



February 19, 2025

Senator Bernie Moreno  
United States Senate  
B33 Russell Senate Office Bldg.  
Washington, DC 20510

Senator Jon Husted  
United States Senate  
198 Russell Senate Office Bldg.  
Washington, DC 20510

Congressman Troy Balderson  
U.S. House of Representatives  
2429 Rayburn House Office Bldg.  
Washington, DC 20515

Congressman Michael Rulli  
U.S. House of Representatives  
421 Cannon House Office Bldg.  
Washington, DC 20515

**Re: Ohio's Business Community Urges Support for Congressional Review Act (CRA) Resolution to Rescind EPA's Unjustified Nuisance Rule for Ohio**

Dear Senators Moreno and Husted and Congressmen Balderson and Rulli,

On behalf of Ohio's business community, we write to thank you for your leadership on a Congressional Review Act (CRA) resolution to overturn the Environmental Protection Agency's (EPA) recent decision to reinstate Ohio's nuisance rule as part of its State Implementation Plan (SIP) and to share our strong support for this resolution. This last-minute regulatory change unjustly targets Ohio businesses and is inconsistent with EPA's treatment of other states under the Clean Air Act.

As you know, EPA originally removed Ohio's nuisance rule from its SIP in 2020 after determining that it was not necessary for attaining or maintaining National Ambient Air Quality Standards (NAAQS). This decision was aligned with EPA's longstanding practice of removing similar nuisance provisions in other state SIPs, including California, Kentucky, Georgia, Michigan, Minnesota, Nevada, New Hampshire, New York, Rhode Island, and Wyoming. However, under pressure from plaintiffs' attorneys and activist groups, the Biden Administration chose to reverse course at the eleventh hour, making Ohio an outlier and exposing our manufacturers to an unprecedented wave of costly federal lawsuits.

This regulatory maneuver does not enhance environmental protections. The nuisance rule remains fully enforceable under Ohio law, and affected parties retain multiple legal avenues to address air quality concerns at the state level, including tort actions and Ohio EPA enforcement. Instead, EPA's decision serves only to benefit trial attorneys by enabling Clean Air Act citizen suits in federal court—an option unavailable in other states—while allowing litigants to recover attorneys' fees at the expense of Ohio's businesses.

The Biden Administration's decision to reinsert this rule just hours before leaving office unfairly singles out our state while contradicting EPA's treatment of other states under the Clean Air Act. It is imperative that Ohio's Congressional Delegation takes immediate steps to reverse this unjust and politically charged maneuver.

We support swift action on your CRA resolution to block this misguided rule. The rule's reinstatement directly contradicts the Clean Air Act, unfairly disadvantages Ohio businesses, and creates regulatory inconsistency across state lines. Our organizations and the Ohio EPA have all voiced strong opposition to this change, and we ask for your leadership in ensuring that Ohio's businesses are not unfairly burdened by federal overreach.

Thank you for your attention to this urgent matter. We appreciate your commitment to protecting Ohio's manufacturers and the thousands of hardworking Ohioans they employ. Please let us know how we can support your efforts to advance this critical legislative remedy.

Sincerely,

The Ohio Manufacturers' Association

The Ohio Chamber of Commerce

The Ohio Chemistry Technology Council