

# **Political Dollars & the Ohio EPA Permit Processing Efficiency Committee**

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## **Summary**

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**During the past two election cycles, the members of the Ohio Environmental Protection Agency (Ohio EPA) Permit Processing Efficiency Committee contributed over \$3.85 million dollars to Ohio statewide and legislative candidates and political party committees.** The Permit Processing Efficiency Committee is made up of a group of lobbyists for chemical, manufacturing and energy industries, along with staff for government agencies. OEPA Director Christopher Jones convened this committee in 2001 to propose changes to the way air pollution is regulated in Ohio. Governor Bob Taft, who appointed Christopher Jones to the Ohio EPA, received 10% of the contributions from those interests represented on the committee (\$387,086). Unlike other “stakeholder” processes run by the Ohio EPA, this committee did not include even token representation by members of the community or environmental organizations. The committee has been meeting for three years (2001-2004) and its meetings were not open to the public.

## **Background**

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Ohio Environmental Protection Agency (Ohio EPA) Director Christopher Jones unveiled plans for a new air pollution permitting process in August 2004. The new process would involve major changes to Ohio’s air permit system, removing the requirements for thousands of facilities to have air pollution permits, even though they will still be polluting at the same levels. Under the proposal, for example, facilities emitting up to a ton per year of the known cancer-causing chemical vinyl chloride, or up to 1,100 pounds per year of the known cancer-causing chemical benzene, could operate without a permit.

The permit process provides a legal avenue for citizens who live near polluting facilities to review information and intervene or object to permits. If the permits are deemed unnecessary as a result of the new rules, neighbors will have a more difficult time researching these facilities and pushing for enforcement of pollution laws.

If the Ohio EPA decides to finalize these rules after the close of the public comment period on October 13, 2004, the rules would have to be approved by the Joint Committee on Agency Rule Review of the Ohio General Assembly before going into effect

These new rules were written and proposed by the Ohio EPA Permit Processing Efficiency Committee, which is composed of a group of lobbyists for the chemical, manufacturing and energy

industries, Ohio EPA staffers, and representatives from the U.S. EPA and the Ohio Department of Natural Resources.

### **History of the Industry-Ohio EPA Committee**

The Ohio Environmental Protection Agency (Ohio EPA) is responsible for the implementation of the federal Clean Air Act in Ohio. The agency gives air permits to companies and designates the amount of pollution they are allowed to release. The permit process allows members of the public to review the information, and provides a mechanism for the Ohio EPA to enforce the law when companies violate the permits.

Industries have complained about delays in the air permitting process, and have said that the permit process is too burdensome. In July 2001, Ohio EPA Director Christopher Jones invited representatives of the chemical, oil, and manufacturing industries, along with other business and trade associations, to join with Ohio EPA to form the Permit Process Efficiency Committee.

#### **Here's how the Ohio EPA website describes the committee:**

“PPEC is a collaborative effort between Ohio EPA, U.S. EPA and members of several business and trade associations. Participants include the Ohio Chamber of Commerce, Ohio Chemistry Technology Council, Ohio Manufacturers’ Association, Ohio Petroleum Council, and National Federation of Independent Business - Ohio Chapter. As the PPEC workgroups make recommendations about permitting improvements, it is anticipated that other interested parties will become more involved in the process, including environmental interest groups.” (see: <http://www.epa.state.oh.us/dapc/ppec/>).

Contrary to previous Ohio EPA “stakeholder” processes, in this case the agency decided not to invite members of the public or environmental organizations to be involved in developing the proposal, but sought only the participation of the industries it regulates. The committee size has varied since the beginning of the process in 2001, but overall has been composed of fifty-one different industry representatives and fourteen state employees.

The Ohio EPA Permit Process Efficiency Committee spent the last three years meeting and preparing proposals for reducing the number of air pollution permits required in Ohio. Their stated goal is to reduce permits by 40%. First, in April 2003, they prepared a proposal which would have cut the number of permits in half by changing the types of permits required (known as the “PTIO” proposal, for Permit to Install and Operate). This proposal met with significant public opposition and now appears to be on the back burner.

In August 2004, the Committee announced a new set of proposals, which would exempt thousands of Ohio businesses from air pollution permits. The draft rules can be found at: <http://www.epa.state.oh.us/dapc/regs/3745-31/3745-31-03IPdraft.pdf>. When the agency first floated the proposal in August, they planned no public hearings on it. However, after environmental groups across the state protested their actions, Ohio EPA announced a “public information session” on the draft rules to be held on October 4, 2004.

The new proposals exempt industries from air pollution permits (Ohio Administrative Code, section 3745-31-03) in two ways:

- “Permit by rule”: Ohio EPA wants to add six categories of industries, including auto body refinishing, two categories of gasoline stations, natural gas-fired boiler/heaters, and small and mid-sized printing facilities to a list of types of facilities which do not have to get individual air pollution permits. These facilities would technically be required to follow some general rules, but all records will be kept in-house, and not made available to the public at the agencies as they are now.
- “Threshold exemption”: Ohio EPA wants to exempt some facilities from their air permits by raising the level of emissions required to trigger the permit requirements. The chemical emissions included in this proposal include dozens of chemicals, some of which can cause cancer or reproductive hazards, as well as those that trigger asthma and other respiratory diseases. Facilities in this category would have no specific rules to follow and no specific record-keeping requirements.

Under the proposal, both types of facilities would be exempt from the “air nuisance” provision of the Clean Air Act section of the Ohio Revised Code (ORC 3745-15-07). This would remove another way in which neighbors could take legal action against a polluting facility in their backyard.

The agency has not released an assessment of the cumulative impact of this deregulation on local air quality, nor on the state's ability to meet the national air quality standards for smog, which many areas are currently failing to meet.

Under the new rules, no one will be responsible for determining whether an exempt facility is located in a site where an amount of emissions, though small in terms of overall impact on the state's air, might be damaging to nearby sensitive populations. Local governments could no longer ask the state to place conditions on or to deny permits where facilities would harm human health, or have other adverse environmental, social or economic impacts.

## **Findings**

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From 1999-2002, the Ohio Environmental Protection Agency (EPA) Permit Processing Efficiency Committee members and participating organizations’ political action committees (PACs) and

employees contributed **\$3,852,204** to statewide and legislative candidates and political party committees. Ten members of this committee personally contributed **\$25,058** of this total.

<b>1999-2002 Contributions from PACs and Employees of Organizations Represented on the Ohio EPA Permit Processing Efficiency Committee</b>	
<b>Recipients</b>	<b>Amount</b>
Ohio Statewide and Legislative Candidates	\$3,033,690
Democratic party committees	\$119,350
Republican party committees	\$699,164
<b>Total</b>	<b>\$3,852,204</b>

**1999-2002 personal political contributions from members of the Ohio EPA Permit Processing Efficiency Committee**

<b>Committee Member</b>	<b>Employer</b>	<b>Amount</b>
Robert Brubaker	Porter Wright Morris and Arthur, LLP	\$826
Willa Ebersole	Thomas P. Pappas & Associates	\$18,125
Paul Jesse*	Benesch Friedlander Coplan & Aronoff, LLP	\$171
Frank Merrill	Bricker & Eckler, LLP	\$1,565
Jack Pounds	Ohio Chemistry Technology Council	\$3,270
Joseph Secrest	Ashland, Inc.	\$150
Martin Seltzer	Porter Wright Morris and Arthur, LLP	\$526
Keith Shoemaker	McGough & Associates, Inc.	\$55
Elizabeth Smith	Marathon Ashland Petroleum, LLC	\$350
Greg Vergamini**	Ohio Manufacturers' Association	\$20
<b>Total Contributions</b>		<b>\$25,058</b>

**Contribution totals include statewide and legislative candidates and political party committees.** \*Paul Jesse died in 2003. \*\*Greg Vergamini contributed \$8,520 to himself when he was a candidate in the 2000 primary. These contributions are not included.

**Ten members of the Ohio EPA Permit Processing Efficiency Committee are registered lobbyists in the State of Ohio:**

- Eric Burkland, Ohio Manufacturers' Association
- Willa Ebersole, Thomas P. Pappas & Associates
- John Hollback, Jr., American Electric Power (AEP) and their subsidiaries

- Paul Jesse, PremCor, Inc.
- Kristin Clingan, Ohio Chamber of Commerce
- Chris Korleski, Honda of America Manufacturing
- Jack Pounds, Ohio Chemistry Technology Council
- Keith Shoemaker, McGough & Associates
- Elise deLanglade Spriggs, Ohio Petroleum Council
- Greg Vergamini, Ohio Manufacturers' Association

A list of registered lobbyists and their filings can be found at [www.jlec-olig.state.oh.us](http://www.jlec-olig.state.oh.us).

## **Registered Lobbyists' Activities**

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Three of the members of the committee are registered lobbyists for the Ohio Manufacturers' Association: Eric Burkland, Willa Ebersole and Greg Vergamini. Burkland and Vergamini are registered executive branch lobbyists and represent only the Manufacturers' Association when they lobby. However, Ebersole is only registered to lobby the legislative branch for the Ohio Manufacturers' Association and is employed as a lobbyist by 27 other companies or associations. She is an executive and legislative lobbyist for the Ohio Environmental Services Industry.

Two lobbyists changed employers during the course of the committee. Kristin Clingan, a lobbyist for the Ohio EPA during 2001, now lobbies for the Ohio Chamber of Commerce. Elise deLanglade Spriggs, who represents the Ohio Petroleum Council on the committee, lobbied for the American Petroleum Institute up until October 2003. She is currently a lobbyist for the Governor's office.

Paul Jesse of Benesch Friedlander Coplan & Aronoff, LLP, who died in December 2003, was a registered executive and legislative lobbyist for PremCor Inc. Premcor is one of the largest independent petroleum refiners and suppliers of unbranded transportation fuels, heating oil, petrochemical feedstocks, petroleum coke and other petroleum products in the United States.

From 1999-2002, members of the Ohio EPA Permit Processing Efficiency Committee personally contributed \$25,058 to legislative and statewide candidates.

From January 1, 2001 to April 30, 2004, seven of the ten lobbyists reported executive lobbying related to air permitting rules and five of those lobbyists reported expenditures totaling \$607.03. Those who reported expenditures include Eric Burkland (\$64), Kristin Clingan (\$43.89), Jack Pounds (\$75), Elise deLanglade Spriggs (\$354.64) and Greg Vergamini (\$69.50).

**Contributions from PACs and employees of participating industries or associations from 1999-2002 to statewide and legislative candidates and political party committees total \$3,852,204.**

### **1999-2002 Contributions from organizations represented on the Ohio EPA Permit Processing Efficiency Committee**

<b>Organization</b>	<b>Type</b>	<b>Amount</b>
FirstEnergy	Energy	\$587,393

Timken Company	Manufacturing	\$553,394
Bricker & Eckler	Lawyers & Lobbyists	\$397,014
Vorys Sater Seymour & Pease	Lawyers & Lobbyists	\$301,462
American Electric Power (AEP)	Energy	\$252,018
Worthington Industries Inc.	Manufacturing	\$232,225
Procter & Gamble	Manufacturing	\$177,527
Squire Sanders & Dempsey	Law Firm	\$164,344
Marathon Ashland Petroleum	Energy	\$159,116
Ohio Manufacturers' Association	Manufacturing	\$155,545
Porter Wright Morris & Arthur	Lawyers & Lobbyists	\$151,157
Benesch Friedlander Coplan & Aronoff	Lawyers & Lobbyists	\$141,891
AK Steel	Steel Manufacturing	\$119,727
Mead Co	Paper Mills	\$108,349
Thomas P. Pappas & Associates	Lobbyists	\$87,650
Ohio Chamber of Commerce	Business Interests	\$64,710
Scotts Company	Agricultural Chemicals	\$56,048
Plaskolite, Inc.	Manufacturing	\$36,765
Brouse & McDowell	Law Firm	\$30,875
Delphi Corp	Manufacturing	\$23,880
Shumaker Loop & Kendrick	Lawyers & Lobbyists	\$19,077
<b>Organization</b>	<b>Type</b>	<b>Amount</b>
Belden Brick	Construction	\$9,900
McGough & Associates	Lawyers & Lobbyists	\$6,628
Honda of America	Automobile Manufacturing	\$5,740
Ohio Chemistry Technology Council	Manufacturing	\$4,270

International Truck & Engine	Trucking/ Transportation	\$2,350
Ohio Petroleum Council	Energy	\$1,250
Hoover Co	Manufacturing	\$860
Ohio Department of Natural Resources	Government	\$800
Molded Fiber Glass Co	Manufacturing	\$240
<b>Total</b>		<b>\$3,852,204</b>

**Contributions include those from committee members, company PACs and other employees.** Greg Vergamini was not employed by the Ohio Manufacturers' Association when he was a candidate for 28<sup>th</sup> District of the Ohio House in the 2000 primary. He contributed \$8,520 to his campaign committee. These totals are not included in the Ohio Manufacturers' Association totals.

**Statewide and legislative candidates received a total of \$3,033,690 from those interests represented on the Ohio EPA Permit Processing Efficiency Committee.** Governor Bob Taft, who appointed Chris Jones to the Ohio EPA, received 10% of the contributions from those interests represented on the committee.

**1999-2002 Top contributions to candidates from organizations represented on the Ohio EPA Permit Processing Efficiency Committee**

Candidate	Total contributions from all organizations represented on the Committee
Governor Bob Taft	\$387,086
Attorney General Jim Petro	\$197,700

Justice Evelyn Lundberg Stratton	\$145,989
Speaker Larry Householder	\$120,158
Justice Maureen O'Connor	\$111,800
Justice Terrence O'Donnell	\$109,025
Auditor Betty Montgomery	\$93,898
Treasurer Joe Deters	\$83,590
Senator Bill Harris	\$62,120
Federal Judge and former Ohio Supreme Court Justice Deborah Cook	\$54,150
Senator Doug White	\$53,650
Senator J. Kirk Schuring	\$46,100
Representative Gary Cates	\$43,060
Senator Randall Gardner	\$40,015
Senator Kevin Coughlin	\$39,600

**Statewide political parties and caucus committees received a total of \$818,514 from those interests represented on the Ohio EPA Permit Processing Efficiency Committee.** Ohio Republican Party committees received \$699,164 and Democratic Party committees received \$119,350.

**1999-2002 Contributions to political parties and caucuses from organizations represented on the Ohio EPA Permit Processing Efficiency Committee**

<b>Political party/caucus committees</b>	<b>Total contributions from all organizations represented on the Committee</b>
Ohio Republican Party State Candidate Fund	\$213,000
Ohio House Republican Campaign Committee	\$201,750
Republican Senate Campaign Committee	\$175,214
Ohio Republican State Central & Executive Committee	\$91,700



Ray C. Bliss Building Trust Fund	\$17,500
<b>Republican Committee Total</b>	<b>\$699,164</b>
Ohio Senate Democrats	\$51,900
House Democratic Caucus Fund	\$46,875
Ohio Democratic Party State Candidate Fund	\$20,375
Ohio Democratic Party	\$200
<b>Democratic Committee Total</b>	<b>\$119,350</b>
<b>Total</b>	<b>\$818,514</b>

### Ohio EPA Permit Processing Efficiency Committee

Member	Organization
Joanna Bambeck	Honda of America Manufacturing
Perry Bennett	Molded Fiber Glass Co.
Andrew Bergman	Porter Wright Morris & Arthur, LLP
Theodore Boggs	Vorys Sater Seymour & Pease, LLP
Michael Born	Shumaker Loop & Kendrick, LLP
Betsy Bowe	SRW Environmental Services, Inc.
Robert Brubaker	Porter Wright Morris & Arthur, LLP
William Burkhart	Procter & Gamble
Eric Burkland	Ohio Manufacturers' Association
Craig Butler	Ohio Environmental Protection Agency
Kristin Clingan	Ohio Chamber of Commerce
Chuck Cooper	Ashland, Inc.
Genevieve Damico	U.S. Environmental Protection Agency
Gary Daugherty	The Scotts Company
Willa Ebersole	Thomas P. Pappas & Associates
William Fladung	The Timken Company
Al Franks	Ohio Environmental Protection Agency
Garry Griffith	Georgia-Pacific
Paul Guevin, Jr.	PR Guevin Associates, Ohio Paint Council
Dee Hammel	Ohio Department of Natural Resources
Bill Hayes	Vorys Sater Seymour & Pease
Karen Heyob	Honda of America Manufacturing Company
Bob Hodanbosi	Ohio Environmental Protection Agency
John Hollback, Jr.	American Electric Power

Mike Hopkins	Ohio Environmental Protection Agency
Jon Hunter	Delphi Corp
John Jensen	Belden Brick
Paul Jesse	Benesch Friedlander Coplan & Aronoff, LLP
Matt Johnston	Worthington Industries
Kevin Kilroy	Smithers Oasis Company
Joe Koncelik	Ohio Environmental Protection Agency
Chris Korleski	Honda of America Manufacturing Company
Paul Koval	Ohio Environmental Protection Agency
Vaughn Laughlin	The Scotts Company
Timothy Ling	Plaskolite
Nancy McDonnell	International Truck & Engine Corporation
Doug McWilliams	Squire Sanders & Dempsey
Frank Merrill	Bricker & Eckler, LLP
David Newsad	GT Environmental, RMT
Tony Owens	Mead Corporation
Misty Parson	Ohio Environmental Protection Agency
Donald Perander	AK Steel Corporation
Ken Perica	Ashland, Inc.
Jack Pounds	Ohio Chemistry Technology Council
Isaac Robinson	Ohio Environmental Protection Agency
Rick Rupert	Pro-Tec Coating Company
Monica Satrape	The Hoover Company
Joseph Secrest	Ashland, Inc.
<b>Member</b>	<b>Organization</b>
Martin Seltzer	Porter Wright Morris & Arthur, LLP
Elizabeth Shaw	FirstEnergy Corporation
Keith Shoemaker	McGough & Associates, Inc., Ohio Paint Council
Elizabeth Smith	Marathon Ashland Petroleum, LLC
Mike Snyder	Shumaker Loop & Kendrick, LLP
Bill Spires	Ohio Environmental Protection Agency
Elise delanglade Spriggs	Ohio Petroleum Council
Daniel Steen	FirstEnergy Corporation
Laurie Stevenson	Ohio Environmental Protection Agency
Chuck Taylor	GT Environmental
Alex Tancevski	Ohio Environmental Protection Agency
Patricia Towers	Procter & Gamble
Greg Vergamini	Ohio Manufacturers' Association
Karen Walter	Brouse & McDowell
Lisa Wiklanski	Ohio Environmental Protection Agency
Gary Wilson	Marathon Ashland Petroleum
Rick Wright	Ashland , Inc.

## **Methodology**

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The Ohio Citizen Action Education Fund analyzed contributions from 1999-2002 to Ohio statewide and legislative candidates and political party committees. Totals include contributions from political action committees (PACs), organizations and individuals.

The database is based on the filings available in computerized form from the Ohio Secretary of State and is available on-line at [www.state.oh.us/sos/](http://www.state.oh.us/sos/).

Members of the committee were determined by compiling attendance lists provided by the Ohio Environmental Protection Agency. Contribution totals do not include the National Federation of Small Business (NFIB).

A list of registered lobbyists and their filings can be found at [www.jlec-olig.state.oh.us](http://www.jlec-olig.state.oh.us).

***To identify the employers of contributors, the Ohio Citizen Action Education Fund obtained or used the following databases:***

- Databases of architects, doctors, dentists, funeral directors and certified public accountants registered to do business in Ohio from the Ohio Division of Administrative services,
- A database from the Ohio Supreme Court of attorneys in Ohio,
- A list of lobbyists in Ohio from the Joint Legislative Ethics Committee,
- The *InfoUSA PowerFinder*, a national phone directory on CD,
- The 1999-2000 *Run for the Money* database in which the Center had prepared an analysis of 1999-2000 contributors,

- A list of contributors to Political Action Committees in Ohio

***For each candidate the total amount in this database includes the following:***

- Contributions received
- Contributions received at a social or fundraising event
- In-kind contributions received
- Contributions the candidate gave to his or her own campaign

Political party contributions do *not* include contributions to Ohio county political party committees or the operating accounts from either state political party.

### **Source data**

1999-2002 Contributions to party and caucus committees from members of the Ohio EPA committee: <http://www.ohiocitizen.org/moneypolitics/2004/EPAPARTY99-02.xls> (7 KB)

1999-2002 Organizational contributors represented on the Ohio EPA Permit Processing Committee: <http://www.ohiocitizen.org/moneypolitics/2004/EPAOrgTot99-02.xls> (9.5 KB)

1999-2002 Contributions to statewide and legislative candidates from Ohio EPA committee members: <http://www.ohiocitizen.org/moneypolitics/2004/EPACAND99-02.xls> (26 KB)

1999-2002 Contributions from participants of the Ohio EPA permit processing efficiency committee: <http://www.ohiocitizen.org/moneypolitics/2004/EPA99-02.xls> (5 MB)