



Interested Party Testimony on House Bill 263

Chairman McColley, Vice-Chair Johnson, Ranking Member Antonio and members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to submit interested party testimony regarding House Bill 263 and potential impacts to Ohio EPA's licensing authority. We appreciate the intent of this piece of legislation and understand the desire to give individuals with a criminal history a fresh start to seek opportunities that will provide them with economic security. For several of our licensing and certification programs, including water and wastewater treatment operators and asbestos hazard abatement contractors, specific disqualifying offenses related to the certification are already outlined in the Ohio Administrative Code. However, there is one area of concern we would like to bring to the committee's attention.

Ohio EPA issues licenses to solid, hazardous, and infectious waste facilities. These types of facilities range from large landfills that accept municipal solid waste, to smaller facilities that incinerate infectious waste. Historically, there is a great amount of community interest in these types of facilities and their impacts on human health and the environment. In most cases, approved health departments are the licensing authority for facilities within their jurisdiction. For unapproved jurisdictions, Ohio EPA carries out the licensing function. These licenses are issued to facilities or corporations, not individuals. While there are disqualifying offenses listed in ORC 3734.44 for the owner or "key employee" of such a facility, **the listed offenses do not disqualify an individual from being employed by a company or facility handling solid, hazardous, or infectious waste.**

The list of disqualifying offenses found in ORC 3734.44 was developed as a cornerstone to HB 592, enacted in 1988. HB 592 was a comprehensive piece of legislation that established many aspects of the regulatory structure for the waste industry that are still present today, including the creation of solid waste districts. The list of disqualifying offenses in HB 592 created safeguards in the licensing process for solid, hazardous, and infectious waste facilities. HB 263 could give approved local health departments the authority to establish their own disqualifying criteria for annual operating licenses, thereby establishing different standards across the state for waste facilities depending on the county. Again, the licenses for solid, hazardous, and infectious waste are issued to facilities, not individuals, and the required background check for facility key employees does not limit the ability for individuals to seek employment opportunities in the waste industry. **Ohio EPA strongly encourages the committee to remove provisions related to licensing for solid, hazardous, and infectious waste facilities, to keep standards for these facilities uniform throughout Ohio, and not create a potential patchwork of regulation that companies operating in multiple counties must attempt to comply with and follow.**

In closing, Ohio EPA appreciates the opportunity to provide comments on HB 263, and is happy to answer any questions the committee or bill sponsor may have related to the above testimony. For any questions or comments, please contact Gretchen Craycraft, Deputy Director of Government Affairs, at Gretchen.craycraft@epa.ohio.gov or 614-309-0446.