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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 272  
(1\_136\_0401-5)  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 272's Bill Analysis](#)

**Version:** In House General Government

**Primary Sponsors:** Reps. Pizzulli and Robb Blasdel

**Local Impact Statement Procedure Required:** No

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### Highlights

- The Ohio Environmental Protection Agency (Ohio EPA) will likely experience significant administrative costs to implement the prohibition and testing of products containing per- and polyfluoroalkyl substances (PFAS) including additional staffing. The agency will also incur several one-time and other ongoing expenses to develop rules, oversee testing and notification, and to produce the required report.
- The Attorney General will see an increase in workload and resultant expenses to bring additional civil actions at the request of Ohio EPA for violations of PFAS requirements and prohibitions. Courts of common pleas may experience some increase in their annual operating costs if civil enforcement cases are filed as a result of the bill. These costs may be offset somewhat by a related gain in court costs, fees, and fines, if collected. The net annual fiscal effect for any given local jurisdiction is likely to be minimal.
- The state GRF could see an increase in revenues as a result of new civil penalties of up to \$15,000 for each violation of the prohibitions under the bill. The magnitude of any increase is dependent on the number of violations.

### Detailed Analysis

With exceptions, the bill prohibits the sale of products containing intentionally added per- and polyfluoroalkyl substances (PFAS) beginning January 1, 2027.

#### Ohio EPA

##### Rulemaking

The bill requires the Ohio Environmental Protection Agency (Ohio EPA) to adopt certain rules related to the regulation of PFAS including rules that create a series of ranges for the

amount of a PFAS in a product that contains an intentionally added PFAS for reporting purposes unless exempt. The bill further permits Ohio EPA to adopt rules to prohibit the sale of consumer products not listed in the bill by adopting rules. In adopting those rules, Ohio EPA is required to establish an effective date for each such prohibition that is not less than six months after the adoption of the final rule, and to prioritize prohibitions of consumer products containing intentionally added PFAS that are most likely to harm humans or contaminate the environment.

The bill allows Ohio EPA to direct a manufacturer to provide testing results that demonstrate the amount of PFAS in the product if there is reason to believe a product containing intentionally added PFAS is for sale in the state and sale is prohibited under the bill. If testing demonstrates that the product does contain intentionally added PFAS, the manufacturer is required to notify each person who sells the product that the product is prohibited, and provide Ohio EPA with a list of sellers notified.

### **Reporting**

The bill requires Ohio EPA, 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 and authorizes the Ohio 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.

### **Fiscal impact**

Ohio EPA is likely to see a significant increase in administrative costs, including some number of additional staff, to implement the prohibition and testing of products containing PFAS. These costs will be annual for as long as the program lasts. The agency will also incur several one-time and other ongoing expenses to develop rules, oversee testing and notification, and to produce the required report.

### **Enforcement**

Any manufacturer that violates the requirements of the bill regarding PFAS is required to pay a civil penalty of not more than \$15,000 for each violation to be paid to the state GRF. The Attorney General is required to bring such an action when requested by Ohio EPA. The effect on the daily operations and related operating expenses of the courts and the Attorney General will depend on the monetary amount being sought by the victim and the frequency of civil actions being filed. Costs would likely be partially offset by filing fees charged by the court. Courts of common pleas hear all cases in which the amount of money in dispute is more than \$15,000. The number of new civil cases that may result is uncertain but likely will be minimal for any single jurisdiction and court.

## **Synopsis of Fiscal Effect Changes**

The substitute bill (I\_136\_0401-5) removes provisions from the As Introduced version of the bill related to prohibiting weather manipulation, making fluoride supplementation in drinking water permissive, and expansion of the current law definition of adulterated food. Those provisions would have had the following fiscal effects which are no longer applicable under the substitute bill:

- Local criminal justice systems may have experienced some increase in annual operating costs if additional persons were arrested, prosecuted, and sanctioned as a result of the bill. These costs may have been offset somewhat by a related gain in court costs, fees, and fines, if collected. The net annual fiscal effect for any given local jurisdiction was likely to be minimal.
- Courts of common pleas and the Attorney General would have been able to absorb any additional filings related to weather manipulation into their respective workloads with little, if any, discernible effect on annual operating expenses.
- Any public water systems which ceased (as permitted by the bill) adding fluoride to the water supplied by the system under the As Introduced version of the bill would have needed to conduct a corrosion control treatment evaluation, the costs of which vary based on the size of the system. Any savings generated from no longer adding fluoride would have been offset somewhat by the costs of plan approvals to remove treatment and corrosion studies, both of which would be required by Ohio EPA under current law.