interconnection.

Our review found that AEP has relied heavily on its data center rate construct to justify significant load growth, increasing forecasts by roughly 40 percent per data center. In some cases, projects appear to have been counted multiple times. At the same time, the forecasts do not adequately account for behind-the-meter generation that would reduce the amount of capacity the regional market must supply, or exponential improvement in energy efficiency of computing.

While inflated load forecasts are painting a false picture of power scarcity, the blame has been attributed to a single industry of energy-intensive users and is laying the groundwork for reactive policy proposals. Numerous bills have been introduced targeting the data center industry while failing to address the real driver of cost increases, which have resulted from inflated load forecasts.

Greater transparency, independent verification, and accountability are needed when large load forecasts are used to justify billions of dollars from customers to pay for infrastructure or capacity decisions. Forthcoming legislation will put load forecasts to the test. See details in legislative section.

Others have begun to question the forecasts. Recently, the Federal Energy Regulatory Commission (FERC) denied an AEP request to sell capacity in an upcoming auction, appearing to side with critics who argued that AEP utilities were trying to offload capacity acquired to serve data centers that did not materialize. In its ruling, FERC noted the utility faced excess capacity tied to its own procurement decisions, reinforcing broader questions about how projections linked to speculative demand are influencing market outcomes. Additionally, PJM's Independent Market Monitor published a study showing speculative load forecasts increased regional electricity capacity costs by \$21.3 billion over three years, compared with \$1.8 billion tied to actual realized load growth during the same period.

The OMA is leading the charge to educate policymakers and the media on how these forecasts are driving up costs. Stay tuned for more updates.

### **Re-Regulation Draft: Utility Ownership of Generation**

A draft proposal has surfaced at the Statehouse recently threatening Ohio's competitive market. The bill draft would allow utility ownership of small modular reactors at the expense of customers. This proposal would turn back the clock on competitive generation and allow utilities guaranteed cost recovery from customers.

The OMA previously opposed legislation to require customers to subsidize nuclear power when House Bill 6 surfaced in 2019 and has already begun opposing the new proposal to re-regulate generation. The aftermath of House Bill 6 continues to play out even today as numerous individuals are on trial currently for bribery charges. See details below.

Meanwhile, competitive markets are working to secure large amounts of reliable power. Announcements involving Meta and Vistra have renewed focus on Ohio's existing nuclear fleet, including the Davis-Besse and Perry Nuclear Power Stations.

### **FirstEnergy Executives on Trial**

The corruption trial of two former FirstEnergy executives began last month. Both former CEO Chuck Jones and former Senior Vice President Mike Dowling face dozens of charges related to their role in the House Bill 6 bribery scheme.

Prosecutors allege that Jones and Dowling arranged for a \$4.3 million payment to former Public Utilities Commission of Ohio Chairman Sam Randazzo in exchange for his support on legislation to provide FirstEnergy's nuclear plants with a \$1.3 billion bailout paid for by Ohioans. Their trial is expected to last two months.

Former Speaker Householder, who is in prison serving a 20-year sentence, is also facing state charges of misuse of campaign money and ethics violations.

### **Record High Power Prices Threaten Competitiveness**

In December, grid operator PJM released the results of its capacity auction for the 2027-28 delivery year. Prices hit a temporary price ceiling for the second auction in a row as capacity cleared at \$333.44 per megawatt-day.

The OMA has been actively raising concerns about PJM's market design and planning decisions and has called for greater transparency, load forecasting, and reforms to restore effective market signals. Prolonged interconnection studies and inflated load forecasts have distorted the market, creating an artificial shortage that forces customers to absorb billions of dollars in unnecessary costs. In response to the auction results, the OMA issued a public statement calling for new leadership and immediate reform as PJM's decisions continue to tighten supply on paper while failing to deliver meaningful new generation.

PJM's Independent Market Monitor released a report demonstrating how utility load forecasts for future data centers were a primary factor in the December capacity auction. The report found that speculative data center load forecasts increased capacity prices by 61%, while existing and committed data center load accounted for just a 4% increase. The market monitor estimated that forecasts tied to unbuilt data centers could add more than \$47 billion in capacity costs over a three-year period.

### **Customers on the Hook for Transmission Costs Without Accountability**

Transmission costs for Ohio customers have continued to skyrocket over the past decade. 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. In 2026, Ohio customers are set to pay over \$3 billion for electrical transmission.

The OMA recently joined a letter by the Industrial Energy Consumers of America to FERC Commissioners asking them to exercise their authority to reduce the cost of electricity transmission.

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

Last year, the PUCO 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. The tariff could increase costs to other customers in several ways, including:

- Increased future capacity prices by increasing the AEP load forecast submitted to PJM
- Increase transmission costs if baseline transmission upgrades are triggered in planning from overstate load forecasts
- Creates upward pressure on transmission rates as most data center interconnection costs are socialized to all customers as "supplemental transmission" projects

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 capacity 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.

## Legislative Report:

- **Electricity Forecast Integrity Act**

Projected power needs are being inflated by speculative assumptions about future power demand. Before approving costly new infrastructure or locking in higher rates for specific customers, the data driving those decisions must be accurate, transparent, and independently verified.

Legislation that is soon to be introduced will address this issue. The Electricity Forecast Integrity Act would require independent verification and public review of large-load forecasts before they can be used to justify major investments in power generation and transmission infrastructure. An independent third party must analyze the utilities' data and produce its own load forecast for each Ohio utility, which will then provide an alternative forecast to the Public Utilities Commission of Ohio (PUCO). The PUCO must create a process where stakeholders can review both the independent and utility-submitted load forecasts. The PUCO must then adopt the most reasonable and accurate forecast or a modified forecast prior to authorizing the forecast to be sent by the utility to PJM.

Currently, load forecast assumptions are being incorporated into long-term planning models as guaranteed growth, pushing up capacity prices and triggering unnecessary transmission and generation projects,

- **Energy Intensive Users Targeted in New Legislative Proposals**

As data centers have been targeted for their energy usage recently following inflated load forecasts authored by utilities, numerous bills have been introduced to penalize the industry of energy-intensive users. The OMA has urged lawmakers to proceed with caution when discriminating against a select industry.

Some of these bills include: House Bill 706, a proposal that seeks to codify the tariff enacted on data centers that was approved by the PUCO, House Bill 646, a proposal to establish a Data Center Study Commission, and House Bill 710, a proposal to limit construction of new data centers. Additionally, there is a slate of bills authored by Senate Democrats as well which have not been introduced.

The OMA will continue to educate policymakers on the real driver of rising energy costs – inflated load forecasts.

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

The General Assembly acted swiftly to advance far-reaching energy regulatory reforms last 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.

House Bill 15 was designed to bolster Ohio's competitive energy market to incentivize new generation in the state. Importantly, the bill also included elements of critical pro-customer reforms, taking aim at ending customer-paid subsidies and repealing "riders" on customers' power bills. House Bill 15's change to allow behind-the-meter generation to be located off-site has already yielded over 1,500 MW of new gas generation.

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 contained many provisions, 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).
- Prohibit electric distribution utilities from owning generation or bidding into wholesale markets using ratepayer funds.
- Language to require 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.
- Language to continue customer programs on a non-discriminatory basis to foster economic development, transmission, and demand response programs.

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.

- **Competitive EV Charging Bill Advances from the Senate**

The OMA joined a chorus of proponents in the fall to support 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.

Senate Bill 106 was voted unanimously out of the Senate in February and is now pending in the House Energy Committee.

- **Nuclear Fusion Proposal Forthcoming**

New legislation will be introduced soon by Representative Brian Lorenz to regulate fusion energy. Rep. Lorenz noted in preliminary comments about the bill that the Ohio legislature should get ahead of the curve by establishing regulations for nuclear fusion. The bill would task the Ohio Department of Development with convening a fusion energy working group.

- **Natural Gas Utility “Giveaway” Passed**

Senate Bill 103 was recently passed by the legislature to modify rate-making 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
- States that the Public Utilities Commission (PUCO) can only consider a settlement if the utility supports the settlement
- Erodes customer protections by changing what is deemed used and useful
- Requires approval of above-market charges without any caps or limits on the amounts collected from customers
- Allows utilities to collect money from customers for capital expenditure riders on a projected basis, regardless of whether the funds are actually used

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. The bill becomes effective this month.

- **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, alike 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 Proposal Clears Senate**

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 unanimously passed the Senate last month and now goes to the House Energy Committee for their consideration.

- **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. The OMA will continue to monitor the legislation.

- **Community Energy Program**

House Bill 303 intends to implement a community solar program within the distribution utility which is concerning. A model bill driven mainly by environmental interests, renewable portfolios at the distribution level are unproven and may only serve as a cost-shift forcing non-participants to subsidize participants without any meaningful generation benefit. Significant revisions have been made to minimize the cost shift and the bill could advance, although utilities are opposed. The OMA 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.

- **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.

- **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 Public Utilities Commission of Ohio. 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 March 16, 2026**

- 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:* 3/10/2026 - Senate Energy, (Second Hearing)  
*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:* 3/4/2026 - **REPORTED OUT**, House Energy, (Eleventh 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:* 2/11/2026 - Referred to Committee Senate Energy  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-303>
- HB427**      **AUTHORIZE VOLUNTARY DEMAND RESPONSE PROGRAM** (KLOPFENSTEIN R) To authorize voluntary demand response programs for residential and small commercial customers.  
*Current Status:* 3/18/2026 - House Energy, (Fifth Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-427>
- HB646**      **CREATE DATA CENTER STUDY COMMISSION** (CLICK G, DEETER K) To create the Data Center Study Commission.  
*Current Status:* 3/3/2026 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**, House Technology and Innovation, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-646>
- HB657**      **PUCO NOMINATING COUNCIL CHANGES** (TROY D, SIGRIST M) To make various changes to the Public Utilities Commission nominating council and nomination process.  
*Current Status:* 2/4/2026 - Referred to Committee House Energy  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-657>
- HB706**      **DATA CENTER CUSTOMER REQUIREMENTS** (RADER T, THOMAS D) To impose certain minimum requirements on data center customers in the state.  
*Current Status:* 3/4/2026 - House Energy, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-706>
- HB710**      **PUBLIC SUPPORT PROHIBITION-DATA CENTERS** (DEMETRIOU S, WORKMAN H) To prohibit public support for, and limit the construction of, new data centers.  
*Current Status:* 2/25/2026 - Referred to Committee House General Government  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-710>

- HCR35**      **URGE CONGRESS-ENERGY PERMITTING** (LEAR B) To urge Congress to enact reforms to federal permitting policies to accelerate deployment of new energy infrastructure.  
*Current Status:* 3/11/2026 - House Energy, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HCR-35>
- 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:* 12/19/2025 - **SIGNED BY GOVERNOR**; eff. 3/18/26  
*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:* 3/18/2026 - House Energy, (Third 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:** 3/11/2026 - House Energy, (Second 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:** 3/18/2026 - House Natural Resources, (Second Hearing)  
**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>
- SB245 PROHIBIT UTILITIES-RECOVERING POLITICAL COSTS FROM CUSTOMERS (SMITH K)** To prohibit certain public utilities from recovering political expenditure costs from their customers.  
**Current Status:** 11/5/2025 - Senate Public Utilities, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-245>
- SB246 PROHIBIT UTILITY SERVICE TERMINATION-CERTAIN HOUSEHOLDS (SMITH K)** To prohibit terminating electric or gas service to certain households and establish a payment plan for these services.  
**Current Status:** 11/5/2025 - Senate Public Utilities, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-246>
- SB294 DECLARE ENERGY SITING POLICY (LANG G, ROMANCHUK M)** To declare the state's energy siting policy.  
**Current Status:** 2/10/2026 - **BILL AMENDED**, Senate Energy, (Third Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-294>
- SB298 REGARDING VIRTUAL NET METERING, METER AGGREGATION (ROMANCHUK M)** Regarding virtual net metering and meter aggregation.  
**Current Status:** 10/28/2025 - Senate Energy, (First Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-298>
- 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>

## Inflated Utility Forecasts — Not Data Centers — Driving Customer Power Bill Spikes

### EXECUTIVE SUMMARY

Ohioans rely on public utility companies, government regulators, and PJM Interconnection LLC — the regional grid operator — to manage generation supply and transmission adequacy. Ultimately, the costs to the system are borne on the backs of customer ratepayers, so it is important the system be transparent and that safeguards exist to protect customers from frivolous costs.

Accurate electric load forecasts are paramount in protecting customers from excessive, unnecessary costs. Inadequate forecasts have driven up capacity power prices, eroding electric affordability, and will diminish Ohio's economic competitiveness if not corrected.

Much has been said in recent years about a looming crisis in electricity demand. Frequently, the culprit has been assigned to the addition of new data centers, especially those employing artificial intelligence technology. But is it true?

Members of the Ohio Manufacturers' Association engaged the team of engineers at RunnerStone to study that question specific to the forecasts prepared and submitted by American Electric Power (AEP) and their utilities. The findings may surprise you.

### INFLATED OHIO UTILITY LOAD FORECASTS DRIVE ELECTRIC PRICES HIGHER

AEP utilities have utilized an Ohio rate construct to significantly inflate future power demand. Customers have already seen transmission and generation components of their power bill skyrocket. Rates will continue to climb until responsible parties are held to account and more transparent checks and balances are restored.

AEP utilities have generally used their own data center rate plan to inflate future power demand having increased forecasts by about 40% per data center. Our review reveals that AEP utilities likely have counted data center projects multiple times. Additionally, AEP utility forecasts appear to fail to take into account behind the meter power generation that the capacity market will not need to supply. But, it's not just data centers, AEP utilities have over-forecast small business user demand at times.

Finally, our research notes that the forecasts do not account for exponential improvement in energy efficiency of computing. Combined, these omissions and aberrations can propel forecasts even higher than average utility over-forecasting.

### GRID OPERATOR AND STATE COMMISSIONS RUBBER-STAMP FORECASTS

Grid operator PJM uses utility-authored electric load forecasts to set market power pricing via the capacity market. They have generally accepted utility-authored forecasts despite a track-record of over-estimates by utilities. Higher load forecasts generally result in higher capacity prices for customers and greater profits for owners of transmission

utilities. The Federal Energy Regulatory Commission (FERC) has taken an interest in forecast consistency, inquiring of the methodology of grid operators. PJM has not presented a clear plan to vet utility forecasts of data center load.

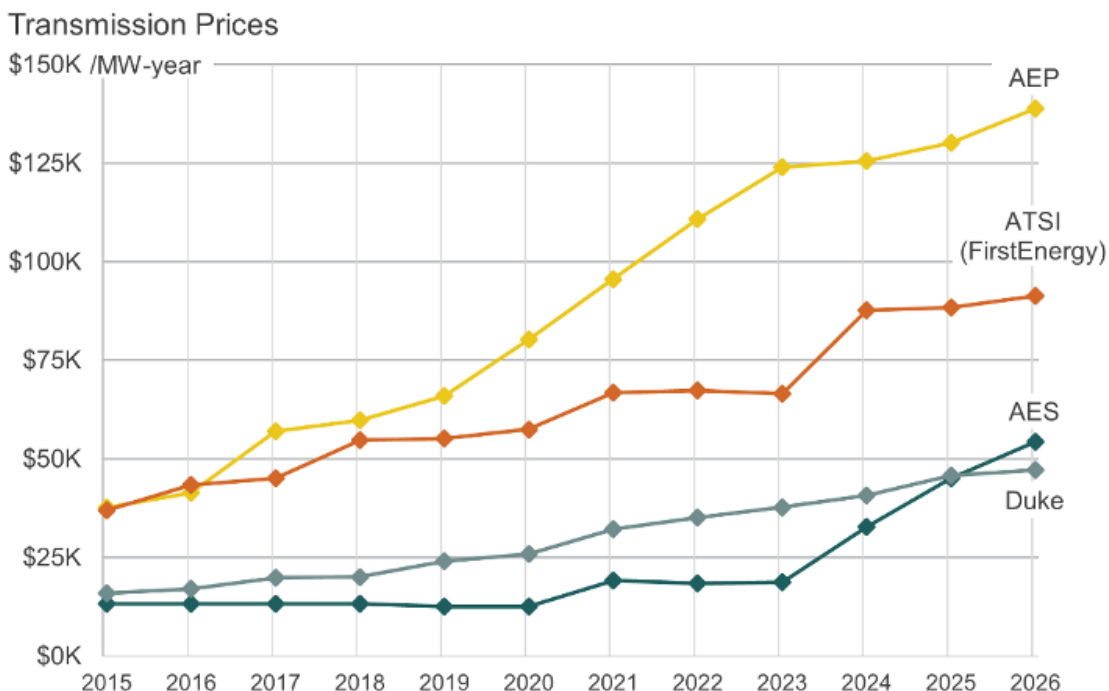
The OMA has highlighted the obvious problem of over-forecasting to state regulators, who have declined to investigate. The OMA has written PJM cautioning over process changes allowing greater over-forecasting. Those cautions have gone unheeded.

**STRENGTHEN OHIO’S ECONOMY: CHOOSE COMPETITIVE ENERGY OVER ENTRENCHED INTERESTS**

Manufacturers trust properly functioning markets to solve problems over government intervention picking winners and losers for political reasons. As demand increases competitive markets can be harnessed to attract new generation. Beware of proposals to allow electric distribution utilities to dial back the clock and allow electric utilities to own and operate power plants of any type.

Infrastructure investment remains a monopoly activity whereby captive customers are at the mercy of utility spending plans. Recently, the Ohio General Assembly acted to approve House Bill 15 that will require utility owners to publish a heat map to depict where the electric system has room for new load and reduces red tape for customers so they can assess economic development opportunities quickly. These provisions should be given time to work.

Meanwhile, customers continue to see significant increases in their electric transmission costs, which are embedded in retail electric rates. The driver of this is unfettered “supplemental” transmission project investment from AEP Transmission. Supplemental projects have minimal review or regulations by PJM or the FERC, since such projects are not needed for system reliability. The OMA’s energy engineering consultant, RunnerStone LLC, produced the below graph showing that Ohio utilities continue to pour hundreds of millions of dollars into supplemental transmission projects at the expense of customers.



Ohio customers are set to pay over \$3 billion for electrical transmission in 2026.

AEP transmission costs have soared, tripling over the past 10 years.

## **SOLUTIONS ARE NEEDED**

The Ohio Manufacturers' Association has outlined fixes to promote forecast accountability. Inaccurate load forecasts are fleecing captive customers while lining utilities' pockets. See recommendations to protect customers from costly over-building of transmission and continued market inflation of generation. Follow the money. Stay the course on competitive generation.

## **BOTTOM LINE**

Utilities like AEP are overstating future electricity demand — especially from data centers — and benefit financially from doing so. Overestimating future electricity demand generates more revenue, which in turn drives greater profit for utilities. For customers, higher forecasts justified by utility monopolies lead to overbuilding infrastructure and higher customer bills to pay for it. OMA-produced research should prompt skepticism of current forecasts. Policymakers on behalf of Ohio customers and on behalf of the Ohio economy should demand greater transparency and accountability starting with an investigation into AEP's forecasts. Subsequent customer safeguards and policies should be enacted to narrow the opportunity for electric companies to game the system and unfairly increase costs for consumers.

###

## Inflated Ohio Utility Load Forecasts Drive Electric Prices Higher

### Summary

The electric industry is undergoing rapid changes to how electricity is generated, stored, delivered, and used, after operating in much the same way for over 100 years. The recent rapid technological changes and innovations are disruptive, but they create real opportunities, as well as risks. Planning for future electric infrastructure through regulation and policymaking has become genuinely more difficult due to the rapid changes that are occurring. On any given aspect of electricity, there is a wide range of probable future outcomes, a low-to-high set of scenarios that may occur. These aspects include but aren't limited to how much renewable energy will be developed and placed on the grid, how much baseload generation will be developed and placed on the grid, where new generation will be located, how many electric vehicles are built and sold, and how many AI data centers will come online. Whether energy-intensive companies will install generation behind their own meters and take themselves partially off the grid is a factor too. It is difficult to pinpoint exactly what will happen with technological changes in years to come and thus planning around exact and precise forecasts is inherently problematic.

Moreover, within this framework of an uncertain future, data provided by electric utilities, including Ohio utilities, is used by electric grid operators, such as PJM, for planning and is often skewed to the high end of scenarios or even outside of reasonable assumptions. This may be because electric utilities have financial incentives to estimate high load increases and overbuild electrical infrastructure. Similarly, grid operators are naturally risk averse and thus have an inherent incentive to estimate high future electricity use and to overbuild as well. But overestimates of future electrical load come with a cost, pushing up electricity prices to attract generators and electric transmission investment that may not be needed. That raises a key question: Who then bears the risk and cost? Competitive companies make these investments on their own judgement, with their shareholders at risk. Monopoly electric companies, however, make these investments comparatively risk free as their customers bear the risk and will cover any bad investment through increased electric rates. Whether PJM bears responsibility, risks or rewards for their decisions should be evaluated.

### AEP Ohio's Data Center Tariff is Being Used to Legitimize Increased Load Forecasts Submitted to PJM

It is a long-standing concern that electric utilities are financially incentivized to forecast high demand and that this leads to overbuilding electrical infrastructure and driving up customers' electricity bills.

### Key Points of OMA Analysis

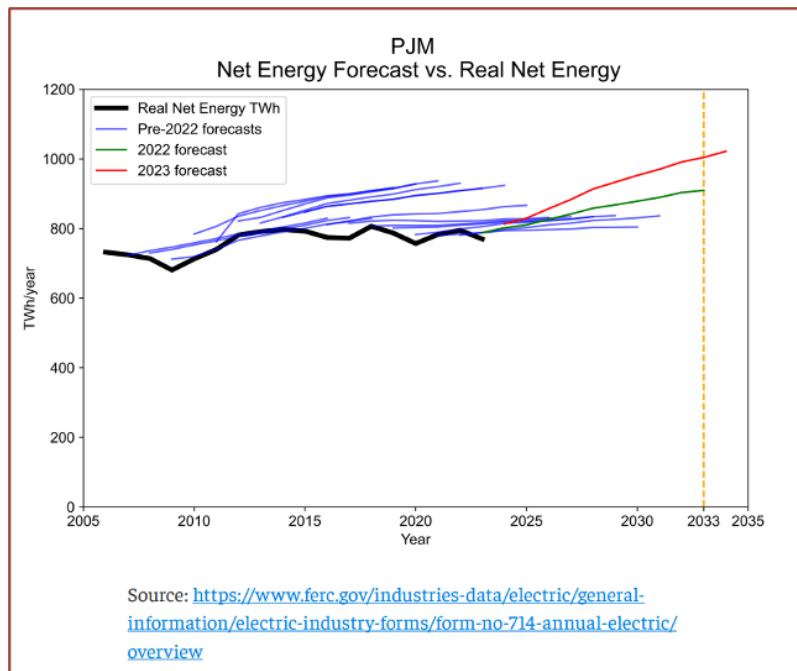
- AEP Ohio's data center tariff is being used to increase its PJM large load forecast by over 40% per data center.
- Increases to utility load forecasts signal new investments in electrical infrastructure are needed, raising electricity prices.
- Ohio utilities have been found overestimating small business load forecasts. The PUCO rejected an investigation into this matter.
- The Federal Energy Regulatory Commission is inquiring about electric load forecasting methods across the country.
- PJM's Independent Market Monitor found load forecasts of unbuilt data centers have raised electric capacity costs by \$21.3 billion over a 3-year period.

This long-standing concern is heightened and emergent due to the rapid expansion in the number and size of interconnection requests from data centers, especially in AEP Ohio’s territory. While AEP Ohio is seeing legitimate growth in requests for data center interconnection and energy usage, there is also supporting data that AEP Ohio is overforecasting in recent load forecasts. That is, there is evidence that AEP Ohio may be taking an already large potential load and making that load estimate even bigger.

**HOW ELECTRIC UTILITIES SUBMIT DATA CENTER LOAD TO PJM**

As an example, AEP Ohio’s corporate parent, American Electric Power (AEP), submits several types of load forecasts to PJM, from which PJM plans transmission and electric generating capacity needs, and based on information from AEP Ohio and its distribution utilities in other PJM states. First, AEP submits its standard load forecast, which can be thought of as an electric utility’s estimate of electricity growth or decline in future years. It’s important to note that electric distribution and transmission utilities make their revenue based on how much infrastructure they build for the future, not how much electricity they sell in the future. This dynamic results in electric utilities having an inherent financial incentive to overestimate future electricity needs to justify building electric infrastructure, with little financial penalty if they overbuild. In fact, historical data shows that electric utilities almost always over forecast future electricity needs. Figure 1 below is from the Bipartisan Policy Center report “Electricity Demand Growth and Data Centers: A Guide for the Perplexed” and shows how actual electricity use has historically been far less than PJM’s forecasts of future electricity use.

**Figure 1: Historical Over-Forecast of Electricity Needs<sup>1</sup>**



Second, AEP and other utilities separately provide adjustments to their load forecast to PJM called “large load additions.” Large load additions allow utilities to add custom, one-off cases of electric load additions to their load forecast that they do not think are already captured in the standard forecast. Historically, there have been few large load additions, and the process has received relatively little scrutiny. However, with the growing popularity of data centers, large load additions have grown in frequency and size. As a result, large load additions are the primary way increased load is being accounted for by PJM.

<sup>1</sup> “[Electricity Demand Growth and Data Centers: A Guide for the Perplexed](#).” Bipartisan Policy Center, Koomey Analytics, February 2025.

PJM has published guidelines for how to account for large load additions, though utilities do not have consistent methods for following these guidelines. PJM lists these guidelines in its Manual 19.<sup>2</sup> Critical guidelines for single facilities include:

- The large electric load addition should be publicly acknowledged through a press release or regulatory process.
- The utility should have also adjusted its financial planning forecast for the load.
- The potential customer should have a Letter of Agreement (LOA) or Electric Service Agreement (ESA) in place with the distribution utility.
- Behind-the-meter generation at the large load should be accounted for.
- The electric utility should provide “any available” independent analysis of the large load addition.

PJM then states it acquires the following data, presumably to evaluate the veracity of the large load addition:

- Hourly load history of the proposed load, or request expected hourly load of the potential customer.
- Extended forecasts of the large load adjustment.
- “If available,” a high/low scenario of the load adjustments.

However, if there is an “industry-level load change,” PJM uses a different set of criteria that are much less stringent. In fact, PJM requires very little to authenticate “industry-level load change” except that the utility has changed its own financial planning forecasts and that expected near term growth is supported by contracts in place. Data center load could be deemed an industry level load change, therefore PJM could accept utility large load adjustments of data center load without following its own guidelines for individual large load adjustments.

From the research, it does not appear that AEP follows the Manual 19 guidelines for accounting for individual large loads or that PJM asks AEP to do so. For example, press releases of the large loads are not included by AEP with their forecast, independent analyses are not provided, and even though there is ample evidence of behind-the-meter fuel cell and gas-fired generation being built to supply the data centers in AEP Ohio’s territory, there is no indication that the load reduction expected from behind-the-meter generation is being taken into account in the AEP load forecasts.

## HOW PJM USES LOAD FORECASTS FOR PLANNING AND ITS EFFECTS ON ELECTRICITY PRICES

PJM reviews large load additions to load forecasts submitted by utilities and can revise these forecasts prior to accepting them into their planning load forecasts. In practice, PJM often makes only small changes, and largely accepts what utilities provide. As shown above in Figure 1, historically this has led to PJM using forecasts of future power increases that never materialize. Within Figure 1 the ‘Pre-2022 Forecast’ lines represent many years of overforecasting that did not accurately represent true demand shown with the ‘Real Net Energy’ line.

PJM uses load forecasts in various ways for system planning. For example, PJM uses its estimate of future power load in its capacity auctions. The capacity auctions are intended to procure enough power capacity for PJM to meet all power load needs at all hours of the year. So, if load forecasts increase, PJM will increase the amount of generation it procures in the capacity auction for that year. This in turn can increase prices in the capacity auction. For example, a recent study by PJM’s Independent Market Monitor found that forecasts of data center load increased electricity capacity costs by \$21.3 billion over a three-year period, compared to an increase of \$1.8 billion for built data centers. In other words, the load forecast is a far larger driver of increased electric capacity costs currently than real data centers.<sup>3</sup>

PJM also uses forecasts of future power needs to plan for transmission expansion in its Regional Transmission Expansion Planning (RTEP) process. PJM runs power flow simulations for the transmission system at the forecasted load to determine if there will be any physical limitations with existing transmission facilities delivering power at peak times. Importantly, PJM

<sup>2</sup> PJM Manual 19: [Load Forecasting and Analysis](#), Revision 37, December 18, 2024.

<sup>3</sup> Monitoring Analytics, [“Analysis of the 2027/2028 RPM Base Residual Auction, Part A.”](#) Table 1.

considers physical limitations not just in standard operating conditions but also models whether there are limitations under conditions where part of the transmission system has already failed. If there are physical limitations in this planning scenario, PJM identifies “solutions” to alleviate the physical constraint. Solutions can range from changes to system controls to miles-long extra-high voltage transmission lines. Solutions are constructed by electric transmission utilities. The costs of the transmission system upgrades are then charged through utility bill rates for many years. Generally speaking, the higher a utility’s load forecast, the more physical limitations that are identified, and hence the greater the spending on transmission infrastructure to fix the limitation.

In summary, higher load forecasts will generally result in higher capacity prices and higher transmission prices for customers and greater profits for owners of transmission utilities.

### **HOW AEP USES ITS AEP OHIO DATA CENTER TARIFF TO CHANGE ITS DATA CENTER LOAD FORECAST TO PJM**

In the spring of 2024, AEP Ohio filed for a new Data Center Tariff (rate plan) with the Public Utilities Commission of Ohio (PUCO). Typically, new tariffs and amendments to existing tariffs are filed and approved in a utility’s distribution base rate case, which includes a cost-of-service-study (COSS). OMA Energy Group argued that it was both unusual and inappropriate for AEP Ohio to file a new Data Center tariff independently, especially because AEP Ohio filed a distribution base rate case soon after in early 2025. A COSS was not included in the standalone Data Center Tariff case and should have provided critical analysis to understand what cost data centers are creating with the electric system. The COSS would have provided a rationale for how to design a tariff specific for data centers.

When AEP Ohio filed its Data Center Tariff, the utility also announced that it had a moratorium in place on new data center interconnections to the grid. The moratorium had been in place for a year with no announcement, filing or PUCO approval, and AEP Ohio made clear that the moratorium would stay in place until its proposed tariff had been approved. AEP Ohio’s moratorium was problematic, as electric utilities have a legal obligation to serve customers. Customers do not have an opportunity to choose their electric distribution and transmission utility, since the state has granted the utility a monopoly franchise in a certified territory. In exchange for being given monopoly status, the utility is not authorized by law to deny a customer electric service unless justified. AEP Ohio’s unapproved moratorium on all data center interconnections without proper justification was likely improper. The unusual unilateral actions taken by AEP Ohio without PUCO approval may have created unfair bargaining power with the parties.

A primary outcome of AEP Ohio’s Data Center Tariff was a key change to how it forecasts large load additions that are submitted to PJM by its parent company. In 2024, prior to the passage of the Data Center Tariff, AEP would multiply its estimates of potential data center interconnection requests by 60%. AEP would then submit that value as a large load addition to PJM. In documents to PJM, AEP described the 60% as a “tariff provision.”<sup>4</sup> The 60% tariff provision is called a minimum demand ratchet. A minimum demand ratchet basically sets a monthly minimum charge for certain components of a customer’s power bill and does not reflect PJM’s load forecast methodology.

Nonetheless, instead of creating a more accurate way of forecasting data center load, AEP Ohio proposed to use the Data Center Tariff to increase its data center load forecasts by increasing the “tariff provision” from 60% to 90%.<sup>5</sup> By doing so, it could immediately inflate its PJM load forecast.

While AEP Ohio’s Data Center Tariff case is being contested to the Supreme Court of Ohio, a settlement was reached between AEP Ohio and several parties that was approved by the PUCO. In that settlement, parties agreed to allow AEP Ohio to increase the minimum demand ratchet for data centers to 85%. AEP immediately changed the “tariff provision” value

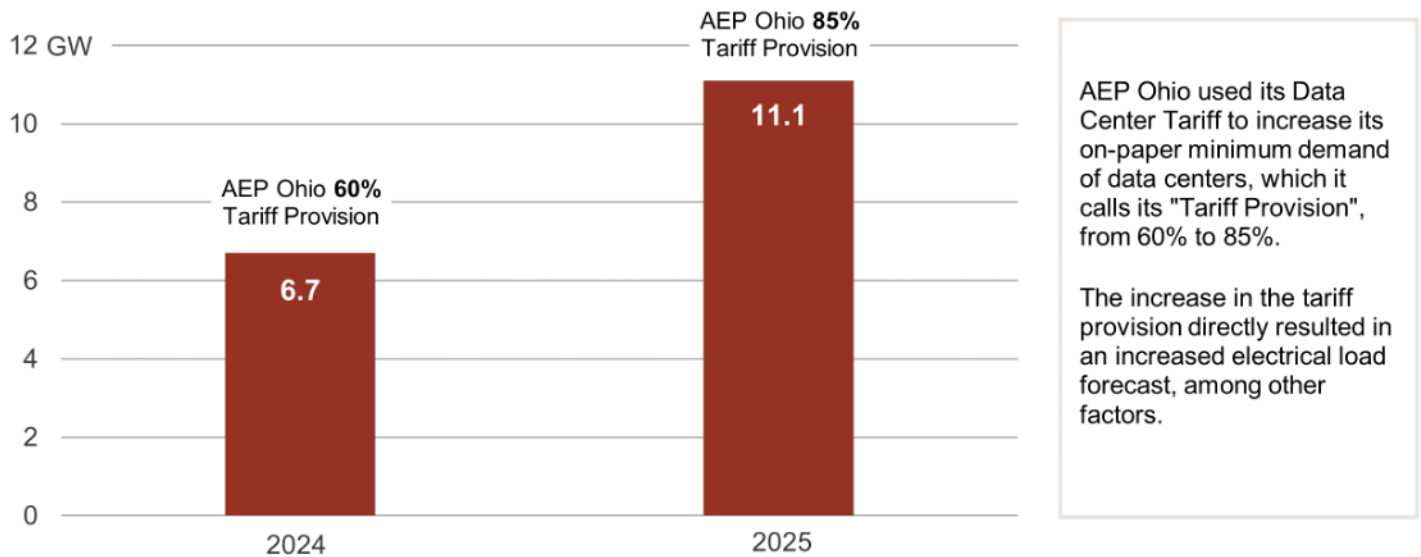
<sup>4</sup> AEP 2024 Load Forecast Adjustments, PJM Load Analysis Subcommittee, Oct. 25, 2024.

<sup>5</sup> Application for Approval of New Tariffs by Ohio Power Company, In the Matter of the Application of Ohio Power Company for New Tariffs Related to Data Centers and Mobile Data Centers, Case No. 24+508-EL-ATA.

it uses to submit load forecasts to PJM from 60% to 85%, as shown in Figure 2. This results in AEP being able to forecast a data center’s power usage 40% higher than it was previously doing.<sup>6</sup>

This change alone has resulted in AEP inflating its load forecast by at least 3.3 gigawatts (GW) to PJM for future data center load.<sup>7</sup> Figure 2 reproduces AEP’s large load adjustment submissions to PJM, showing how AEP increased its load forecast by changing the 60% “tariff provision” to 85%.

**Figure 2: AEP 2024 and 2025 Large Load Addition Forecast to PJM<sup>8,9</sup>**



**WHY PUCO APPROVAL OF THE DATA CENTER TARIFF MATTERS AT PJM**

AEP is clearly using the tariff provision changes from the Data Center Tariff case to increase its load forecast to PJM. However, while the tactical change to the “tariff provision” percentage that AEP was using is incredibly important, just as important is using the PUCO process to legitimize the large load forecast increase. Recall that electric utilities already are inconsistent with how they forecast large load additions, that PJM already accepts inconsistent forecasts from utilities, and that it is common knowledge in the electric industry that future data center power needs are highly uncertain. In the context of this high uncertainty, receiving regulatory approval from a state agency creates an important perception of authentication. PUCO approval suggests legitimacy and oversight. The public may instinctively assume that a regulatory agency is scrutinizing what it approves. Thus, an approved tariff is likely given considerable weight in other regulatory jurisdictions. In other words, staff and parties at PJM may assume that the PUCO scrutinized and reviewed how the minimum demand provision in the Data Center Tariff was going to affect AEP’s load forecast to PJM. However, this scrutiny did not occur in the data center case.

Unfortunately, the Data Center Tariff approval from the PUCO may be legitimizing the inflated load forecasts AEP submitted to PJM. In turn, PJM’s acceptance of the AEP load forecast can then be cited by other regulatory agencies, including the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC), and Department of Energy, all of whom rely on these same load forecasts for their planning and policy judgements. Multiple regulatory agencies’ use of utility load forecasts can create an echo chamber that legitimizes the untested information.

6 For example, consider a 100 MW prospective data center: (100 MW x 85% tariff provision = 85 MW) - (100 MW x 60% provision = 60 MW) = 25 MW increase; 25 MW increase / 60 MW initial forecast = 42% increase

7 Load forecast impact from the Data Center Tariff minimum demand provision: (13 GW x 85% = 11.1 GW) - (13 GW x 60% = 7.8 GW) = 3.3 GW

8 Application for Approval of New Tariffs by Ohio Power Company, In the Matter of the Application of Ohio Power Company for New Tariffs Related to Data Centers and Mobile Data Centers, Case No. 24+508-EL-ATA.

9 [AEP 2024 Load Forecast Adjustments](#), PJM Load Analysis Subcommittee, Oct. 25, 2024.

## OTHER CRITICAL ISSUES WITH AEP OHIO'S LOAD FORECASTS OF DATA CENTER LOAD

AEP Ohio's change to its minimum demand tariff provision is just one issue with data center load forecasts. AEP Ohio is not alone, as other electric utilities are also employing similarly unsophisticated forecasts of future data center load, nationwide. Additionally, AEP Ohio's and its parent company's fundamental approach to data center load forecasts are problematic.

First, AEP states that it begins with a "queue," which its parent company currently states to PJM is 38 GW across its multi-state PJM footprint. The "queue" description is misleading. It is not known what criteria AEP uses to tally the projected load numbers that are in its queue, and the "queue" may simply be "inquiries" by companies looking to locate in various locations, depending on interconnection costs and economic development packages.<sup>10</sup>

Next, AEP narrows this "interconnection queue" to data centers that have requested an interconnection engineering study, which it currently estimates to PJM as 13 GW.<sup>11</sup> Interconnection engineering study requests are an early investigation step by a customer in determining whether they will locate at a specific location, but they are not assurance of interconnection. AEP has provided no indication of why 25 GW of data centers have not requested an interconnection study.

One could consider the 13 GW of data centers receiving an interconnection study as a qualified lead. Meaning, it is likely that some of the interconnection study requests will convert to receive energized utility service. However, there are several go/no-go decision points for the prospective data center business between the interconnection study request and energizing. For example, after the interconnection study is completed, the prospective data center has a choice on whether to sign an Electric Service Agreement (ESA) and Letter of Authorization (LOA) to proceed. After an ESA and LOA are signed, data centers then have to provide security or collateral to retain their spot in the interconnection queue. Data centers may choose not to proceed if the timeline or cost of interconnection or collateral is greater than at a competing location. Then, if the data center does energize, its actual electric load may be less than it anticipated for some time.

Unfortunately, AEP does not consider or apply conversion percentages for each of these decision-making stages. Instead, AEP simply multiplies its qualified lead list, meaning the interconnection study requests, by the 85% minimum tariff provision in its Data Center Tariff. As a result, AEP is almost certainly overcounting its future data center load.

Other reasons that estimates of future load should be discounted from 85% of maximum power demand from data centers that may come online include:

- Data centers demonstrate sophisticated energy management capabilities and may reduce their future peak loads with behind-the-meter generation, battery storage, peak load management, and energy efficiency. For example, in Ohio over 1.8 GW of gas-fired power generation is being planned to supply data centers with behind-the-meter power, much of it in AEP Ohio territory.<sup>12</sup> Also, multiple data centers have announced that they will use fuel cells to meet their power needs.<sup>13</sup>
- Data center business service prospects have a wide range of adoption estimates. While public consensus is that artificial intelligence services are transformational and have solid business prospects, tech-driven business cycles are also notorious for having investment-driven booms followed by market contractions when actual revenue is needed to support business expenses.
- While computing technology services have expanded rapidly and consistently for decades, so too has computing efficiency, as described by Moore's Law and Koomey's Law.

To be fair, data centers could also continue rapid expansion for some years to come. Thus, it is important to acknowledge that data center power use in the future will fall within a wide range of outcomes.

<sup>10</sup> <https://www.utilitydive.com/news/aep-ohio-data-center-crypto-rates-puc/716150/>

<sup>11</sup> [AEP 2025 Load Forecast Adjustments](#). PJM Load Analysis Subcommittee, Sept. 16, 2025.

<sup>12</sup> Ohio Power Siting Board, [Gas Generation & CHP Case Status](#). Approved and Pending Gas Generation & CHP Facilities

<sup>13</sup> PUCO Approves Onsite Power Project for Data Centers <https://www.aep.com/news/stories/view/10262/>

Policymakers and industry leaders should continue to narrow the range of realistic outcomes with analysis while advancing policies that work under the full range of outcomes.

### Potential Electricity Cost Increases from AEP Ohio's Data Center Tariff to Other Customers

AEP Ohio's Data Center Tariff increases costs to other customers in at least the following ways:

- Increases future capacity prices by increasing the AEP load forecast submitted to PJM.
- Increase transmission costs if baseline transmission upgrades are triggered in planning from overstated load forecasts.
- Creates upward pressure on transmission rates as most data center interconnection costs are 100% socialized to all customers as "supplemental transmission" projects, and data centers have little financial incentive to reduce their interconnection costs.
- AEP Ohio's transmission cost allocation is structured in a way that inhibits the data center tariff from protecting other classes of ratepayers, including residential, secondary (small business), and primary service classes. Instead, the minimum demand provision only creates a protective effect for other customers within the same class, largely other data centers.

### Data Centers are Unique and Load Forecasts May Be Overestimated Nationwide

Many utilities forecast data center electrical load based on the interconnection inquires to the utility, not based on the data center's investment plans or independent market assessments. This is problematic, as data centers can inquire with multiple utilities across the nation, or even the globe, for placement of one data center but each utility starts planning for each data center request it receives. Utilities nationwide, in aggregate, are likely forecasting load based on the number of sites data centers are considering, not the number of data centers that will be built.

Data centers are unique as compared to other large electricity users. Importantly, some data center computing usage can be time and location independent. In other cases, data centers can move their processing needs, and thus their energy use, between locations or at different times as they are processing data. Eventually, AI businesses may conduct significant amounts of computing at places and times of lowest electricity cost. Remarkably, AI tech company Amazon's founder Jeff Bezos has speculated that AI data centers will be space-based and 100% solar-powered within "the next couple of decades."<sup>14</sup>

The ability for data centers to select where and when they process some of their data is unlike any other large industrial user of electricity. Traditionally, access to natural resources, supply chain businesses, workforce, housing, water, transportation infrastructure, etc., have meant that energy-intensive industrial users evaluate a relatively small number of geographic locations for development. In contrast, data center developers have considerably more choices on where to locate and operate their businesses, such that the cost of electric interconnection, the speed of electric interconnection, and the ongoing reliability and cost of electricity could become important determining factors. These energy needs and costs for a potential data center customer could vary widely from state to state and utility to utility, as these utility costs are often not market-based but instead determined through labyrinthian and opaque regulatory processes. Electric regulatory costs and risks are not transparent, standardized, or easily understood.

As a result, data center businesses likely have more ability to consider multiple interconnection locations for their business and have more need to compare electric regulatory structures for their business. Lowering the cost of regulation and utility interaction becomes a business necessity for data centers.

In other words, data centers are much more likely to shop broadly for their electric utility provider as compared to other types of large industrial electricity users. Consequently, they are more likely to submit multiple inquiries and interconnection study requests with multiple utilities in order to solicit enough information to compare utility costs and services. This ability and need are new and unusual for utility interconnection and planning processes.

<sup>14</sup> <https://www.reuters.com/business/energy/data-centres-space-jeff-bezos-thinks-its-possible-2025-10-03/>

In aggregate, the nation’s utility load forecasts of data center power could be significantly overblown. Indeed, a recent study from London Economics International claimed that the aggregate utility load forecasts of data center power demand “exceeded the capability of global chip manufacturers.”<sup>15</sup>

### Ohio Utilities are Inflating Load Forecasts for Small Businesses

Data center load forecasts are a primary concern nationwide. However, AEP Ohio has recently significantly and inexplicably overestimated electric load from other customer classes as well.

In a 2025 filing at the PUCO, AEP Ohio included workpapers to show how it calculates rates to charge customers for one of its types of electricity charges, called the Basic Transmission Cost Rider (BTCR). To calculate the BTCR rates, AEP Ohio shows how it spreads the total cost of transmission across customer classes, by dividing cost per class by the amount of electricity or power use of that class. In this case, AEP Ohio increased the amount of its forecast for the load of its Secondary Service class of customers from 2024 to 2025 by 27%. Secondary service customers are smaller businesses, such as restaurants, small manufacturers, office buildings, churches, and schools.

AEP Ohio’s estimate of a 27% increase in the usage of the Secondary Service class is demonstrably incorrect. OMA technical experts at RunnerStone found that AEP Ohio significantly overestimated the usage of the Secondary Service. Table 1 presents AEP Ohio’s increased load forecast of its Secondary Service class and Table 2 presents a comparison of this forecast to RunnerStone’s estimates of actual Secondary Service load.<sup>16</sup>

**Table 1: AEP Ohio Secondary Service Percent Increase**

Year	GS Secondary			
	kW	kW Increase	kWh	kWh Increase
2023-24	32,154,826	-4.9%	11,009,267,355	-4.5%
2024-25	35,273,075	9.7%	11,961,741,643	8.7%
2025-26	44,809,138	27.0%	15,170,132,088	26.8%

**Table 2: Comparison of Secondary Service Load versus AEP Ohio’s Forecast**

GS Secondary	Quarter 2			
	Apr 25	May 25	June 25	Total
Forecasted Bill Determinant (kW)	2,854,228	3,596,920	3,483,550	9,934,699
Actual Billing Determinant (kW)	2,578,410	2,687,244	2,790,442	8,056,096
Difference between Forecasted and Actual (kW)	275,818	909,676	693,108	1,878,603
Percentage Difference (%)	9.7%	25.3%	19.9%	18.9%

<sup>15</sup> “Uncertainty and Upward Bias Are Inherent in Data Center Electricity Demand Projections,” London Economics International, prepared for Southern Environmental Law Center, July 7, 2025.

<sup>16</sup> Motion to Intervene, Comments, And Motion to Open an Investigation in AEP Ohio’s Load Forecasts of The Ohio Manufacturers’ Association Energy Group, In the Matter of the Application of Ohio Power Company to Update Its Basic Transmission Cost Rider. Case No. 25-735-EL-RDR.

It is important to note that a 27% increase in Secondary Service power use would be unprecedented. It should have been immediately rejected by the PUCO as inaccurate, as historic Secondary Service power consumption has changed very little from year to year. Instead of rejecting this forecast, the PUCO accepted it on the condition “that AEP file an interim update by July 15, 2025, with rates effective October 1, 2025, for a review of billing determinants and over/under reconciliations.”<sup>17</sup>

AEP Ohio did not follow the PUCO directive and refused to submit actual Secondary Service meter readings in its updated filing. Troublingly, AEP Ohio also filed its updated workpapers in this matter in an entirely new case at the PUCO. By filing the workpapers in an entirely new case, interested parties with legal standing in the original case, including the OMA Energy Group, the Ohio Energy Leadership Council and the Ohio Consumers’ Counsel, were deprived of being served notice of the updated filings and were deprived of receiving discovery requests and responses between PUCO staff and AEP Ohio pertaining to the issue of over forecasting load. These discovery requests could have been put into the record of the case in a demonstrable and factual way, which would have demonstrated that AEP Ohio is overforecasting its load. Such an egregious error warrants further investigation to determine if AEP Ohio is using the same inflated load forecast for the Secondary Service class with grid planning forecasts its parent company submits to PJM, or if other customer classes are similarly over forecasted.

### Federal Interest in Load Forecasts

On Sept. 18, 2025, Chairman Rosner of the Federal Energy Regulatory Commission (FERC) issued a letter to the nation’s electric system operators, including PJM, requesting additional information on how they accept forecasts of data center loads. Chairman Rosner rightly noted that small changes in load forecast amounts “can impact billions of dollars in investments and customer bills.”<sup>18</sup>

Shortly thereafter, PJM made suggestions in a stakeholder meeting on how to “enhance” the review process of large load forecasts. PJM suggested including an “added step for state commission opportunity to review” large load adjustments prior to the load forecast being released, as well as a requirement that utilities ask large loads if their interconnection request is duplicative.<sup>19</sup>

PJM’s proposal is underwhelming. It is essentially shifting responsibility of reviewing load forecasts to state commissions. This reinforces the suspicion that electric utility load forecasts have not been reviewed sufficiently by PJM. Additionally, PJM’s suggestion to ask a customer if its interconnection request is duplicative relies on hope of an honest answer. Moreover, guidelines are needed on how to forecast data center load no matter the data center’s response.

More recently, the White House’s National Energy Dominance Council issued a Statement of Principles Regarding PJM. The principles include “Improve Load Forecasting,” and are signed by the US Secretary of Interior, the US Secretary of Energy, and a bipartisan group of 13 governors of PJM states, including Governor DeWine.

### Recommendations

Utility load forecasts can have a significant and costly impact on electric transmission and power generation planning. The load forecasts are now a critical assumption of utility planning that has received little attention despite chronic over forecasting by electric utilities who have a clear financial interest to over forecast growth. Now, AI data centers are using

<sup>17</sup> PUCO Finding & Order 25-0050-EL-RDR, <https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A25C19B41737J00844>

<sup>18</sup> [Chairman Rosner’s Letter to the RTOs/ISOs on Large Load Forecasting](#), September 18, 2025.

<sup>19</sup> PJM Large Load Additions CIFP Update, Oct. 1st, 2025, slide 4, <https://www.pjm.com/-/media/DotCom/committees-groups/cifp-lla/2025/20251001/20251001-item-04---cifp---lla-updates---pjm-presentation.pdf>

incredible amounts of electricity and have created unprecedented uncertainty on how to forecast future load. Accordingly, action by policymakers and regulators is warranted. The OMA offers the following recommendations:

- The PUCO should open a docketed investigation into all utilities' load forecasts immediately. The investigation should follow at a minimum PJM Manual 19, Attachment B guidelines for Single Large Load changes, and others, including:
  - Investigate why the Secondary Service class load forecast is so high in AEP Ohio's BTCR filing, evaluate other class forecasts for similar risks, and evaluate whether AEP is including these same class forecasts to PJM.
  - Ensure AEP Ohio includes only data center large load additions that have been publicly acknowledged, as suggested in PJM Manual 19, Attachment B. The public notices should be published clearly in the public investigation report.
  - Ensure that AEP Ohio has included the load forecasts in its financial planning as reported to shareholders. The statement to shareholders should be included in the investigation.
  - Ensure that each single large load has a signed ESA and LOA.
  - Ensure that behind-the-meter generation plans have been solicited and accounted for in the load forecast.
  - Require that high, low, and medium scenario load forecasts are included with clear assumptions for each scenario.
  - Ensure that only coincident peak load estimates are used in AEP Ohio's forecasts, backed by hourly load history of like customers.
  - Order that AEP Ohio and AEP rescind its large load adjustments to PJM that use the 85% data center tariff minimum demand provision and provide a copy of this order to PJM and FERC.
  - Calculate the extent to which AEP Ohio's load forecasts have increased prices in PJM's capacity auctions.
- Electric utilities have an inherent financial interest in forecasting high loads. As such, Ohio should delegate an independent body to investigate and submit load forecasts to the PUCO.
- The PUCO should hold a hearing to consider the load forecasts proposed by both the Ohio utilities and the independent body and allow stakeholders to weigh in on the forecasts submitted. The PUCO should then consider the two load forecasts and adopt the most reasonable and accurate forecast, or a modified forecast prior to authorizing the utility to submit the approved forecast to PJM.
- Ohio policymakers should consider a "truth in public messaging" law that requires Ohio's electric utilities to be transparent and share consistent forecast data and claims with regulatory bodies, shareholders, and policymakers.

# Electricity Forecast Integrity Act

Electric utilities are submitting overly aggressive load projections to grid operator PJM, driven by financial incentives to overbuild infrastructure. PJM generally accepts these forecasts with limited scrutiny.

Inflated forecasts raise electricity prices and overstate the need for new transmission investments and new generation that may not actually be needed. Customers ultimately pay the price, as recent PJM auctions produced record-high costs for businesses and households.

Ohio needs stronger oversight and more realistic forecasting to prevent unnecessary spending and protect customers from rising electricity costs. Independent verification of utility load forecasting is essential to hold utilities accountable.

Forthcoming legislation will help protect customers by providing necessary updates to Ohio law. The Electricity Forecast Integrity Act will do the following:

1. Strengthen load forecasting reporting requirements for the utilities to increase transparency and accountability;
2. Require an independent 3rd party to analyze the utilities' data and produce its own load forecast for each Ohio utility, which will provide an alternative forecast to verify the utilities' load forecasts and assist the Public Utilities Commission of Ohio (PUCO) in its approval process;
3. Create a process where stakeholders can review and challenge the two reports and underlying data for each utility;
4. Require a public hearing be held on the reports, increasing transparency and accountability, and encouraging the accuracy of the utilities' forecasts; and,
5. Strengthen the PUCO approval process, requiring the PUCO to consider the two load forecasts and adopt the most reasonable and accurate forecast or a modified forecast prior to authorizing the utility to submit the approved forecast to the regional transmission organization, PJM.

These additional safeguards will encourage more accurate forecasting to prevent utilities from overbuilding or gold-plating transmission facilities that are not needed and will send the proper market signals to new generators. Avoiding these unnecessary investments lowers electricity rates, prevents inflated PJM market prices, and reduces the risk of stranded assets that will otherwise be paid for by customers.



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**TO: OMA Government Affairs Committee**  
**FROM: James Lee**  
**RE: Environment Public Policy Report**  
**DATE: March 19, 2026**

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## **Overview**

Several policy developments are impacting Ohio manufacturers at both the state and federal levels.

A key OMA priority was achieved with passage of legislation removing the Air Nuisance Rule from Ohio's SIP. Ohio EPA has submitted the change for federal approval, which is expected in the coming months.

State environmental legislation has been largely quiet, though recent bipartisan movement on PFAS regulations is emerging, with OMA poised to oppose the proposals.

Agency activity has remained stable despite leadership changes under Director John Logue. The OMA continues to engage on water quality rulemaking, monitor federal air requirements, and explore options to expand regulatory flexibility for manufacturers impacted by PM 2.5 and ozone nonattainment in Northeast and Southwest Ohio.

At the federal level, the Trump administration has begun advancing its deregulatory agenda, including early steps to reduce environmental justice funding and roll back major emissions programs such as greenhouse gas reporting. Though these major steps are impactful to manufacturers in allowing operations to thrive free from overreach and burdensome compliance costs, a major concern has developed with US EPA officially announcing PFAS as a priority in the Make America Healthy Again (MAHA) agenda.

## **Environment Legislation**

### **OMA Advances Removal of Air Nuisance Rule from SIP**

For years, the OMA has worked to eliminate the Air Nuisance Rule from Ohio's federal State Implementation Plan (SIP), which uniquely exposes manufacturers to frivolous litigation. After unsuccessful federal efforts, the OMA secured state budget language requiring Ohio EPA to petition U.S. EPA for its removal.

Ohio EPA has now submitted its SIP revision, and U.S. EPA is aware and actively working on the request, with removal likely within the year.

Once approved, Ohio manufacturers will be protected from future enforcement actions tied to this rule.

### **Amended HB 272 Resurfaces with focus PFAS Bans, Reporting Provisions**

Representatives Justin Pizzulli (R-Portsmouth) and Monica Robb-Blasdel (R-Columbiana County) introduced House Bill 272, originally a wide-ranging proposal targeting PFAS, food additives, and other issues. While the bill was previously considered stalled, it has recently been amended and revived—now focused primarily on PFAS reporting requirements that remain problematic for manufacturers. Similar legislation has also been introduced by Democrats behind the scenes.

The revised bill centers on new PFAs bans for consumer products and reporting requirements, which would impose additional compliance obligations on manufacturers despite ongoing federal review, creating uncertainty and added burden. Noncompliance with the bill would slam manufacturers with a steep \$15,000 daily fine for each identified violation of the bill's provisions.

With these changes, a bill once thought to be dead has found new life with movement signaled in the committee. If enacted, it could still place Ohio manufacturers at a competitive disadvantage. The OMA is actively monitoring developments and raising concerns with lawmakers.

#### 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.

#### Feds Reject Ohio Push for E-Check Removal

Legislation to fund transportation agencies for the next two years included provisions to eliminate Ohio's E-Check program. The bill ultimately passed the General Assembly, marking a significant step toward ending the program at the state level. However, U.S. EPA has rejected Ohio's request to remove E-Check requirements, maintaining that the program remains necessary for compliance with federal air quality standards.

Ohio has long required E-Check as an air pollution control measure in certain counties, and despite state action, federal approval is required before the program can be fully eliminated. The E-check requirements protect northeast Ohio manufacturers from emissions burdens being shifted to their operations.

### **State Regulatory Activity**

#### OMA Seeking Exceptional Events Demonstrations for PM 2.5 and Ozone Attainment

The OMA is working with Ohio EPA to pursue exceptional events demonstrations aimed at bringing Northeast and Southwest Ohio into attainment for PM 2.5 and ozone standards. This effort is focused on expanding regulatory headroom, improving permit access, and supporting continued manufacturing growth in these regions. The OMA has identified several Canadian wildfire days that may be excluded from air quality data, which could significantly improve attainment status. If successful, these changes would reduce compliance costs and limit the need for manufacturers to implement costly new control technologies.

#### 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.

#### 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.

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

#### US EPA Rescinds Endangerment Finding – Revoking Green House Gas Emission Authority

USEPA Lee Zeldin recently announced the final rescission of the 2009 Endangerment Finding, a historic move that ends the federal government's legal obligation to regulate greenhouse gases as pollutants. By dismantling this regulatory pillar, the EPA is shifting carbon oversight back to Congress and the states, arguing the agency lacks explicit authority for such broad climate mandates. For manufacturers, this shift provides an immediate reduction of approximately \$1.3 trillion in compliance costs and reporting requirements for vehicles and engines. However, it also introduces significant long-term uncertainty as industry leaders must now navigate a "patchwork" of conflicting state-level regulations and inevitable Supreme Court challenges.

#### 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 - **FINALIZED**
- **Reconsideration of the Green House Gas Reporting Program** - relieving reporting burdens, especially for energy-intensive sectors like cement, steel, and chemicals – **UNDER RECONSIDERATION**
- **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 – **UNDER RECONSIDERATION**
- **Reconsideration of Multiple NESHAPs** - reducing permitting complexity, reporting burdens, and tech upgrade mandates – **UNDER RECONSIDERATION**
- **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 – **UNDER RECONSIDERATION**
- **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 - **FINALIZED**
- **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** - **FINALIZED**

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

#### US EPA Labels PFAS Regulations MAHA

In a significant shift that has caught many manufacturers off guard, the U.S. EPA has officially integrated PFAS regulations into the broader "Make America Healthy Again" (MAHA) agenda, signaling a departure from the administration’s typical deregulatory stance. By classifying these "forever chemicals" alongside high-profile health initiatives like the removal of food dyes, the agency is applying a new lens of increased regulatory oversight that targets industrial contaminants as direct public health threats. This move is punctuated by the EPA’s formal affirmation of the CERCLA hazardous substance listing for PFOA and PFOS, a decision that cements long-term liability for manufacturers and complicates legacy cleanup obligations. While some analysts view this as a strategic move to appease a base concerned by previous environmental rollbacks, the agency’s active use of emergency Superfund authorities and more frequent updates to disposal guidance suggest a precursor for a more aggressive enforcement path. For industry stakeholders, this merger of chemical regulation with the populist MAHA platform creates a volatile environment where further PFAS mandates are likely, as the administration appears increasingly willing to bypass traditional economic relief in favor of visible, health-centric results.

#### 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

### 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 March 16, 2026**

- 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:* 3/4/2026 - House Natural Resources, (Second 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:* 3/17/2026 - House General Government, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-272>



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](#).



# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

## Substitute Bill Comparative Synopsis

**Sub. H.B. 272**

**136<sup>th</sup> General Assembly**

House General Government

Jeff Grim, Research Analyst

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

H.B. 272 (As Introduced)	Sub. H.B. 272 (I_136_0401-5)
<b>Per- and polyfluoroalkyl substances (PFAS) – prohibition against intentionally added PFAS</b>	
<p>Allows the Director of Environmental Protection (EPA Director), until January 1, 2032, to adopt rules prohibiting a manufacturer from selling a consumer product containing an intentionally added PFAS that is in addition to the explicitly prohibited products specified under the bill (<i>R.C. 3745.63(D)</i>).</p> <p>Prohibits a manufacturer, beginning January 1, 2032, from selling a product containing an intentionally added PFAS unless the EPA</p>	<p>Eliminates the January 1, 2032, time limit by which the EPA Director may adopt rules (<i>R.C. 3745.63</i>).</p> <p>No provision.</p>

H.B. 272 (As Introduced)	Sub. H.B. 272 (I_136_0401-5)
Director has adopted a rule providing that the use of PFAS in that product is a currently unavoidable use ( <i>R.C. 3745.63(C)</i> ).	
<b>PFAS - prohibition exemption</b>	
Exempts certain products from the bill's prohibitions against a manufacturer selling a consumer product containing an intentionally added PFAS ( <i>R.C. 3745.62</i> ).	Adds to the list of exemptions a product that is required to meet standards or requirements of the U.S. Department of Transportation, the FAA, NASA, the U.S. Department of Defense, or the U.S. Department of Homeland Security ( <i>R.C. 3745.62(Q)</i> ).
<b>PFAS – product information</b>	
<p>Requires the EPA Director to adopt rules that require a manufacturer to submit the following information to the Director for a product that contains an intentionally added PFAS:</p> <ol style="list-style-type: none"> <li>1. A brief description of the product, including a universal product code, stock keeping unit, or other numeric code assigned to the product;</li> <li>2. The purpose for which the PFAS is used in the product;</li> <li>3. 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 the Director;</li> <li>4. The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer; and</li> <li>5. Any additional information requested by the Director, as necessary, provided that the Director must not require disclosure of records, reports, or information, or particular</li> </ol>	No provision.

<p style="text-align: center;"><b>H.B. 272 (As Introduced)</b></p>	<p style="text-align: center;"><b>Sub. H.B. 272 (I_136_0401-5)</b></p>
<p>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 <i>(R.C. 3745.64(A))</i>.</p> <p>Requires a manufacturer of a product for sale in Ohio that contains an intentionally added PFAS to, by January 1, 2027, submit to the EPA Director the information required by the above rules (“required information”) <i>(R.C. 3745.64(B))</i>.</p> <p>Requires a manufacturer, if testing demonstrates that the product contains an intentionally added PFAS, to provide the EPA Director, within 30 days of the testing, the required information <i>(R.C. 3745.65(C))</i>.</p>	<p>No provision.</p> <p>No provision.</p>
<p><b>PFAS – prohibitions against including intentionally added PFAS</b></p>	
<p>Prohibits a manufacturer, beginning January 1, 2028, from doing either of the following:</p> <ol style="list-style-type: none"> <li>1. Selling a product if testing requested by the EPA Director demonstrates that the product contains an intentionally added PFAS and that the manufacturer failed to provide to the Director the required information; or</li> <li>2. Selling a product that contains an intentionally added PFAS unless the manufacturer has submitted to the Director the required information <i>(R.C. 3745.64(C) and (D))</i>.</li> </ol>	<p>No provision.</p>
<p><b>PFAS – revision of information</b></p>	
<p>Requires a manufacturer to submit a revision of the required information provided about a product within 30 days of a significant</p>	<p>No provision.</p>

H.B. 272 (As Introduced)	Sub. H.B. 272 (I_136_0401-5)
change to the information that the manufacturer previously submitted or upon the request of the EPA Director ( <i>R.C. 3745.64(E)</i> ).	
<b>PFAS – provision of information</b>	
Allows a manufacturer, upon the EPA Director’s written approval, to provide the required information to the Director for a category, type of product, or product component ( <i>R.C. 3745.64(F)</i> ).	No provision.
<b>PFAS – EPA Director’s authority</b>	
<p>Authorizes the EPA Director to do all of the following:</p> <ol style="list-style-type: none"> <li>1. Waive the obligation of a manufacturer to submit all or part of the required information if the Director determines that substantially equivalent information is publicly available;</li> <li>2. Extend the deadline for a manufacturer to submit the required information upon a determination by the Director that circumstances merit an extension of time;</li> <li>3. Enter into an agreement with one or more states or political subdivisions of a state to collect and share information otherwise required to be submitted (<i>R.C. 3745.64(G) to (I)</i>).</li> </ol>	No provision.
<b>PFAS – EPA Director’s duties</b>	
Requires the EPA Director, within 60 days of receiving the required information from a manufacturer to notify the manufacturer that adequate information has been received or that additional information is required ( <i>R.C. 3745.64(J)</i> ).	No provision.

H.B. 272 (As Introduced)	Sub. H.B. 272 (I_136_0401-5)
Requires a manufacturer to submit to the EPA Director any additional information requested by the Director within 30 days of the request. <i>(R.C. 3745.64(J))</i> .	No provision.
<b>PFAS – reporting requirement</b>	
No provision.	Requires the EPA Director, by January 1, 2032, to submit a report to the Governor and the General Assembly regarding the implementation of the bill’s provisions governing PFAS, and other state and federal laws governing PFAS-added products <i>(R.C. 3745.68(A))</i> .
No provision.	Requires the EPA Director to include all of the following in the report: <ol style="list-style-type: none"> <li>1. Information on PFAS use in commercial and industrial products and processes in Ohio;</li> <li>2. A review of implementation costs for the bill’s provisions governing PFAS; and</li> <li>3. Any recommendations for legislative changes <i>(R.C. 3745.68(A))</i>.</li> </ol>
No provision.	Authorizes the EPA Director to make recommendations in the report as to any further necessary actions regarding PFAS use in commercial and industrial products and processes in Ohio <i>(R.C. 3745.68(B))</i> .
No provision.	Requires the EPA Director, in preparation of the report, to review both of the following: <ol style="list-style-type: none"> <li>1. Relevant data available through the U.S. EPA reporting requirements for PFAS use pursuant to the federal Toxic Substances Control Act; and</li> </ol>

H.B. 272 (As Introduced)	Sub. H.B. 272 (I_136_0401-5)
	2. Relevant data made available through reporting requirements for PFAS-added products in other states and Canada ( <i>R.C. 3745.68(C)</i> ).
<b>PFAS - labeling</b>	
Allows the EPA Director to adopt rules to carry out the bill's provisions governing PFAS, including requiring the labeling of products in English and Spanish ( <i>R.C. 3745.66(B)(1)(a)</i> ).	Eliminates the reference to requiring the labeling of products in English and Spanish ( <i>R.C. 3745.66(B)(1)(a)</i> ).
<b>Atmospheric chemical release</b>	
Prohibits a person from purposely injecting, releasing, or disbursing chemicals, chemical compounds, substances, or apparatus in Ohio into the atmosphere with the express purpose of affecting temperature, weather, or the intensity of the sunlight ( <i>R.C. 3704.21</i> ).	No provision.
Imposes a fourth degree misdemeanor and a \$10,000 fine for each violation of the above prohibition ( <i>R.C. 3704.99(H)</i> ).	No provision.
<b>Food additives considered adulterated food</b>	
Prohibits the manufacture, sale, delivery, holding, or offering for sale of food under Ohio's Pure Food and Drug Law if any of the following applies: <ol style="list-style-type: none"> <li>1. It bears or contains: (a) titanium dioxide, (b) brominated vegetable oil, (c) potassium bromate; (d) propylparaben, (e) azodicarbonamide; (f) butylated hydroxytoluene (BHT), and (g) butylated hydroxyanisole.</li> <li>2. It bears or contains: (a) red dye 3 or erythrosine, (b) red dye 40, (c) yellow dye 5 or tartrazine, (d) yellow dye 6 or sunset</li> </ol>	No provision.

H.B. 272 (As Introduced)	Sub. H.B. 272 (I_136_0401-5)
yellow; (e) blue dye 1, (f) blue dye 2 or indigotine or indigo carmine, and (g) green dye 3 ( <i>R.C. 3715.591</i> ).	
<b>Fluoride in drinking water supply</b>	
Authorizes, rather than requires as under current law, a public water system to add fluoride to the water supplied by the system if the fluoride is below 0.8 mgs per liter of water ( <i>R.C. 6109.20</i> ).	No provision.



# MIKE DEWINE

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## GOVERNOR OF OHIO



January 14, 2026

Environmental Protection Agency  
Administrator Lee Zeldin  
Office of the Administrator, Mail Code 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Zeldin,

I am writing to request that the U.S. EPA promptly move forward with Ohio's request to redesignate the Cleveland Ozone Nonattainment Area to attainment for the 2015 ozone standard. The Cleveland Ozone Nonattainment Area consists of Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties in Ohio. Despite significant efforts by Ohio, this area has been moved to serious nonattainment with the U.S. EPA's 2015 ozone national ambient air quality standard since January 16, 2025.

Fortunately, the air quality monitoring data demonstrated attainment for the 2015 ozone standard, based on certified 2023-2025 air quality data. The Ohio EPA submitted a redesignation request and maintenance plan on December 8, 2025, to the U.S. EPA that, when approved, would provide relief from further requirements impacting Ohio.

During this timeframe, the U.S. Court of Appeals, 6th Circuit, issued a decision in *Sierra Club vs U.S. EPA*. In that decision, the Court overturned a redesignation request for the Detroit area based on the U.S. EPA's longstanding policy that if a state submits a redesignation request prior to an applicable requirement coming due, that requirement no longer necessitates a State Implementation Plan (SIP) submittal. Rather, the Court read the Clean Air Act (CAA) to require all applicable requirements be submitted and implemented up until the U.S. EPA finalizes any redesignation request.

We believe the Ohio situation is different than other states potentially impacted by this court ruling, such as Michigan. Ohio has completed, or will complete, all required elements for severe nonattainment areas. There are several applicable requirements due by January 1, 2026, many of which Ohio has fulfilled, allowing for full approval of Ohio's redesignation request regardless of the Court's ruling.

One area of concern that your staff expressed is regarding the interpretation of the fulfillment of the requirements for Reasonably Available Control Technology (RACT). The Ohio EPA submitted its RACT SIP well ahead of the January 1, 2026, deadline (in March 2025). The U.S. EPA interprets the court decision to read that both a RACT SIP (with regulations governing RACT) and implementation of that RACT by individual industrial sources, must occur by January 1, 2026. This is impractical when additional controls may need to be installed.

The Ohio EPA includes in its RACT regulations all deadlines for implementation, and Ohio believes this is sufficient for the U.S. EPA to act on our RACT SIP as meeting the applicable requirements needed for redesignation. If the U.S. EPA continues to interpret that all RACT must be fully implemented by the January 1, 2026 deadline, then an extension must be granted for implementation. The Court stated:

“ . . . and, the EPA has some leeway in setting compliance dates. The EPA recognized that it could have extended the deadline for the RACT SIP for up to **two years** after the final date of its determination.” (Sierra Club v. Environmental Protection Agency, Nos. 23-3581 and 23-3583 (6<sup>th</sup> Circ. Dec 5, 2025).

Therefore, my request is for the U.S. EPA to promptly take one of the two actions (in order of Ohio’s preference):

1. The U.S. EPA approves Ohio’s RACT SIP and underlying regulations and deadlines for implementation as sufficient for meeting the applicable requirement for RACT and promptly approves Ohio’s redesignation request this spring as originally planned.
2. The U.S. EPA extends the deadline for Ohio’s RACT SIP and implementation to January 1, 2028, to allow all implementation steps to occur. Therefore, that due date would be *after* an approved redesignation request, allowing the U.S. EPA to promptly approve Ohio’s redesignation request this spring as originally planned.

Time is of the essence for the State of Ohio. If the U.S. EPA fails to redesignate the Cleveland nonattainment area quickly, Ohio will face serious implications for industrial sources in this region of our State. Thank you for your consideration of this very important matter.

Very respectfully yours,



Mike DeWine  
Governor

Cc: John Logue, Director, Ohio Environmental Protection Agency  
Senator Jon Husted  
Senator Bernie Moreno  
Administrator Anne Vogel, U.S. EPA Region 5

An Informa TechTarget Publication



DIVE BRIEF

# EPA eliminates 2009 endangerment finding

Environmental Protection Agency head Lee Zeldin described the move as the largest deregulation in U.S. history.

Published Feb. 13, 2026



David Taube  
Reporter

*A truck at sunset. The Environmental Protection Agency declared the end of a scientific finding from 2009 that has helped establish a series of subsequent regulations. Sergii Zhmurchak via Getty Images*

## Dive Brief:

- The Environmental Protection Agency eliminated a 2009 scientific finding Thursday, Administrator Lee Zeldin said at a news conference alongside President Donald Trump, describing the move as the largest deregulatory move in U.S. history.
- The endangerment finding had been cited to justify a series of emissions regulations, including Phase 1, Phase 2 and Phase 3 greenhouse gas restrictions for heavy-duty OEMs.
- “For years, unelected bureaucrats twisted the Clean Air Act into something it was never meant to be,” Zeldin said. “If Congress wants EPA to regulate the heck out of greenhouse gases emitted out of motor vehicles, then Congress can clearly make that the law.”

**Dive Insight:**

Because of the absence of the scientific finding, the agency is also rescinding Phase 1, Phase 2 and Phase 3 greenhouse gas emissions rulemakings for heavy-duty vehicles, the EPA said.

At the same time, the agency also said the endangerment finding rescinds those emissions standards for vehicle and engine manufacturers. But the nonpartisan Congressional Research Service said that policy change “would not, by itself, repeal those later-issues regulations.”

The change in environmental policy under the Clean Air Act would also be subject to judicial review, the Congressional Research Service noted.

The rule is effective 60 days after it’s published in the Federal Register.

Zeldin referred to previous administrations as producing regulations not grounded in reality while at the same time defending the EPA’s mission.

“This EPA is committed to providing clean air for all Americans,” he said. “EPA will never waver on its core mission of protecting human health and the environment.”

The move drew praise and criticism from industry groups.

Owner-Operator Independent Drivers Association President Todd Spencer said that prior EPA gas rules threatened to regulate many small business truckers out of existence. “Electric commercial trucks remain prohibitively expensive and impractical for small carriers due to the upfront cost, reliability concerns, and lack of charging infrastructure,” he said in a statement.

The Clean Freight Coalition, which represents industry groups such as the American Trucking Associations, National Private Truck Council and Truckload Carriers Association, said the move gives the industry flexibility and certainty needed to innovate and invest in solutions that are environmentally responsible and economically viable.

Clean transportation nonprofit CALSTART's CEO Michael Berube said while other countries are reducing emissions from vehicles while improving affordability, "the U.S. is taking a step backwards on its blueprint for transportation decarbonization."

Another advocacy group, the Zero Emission Transportation Association, described the move as leaving companies left to navigate the market without a unified federal rule book. "Companies will now have to navigate a complicated patchwork of state regulations, threats of costly tort litigation, and inconsistent rules between markets," ZETA Executive Director Albert Gore said in a statement.

An Informa TechTarget Publication



# EPA moves toward changing particulate matter standard as manufacturers urge action

Updates to National Ambient Air Quality Standards for PM 2.5 have been tied up in court since 2024. Trade groups, which sued over the rule, are pushing the Trump administration to follow through.

Published Jan. 26, 2026

By April Reese

*A U.S. EPA building in Washington, D.C. The agency is in the process of reevaluating Biden-era updates to National Ambient Air Quality Standards for particulate matter. Megan Quinn/Manufacturing Dive*

The Trump administration is moving closer to reworking a Biden-era standard for fine particulate matter that manufacturers have criticized as unachievable.

The U.S. EPA rule, which was finalized in March of 2024 and went into effect May 6 of that year, lowered the annual limit for PM 2.5 from 12 micrograms per cubic meter of air to nine.

The new standard was intended to “protect public health with an adequate margin of safety” in accordance with the Clean Air Act, based on mounting scientific evidence showing that long-term exposure to PM 2.5 causes premature death and increases the risk of heart attacks, strokes, and respiratory problems, the new rule noted. The EPA estimated at the time that the change could prevent 4,500 premature deaths and 290,000 lost workdays and

yield \$22 billion to \$46 billion in benefits, while incurring an estimated \$590 million in costs by 2032.

The agency kept in place the existing 24-hour PM 2.5 standard of 35 micrograms per cubic meter of air. That limit measures levels over a shorter time frame than the annual standard.

Industry groups warned that the stricter annual limit would force a wide range of key manufacturing industries — including cement makers, chemical manufacturers, steel mills, coal-fired power plants and battery manufacturers — to pull back on construction of new factories in many areas and would hurt the economy.

Last March, just after President Donald Trump began his second term, the EPA announced it would revisit the PM 2.5 rule, along with 30 other environmental regulations. In an agency video, Administrator Lee Zeldin said the rules need to be reworked to ease costs for businesses and “give power back to the states.” Several industry groups also challenged the Biden rule in court.

Last November, EPA attorneys filed a motion asking the US Court of Appeals for the District of Columbia Circuit to vacate the standard. The Biden administration, they said, had taken a “regulatory shortcut” in adopting the tighter limit and did not conduct a thorough enough review. Biden’s EPA also failed to adequately consider the cost of complying with the new limit, the motion said.

Environmental groups, including the Clean Air Task Force, disputed those claims, noting that the Supreme Court has found that the Clean Air Act prohibits EPA from considering implementation costs when setting or revising National Ambient Air Quality Standards.

“An abundance of scientific evidence shows going back to the previous standard would fail to provide the level of protection for public health required under the Clean Air Act, and, regardless of what EPA does, CATF will continue to defend this important rule in court,” Hayden Hashimoto, an attorney with the group, said in a statement issued after the EPA filed the motion to vacate.

California and several other states intervened to challenge the EPA’s motion, suggesting in a Dec. 16 filing that the agency had delayed revising the limit in hopes that the courts would strike down the rule.

States across the country have joined the legal fight over the new limit.

Twenty-four states — including Alabama, Florida, Kentucky, Louisiana, Montana, West Virginia and Wyoming — joined industry groups in challenging the rule in March 2024. Weeks later, 16 states — including Arizona, California, Maryland, Oregon and Wisconsin, as well as the District of Columbia and New York City — filed a motion to intervene to uphold the tighter limit, along with environmental groups.

In a legal filing in November, EPA urged the court to vacate the rule before the initial determination of which areas do not meet the new standard is due on Feb. 7. EPA Press Secretary Carolyn Holran declined to comment on the status of the effort to retool the rule. In an emailed statement, she said the Biden-era PM 2.5 standard “has raised serious concerns from states across the country and served as a major obstacle to permitting.”

Implementation plans from the states, which are charged with enacting and enforcing air quality standards, are due in April. Asked if the agency will uphold the Biden rule while retooling it, Holran said in an email that “EPA will always follow the law as we

Power the Great American Comeback while carrying out our core mission of protecting human health and the environment.”

### **Manufacturers push for reverting to previous standard**

The EPA’s move to revisit the rule has received praise from the National Association of Manufacturers and other industry groups, which have projected that the stricter standard would throw counties into non-attainment status that are home to 40% of the U.S. population, making it difficult to secure permits for new factories and other projects.

That would curtail manufacturing of a wide range of products, including the cement and steel needed for new US infrastructure, the groups said. The EPA had estimated in 2024 that most counties already meet the nine micrograms per cubic meter standard and that 99% of U.S. counties would do so by 2032.

The updated PM 2.5 standard was “one of the things we were most concerned about” during the Biden administration, said Brandon Farris, executive vice president of the Steel Manufacturers Association and former vice president of energy and resources policy at NAM.

“If you’re putting a shovel in the dirt anywhere, or you’re building a new manufacturing facility or operating your current ones or trying to do any upgrades, then the particulate matter is going to be one of the most burdensome rules,” he said.

Most companies could meet the previous standard of 12 micrograms per cubic meter or find a way to offset those emissions, but nine micrograms doesn’t allow for much headroom given existing background levels, Farris said.

“It’s pretty darn close to nine, just without manufacturing, in a lot of areas of the country,” he said. “I truly don’t know of many areas in the country that would be able to meet a standard of nine and allow for any growth.”

The tighter standard also places an unfair burden on manufacturing, which only accounts for 12% of PM 2.5 pollution, he added. “It’s wildfires, it’s dust storms, it’s unpaved roads,” Farris said. “This new standard essentially punishes manufacturing, [even though] manufacturing isn’t the largest source of this.”

SMA was one of 15 industry groups, including the Aluminum Association, the American Forest & Paper Association, and the American Fuel & Petrochemicals Manufacturers that signed a Jan. 6 letter urging the Trump administration to take “prompt action to correct an unlawful rule.” Members of the groups are already considering scaling back or relocating projects due to the revised standard, according to the letter.

Sean O’Neill, the American Cement Association’s senior vice president for government affairs, said he wasn’t aware of any specific projects in his industry that have been affected by the new standard yet. But he said the uncertainty around the future of the rule has made it difficult to plan future investments.

“We’re hopeful that this will be overturned,” he said. “If the standard was put back to where it was, I think you could see more capital investment occurring ... but it’s just a challenging time right now.”

AMA projects the lower standard could reduce domestic cement production, leading to layoffs and greater dependence on foreign imports. “We continue to be efficient at the plants, we continue to be innovative, but you can only do so much,” said O’Neill.

A 2025 report by the American Cement Association, one of the industry groups that initially filed suit against the lower limit, estimated that the U.S. will need 1 million metric tons of cement just to build the data centers needed to run artificial intelligence. By 2027, the number of data centers in the U.S. is expected to increase from 5,426 to 6,000, according to the report.

## **Vehicle rules revisited**

Other air quality rules are getting a second look as well.

Aaron Szabo, EPA's assistant administrator for the office of air and radiation, said in a Dec. 19 op-ed that the agency will move forward in early 2026 with plans to revisit two regulations aimed at cutting nitrogen oxide emissions from vehicles. Auto manufacturers opposed both rules, including a 2024 rule for light and medium-duty vehicles of model years 2027 and later, and a 2022 rule targeting heavy-duty vehicles.

Health advocacy groups warn that rolling back the new, stricter NAAQS for PM 2.5 and vehicle emissions favors industry at the expense of public health.

On Jan. 14, 75 groups and municipalities, including the Environmental Defense Fund, Clean Air Task Force, the City of Portland, Ore., and the Respiratory Health Association, sent a letter to the EPA opposing the overhaul of the vehicle standards.

They warned that tailpipe emissions remain "a significant source" of nitrogen oxides, non-methane organic gas, volatile organic compounds and particulate matter. The group's letter said "any rollback would lead directly to increased hospitalization rates, lost work and school days, and thousands of preventable deaths." Weakening the rules would also make it more difficult for states to achieve the NAAQS for PM 2.5 and ozone, they added.

As Trump's EPA reassesses air quality standards adopted by the Biden administration, the agency is also likely to calculate costs and benefits differently than in the past.

The EPA recently announced it will no longer determine a dollar value for health benefits when changing regulations for PM 2.5 and ozone, such as the number of premature deaths, asthma attacks and other health problems avoided, saying the modeling used to produce those estimates is not robust enough. But the EPA "will still be considering lives saved when setting pollution limits," Administrator Zeldin posted to X on Jan. 12.



# Trump EPA Highlights Major Year One PFAS Actions to Combat Risks and Make America Healthy Again

February 6, 2026

## Contact Information

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

**WASHINGTON** – Today, U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin released a top list of actions the agency has taken in the first year of the Trump Administration to combat risks from per- and polyfluoroalkyl substances (PFAS) contamination and Make America Healthy Again. Under President Trump’s leadership, EPA is tackling PFAS contamination through better testing and detection, direct community support, enforcement, clear public education, commonsense regulation, and cutting-edge research so families across the country can have safer drinking water and cleaner environments.

Administrator Zeldin made addressing PFAS a top agency priority on day one and EPA has taken a number of important actions to combat risks from PFAS contamination.

*“Keeping Americans safe from the risks of PFAS chemicals has been a top priority of mine dating back to my time in Congress,” **said EPA Administrator Lee Zeldin.** “At the Trump EPA, we are focused on real results to protect families, farmers, and small businesses. That means locating PFAS, stopping it from getting into drinking water, cleaning it up where it’s already a problem, and holding polluters accountable. These efforts are just the start of the work we will do on PFAS contamination to ensure ALL Americans have the cleanest air, land, and water.”*

The Trump EPA has moved quickly to turn its PFAS commitments into concrete results as part of this Administration's unwavering commitment to Make America Healthy Again. Since January 2025, some of the many positive Trump EPA highlights of the effort to combat PFAS include:

- Launched the PFAS OUTreach Initiative (PFAS OUT) to connect with every public water system that needs system upgrades to address PFAS, including those finding PFOA and PFOS in their water. PFAS OUT will engage utilities, technical assistance providers and local, state, Tribal, and territorial leaders to develop effective and practical solutions where needed most.
- Released \$945 million to reduce exposure to PFAS in drinking water.
- Developed a method to detect 40 PFAS compounds in wastewater, surface water, groundwater, soil, sludge, sediment, landfill liquid, and fish tissue.
- Proposed commonsense changes to PFAS reporting regulations under the Toxic Substances Control Act (TSCA) to improve implementation and reduce duplicative reporting requirements while maintaining the ability to obtain important use and safety information.
- Advanced the science-based levels for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) in National Primary Drinking Water Regulations (NPDWR), while revising compliance dates to ensure successful implementation.
- Affirmed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance listing for PFOA and PFOS.
- Initiated more frequent updates to the PFAS Destruction and Disposal Guidance—changing from every three years to annually—as EPA continues to assess the effectiveness of available treatment technologies.
- Finalized a consent order requiring removal of PFAS foam and system cleaning at Brunswick Executive Airport in Maine.
- Installed 108 Point of Entry Treatment water systems to address PFAS contamination and sampled over 350 wells and provided bottled water to almost 200 residents near the Route 31 Sludge Superfund removal site in New Jersey.
- Completed four PFAS treatment systems to safeguard drinking water in southern California's Irvine Ranch and Orange County Water Districts to protect over 9,500 households from PFAS.

- Used emergency authorities under the Superfund law to start removal of asbestos-contaminated structures from the ATP site in Paterson, New Jersey, continuing to address PFAS contamination at the Route 31 site in Washington Township, New Jersey.
- Completed joint EPA-U.S. Army sampling of private drinking water wells for PFAS near McAlester Army Ammunition Plant in Oklahoma.
- Completed a second round of PFAS sampling at Region 7 Tribal Drinking Water Systems.
- Provided interim PFAS lab certification for Alaska's Department of Environmental Conservation (ADEC).
- Signed an agreement to connect Joint Base Lewis-McChord residences to municipal water system if PFAS exceeds standards.
- Coordinated PFAS drinking water well sampling around Fort Bragg, North Carolina.
- Utilized EPA lab Method 522 to test tribal drinking water systems for PFAS and performed 62 analyses.

PFAS are man-made chemicals that break down very slowly in the environment. For over 70 years, companies have used these chemicals to make products that are used by many Americans every day that resist heat, oil, water, and stains in everything from non-stick pans to firefighting foam to food packaging. Some PFAS have been linked to health concerns when people are exposed to high levels over long periods of time, which is why reducing risks from PFAS exposure is a key part of the Trump Administration's effort to Make America Healthy Again.

This comprehensive list represents just the beginning of the Trump Administration's fight against the risks of PFAS contamination. The EPA plans to continue expanding testing programs, advancing new treatment technologies, increasing community outreach, and strengthening enforcement actions to work with local municipalities and the private sector to pursue practical solutions. Under President Trump's leadership, the EPA is taking action to give all Americans access to the cleanest air, land, and water in the world.

### **EPA's Comprehensive and Coordinated Efforts to Tackle PFAS**

EPA plays a key role in responding to PFAS contamination using its scientific expertise and existing environmental authorities. Working under several federal laws, the agency applies a science-based approach to help protect communities and the environment while supporting economic growth and innovation.

To support these efforts further, EPA is establishing a coordinating group to ensure the continued sharing of research, innovation, and actions to accelerate the cleanup of PFAS contamination and protect human health and the environment. This coordination will be supported by leadership from the Office of the Administrator and the Office of Water and represent senior technical and policy leaders from across EPA program offices and Regions.

Through this coordination and application of gold standard science, EPA will further actions to:

- Regulate new and existing chemicals under the Toxic Substances Control Act (TSCA), requiring companies to provide safety data and limiting harmful uses.
- Set protective drinking water standards under the Safe Drinking Water Act and monitor water supplies nationwide.
- Clean up contaminated sites under Superfund and other environmental laws when contamination exceeds safe levels.
- Control air and water pollution from industrial sources under the Clean Air Act and Clean Water Act.
- Advance cutting-edge research to understand the thousands of PFAS compounds and develop new treatment technologies.

When contamination is found above protective levels in drinking water, soil, or through chemical reviews, the agency acts quickly using its full range of environmental authorities to protect communities where Americans live, work, and play. EPA prioritizes cooperative federalism and coordinates closely with federal agencies, states, tribes, and local governments to advance a unified and effective response.

### **Advancing PFAS Testing to Guide Actions**

Across this work, EPA relies on gold standard science and strict review so that PFAS testing is accurate and reliable. Methods are carefully developed, checked, and updated so that when lab results show concerning levels of PFAS, the agency can be confident in

what the data means before recommending cleanup or other steps to reduce exposure. This scientific foundation helps ensure that any mitigation actions EPA supports are practical, effective, and focused on protecting people's health and the environment.

EPA uses two basic approaches when testing for PFAS:

- Targeted testing looks for a specific list of known PFAS chemicals using standards to measure their exact amounts.
- Nontargeted testing uses high-tech instruments to look for both known and unknown PFAS, helping scientists discover new PFAS in samples and better understand overall contamination.

EPA uses several laboratory methods to find and measure PFAS in water, soil, and air so communities know what is in their environment. This testing is essential to identifying problems early and targeting cleanup where it is needed most.

### **Testing Drinking Water**

EPA has three main lab methods for PFAS in tap water, all using highly sensitive instruments that can detect very small amounts of PFAS. One method measures 18 types of PFAS, including a GenX-related chemical. A second, older method measures 14 PFAS and is now used mainly for historical reference. A third method measures 25 PFAS using a more advanced setup that improves accuracy.

### **Testing Surface Water**

EPA also has methods to test PFAS in surface waters, wastewater, and solid materials. One method measures 24 PFAS in nondrinking water such as groundwater, rivers, lakes, and wastewater. Another method, developed with the Department of Defense, can measure 40 PFAS in wastewater, surface water, groundwater, soil, sludge, sediment, landfill liquid, and even fish tissue.

### **Testing PFAS in Air**

EPA is developing ways to measure PFAS released into the air from factories and other facilities. One air test method measures 50 PFAS that are attached to particles or are semi-volatile (partly in gas form, partly on particles). Another method measures 30 PFAS that are more volatile (gas-like) using special metal canisters.

## Background

Administrator Zeldin has been fighting PFAS contamination since his time in Congress, where he helped found the PFAS Congressional Taskforce and supported legislation to fund community cleanup efforts. As a representative from Long Island, an area heavily affected by PFAS contamination, he has seen firsthand how these chemicals can impact families and communities.

During President Trump's first term, EPA convened a two-day National Leadership Summit on PFAS in Washington, D.C. that brought together more than 200 federal, state, and local leaders from across the country to discuss steps to address PFAS. Following the Summit, the agency hosted a series of visits during the summer of 2018 in communities directly impacted by PFAS. EPA interacted with more than 1,000 Americans during community engagement events in Exeter, New Hampshire, Horsham, Pennsylvania, Colorado Springs, Colorado, Fayetteville, North Carolina, and Leavenworth, Kansas, as well as through a roundtable in Kalamazoo, Michigan, and events with tribal representatives in Spokane, Washington.

In 2019, the Trump EPA announced the PFAS Action Plan. This historic plan responded to extensive public interest and input the agency received and represented the first time EPA built a multi-media, multi-program, national communication and research plan to address an emerging environmental challenge like PFAS. EPA's Action Plan identified both short-term solutions for addressing these chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to provide clean and safe drinking water to their residents and to address PFAS at the source—even before it gets into the water.

In the first Trump Administration, EPA also made significant progress regulating PFOA and PFOS in drinking water by issuing final regulatory determinations and issuing an Advance Notice of Proposed Rulemaking (ANPRM) addressing PFOA and PFOS in the environment. Find more information about President Trump's first-term successes on PFAS <<https://www.epa.gov/newsreleases/epa-delivers-results-pfas-action-plan>>.

Last updated on February 6, 2026

**TO: OMA Government Affairs Committee**  
**FROM: James Lee**  
**RE: Human Resources and Workforce Public Policy Report**  
**DATE: March 19, 2026**

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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 impacts 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.

### 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 Senate.

### 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.

### **Funding Halted for Manufacturing Extension Partnerships**

At the end of 2025, the U.S. Department of Commerce's National Institute of Standards and Technology suspended federal funding for Ohio's Manufacturing Extension Partnership (MEP) programs. These programs provide regional technical assistance to small and mid-sized manufacturers to help them boost sales, create jobs, and improve operational performance. In fiscal year 2024, the Ohio MEP and its six regional affiliates generated \$621.5 million in new and retained sales, supported 3,175 jobs, attracted \$117.7 million in new capital investments, and helped manufacturers realize \$146.7 million in cost savings.

The funding freeze stems from what U.S. Senator Jon Husted described as "ambiguous and unclear allegations" regarding potential misallocation of resources that surfaced in December. The U.S. Department of Commerce did not provide advance notice before implementing the freeze, instead halting funding immediately. As a result, five of the six regional MEP centers permanently closed in March. Both federal and state funding are expected to remain suspended until a report—anticipated but not officially confirmed—is released in late May.

The OMA opposed this decision, urging the restoration of funding to allow the centers to remain operational while any concerns are investigated individually. The abrupt freezing of the funding effectively dismantled the MEP program, resulting in the loss of infrastructure and experienced staff necessary to rebuild or restart these services in the future.

The OMA is collaborating with state legislators to chart a path forward and rebuild the program after the setbacks caused by these policy decisions. The goal is to establish a restructured MEP program that operates with greater efficiency and includes a larger share of state funding to ensure long-term stability and effectiveness.

### **New Initiative from Lt. Governor Tressel: WorkOhio**

Last month, Lt. Governor Tressel announced the launch of WorkOhio, a new initiative to connect Ohioans with in-demand jobs through support from teams of regional experts. The

initiative is centered around a website, WorkOhio.gov, where Ohioans can select the region where they live or would like to work. They can then submit a form requesting support and a job expert who lives in that region will connect with them within a few days.

JobsOhio, and the departments of Jobs & Family Services, Development, Education & Workforce and Higher Education are also involved in the program.

### **Legislation Watch List**

- **Education and Workforce Return on Investment Initiative**

Senate Bill 328 contains several workforce development initiatives with the intent of addressing the student workforce readiness gap. Key elements of this bill include:

- Middle school career exploration: Students in middle school must complete a ½ credit that includes exposure to 16 Ohio career clusters, hands-on learning, one career coaching session, beginner level financial planning, and professional skills
- Student academic and career plans: Every student must prepare a plan by the end of 8<sup>th</sup> grade to include their strengths and interests, academic goals, and a roadmap to meet graduation requirements in line with their plan.
- Establishes the Return on Investment Initiative: Ohio Department of Education and Workforce, Department of Higher Education, Job and Family Services, Development, and Children & Youth must work with the Governor’s Office of Workforce Transformation to link and analyze data. Based on this data, the state will create and share annual Education and Workforce reports, including:
  - High school graduate report
  - Talent gap report
  - Industry-recognized credentials outcomes report
  - Higher education graduate report

This bill recently received a first hearing for sponsor testimony in Senate Education Committee.

- **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 ESCs will employ directors to collaborate with OhioMeansJobs centers, facilitate career mentoring, administer aptitude tests, provide soft skills and professional skills training, and report program outcomes.

The bill is currently pending in House Finance Committee.

- **Child Care Proposals**

Lawmakers have continued examining barriers to workforce participation, particularly childcare access for in-demand occupations. Several of these proposals include:

- Child Care Credit Program: House Bill 2 would establish the Child Care Credit Program in the Department of Children and Youth (DCY) to allow the costs of child care to be shared by participating employees, their employers, and the Department. Under the bill, employees selected by their employer to participate in the program are responsible for 40% of the costs, employers are responsible for 40%, and, subject to available funds, DCY is responsible for 20%. The bill proposes to allocate \$10 million to the program.

The most recent hearing on HB 2 was in April last year.

- Child Care Capacity Grant Program: House Bill 41 would require the Department of Children and Youth (DCY) 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 DCY 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 child care providers.

HB 41 is pending in House Finance Committee and most recently received a hearing in June last year.

- Paid Parental Leave Act: House Bill 231 would create a nonrefundable income tax credit for employers who provide at least four weeks of paid parental leave to qualifying employees following the birth, adoption, or stillbirth of a child. The credit is calculated as the lesser of the total paid parental leave benefits or \$300 per day per employee, with an annual cap of \$54,000 per employer. If a business earns more credit than it can use in a given year, it can carry the excess forward for up to three years.

The bill received a first hearing for sponsor testimony in October last year.

- Workforce Investment Now for Child Care Pilot: Both the House and Senate are considering proposals to create the Workforce Investment Now for Child Care pilot program, contained in House Bill 484 and Senate Bill 177. These bills would allow child care workers to receive child care for their own children, paid for by the state, in exchange for their service in the childcare workforce. One of the bill sponsors testified that too many individuals who could fill critical workforce positions currently do not qualify for federal aid, meaning they often stay home rather than re-enter the workforce. This \$20 million pilot program is intended to help fill that gap and therefore increase the number of child care slots available to families.

Both bills received hearings in October last year but no votes have been taken on these proposals.

- **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.

HB 119 is currently pending in House Education Committee and most recently received a hearing in April 2025.

- **Manufacturing Technologies Assistance Program**

The OMA is working with Representatives Santucci and Demetriou on 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 Technology and Innovation Committee.

- **Higher Education Evidence-Based Innovation Fund and Grant Program**

House Bill 644 was introduced last month and would create the Higher Education Evidence-Based Innovation Fund and Grant Program to support state institutions of higher education in developing, piloting, and scaling evidence-based student success programs, with a focus on improving retention, completion, and degree attainment, especially for low-income students. The bill also directs the Chancellor of Higher Education to conduct a study on incorporating employment and earnings data into retrenchment processes, aiming to align degree programs with workforce needs and improve student employment outcomes.

HB 644 is scheduled to receive a first hearing this week.

## **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 March 17, 2026**

- 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>
- HB376**      **REDUCTION-UNEMPLOYMENT BENEFITS TIMEFRAME (TESKA M)** To reduce the maximum weeks an individual may receive unemployment benefits from 26 to 20 weeks.  
*Current Status:* 3/18/2026 - House Public Insurance and Pensions, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-376>
- HB688**      **EMPLOYMENT APPLICATION PROHIBITION-CRIMINAL BACKGROUND QUESTION (TIMS D, BRENT J)** To prohibit private employers from including on an employment application any question concerning the criminal background of the applicant.  
*Current Status:* 2/18/2026 - Referred to Committee House Commerce and Labor  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-688>

- HB709**      **MENTAL TELEHEALTH COVERAGE REQUIREMENTS** (BROWNLEE K, CRAIG M) To require private insurers to cover telehealth services for mental health services the same as for in-person mental health services.  
*Current Status:* 2/25/2026 - Referred to Committee House Insurance  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-709>
- HB726**      **REQUIREMENT WAIVER-UNEMPLOYMENT CLAIMANTS SEEKING WORK** (DEMETRIOU S) To waive the requirement that an unemployment claimant be actively seeking work under certain circumstances.  
*Current Status:* 3/18/2026 - House Public Insurance and Pensions, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-726>
- 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:* 12/3/2025 - **VETOED BY GOVERNOR**  
*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, and to make an appropriation, and to amend section 4506.01 of the Revised Code effective December 31, 2026, to revise the law governing commercial driver's licenses.

**Current Status:** 12/19/2025 - **SIGNED BY GOVERNOR**; eff. immediately

**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>

**SB143**      **PROHIBIT CRIMINAL BACKGROUND QUESTIONS-EMPLOYMENT APPLICATIONS (CRAIG H, BLESSING III L)** To prohibit private employers from including on an employment application any question concerning the criminal background of the applicant.

**Current Status:** 3/3/2026 - **SUBSTITUTE BILL ACCEPTED**, Senate Workforce Development, (Fifth Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-143>



**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.

# # #



**BEFORE THE SENATE EDUCATION COMMITTEE  
SENATOR ANDREW BRENNER, CHAIRMAN**

**TESTIMONY  
OF  
ALEXIS McCULLOUGH  
THK MANUFACTURING OF AMERICA, INC.**

**MARCH 3, 2026**

Chairman Brenner, Vice-Chair Blessing, Ranking Member Ingram and members of the Senate Education Committee, my name is Alexis McCullough. I serve as Corporate Communications Business Partner with THK Manufacturing of America, Inc. located in Hebron, Ohio, who is a pioneer manufacturer of Liner Motion Guides and components, supporting many essential industries such as manufacturing, healthcare, agriculture, and clean energy for the US and beyond. I am here today on behalf of the Ohio Manufacturers' Association, representing Ohio's largest industry sector and the employers who continue to invest, grow, and create opportunity across our state.

Ohio manufacturing is experiencing historic growth. Our members continue to report workforce shortages as their most pressing constraint to expansion. Employers need not only technical skills, but also professional skills, career awareness, and early exposure to pathways that lead to high-demand careers.

Senate Bill 328 is an important step in strengthening Ohio's education-to-workforce alignment and ensuring that students and families are equipped with the tools to make informed decisions about their futures.

Manufacturers across Ohio consistently identify three core workforce challenges. First, students often lack early awareness of career opportunities in modern manufacturing and other in-demand fields. Second, the quality and consistency of career advising varies significantly by district. Third, fragmented data systems limit our ability to understand outcomes and measure return on investment. Senate Bill 328 directly addresses each of these concerns in a thoughtful and strategic manner.

The bill's requirement for structured middle school career exploration ensures that students are exposed to numerous career clusters before making important high school course decisions. Career decisions often begin earlier than we assume, and when students do not understand the opportunities available to them, they cannot adequately prepare. Expanding structured exposure increases enrollment in career-technical education, advanced manufacturing pathways, and other high-demand programs that lead to strong careers.

Equally important is the creation of a statewide career coaching framework. Establishing consistent quality indicators, clear session objectives, and alignment to essential professional skills will bring needed uniformity to career advising across the state. Manufacturers increasingly emphasize professional skills such as communication, problem-solving, reliability, and teamwork as essential for workplace success. Aligning coaching and coursework to employer-validated professional skills standards ensures students are prepared for real-world expectations, regardless of where they attend school.

The bill also requires structured academic and career plans beginning in eighth grade, with annual updates and parent involvement. This approach strengthens intentionality. When students understand how their coursework connects to long-term goals, they are more likely to complete credentials, participate in work-based learning, and successfully transition into postsecondary education or employment. Involving parents further ensures transparency and shared decision-making throughout the process.

The OMA supports the creation of the Education and Workforce Return on Investment Initiative. Employers make decisions based on data, and Ohio should do the same. Linking cross-agency data to better understand postsecondary outcomes, credential value, talent gaps, and wage progression will allow policymakers, educators, and employers to invest in strategies that demonstrably work. The required annual reporting on graduate outcomes and workforce gaps will strengthen transparency and accountability while leveraging existing data systems rather than creating duplicative structures.

The OMA offers several recommendations to ensure successful implementation, which will require careful attention to resources and execution. The expanded middle school exploration requirement and coaching framework will necessitate advising capacity and professional development. Sustainable funding will be essential to ensure these new responsibilities do not divert resources from existing high-quality career-technical programming. Implementation should also allow existing effective coaching programs to qualify under the framework and provide districts flexibility to utilize aligned vocational-technical coursework in grades seven and eight where appropriate.

Additionally, a phased implementation timeline would strengthen statewide rollout. Allowing time for framework development, stakeholder engagement, and clear guidance prior to full compliance will improve consistency and effectiveness. Finally, the Return on Investment Initiative should minimize reporting burdens by leveraging existing data and reducing duplication.

This legislation comes at a critical moment. Ohio is attracting unprecedented capital investment in advanced manufacturing, semiconductors, aerospace, mobility, and energy technologies. These investments demand a strong pipeline of skilled operators, technicians, engineers, and managers. Senate Bill 328 strengthens that pipeline at its earliest stages. Career exploration in middle school is not about narrowing options; it is about expanding awareness. High-quality coaching is not about compliance; it is about informed choice. Cross-agency data is not about reporting; it is about results.

As the Committee considers Senate Bill 328, it is important to emphasize that employers must also be prepared to support their schools partners. Through the statewide Career Ambassador Program, the OMA is training manufacturers to engage

more effectively with K–12 students and educators. The program equips employer representatives to:

- Translate complex manufacturing roles into student-friendly language
- Connect daily job tasks to academic subjects like math, science, and technology
- Lead engaging classroom presentations and hands-on demonstrations
- Support job shadowing, plant tours, and work-based learning experiences
- Reinforce professional skills expectations in age-appropriate ways

One consistent lesson we have learned: simply sending a technical expert into a classroom is not enough. Meaningful career exploration requires preparation, messaging alignment, and intentional interaction design.

The Career Ambassador Program prepares manufacturers to present modern manufacturing accurately and compellingly, engage middle school students in interactive career exploration, align messaging with Ohio’s career clusters, and reinforce the professional skills standards employers expect. This matters because the quality of employer engagement directly impacts student perception. When done well, students leave with clarity, excitement, and understanding. When done poorly, the opportunity is lost.

Senate Bill 328’s emphasis on structured career exploration and coaching aligns directly with what we have seen succeed on the ground. Employers are ready to participate — and programs like the OMA’s Career Ambassador initiative ensure they do so in a way that is thoughtful, consistent, and aligned with school objectives.

For these reasons, the Ohio Manufacturers’ Association supports Senate Bill 328. With thoughtful implementation, including adequate resources, a phased rollout, and strong collaboration with practitioners, this legislation can meaningfully strengthen Ohio’s talent pipeline.

We appreciate the leadership of Senator Koehler and the Committee’s consideration of this bill, and we stand ready to partner in implementation to ensure success for Ohio students, families, and employers.

Thank you. I would be happy to answer any questions.



**Bricker Graydon LLP**  
100 South Third Street  
Columbus, OH 43215  
614.227.2300 Office  
www.brickergraydon.com

## 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.

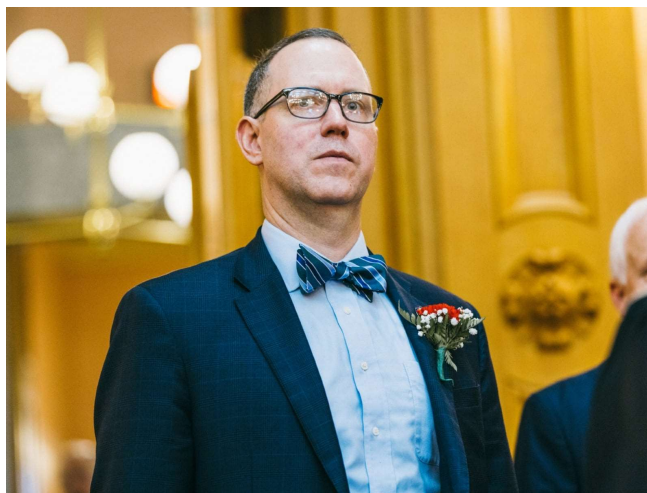
Tims’ forthcoming legislation won’t be the first bill in this 136th General Assembly to propose banning the box. It is one of several proposals in [Senate Bill 143](#), a bipartisan measure introduced in March by Sens. Hearcel Craig, D-Columbus, and Bill Blessing, R-Colerain Twp.

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: Jacob Sargent**  
**RE: Safety & Workers' Compensation Public Policy Report**  
**DATE: March 19, 2026**

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## **Overview**

As the General Assembly returns to Columbus for the second half of the General Assembly, lawmakers are entering an election-year stretch following the passage of major marijuana regulatory legislation.

Currently, neither chamber has signaled clear legislative priorities in the safety or workers' compensation space.

Even without a defined legislative agenda, activity continues on the administrative side of workers' compensation. The Bureau of Workers' Compensation has discussed potential rate reductions, appointed new leadership, and reported ongoing fraud enforcement efforts that are yielding significant cost savings.

On the federal side, OSHA continues to advance and debate heat-related standards, while courts issue decisions that may shape workers' compensation considerations in novel claim areas.

## **Further BWC Rate Reduction Effective July**

In early February, the Ohio Bureau of Workers' Compensation (BWC) announced that it was considering a 1% rate reduction that could save private employers nearly \$10 million.

The BWC Board of Directors is scheduled to meet on February 27 to vote on the measure. If approved, the rate reduction would take effect on July 1 of this year.

This would be the 8th consecutive reduction since 2019. Last year, the BWC approved a 6% reduction in premiums, saving businesses nearly \$60 million. This follows a 7% reduction last year. BWC officials said average rates for Ohio employees are at their lowest level in more than six decades. Actual premiums paid by individual manufacturers vary based on industry risk, claim history, and participation in BWC programs.

A recent study commissioned by Oregon places Ohio premiums among the lowest five nationally.

## **Senate Bill 56: Recreational Marijuana 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 legislature passed SB 56 in late December 2025, and Governor DeWine promptly approved the measure.

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.

Recently, marijuana activists have received approval from Attorney General Dave Yost to begin collecting signatures to put a referendum on the November ballot to repeal SB 56. To qualify, a campaign would need to collect 250,000 valid signatures by today, March 19. Many sources have reported that the marijuana industry in Ohio largely opposes this referendum, and the campaign is largely disorganized and unlikely to acquire the needed signatures.

### **Safety & Workers' Compensation Legislation and Rules**

#### **Senate Bill 347: Regards the BWC drug-free workplace program**

Introduced on February 2, 2026, S.B. 347 would require the Ohio Bureau of Workers' Compensation to establish a Drug-Free Workplace Program with premium discounts set in statute rather than supported by actuarial analysis, raising concerns about the long-term integrity of the Workers' Compensation Fund and setting a precedent for legislatively mandated, financially unvetted incentives.

The bill recreates the bureau's prior program and allows employers to receive premium discounts of 5, 10, or 15 percent, depending on participation level. To qualify for the 15 percent "advanced" discount, employers could not terminate an employee after a first positive drug test if the employee discloses a substance abuse problem and agrees to an assessment.

The OMA has serious concerns about both the fiscal soundness of the mandated discounts and the legal and operational risks this policy would impose on employers.

#### **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 for 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 its first hearing before the Senate Financial Institutions, Insurance and Technology Committee on November 18th, 2025. 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.

#### **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. 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.

### Ohio Board of Pharmacy Kratom Restrictions

The Ohio Board of Pharmacy adopted an emergency rule that makes it illegal to sell or possess certain kratom derivatives, including highly concentrated products containing 7-hydroxymitragynine, while permanent regulations are developed.

Having taken effect Friday, Dec. 12, all forms of kratom-related products are illegal to sell, possess, or distribute in the state. The only exception is products composed solely of mitragynine. The action comes after Ohio Gov. Mike DeWine called on the Ohio Board of Pharmacy to classify kratom as a Schedule I drug earlier this year. He cited it as an “imminent public health risk” due to its potential dangers, particularly for teenagers and babies. Ohio is the first state to take such strong action against Kratom.

Kratom is derived from a tropical plant and can have stimulant effects at low doses and opioid-like effects at higher doses. Safety experts warn that concentrated forms may impair judgment, reaction time, and motor skills. Standard workplace drug tests typically do not detect kratom, creating potential challenges for employers in safety-sensitive environments.

OMA will continue to monitor regulatory developments and review workplace safety and substance-use policies to address emerging risks that could affect employee safety and operations.

### 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.

Since this initial suit, at least two other lawsuits on behalf of injured workers have sought to reverse commission decisions, arguing that the people who made them lacked the basic requirements the law demands.

The commissioners, appointed by Governor Mike DeWine and confirmed by the Senate, have backgrounds in law, business, and public service, but their direct experience with workers’ compensation 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.

### Dillon Supreme Court Case to Save Employers on TTD Overpayment

The Ohio Supreme Court’s Dillon decision fundamentally alters the termination date for Temporary Total Disability (TTD) benefits, significantly impacting employers. Previously, TTD benefits could be terminated on the date of the Industrial Commission hearing officer’s decision, resulting in 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, resulting in 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 to terminate benefits, 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 to the Industrial Commission defending a recent ruling, which is included in today's materials.

### OSHA Heat Rule Faces Potential Removal Under Trump

In 2024, OSHA 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 affect manufacturers and employers by requiring 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.

There is currently no federal standard requiring employers to take steps to protect workers from heat-specific hazards on the job, although they are required to maintain a safe workplace.

Though the Trump administration issued a freeze on the rule, the agency collected over 50,000 comments in late 2025. Experts believe the administration is likely to move forward with issuing a final rule scaled back from Biden's proposal, rather than a total withdrawal. The final version may shift away from the proposed "one-size-fits-all" rigid triggers (80°F and 90°F) toward a more performance-based standard that offers employers greater flexibility based on their specific industry.

### 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 the 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 of harassing employers.

You can find 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, urging 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.

### **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 March 16, 2026**

- 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:* 3/17/2026 - House Government Oversight, (Second 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, and to make an appropriation, and to amend section 4506.01 of the Revised Code effective December 31, 2026, to revise the law governing commercial driver's licenses.  
*Current Status:* 12/19/2025 - **SIGNED BY GOVERNOR**; eff. immediately  
*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>

**SB241**      **FINE EMPLOYER-LOST WORKERS' COMP APPEAL** (PATTON T) To impose a fine against an employer who appeals specified awards of workers' compensation related to cancer incurred while performing official duties as a firefighter if the employer loses the appeal.

**Current Status:** 11/18/2025 - Senate Financial Institutions, Insurance and Technology, (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-241>

**SB347**      **REGARDING BWC DRUG-FREE WORKPLACE PROGRAM** (JOHNSON T, BRENNER A) Regarding the Bureau of Workers' Compensation drug free workplace program.

**Current Status:** 2/11/2026 - Referred to Committee Senate Financial Institutions, Insurance and Technology

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-347>



**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



Oct. 8, 2025

**FOR IMMEDIATE RELEASE**

## **OMA Applauds Gov. DeWine's Action to Protect Ohioans from Intoxicating Hemp Products**

COLUMBUS, Ohio – The Ohio Manufacturers' Association (OMA) today applauded Gov. DeWine's action to protect Ohioans from unregulated, intoxicating hemp products that threaten public health and workplace safety.

"Manufacturers across Ohio are deeply concerned about the spread of intoxicating hemp products and their impact on workplace safety," said OMA President Ryan Augsburger. "These products have created real challenges for employers seeking to maintain safe, drug-free workplaces. The governor's action reinforces the importance of clear, consistent rules that protect workers and ensure Ohio remains a safe state to do business.

"Ohio manufacturers are committed to fostering safe, productive environments for their employees and communities," Augsburger said. "By prioritizing public safety and regulatory clarity, Gov. DeWine is helping strengthen the foundation for a safer, more responsible business climate in Ohio."

###

*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**  
Director, Communications and Marketing  
(614) 629-6828  
[doneil@ohiomfg.com](mailto:doneil@ohiomfg.com)

Chairman of the Board  
**JEFFREY J. ORAVITZ**  
*CEO, Seal for Life Industries and  
Arsenal Capital Partners*

President  
**RYAN AUGSBURGER**



November 19, 2024

The Honorable Shane Wilkin  
Chairman  
Senate General Government Committee  
Ohio Statehouse  
1 Capitol Square  
Columbus, OH 43215

**RE: Senate Bill 326 – Written Proponent Testimony**

Dear Chairman Wilkin and Members of the Senate General Government Committee:

The Ohio Manufacturers' Association (OMA) strongly supports Senate Bill 326, which prohibits the sale of intoxicating hemp products in Ohio. This legislation addresses critical concerns for the manufacturing sector, including workplace safety, regulatory clarity, and fair enforcement.

The OMA represents over 1,300 manufacturers, employing hundreds of thousands of Ohioans. Our members are committed to fostering safe, productive, and well-regulated workplaces. SB 326 will help protect Ohio workers, clarify legal obligations, and reinforce the state's reputation as a leader in safe and innovative manufacturing.

Unregulated intoxicating hemp products, such as those containing delta-8 THC, undermine workplace safety and complicate employers' ability to maintain drug-free policies. The bill's clear definitions and prohibition of products with intoxicating THC levels will resolve regulatory ambiguities, providing manufacturers with the certainty needed to enforce compliance and protect workers. Furthermore, the bill's enforcement mechanisms and penalties ensure accountability and deter bad actors from exploiting legal loopholes.

The OMA appreciates the leadership of the bill sponsor on this issue and urges the committee to support this important piece of legislation.

Sincerely,

James Lee  
Managing Director, Public Policy Services  
Ohio Manufacturers' Association  
[jlee@ohiomfg.com](mailto:jlee@ohiomfg.com)

**TO: OMA Government Affairs Committee**  
**FROM: Jacob Sargent**  
**SUBJECT: Tax and Finance Public Policy Report**  
**DATE: March 19, 2026**

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### **Overview**

Last year, the Ohio General Assembly passed property tax reforms to curb the ongoing push to abolish property taxes via a constitutional amendment that could be voted on as early as November 2026. Despite the Governor's vetoes for property tax changes in the 2025 biennium budget, the legislature overrode one and passed a few standalone bills to overhaul the system.

Going into 2026, Ohio Senate Ways and Means Chair Louis Blessing said that lawmakers are unlikely to pursue major tax policy changes this year, pointing instead to a year focused on smaller, procedural measures rather than sweeping reforms. Of the 29 bills before the committee, Blessing said proposals with significant state costs are unlikely to advance, with attention instead centered on first hearings and limited-impact bills, including measures affecting non-filers and agricultural land converted to conservation use. He said lawmakers may also revisit a proposal allowing partial property tax deferrals for eligible homeowners, though he noted fatigue after an intense property tax debate in 2025.

### **The State of Property Taxes in Ohio**

The campaign to abolish property taxes continues to try to gather support and signatures to have the question appear on the November 2026 ballot. As support continues, state and local officials are expressing concerns and offering alternatives to abolition.

On February 4, the Director of the Ohio Office of Budget and Management, Kimberly Murnieks, issued a memo to Governor DeWine titled "Consequences of Local Property Tax Abolishment." In the memo, she highlighted the catastrophic impacts on essential local services and the challenges of replacing the substantial revenue loss should the tax be abolished. She also highlighted specific challenges local schools and jurisdictions would face.

The legislature overturned one of Governor DeWine's vetoes in the State's Operating Budget concerning property taxes. Veto number 66 was successfully overturned and would eliminate the authority for political subdivisions to levy replacement property tax levies and the authority for school districts to levy fixed-sum emergency, substitute emergency levies, and combined school district income tax and fixed-sum property tax levies. The Governor vetoed three other property tax-related measures that have not been overridden. The legislature has until December 31<sup>st</sup> of this year to decide whether to do so.

In addition to overriding the veto, the legislature also passed several property tax-related bills, all signed by Governor DeWine in December of 2025. HB 124 would modify the process for property tax sales-assessment ratio studies. HB 129 would limit the ability to reallocate certain school property tax millage. HB 186 would regard school district property taxes and the school funding formula. HB 309 regards budget commissions, property taxes, and certain funds. Lastly, HB 335 regards county budget commissions, property and sales tax, and funds.

With the possibility of asking Ohio voters on the November ballot whether they want to abolish property taxes, voters could also see a competing property tax amendment, setting up a consequential debate over how levies are structured and how costs are shared among homeowners and employers across the state. Lawmakers and outside groups are advancing rival proposals, raising questions about long-term tax stability and the potential impact on business investment and local economic growth.

## **Tax & Finance Legislation**

### **SB 9: Ohio 2025 Tax Conformity**

SB 9 would conform Ohio's tax code to tax changes made by the federal government in President Trump's "One Big Beautiful Bill." The National Association of Manufacturers played a key advocacy role in preserving the 2017 Tax Cuts and Jobs Act, 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.

OMA provided proponent testimony for SB 9, provided by Sycamore Growth Group President Rick Kleban. OMA specifically advocated for the restoration of immediate expensing under Section 174 for research and experimental (R&E) expenditures, also known as "specified Research or Experimental (SRE) expenditures found in the "One Big Beautiful Bill," highlighting its benefits at the federal level and explaining how it would operate within Ohio.

On February 18<sup>th</sup>, SB 9 was put on the House floor for a vote. After some procedural debates, the House Democrat Caucus voted to remove the emergency clause from SB 9 and pass the bill. As a result of this action, SB 9 would not be effective until after Tax Day in 2026, meaning Ohio would be completely decoupled for this tax year. In response, OMA led a coalition of other pro-business associations in writing a letter to the House Democratic Caucus Leader, explaining the issue with his caucus' actions and advocating for a swift legislative fix ahead of the 2026 tax season.

The House is likely to recall the question and reinstate the emergency clause earlier this week. SB 9 now returns to the Senate for a concurrence vote.

**HB 376: Reduce the maximum number of weeks an individual may receive unemployment**  
H.B. 376 reduces the maximum number of weeks an individual may receive unemployment compensation from 26 to 20.

Under current law, an individual is entitled to receive benefits for 20 weeks for the first 20 qualifying weeks of employment in the individual's base period. The individual may receive one additional benefit week for each qualifying week over 20 weeks, up to a maximum of 26 total benefit weeks.

Ohio's unemployment compensation system has struggled with solvency for decades and remains structurally vulnerable during economic downturns. The system has repeatedly been placed under financial strain when unemployment rises, leaving the state at risk of insolvency when economic conditions deteriorate.

HB 376 would not, by any means, fix the solvency issue with the unemployment compensation system, but it is a step in the right direction, and OMA provided proponent testimony in support of the measure.

### **HB 159: Manufacturing Technologies Assistance Program (MTAP) Reintroduction**

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 to invest 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 on proponent testimony, during which several OMA members testified before the Ohio House Finance Committee in support of 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 considered for inclusion in this year's operating budget. That testimony is included in today's materials.

HB 159 was passed by the House Technology and Innovation Committee but was re-referred to the House Finance Committee due to its appropriations. HB 159 is currently awaiting its first hearing within the Finance Committee.

#### MEPs Funding and Future

The Trump administration reduced funding for the Manufacturing Extension Partnership (MEP) program nationwide, citing concerns about potential fraud and calling for a formal investigation. The Ohio Department of Development also paused state funding for the program pending the outcome of that investigation.

As a result, four of Ohio's five MEP centers have ceased operations. In response, OMA is exploring options to revive Ohio's Edison Program as a potential vehicle to continue delivering MEP-like services in some capacity. Currently, discussions appear to be on hold until the federal government releases its report, which is expected in May 2026.

U.S. Senator Jon Husted has publicly advocated for restoring funding for the program, citing its importance to Ohio's manufacturing sector.

#### 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. The bill passed out of the committee last year, and an effort was made to put HB 288 on the House floor for a full vote this week. OMA quietly prevented this from happening.

#### HB 332: Create the small defense business-linked deposit program

HB 332 would expand access to low-interest loans for Ohio's small defense manufacturers and agricultural producers by leveraging existing state treasury resources through linked deposit programs. The proposal aims to help businesses lower borrowing costs and invest in growth without directly utilizing taxpayer dollars in the state's general revenue fund.

This bill was recently passed by the House after receiving four hearings in the House Small Business Committee.

#### HB 574: Proposal to Consolidate Taxing Districts

HB 574 would pay cities, villages, and townships that voluntarily merge, aiming to streamline local government, reduce overhead, and modernize long-standing tax boundaries. If passed, \$25 million would be appropriated to the program and administered by the Ohio Secretary of State. The plan also includes a cash payment mandate tied to mergers with a max payment of \$2.5 million.

OMA supports consolidating taxing districts, noting that fewer overlapping jurisdictions can improve efficiency and create a more predictable environment for manufacturers. The bill is currently awaiting its first hearing in the House Local Government Committee.

### New Tax Guidance For 2026

The Ohio Department of Taxation has issued new guidance for Tax Year 2026 that manufacturers should factor into payroll, compliance, and investment planning. Effective Jan. 1, the withholding rate on bonus and supplemental compensation drops to 2.75%, aligning with Ohio's flat income tax rate, simplifying payroll administration, and modestly increasing employee take-home pay. The guidance also confirms a \$750 monthly cap on the vendor's timely filing discount, a change that will affect manufacturers with high-volume sales tax filings. Updated school district income tax rates will require payroll adjustments, and venture sales could influence long-term investment and succession planning.

Finally, as a reminder, two new income tax deductions for capital gains were enacted in the 2021 budget bill, House Bill 110, but the effective dates were delayed by 5 years to tax year 2026. Those are the deductions for venture capital gains and the deductions for capital gains from the sale of a business.

### Small Business Administration's (SBA) Loan Updates and Data

The U.S. House has unanimously approved the Made in America Manufacturing Finance Act, which would raise the SBA loan cap for manufacturers operating entirely in the United States from \$5 million to \$10 million.

Lawmakers also advanced several related small-business bills, including proposals to boost manufacturing investment, strengthen rural support, and improve SBA cybersecurity and oversight.

In addition to these measures pending in Congress, new federal data shows that SBA lending to manufacturers increased 16.7% last year. This is a notable jump at a time when higher interest rates and tighter credit conditions have made borrowing more difficult for many businesses.

The growth reflects expanded use of the SBA's 7(a) and 504 loan programs by small and mid-sized manufacturers to finance equipment purchases, facility improvements, and working capital.

### New USPS Rule Effect on Tax Filings

A recent change by the U.S. Postal Service (USPS) could create new risks for manufacturers that rely on mailed tax filings, payments, or regulatory documents. Under a USPS rule that took effect Dec. 24, 2025, most machine-applied postmarks now reflect the date mail is processed at a postal facility, not when it is dropped off. As a result, documents mailed before a deadline could receive a postmark after the deadline and still be considered late.

### Supreme Court Decision on CAT Tax Refund

The Ohio Supreme Court rejected an argument by the Ohio Tax Commissioner asserting that shipping labels and bills of lading identifying Ohio as the delivery location are not in themselves determinative, and the taxpayer may produce other evidence regarding where the purchaser receives the goods "after all transportation is complete."

Ultimately, the Court held that products shipped to an in-state distribution center for subsequent shipment to the purchaser's retail locations inside and outside of Ohio were properly situated to Ohio for CAT Tax purposes because the taxpayer did not establish where the purchaser received the property after all transportation was complete.

It is important for manufacturers in similar situations to obtain and manage data directly related to the shipment of goods that generate receipts subject to CAT.

### **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 March 17, 2026**

- 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:* 2/4/2026 - **BILL AMENDED**, House Ways and Means, (Third 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>
- HB288 TIMELY PAY REQUIREMENT-PRIVATE CONSTRUCTION (ROEMER B, SWEENEY B)** To require owners of private construction projects to timely pay contractors.  
*Current Status:* 6/17/2025 - **REPORTED OUT**, House Small Business, (Fourth Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-288>
- HB376 REDUCTION-UNEMPLOYMENT BENEFITS TIMEFRAME (TESKA M)** To reduce the maximum weeks an individual may receive unemployment benefits from 26 to 20 weeks.  
*Current Status:* 3/18/2026 - House Public Insurance and Pensions, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-376>
- 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:* 3/17/2026 - House Government Oversight, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-395>
- HB574 CREATE PILOT PROGRAM-SUBDIVISION CONSOLIDATION GRANTS (DANIELS J, DOVILLA M)** To create the Political Subdivision Consolidation Incentive Grant Pilot Program and to make an appropriation.  
*Current Status:* 2/18/2026 - House Local Government, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-574>

- HB617**      **INCOME TAXATION EXEMPTION-CAPITAL GAINS** (YOUNG T) To exempt capital gains from state and municipal income taxation and to name this act the Ohio Capital Gains Tax Repeal Act.  
*Current Status:* 3/18/2026 - House Ways and Means, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-617>
- HB665**      **ALGORITHM PRICING REGULATION** (COCKLEY C, FISCHER T) To regulate the use of pricing algorithms.  
*Current Status:* 3/11/2026 - House Technology and Innovation, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-665>
- HB756**      **EXPAND R&D CREDIT-INCOME TAX** (DANIELS J, THOMAS J) To expand a research and development tax credit to apply to the income tax.  
*Current Status:* 3/11/2026 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-756>
- 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>
- SB9**        **INCORPORATE INTERNAL REVENUE CODE CHANGES** (BLESSING III L) To expressly incorporate changes in the Internal Revenue Code since March 7, 2025, into Ohio law and to declare an emergency.  
*Current Status:* 3/5/2026 - **SIGNED BY GOVERNOR**; eff. immediately  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-9>
- 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:* 3/10/2026 - Senate Local Government, (Third 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:** 3/10/2026 - Senate General Government, (Second 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>

**SB374**      **PROHIBIT SALES TAX EXEMPTIONS-DATA CENTERS** (SMITH K, BLESSING III L) To prohibit new data center sales tax exemptions from being granted.

**Current Status:** 3/11/2026 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-374>



**HOUSE WAYS AND MEANS COMMITTEE  
REPRESENTATIVE BILL ROEMER, CHAIRMAN**

**TESTIMONY OF  
RICK KLEBAN  
FOUNDER AND PRESIDENT OF SYCAMORE GROWTH GROUP  
FEBRUARY 11<sup>TH</sup>, 2026**

Chairman Roemer, Vice Chair Thomas, Ranking Member Troy, and members of the House Ways and Means Committee, my name is Rick Kleban, and I am the founder and president of Sycamore Growth Group. I am providing testimony today on behalf of the Ohio Manufacturers' Association.

The Ohio Manufacturers' Association is a mission-driven organization comprised of 1,300 Ohio's manufacturing leaders committed to protect and grow Ohio manufacturing. The OMA adopts public policy positions on legislation as a community of manufacturers, grounded in guiding principles, data-driven research and analysis, and member input. As you know, manufacturers have a strong stake in both federal and state tax policies.

Manufacturers are among the largest taxpayers in the country, and conformity with federal tax law is important for administrative simplicity, business certainty, and economic competitiveness. Ohio has a long history of updating its tax code to reflect federal changes, and timely conformity helps businesses plan and comply efficiently.

Senate Bill 9 conforms Ohio law to recent federal changes affecting research and experimentation (R&E) expenses under Internal Revenue Code Section 174. Prior to 2022, companies could immediately deduct R&E expenses in the year they were incurred. Changes that took effect in 2022 required many of these costs to be capitalized and amortized, creating cash-flow challenges and reducing the incentive to invest in innovation at a time when American competitiveness depends on technological leadership.

The federal change reflected in SB 9 allows immediate deduction for domestic R&E expenditures, while foreign R&E expenditures continue to be subject to capitalization and 15-year amortization. This policy encourages companies to locate and expand R&D activity in the United States (and likely in Ohio as well).

For Ohio manufacturers, greater certainty and improved cash flow support new product development, process improvements, quality enhancements, environmental and sustainability innovations, and job creation and retention.

OMA is a strong advocate of competitive markets and a pro-business environment. Ohio's Commercial Activity Tax is a gross receipts-based tax, so these changes may be largely revenue-neutral at the state level. However, conformity still provides meaningful value to manufacturers, particularly by improving consistency and reducing complexity, including at the municipal level where income-based taxes allow deductions. For these reasons, the Ohio Manufacturers' Association supports Senate Bill 9.

Chair Roemer, Vice Chair Thomas, Ranking Member Troy, and members of the House Ways and Means Committee; thank you for your time today and your attention to this important matter.



OHIO CHAMBER  
OF COMMERCE

February 23, 2026

The Honorable Dani Isaacsohn  
Minority Leader, Ohio House  
77 South High Street, 14<sup>th</sup> Floor  
Columbus, OH 43215

Leader Isaacsohn:

Our organizations advocate for an efficient, competitive tax system that supports compliance and predictability for employers. For Ohio to compete nationally and internationally, the state's tax system must be characterized by certainty, equity, simplicity, and transparency. The absence of an emergency clause in Sub S.B. 9, the recently passed tax conformity bill, will impose substantial compliance burdens on Ohio businesses this filing season.

Ohio has long maintained conformity with federal tax changes to provide administrative simplicity and predictability. When state and federal tax bases align, employers can plan, file, and invest with confidence. Even temporary nonconformity introduces unnecessary complexity, increases compliance risk, and forces companies to divert time and resources toward recalculating filings rather than investing in growth in Ohio.

Tax conformity and predictability have long been bipartisan priorities because employers rely on clarity during filing season. The omission of an emergency clause has real consequences for businesses, who will be required to navigate two different tax structures for the same tax year if not corrected. For many companies, that translates into system changes, additional professional costs, and avoidable disruption.

We recognize that members of your caucus have policy concerns about provisions in the federal tax package enacted in 2025. However, allowing a one-year decoupling to occur as a procedural byproduct creates confusion and sends an unintended signal about Ohio's commitment to tax stability.

We urge a timely legislative solution to restore conformity and provide certainty for Ohio employers before filing deadlines approach. Maintaining alignment with federal tax law will help ensure Ohio remains competitive and open for business.

Sincerely,

Ohio Manufacturers' Association  
Ohio Council of Retail Merchants

Ohio Business Roundtable  
Ohio Chamber of Commerce

Ohio Farm Bureau  
NFIB Ohio



June 10, 2025

The Honorable Haraz N. Ghanbari  
Ohio House of Representatives  
Vern Riffe Center  
77 S. High Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215

**Re: Opposition to HB 288 – Protecting Freedom of Contract and Ohio’s Economic Competitiveness**

Dear Chairman Ghanbari,

As members of Ohio’s business community, we write to express our strong opposition to House Bill 288, also known as the Prompt Pay Act.

While we fully support the principle that all parties engaged in construction and maintenance projects should be paid in accordance with the agreed-upon terms in their contracts, HB 288 introduces sweeping mandates that will harm Ohio’s economy, undermine the freedom of contract, and disrupt the state’s business environment.

HB 288 would require private construction project owners to pay contractors within 30 days of receiving a payment application or face extreme penalties, including an 18% interest rate and liability for contractors’ legal fees. These provisions raise several serious concerns:

- 1. Erosion of Contractual Freedom:** Businesses must retain the ability to negotiate payment terms tailored to the specific needs of all parties. HB 288 imposes a one-size-fits-all mandate, undermining this foundational principle.
- 2. Deterrent to Investment in Ohio:** Punitive measures like an 18% interest rate and guaranteed legal fees for contractors could deter future investment in Ohio. Businesses may hesitate to undertake development projects in the state, fearing disproportionate penalties, potentially leading to job losses and decreased economic activity.
- 3. Encouragement of Frivolous Lawsuits with No Financial Risk to Plaintiffs:** The bill’s attorneys’ fees provision could foster unnecessary litigation, creating a cottage industry of lawsuits from bad actors over minor disputes. This would divert resources away from productive business operations.

Ohio’s business climate depends on careful, deliberate policymaking to ensure a fair, competitive, and growth-oriented regulatory framework. HB 288 has far-reaching implications that do not support these objectives. For these reasons, we respectfully urge you to reject HB 288.

Thank you for your attention to this important matter.

Sincerely,

**The Ohio Manufacturers' Association**  
**The Ohio Council of Retail Merchants**  
**Ohio Telecom Association**  
**Ohio's Broadband and Cable Association**

CC: Members of the House Small Business Committee



**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.



**BEFORE THE INSURANCE COMMITTEE  
THE OHIO SENATE  
SENATOR BOB HACKETT, CHAIR**

**SENATE BILL 116  
TESTIMONY OF BILL CREEDON  
THE OHIO MANUFACTURERS' ASSOCIATION**

**MAY 16, 2023**

Chair Hackett, Vice Chair Lang, Ranking Member Craig, and members of the Senate Insurance Committee, thank you for the opportunity to provide testimony on Senate Bill 116, which proposes important reforms to Ohio's unemployment compensation system.

My name is Bill Creedon from the law firm Bricker Graydon, representing The Ohio Manufacturers' Association (OMA). Created in 1910 to advocate for Ohio's manufacturers, the OMA today has approximately 1,300 members statewide. Its mission is to protect and grow Ohio manufacturing.

As you may know, manufacturing is the largest of the state's 20 major industry sectors. As of Q3 2022, manufacturing contributed more than \$130 billion annually to Ohio's economy, accounting for nearly one-fifth of Ohio's private industry GDP.

Our association strongly supports Senate Bill 116 (SB 116).

Ohio's unemployment compensation system is long overdue for reforms to address the system's long-term stability and solvency. The system has continually been under threat of insolvency, placing the fund in jeopardy every time the state faces an economic downturn.

Historically, the state's decades long UI insolvency has produced significant cost burdens on Ohio's employers at times when they can least afford it. Many of our manufacturers remember the difficulties following the 2008 recession when an excess in unemployment claims completely exhausted the fund, forcing the state to borrow nearly 3.4 billion from the federal government.

Ohio employers were the sole contributors responsible for repaying that debt with a cost of over \$250 million in interest payments. Our members and the business community at large had to bear that cost through increased payroll taxes and special tax assessments for several years until the loan was paid off.

S.B. 116 offers three simple changes to protect the system, employers, and taxpayers from exorbitant costs resulting from insolvency.

First, the legislation proposes a sliding scale for eligibility tied to the state's unemployment rate from 12 to 20 weeks. During the pandemic, the average Ohioan received benefits for 14.5 weeks, well below the proposed cap. Additionally a sliding scale provides the benefit of flexibility to cap excessive costs to the system in times of low unemployment, while allowing benefits to be expanded in necessary times of economic downturn.

Second, S.B. 116 eliminates Ohio's dependency clause. Most states do not have this particular benefit. Ohio is one of only 13 states. Moreover, as currently constituted, only higher earners are eligible to utilize this particular benefit. Eliminating the dependency benefit also eases the administrative burden on the system, cutting additional costs.

Finally, S.B. 116 proposes an increase to the taxable wage base from \$9000 to \$9,500. Employers who have the most to lose in times of insolvency understand the need to pay more at the front end to prevent a future insolvency crisis. This modest increase in cost brings Ohio closer to solvency and places our state in line with our neighboring states' taxable wage rates.

The OMA supports S.B. 116 and its sensible reforms. At a time of low unemployment and high job creation, Ohio is presented with the proper conditions to make significant improvements to our unemployment compensation system, allowing our state to avoid tax penalties on businesses in times of economic hardship and put an end to the endless cycle of unnecessary borrowing from the federal government.

Thank you. I am happy to answer any questions at this time.

March 18, 2026

The Honorable Bob Peterson  
Chairman  
House Public Insurance and Pensions Committee  
Ohio Statehouse  
1 Capitol Square  
Columbus, OH 43215

**RE: House Bill 376 – Written Proponent Testimony**

Dear Chairman Peterson,

The Ohio Manufacturers' Association appreciates the opportunity to provide written testimony in support of HB 376, which would reduce the maximum weeks an individual may receive unemployment.

The OMA was created in 1910 to advocate for Ohio's manufacturers. Today, the OMA has approximately 1,300 members statewide. Its mission is to protect and grow Ohio's manufacturing industry.

As you may know, manufacturing is the largest of the state's 20 major industry sectors. As of Q4 2025, manufacturing contributed more than \$133 billion to Ohio's economy. According to the most recent data, nearly 700,000 Ohioans work in manufacturing, and manufacturing has the largest payroll of any Ohio economic sector, accounting for nearly one-fifth of Ohio's private industry GDP.

Many of our manufacturers remember the difficulties following the 2008 recession, when a surge in unemployment claims completely exhausted the state's unemployment insurance fund and forced Ohio to borrow nearly \$3.4 billion from the federal government. Ohio employers were the sole contributors responsible for repaying that debt, including more than \$250 million in interest payments. Employers across the state bore those costs through increased payroll taxes and special assessments for several years until the loan was repaid.

Ohio's unemployment compensation system has struggled with solvency for decades and remains structurally vulnerable during economic downturns. The system has repeatedly been placed under financial strain when unemployment rises, leaving the state at risk of insolvency when economic conditions deteriorate.

Without structural reforms, Ohio risks repeating this same cycle in future downturns: depleting the unemployment fund, borrowing billions from the federal government, and imposing higher payroll taxes on employers during the very time businesses are working to recover.

At the same time, Ohio manufacturers continue to face significant workforce shortages across many sectors. Employers throughout the state are working to fill open positions and expand production capacity. Policies that support faster reattachment to the workforce while maintaining a stable unemployment insurance system are critical to sustaining Ohio's economic growth.

OMA supports H.B. 376 because it is a sensible step toward strengthening the system's long-term stability by reducing the maximum number of weeks an individual may receive unemployment compensation from 26 to 20.

Under current law, an individual is entitled to receive benefits for 20 weeks for the first 20 qualifying weeks of employment in the individual's base period. The individual may receive one additional benefit week for each qualifying week over 20 weeks, up to a maximum of 26 total benefit weeks.

Even during the extraordinary economic conditions of the pandemic, the average Ohio claimant received unemployment benefits for approximately 14.5 weeks, well below the current 26-week maximum. Aligning benefit duration more closely with actual usage helps strengthen the solvency of the unemployment insurance fund and reduces the likelihood of sudden tax increases on employers during economic downturns.

OMA supports H.B. 376 as a step in the right direction toward achieving solvency. At a time of low unemployment and strong job creation, Ohio has an opportunity to make meaningful improvements to its unemployment compensation system. These reforms will help stabilize the unemployment insurance fund, protect employers from future tax spikes, and reduce the likelihood that Ohio will once again need to borrow billions from the federal government.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacob Sargent", with a long, sweeping underline.

Jacob Sargent  
Director, Public Policy Services  
The Ohio Manufacturers' Association



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**To:** Governor Mike DeWine  
**From:** Kimberly Murnieks *KAM*  
**Date:** February 4, 2026  
**Re:** Consequences of Local Property Tax Abolishment

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A [proposed constitutional amendment](#) would eliminate property taxes in Ohio and permanently ban them statewide, cutting off a critical source of funding for local schools, police and fire departments, emergency services, and other essential community services. This memo provides a high-level summary of the impacts of such an amendment; if the issue makes the ballot, OBM will provide a detailed analysis in accordance with [Ohio Revised Code Section 3519.04](#).

While the State of Ohio does not collect property taxes, Ohio's cities, counties, townships, and school districts have long depended on them to pay for the services residents rely on every day. Today, property taxes, including real property and public utility personal property taxes, generate about **\$24 billion each year** for local governments across the state. To put this into perspective, that's equal to the total revenue from Ohio's state income and sales taxes combined.

Eliminating property taxes would immediately destabilize local budgets and force deep cuts to essential services, reducing or eliminating funding for local law enforcement, first responders, and schools, delaying road and infrastructure repairs, and threatening services for seniors and people with disabilities.

**Catastrophic Impacts on Essential Local Services:** Local property taxes support approximately [65 percent of local tax revenue in Ohio](#). If eliminated, specific effects would include:

- **Public Education:** Roughly three-fifths of the local property tax revenue collected each year supports local school districts. If local property taxes were abolished, schools would be forced to lay off thousands of personnel, leading to larger class sizes school closings, and program cuts.
- **Police, Fire, and EMS:** Local safety forces rely heavily on property tax levies; repeal would lead to station closures especially in smaller communities and townships, dramatically reduced staffing, and slower emergency response times.
- **Libraries, Parks, Health and Human Services, Senior Supports:** These services, funded through local levies, would face severe cuts or elimination, reducing community quality of life. Programs for seniors and health, recovery, and developmental disabilities services would lose stable funding, increasing strain on hospitals and state systems.

**Revenue Replacement Challenges:** The state budget already pays a portion of homeowners' local property tax bills through the homestead exemption for seniors and residents with disabilities, and through the tax credit for residential homeowners. These state-funded [programs](#) reimburse local governments and schools more than \$2 billion each year in property taxes that would otherwise be paid by Ohio residents. Replacing another \$20 billion or more if local property tax revenue is abolished would be fiscally impractical and economically harmful.

- **If replaced by Income Tax:** After more than two decades of careful policy planning and implementation, Ohio achieved a flat state income tax of 2.75 percent in tax year 2026, the second-lowest rate of any state in the country which levies an income tax, providing a competitive economic environment. Ohio's state personal income tax generated \$10.5 billion in FY 2025. According to [analysis by the Tax Foundation](#), **income tax rates across Ohio would need to quadruple or more, reaching 11–15 percent statewide, to replace local property tax levies.** If replacement income taxes were levied locally, then the income tax rate would need to reach 27 percent in some counties. Such rates could exceed even the top brackets of states with high rates and progressive income tax structures, such as California. High tax rates would discourage future economic development, dampen investment, increase tax migration, and disproportionately burden low-income households.
- **If replaced by Sales Tax:** Ohio's statewide sales tax is a moderate 5.75 percent, and generated \$14 billion in FY 2025. Ohio is near the middle nationally for combined state and local rates. **OBM, after consulting with the Ohio Department of Taxation, estimates that replacing local property tax would require state sales tax rates approaching 15–18 percent, significantly higher than any other state.** Such astronomical increases would drive citizens and businesses to tax avoidance, pushing consumer spending out of state especially in border counties, harming small businesses and local economies. To moderate the potential rate increase, **the sales tax base could be broadened to tax food, healthcare, or other goods or services that are currently exempt.** Note that base-broadening would require statutory and, in some cases, constitutional, changes.

#### **Additional Risks and Considerations:**

- **Volatility:** Property taxes give local governments a steady, predictable source of funding that supports essential services year after year. In contrast, income and sales taxes swing sharply during economic downturns, leaving communities vulnerable to budget shortfalls when residents need public services the most.
- **Loss of Local Control:** Local property taxes empower residents to shape their communities through direct voting and accountability, ensuring that decisions about spending and priorities remain in the hands of local citizens. By approving or rejecting property tax measures, voters exercise real control over service quality, scope, and responsiveness.

- **Maintenance of Public Schools:** In addition to catastrophic impacts to operating revenue, eliminating local property taxes would strip school districts of their most stable funding source for building upkeep. Without revenues, districts would struggle to pay for essential repairs like roof replacements, HVAC systems, and safety upgrades. Deferred maintenance leads to deteriorating facilities, higher long-term costs, and unsafe learning environments.
- **Local Government Debt and Bond Ratings:** Local governments rely on property tax revenue to secure bonds for infrastructure projects, schools, and public safety facilities. If this revenue stream disappears, currently outstanding debt would likely be declared immediately in default, leading numerous bondholders to file lawsuits, and credit agencies would view municipalities as higher-risk borrowers, causing credit ratings to drop. Lower ratings mean higher interest rates on future borrowing, reducing the ability to finance school facilities, roads, water systems, and emergency services. Ultimately, taxpayers would pay more for less infrastructure as borrowing would become costlier and less accessible.
- **State of Ohio Credit Ratings:** In the past few years, the state of Ohio achieved top AAA/Aaa bond ratings from all three major credit rating agencies for the first time in history. The ripple effect of eliminating local property taxes would reach the state level. Local credit downgrades would lead to reputational risks for the state and widespread financial instability among local governments and school districts could trigger fiscal crises and calls for state intervention that would strain resources beyond capacity. Lower state credit ratings would increase borrowing costs for major projects and undermine investor confidence in Ohio’s fiscal management, jeopardizing economic development and straining the state budget.

The state of Ohio is fiscally responsible, and our current system of state and local taxation is balanced and stable. Recognizing that increased property tax burdens are a top concern for Ohioans, the legislature adopted a package of four bills in 2025, [HB 186](#), [HB 335](#), [HB 129](#), and [HB 309](#), to curb unvoted property tax increases and provide over \$3 billion in additional relief to homeowners over the next few years. These reforms cap automatic growth in school and local government taxes at the rate of inflation, tighten levy oversight, and adjust credits to favor owner-occupied homes while phasing out non-business credits. OBM recommends continued work with the legislature to implement additional [recommendations of the Property Tax Working Group](#) while maintaining our bedrock local property tax system.

As this analysis demonstrates, a constitutional amendment to abolish local property taxes, with no plan to replace the lost revenues, would quite literally “defund” the police – and fire departments, schools, libraries, senior centers, and other local government services – in our communities statewide.