

Good morning Chairman Coley, Vice-Chair Uecker, Ranking Member Schiavoni and members of the Senate Government Oversight and Reform Committee, my name is Tom Secor and I'm the President of Durable Corporation, a small manufacturer in Norwalk, Ohio. I'm here today in support of Senate Bill 221, legislation designed to enhance JCARR's ability to monitor government agencies regarding the rule making and enforcement processes.

Back in the mid 1990's the legislature passed legislation to regulate scrap tires. It was meant to address the poor disposal and storage issues that Ohio was faced with and charged the Ohio EPA to create rules to implement the law. The law defined a scrap tire as an unwanted or discarded tire. We used scrap tires as a raw material for our product lines but since we were paying for these tires, no different than steel or any other raw material, I didn't really see any effect of the regulations on our business as none of our tires were discarded or unwanted. I was about to get a real education. When I told the individual from the Ohio EPA that there was no way for us to meet their storage requirements and it could potentially close our business, his response was "we close businesses every day".

Ultimately, over about a five year period, I realized that I couldn't both run a company and fight the Ohio EPA. Our company which started in 1923 and had operated since 1941 in its Norwalk location had some real issues that needed my attention. So, I discontinued processing all our rubber components in Ohio. Unfortunately it cost about 40 individuals their jobs but the government agencies didn't really seem to care about that. To this day we source all these parts both internationally and domestically, but outside Ohio.

I learned a lot through this process and once I addressed the other issues facing our company, I decided that I needed to become more knowledgeable of government/regulatory issues. While Durable is a member of a number of business organizations, by chance I was introduced to the Ohio Small Business Council at the Ohio Chamber and have been involved ever since. I am now a small business advocate.

The reality is that for most small businesses the individual unlocking the door every morning is the same individual locking it every evening. The idea that this same person should somehow be responsible to understand all existing and new regulations is quite unrealistic. As such, in my opinion, the most important piece of SB 221 would be to give JCARR the ability to accelerate the 5 year rule review and order the agency to present the rules for review and if the committee decides the rules are not within the express scope of the statute they can move to

invalidate. So when the regulator enters a business and informs them of their violations that they knew nothing about, there is a possible recourse for the small business person to consider.

I would be remiss not to mention the tremendous success that Lt. Gov. Mary Taylor has had with the Common Sense Initiative. What she has accomplished, along with her staff, particularly Mark Hamlin and Todd Colquitt, has been unbelievable. I personally have recommended several small businesses contact them concerning issues with state agencies, each with very positive results. But the reality is that Lt. Gov. Taylor will not be in this role forever and whoever follows her may not have the same dedication to instill Common Sense in government regulation. Thus the additional need to support this type of legislation giving JCARR expanded authority to insure regulation meets legislative intent.

Finally, I want to thank the sponsor of this legislation, Senator Joe Uecker. As the current vice-chair of JCARR, I have confidence that his leadership with respect to the process of rulemaking and rule review will be a tremendous benefit to business owners around the entire state. Chairman Coley, thank you for the opportunity to testify in support of SB 221, I now welcome any questions that you or other members of the committee may have.