



Ohio Revised Code

Section 3704.09 Evidence - presumptions.

Effective: September 30, 2025

Legislation: House Bill 96

(A) Determinations made by the director of environmental protection or other persons acting under sections 3704.03 and 3704.04 of the Revised Code shall not be used as evidence in civil actions nor create any presumption of law or finding of fact which shall inure to or be for the benefit of any person other than the state, and sections 3704.01 to 3704.07 of the Revised Code do not create, enlarge, or abrogate existing private rights. Nothing in Chapter 3704. of the Revised Code shall be construed to abridge, limit, or otherwise impair the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceedings therefor.

(B) Data produced from community air monitoring shall not be used as evidence to support either of the following:

(1) A fine, penalty, or notice of violation against any person for violations of or noncompliance with the federal Clean Air Act, this chapter, the rules adopted thereunder, or any other applicable law, rule, or regulation for which the state has primary enforcement authority;

(2) An administrative, regulatory, or judicial enforcement action, lawsuit, or proceeding for violations of or noncompliance with the federal Clean Air Act, this chapter, the rules adopted thereunder, or any other applicable law, rule, or regulation for which the state has primary enforcement authority.

(C) Data produced from community air monitoring shall not be considered or relied upon by the environmental protection agency or a local air pollution control authority in any rulemaking action or in any action relating to the issuance of an installation permit or operating permit unless such consideration or reliance is requested by the owner or operator of the air contaminant source requesting the permit.



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