

Committees:

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Representative Steven Arndt Ohio House of Representatives, 89th House District

Chairman Hoagland, Vice Chair Schaffer, Ranking Member O'Brien, and members of the Senate Agriculture Committee. Thank you for allowing me the opportunity to testify today in support of House Bill 168, legislation that would encourage economic development here in Ohio by the establishment of a bona fide prospective purchase pathway for those interested in purchasing lightly contaminated properties.

In many areas throughout Ohio, there are lightly contaminated properties, like the site of former gas stations or dry cleaning businesses, that are not currently in productive use simply because of a business our current regulatory structure is too cost prohibitive for developers to pursue.

Current federal statute provides purchasers with an affirmative defense who have knowledge of existing contamination if the appropriate protocol is followed by the purchaser. This bill would establish state level immunity for potential purchasers of property through the Ohio Environmental Protection Agency if a certain protocol that is currently established in federal law is followed.

Under this protocol, potential purchasers would have to complete "All Appropriate Inquiries" including 1) reviewing federal and state databases for information about potential contamination on the property; 2) interviewing those with knowledge about the property; 3) inspection of the property by an environmental professional for signs of contamination. If any of the due diligence steps indicate that there is contamination present on the property, the prospective purchaser must cooperate with any reasonable steps in the future to stop ongoing releases and prevent exposure.

Implementing a bona fide prospective purchaser pathway here in Ohio would bring our state into line with other states, such as Indiana and Michigan, that have incorporated Bona Fide Prospective Purchaser language or similar language into state law. This bill is the same as House Bill 737 from the 132nd General Assembly.

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Thank you for your consideration and I am happy to answer any further questions at this time.

