

May 31, 2026

SUBJ: Testimony on H.B. 646

Dear Chair Claggett, Vice Chair Workman, Ranking Member Mohamed, and members of the House Technology and Innovation committee,

As a lifelong Ohio resident, I have worked for over 10 years to advocate for better protections for Ohioans in the face of rapid industrial expansion of fracking and its frack waste facilities. We now see data centers working with the fossil fuel industry interests to rapidly expand another new industry without the necessary regulations and oversight in place. The full negative, cumulative impact of fracking to our environment and public health in the regions in which the industry operates are just now becoming apparent. We see even more cumulative negative impacts from data centers and their behind-the-meter power plants causing even greater externalized costs to the public in the future. We, along with many other experts, see the data center boom as a bubble that could burst with huge economic consequences in the longer term. In an effort to avoid much greater harm to the economy, environment and public health of Ohioans, along with the unnecessary loss of massive amounts of much-needed tax revenue, please enter this testimony for the necessary serious consideration by committee members.

A cumulative environmental risk assessment and health impact assessment is needed

Before more data centers in the state are built, Ohio should require a full baseline analysis of air and water quality and calculate the cumulative potential impacts from the massive construction of data centers with their polluting gas plants. Here in Northwest Ohio, there is one hyperscale data center being built near Bowling Green, Meta, with a fast-tracked gas-powered Title V gas facility, Apollo, to be installed behind the meter. The potential pollution from the Title V gas fracked gas power plant has not been fully characterized. Our comments to the OEPA on the extremely deficient draft air permit for Apollo pointed out, among many other problems, that there are inadequate rules for the operation of the various types of equipment that could result in extreme spikes in emissions causing public health harms. These spikes of toxins, although smoothed out in the permit allowance over time, are especially harmful and must be mitigated. The Ohio EPA prior testimony to this committee stated that the OEPA DAPC has permitted 4,916 backup generators and 6 behind-the-meter stations for data centers. Despite the fact that this represents a tremendous load of pollutants to our air – maybe too much in some areas - there are many more data centers with gas plants being planned without any analysis of cumulative impacts to the environment and public health, especially in dense population areas like Northwest Ohio and Hilliard, Ohio.

Ohio's precious freshwater supplies are being exploited by the oil and gas industry, and now the data center industry. We are especially concerned about the increase in air and water contamination from the increased use of "forever chemicals" by the data center industry. The federal government and states still do not have adequate protections in place, although the harms of forever chemicals are widely known.



The actual chemical makeup of data center water discharges has not been fully characterized so that wastewater treatment plants can successfully treat and dispose of data center waste into our receiving streams, many of which are important sources of public drinking water. What could be even worse would be the direct discharge from data centers into Ohio's waterways. Often as we have seen in the past, rapid industrialization often means that inadequate environmental protections are put into place in time to avoid environmental degradation and the massive costs of cleanup and remediation.

Without robust regulations to measure contaminants and remove those that are harmful, discharges into our drinking water sources, such as the Maumee River and Ohio River, which are already severely impaired, could be costly to public health and water ratepayers. It is imperative that regulations are put into place so that data centers do not concentrate chemicals like phosphate and nitrate and toxic forever chemicals which will accumulate and harm aquatic and human health. There are also forever chemical-laden blowdowns that data centers are allowed to make, further releasing toxic forever chemicals into our airshed. No cumulative impact study has been done to calculate the potential toxic loading to our air sheds and watersheds by the heavy proliferation of data centers in a region. That is the minimum that should be done to be protective before more data centers and their fossil-fuel-fired gas plants are permitted.

So far, the necessary regulations and funding to ensure that toxic chemicals are not discharged into water bodies have not been implemented as outlined in this report:

<https://ketos.co/discharge-from-ai-data-centers-and-how-to-mitigate-contamination>

“Increased Wastewater Contaminant Concentration: The rise in contaminant concentration will necessitate increased capital expenditure (capex) and operational expenditure (opex) for wastewater treatment. With public budgets strained and many existing facilities operating sub-optimally, the additional treatment demand from AI data centers could exacerbate financial and operational challenges. This raises questions surrounding the funding needed to cover increased costs—whether it will come from existing budgets, [data center contributions](#), government intervention (or a combination of all three).” Until the necessary regulations are in place, no further permitting for data center discharges should be done, especially since the harmful contaminants in data center discharges have not been fully characterized in order to derive regulations that would be fully protective.

Our drinking water source, the Maumee River, already has a toxic algal problem which will only be made worse by data centers' permanent removal of water from the hydrologic cycle through cooling evaporation. Plus data centers [will concentrate contaminants](#) already in the water, such as nitrate, further providing fuel for bacteria and algal growth. By allowing all the data centers that are planned in the Maumee River watershed, plus their polluting power plants, the toxic load could exceed human health thresholds, potentially shutting down an entire drinking water system as [happened in Toledo, Ohio](#). Combine this with continued droughts and warming weather, increasing evapotranspiration, algae blooms will increase, and the data center industry will create a ticking time bomb adding to the cumulative load of harmful contaminants, bacteria and [toxic algal blooms](#).

No additional data centers should be permitted in Northwest Ohio until a full water balance study is completed. Per the referenced document from Toledo Area Council of Governments, this



necessary water study will not even be started until 2027, which will be too late to ensure that adequate water is available for the proliferation of data centers in the region:

<https://monclovatwp.org/wp-content/uploads/2026/02/Ohio-Proposed-Legislation-on-DC-1.pdf>

It is common sense that no additional data centers are permitted in a region until the cumulative impacts to air and water are fully studied to ensure no adverse harms to the environment and public health.

Massive tax breaks and incentives given as the expense of needed revenue

The behind-the-meter gas plants are being fast-tracked and built as quickly as possible to take advantage of the first year of full depreciation if operational by 2030. This along with the [sales tax exemption](#) is a potentially devastating governmental incentive to our communities, causing the fastest possible construction of as many polluting gas plants as possible in Ohio without any consideration of cumulative impacts, including additional pipelines and compressor stations to feed the gas plants. This incentive must be rescinded as soon as possible, and Governor DeWine's veto must be overturned to correct this error before Ohio gives away even more tax breaks. [\\$1.4 billion is already](#) a staggering amount lost to incentivize data centers at the expense of much needed revenue for schools, infrastructure and other projects of much greater public benefit and necessity than data centers.

Both parties agree that Ohio has given away too much precious tax revenue to lure data centers. A [recent article](#) quotes both Republican and Democratic leaders: "I think it makes a big difference," Huffman told reporters at the Ohio Statehouse. "I still think it has to be addressed, and whether it's \$20 million or \$1.2 billion, my position is the same... I think we ought to override the governor's veto." House Minority Leader Dani Isaacsohn, D-Cincinnati, said the gulf in numbers was another example of "incompetence" by the state government. "The legislature has relied on an estimate that wasn't off by a few million, wasn't off by tens of millions, (it) was off by one and a half billion dollars," Isaacsohn said. "So the first conversation we need to have is, who is resigning? Who has lost their job?"

To add insult to injury, the "One Big Beautiful Bill" (OBBA), qualified capital equipment and structures placed in service before 1/1/30 qualify for 100% bonus depreciation in the first year. This federal incentive is not considered when Ohio gives away additional tax revenue to lure data centers and their gas plants. We assert these incentives are no longer needed and must be rescinded.

Bad legislation harms Ohioans' right to know and protects the industry from liability

Additionally, the Ohio legislature must stop encouraging the proliferation of data centers until the necessary rules and regulations are in place. Ohio has not done this; in fact, there are regulations that demonstrate fealty to the industry at the expense of informing the public, such as R.C. 9.66(D) that was hidden inside Sub. H.B. 184 — an NIL college athlete bill — which took effect March 20, 2026. Nobody was watching because it had nothing to do with its bill title, which is itself a potential constitutional violation of Ohio's one-subject rule. The law is absolute



— "under no circumstance" can a public official disclose covered information. Violation is a first-degree misdemeanor under Ohio ethics law. This is outrageous and should be rescinded. Is it unconstitutional? We believe it is under these credible grounds, perhaps more: One-subject rule — an NIL bill has no business amending economic development secrecy law. We believe this regulation violates our First Amendment / Ohio right to know. Criminalizing elected officials for speaking to constituents about public interest matters is constitutionally suspect, and is designed to have a chilling effect on open disclosure of important public information. We have a right to know what will impact our communities in time to act in our own best interest, especially when our elected representatives do not. According to the Ohio Constitution Article I, Section 2, all political power is inherent in the people. This power is gradually being eroded by the Ohio legislature, as evidenced by other bills that are industry-friendly and potentially damaging to our rights, such as H.B. 126. A Google search stated: "Ohio House Bill 126 (HB 126) is a controversial legislative measure that aims to shield data centers and other lawful industries from public nuisance lawsuits and expansive legal liabilities, particularly concerning non-physical damages like excessive water usage or strain on local resources. [[1](#), [2](#), [3](#)]"

Key Details of HB 126:

- Liability Shield: The bill prohibits local governments and communities from using "public nuisance" lawsuits or broad product liability claims to sue data centers and recover losses for damages that go beyond traditional physical property damage.
- Public Controversy: Critics, including local farmers and rural advocacy groups, argue the bill strips communities of legal recourse if a data center depletes local water tables or damages the environment, potentially leaving taxpayers to cover the costs. Supporters state it prevents courts from targeting lawful businesses through expansive and speculative legal theories.
- Status: The bill has passed the Ohio House and advanced to Senate committees for further consideration. [[1](#), [2](#), [3](#)]). We are in contact with Senator Gavaronne's office and severely rebuke this bill which should never have been introduced.

The Ohio legislature continues to consider bills that would strip our rights and efficacy to be heard and protected, such as:

SB 294 which would declare gas and nuclear to be clean energy, but would label solar and wind as unreliable for purposes of energy siting. This would make the Ohio Power Siting Board even more likely to approve gas and nuclear and less likely to approve solar than they already are. If nuclear and gas are officially declared "clean," they could be eligible for clean energy tax credits that are meant for renewables. This would hurt Ohio companies like First Solar and Illuminate USA, which are leading solar panel manufacturers.

SB 219 is framed as revising the law on oil and gas wells. In reality, it is 87 pages of favors for the oil and gas industry in Ohio. This bill would greatly speed up every stage in the process of fracking of Ohio public lands, as well as enable fracking inside state parks and wildlife areas. The bill also curtails the ability of ODNR to regulate oil and gas wells. Many of the provisions of SB 219 were previously inserted in HB 96, the state operating budget bill, but vetoed by Governor DeWine. So now the legislature is trying again with a standalone bill.

Continued promotion of industry-friendly legislation, likely with the help of ALEC, undermines trust in our government that it would act in our best interests, subverting the public good to



increase industry profits and relieve them of accountability for harms. Good public health and good, permanent jobs, not just construction jobs, are needed to ensure the Ohio economy does not suffer boom/bust cycles along with boom/bust industries.

We need legislation like H.B. 695 that would ban NDAs for elected officials outright and is sitting in committee. It is important that H.B. 695 is pushed out of committee and that R.C. 9.66(D) is repealed. The chilling effect of pro-data center policies passed by the Ohio legislature tells us that many of our elected representatives care more about fulfilling the wishes of the data center and associated fossil fuel industries rather than protecting the human health and constitutional rights of their constituents.

Closing Comments

Until Ohio has better laws to protect us, it will be up to committee members like you to make the best recommendations to restore our faith in government. Already we are suspect of this process and see weighted industry testimony in upcoming hearings. If we are to trust our legislative bodies to represent the best interests of Ohioans, we need to be shown that this committee will do what is best for the long term and not cave to short-term demands by industry that will externalize their actual costs upon us in our worsening health, loss of much-needed tax revenue and increasing costs for electricity and clean water. We hope that you will weight these serious considerations as being even more valuable than short-term revenue from the construction of data centers and their power plants. We hope that some accountability will be factored into this process so that when the data center boom becomes a bust, the costs of such an economic and environmental disaster will not be paid by Ohio taxpayers but by the industries that caused the environmental degradation, lost tax revenue and externalized public expenses such as our health care costs. We appeal to our elected representatives to act in the best interest of Ohioans for the long term and not short-term interests of industry. In the long run, we believe that history will show that Ohio would have been better off without fracking and data centers than with them, especially given the incentives that profit the corporations and cost the constituents over time. Please remember that unlimited growth is the ideology of the cancer cell. The economy might slow, but that will not kill us. The rapid expansion of toxic industries at the expense of clean air and water might:

[Data centers are dealing hidden damage to environmental and public health—costing the economy \\$25 billion every year](#)

[The Dangers of Data Centers](#)

[Analyzing air pollution health, economic risks from AI data centers](#)

[Air Pollution and the Public Health Costs of AI](#)

Please note that we did not mention the massive increase in carbon emissions due to data centers and their behind-the-meter power plants. Our government does not require actual water usage or carbon emissions to be reported, and there is no industry accountability for the cost of climate change. Whether our government considers climate change impacts in the costs of data centers and their power plants or not does not mean that those impacts are not real. Our children will pay in the future for what we do today. We hope climate change impacts are also taken into serious consideration by this committee. Thank you.

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