

# THE ILLINOIS MANUFACTURER

THIRD QUARTER 2025



CELEBRATING MANUFACTURING'S BRIGHTEST:  
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## MISSION STATEMENT

The Illinois Manufacturers' Association is the only statewide association dedicated to boldly moving Illinois' makers forward. The IMA is the oldest and largest state manufacturing trade association in the United States, representing nearly 4,000 companies and facilities.

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LEGISLATIVE ADVOCACY: STANDING FIRM IN A SHIFTING LANDSCAPE



BUILDING THE MANUFACTURING HALL OF FAME LEGACY

## FEATURES

*Editor's Note: In this issue, we feature two perspectives on the evolving tariff landscape. We begin with Barnes & Thornburg's analysis of the administration's unprecedented use of IEEPA authority and its policy implications for global trade. Later, Bill Wiersema, Audit Principal at Miller Cooper, offers strategic guidance on how manufacturers can prepare for operational and financial impacts. Together, these articles frame the complex challenges and opportunities ahead.*

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# PEOPLE + POWER + TIME

MARK DENZLER, PRESIDENT & CEO



**A**s I talk with companies, site selectors, and economic development professionals today, there is general agreement that the most important questions being asked by companies looking to grow or expand in Illinois revolve around people + power + time.

- What does the workforce look like? Can we find and train qualified employees?
- Do we have access to safe, reliable, and low-cost power?
- How quickly can we obtain permits and start putting shovels in the ground?

So, where does Illinois rank in these categories, and what do we need to do to make sure that the state is competitive with other locations across the United States and world?

After years on the sidelines, Illinois is back in the game when it comes to economic development incentives. Over the last six years, the Governor and General Assembly have completely revamped Illinois' economic toolbox by adding incentives such as the Reimagining Energy Vehicles (REV) Act, the MICRO Act to encourage high-tech industries like quantum and chips, a closing fund to seal deals, and a vetted sites program making sure that we have large scale sites that are turnkey.

While attracting new companies is great, we also need to focus on the current Illinois manufacturers dotting the landscape that are investing every year in their facilities and people but often feel ignored. This spring, the IMA worked with the Illinois Department of Commerce & Economic Opportunity to successfully champion a new CapX tax credit and job retention incentive for our current base.

Illinois' advantages include the central location, adjacency to twenty percent of the world's fresh surface water, a global city and international airport, great colleges and universities along with the third largest community college system, two national laboratories (Argonne and Fermilab), and comprehensive infrastructure featuring roads, rail, waterways, and crisscrossing interstates add fuel to economic development efforts but often it comes down to people + power + time.

**People:** Illinois has a best-in-class workforce and is making real and meaningful investments from pre-K to higher education. In addition to annual investments in K-12 education and higher education, the IMA has worked with elected leaders to focus on career and technical education. IMA initiated and successfully championed an apprenticeship tax credit that was extended and increased by lawmakers this spring. Two new advanced manufacturing academies at Heartland College and Southwestern Illinois College became a reality because of the IMA's vision.

**Time:** The IMA is working to speed up the time needed to get a permit and ease the regulatory burden. Over the past several years, the IMA and business community have made strides with new expedited permits and simplified construction permits but more work needs to be done including investing in the Illinois EPA and preventing environmental NGOs from enacting costly and burdensome permitting mandates.

**Power:** Illinois is facing an inflection point because demand for energy is growing because of new manufacturing, quantum, and data centers while power generation is dropping in part because of state and federal policies aimed at shutting down baseload generation like natural gas and clean coal. It's simple Econ 101 – reduced supply with high demand results in higher prices.

The IMA operates with a simple philosophy—we need a competitive energy market that ensures Illinois families and businesses have access to safe, reliable, and affordable energy. Our legislative agenda included eliminating the moratorium on new nuclear construction, extending the life of current electric generating facilities, investing in interregional transmission lines, and fostering new technologies like battery storage in an affordable manner.

Manufacturers consume one-third of all energy produced in the United States so changes to energy policy have an outsized impact on the industrial sector. Manufacturers avoided a catastrophe this spring when the IMA successfully led opposition, along with labor unions and economic development professionals, to a massive energy bill that would have spiked the cost of electricity well beyond expected rate increases this summer resulting from recent capacity auctions.





Last year, the PJM (ComEd region) regional grid operator's capacity auction resulted in an 830 percent increase in cost while this year's MISO (Ameren region) auction saw a twenty-fold hike meaning downstate customers will be expected to pay 18-20 percent more this summer. These increases are simply pass-through costs from regulated utilities who don't exercise control over the cost.

This spring, a group of lawmakers backed by environmental organizations, proposed a first-in-the-nation plan that would have stifled economic development and caused energy prices to skyrocket even further. Their legislation required all new large users (25MW) to "bring your own new clean energy" or pay 6x the cost of a Renewable Energy Credit (REC) to finance the construction of renewable power. Manufacturers and other large energy users would have been forced to construct renewable energy that takes years to complete or pay a punitive penalty to the Illinois government to subsidize these projects. It would have substantially increased the "time" to complete projects and negated the "vetted sites" program.

It sought to give unprecedented authority to the Illinois Commerce Commission to create new programs and expand existing ones with no cost controls or caps on energy prices while prohibiting the use of backup natural gas generators used for non-emergency purposes like planned shutdowns.

While the energy bill failed to advance during the spring legislative session, the Governor, lawmakers, and stakeholders including the IMA will be meeting over the summer. Our priority will be to make sure manufacturers have access to safe, reliable, and low-cost energy in a competitive marketplace and we'll be asking you to share your own energy story with your local lawmakers.

As we look ahead, Illinois' ability to compete economically hinges on our willingness to make bold, balanced decisions that prioritize people, power, and time. Whether it's training tomorrow's workforce, investing in affordable and resilient energy infrastructure, or streamlining the path for construction, these are the levers that drive real economic growth. The IMA remains committed to advocating for policies that ensure Illinois remains a place where manufacturers don't just survive but thrive. ♦



# THE NEW WORLD OF TARIFFS AND SUPPLY CHAIN REACTIONS

BARNES &amp; THORNBURG LLP

Since taking office in January, President Donald Trump, under his America First Trade Policy, is implementing economic and trade actions to prioritize domestic industries, workers, and economic interests over international cooperation or multilateral trade agreements. These actions, which include substantial and broad tariffs, are intended to reduce the U.S. trade deficit, combat unfair trade practices, level the playing field for American businesses in the global marketplace, encourage domestic manufacturing, and advance national security.

Domestically, reactions have ranged from spirited enthusiasm to fierce litigation. Internationally, relationships with key trading partners have become strained. Warren Buffett referred to the president's tariff plan as an "act of war." Most countries are cautiously proceeding with negotiations with President Trump to achieve a win-win resolution. China, which has seen the steepest tariffs imposed by the U.S., responded with retaliatory tariffs, domestic support measures to bolster its economy, broader geopolitical realignments, technological decoupling, and an innovation push for self-sufficiency in strategic industries.

Uncertain about the direction of tariffs, company leaders across all sectors of the economy are contemplating every scenario and preparing their next moves. Some are reluctant to make sudden changes in production or raise selling prices in the U.S. because of tariffs. However, others are severely impacted and forced to make immediate changes to their business plans.

In this article, we first explain the underlying legal authorities for several current tariff actions, legal challenges to the president's authority, and how to track these changes and mitigations actions to consider.

## National Emergency and IEEPA Tariffs

The U.S. Constitution assigns authority over foreign trade and taxation to

Congress alone. But, over time, Congress has delegated significant authority to the U.S. president to regulate international trade. One such legal authority is the International Emergency Economic Powers Act (IEEPA) of 1977, which provides the president the authority to declare "a national emergency" to address an "unusual or extraordinary" foreign threat to America's national security, foreign policy, or economy."

On January 20, 2025, his first day in office, President Trump declared a national emergency "at the southern border" citing the threat posed by cartels, migration, and narcotics. Upon declaration of such an emergency, IEEPA grants vast emergency powers to the president, including the authority to "regulate" the "importation" of "any property" applicable to the emergency at hand, which President Trump concluded includes tariffs.

Presuming IEEPA authority, President Trump issued three executive orders on February 1, 2025, imposing tariff actions against Canada, Mexico, and China – the first time a president has used IEEPA to impose tariffs in response to a national emergency. In the days, weeks, and months that followed, President Trump ordered changes to effective dates, duty rates, applicable countries, and affected commodities as part of his negotiation strategy.

Under IEEPA, President Trump can maintain these tariffs until he deems that the crisis is alleviated. However, Congress has the right to terminate the state of emergency pursuant to the National Emergencies Act (NEA). If Congress acts, it will need to do so with the president's consent or otherwise pass a veto-proof joint resolution (two-thirds vote in both the House and Senate).

Under IEEPA, President Trump has implemented reciprocal tariffs targeted at a broad range of countries, including China, Vietnam, the European Union, and India. For several weeks, China faced a combined tariff rate of up to 145%, including a 125% reciprocal tariff and an additional 20% "fentanyl tariff." As of

late May, many of the higher reciprocal tariffs have been temporarily paused for 90 days, including China beginning on May 12, 2025, to allow for negotiations. During this period, the 10% universal tariff remains in effect.

While the focus was mostly on China, President Trump escalated trade tensions with the European Union (EU) on May 23, 2025, by threatening to impose a 50% tariff on all imports from the EU citing the EU's trade practices and regulatory barriers as reasons for the punitive action. He emphasized the EU's significant trade surplus with the U.S., which stood at \$235.6 billion in 2024, and demanded increased purchases of American energy and industrial goods.

Adding more complexity and uncertainty, on May 28, 2025, a three-judge panel of the U.S. Court of International Trade issued a unanimous decision vacating and permanently enjoining enforcement of certain tariffs imposed under the IEEPA. President Trump immediately appealed, and it is expected that the president's authority under IEEPA will ultimately be decided by the U.S. Supreme Court.

## Threatened National Security and Section 232 Tariffs

Under Section 232 of the Trade Expansion Act of 1962, President Trump can impose tariffs or quotas if imports of an article threaten U.S. national security. To impose a new tariff action, the Department of Commerce (DOC) must investigate and submit a report to the president within 270 days after commencement of the investigation. Upon receipt of the report, the president can act. The president can also amend an existing Section 232 tariff.

Effective March 12, 2025, under Proclamations 10895 and 10896, President Trump amended existing Section 232 tariffs on steel and aluminum to impose 25% duties on covered steel, aluminum, and derivative products for all countries of origin (existing country exemptions



or quotas agreements will terminate). On March 26, 2025, under Proclamation 10908, President Trump imposed additional duties on all imports of certain passenger vehicles and light trucks, as well as automobile parts.

To consider new Section 232 tariffs, President Trump ordered the DOC to evaluate the national security risks associated with an ever-expanding list of commodities that he believes could jeopardize U.S. defense capabilities, infrastructure development, and technological innovation. Investigations began with copper and its derivative products. Soon followed by timber, lumber and their derivative products, semiconductors and semiconductor manufacturing equipment and derivative products, pharmaceuticals and pharmaceutical ingredients, medium-duty trucks, heavy-duty trucks, and medium- and heavy-duty truck parts, and their derivative products, processed critical minerals and derivative products, and commercial aircraft and jet engines and parts thereof. Once the president receives the reports, he can impose tariffs, which he has expressed would be at least 25%.

In addition to modification of existing tariffs and investigations that can lead to new tariffs, President Trump's Section 232 Steel and Aluminum proclamations also direct the U.S. Customs and Border Protection (CBP) to prioritize reviews of the classifications of the targeted imported goods. If the CBP discovers misclassification resulting in non-payment of the Section 232 Steel or Aluminum duties, then CBP shall assess monetary penalties in the "maximum" amount permitted by law and "shall not consider evidence of mitigating factors in its determination." This provision is an innovation in the tariff actions and will likely lead to increased CBP enforcement.

### Other Tariff Tools in the Toolbox

Other tariff tools in the toolbox identified by the president include 100% tariffs on the BRICS group of nations (Bra-

zil, Russia, India, China, South Africa) if they move away from the U.S. dollar. He has stated that he is also considering pressing Congress to revoke Permanent Normal Trade Relations status for China, which would reset the normal tariffs on China to as much as 100% on some products.

### How to Stay on Top of the Changes?

Even experienced professionals have found it challenging to stay on top of all the changes. To do so, each day begins and ends with checking, and then checking again: (1) President Trump's Truth Social Account (<https://truthsocial.com/@realDonaldTrump>), (2) White House website (<https://www.whitehouse.gov/presidential-actions/>), (3) Federal Registry website (<https://www.federalregister.gov/>), (3) U.S. Customs and Border Protection (CBP) website (<https://www.cbp.gov/trade/automated/cargo-systems-messaging-service>), and (4) CBP Trade Remedies website (<https://www.cbp.gov/trade/programs-administration/trade-remedies>). The details to look for include new tariffs, changes, exemptions, tariff stacking, refund opportunities, and more. Now, with court rulings and appeals in motion, there is more to evaluate and consider than ever before.

### The Supply Chain Reaction – Be Proactive.

The following are various actions that can be taken to mitigate or manage the new tariff era:

- **Supply Contracts:** Regularly review your contracts and work with your partners in the supply chain to negotiate provisions that are clear and ensure sufficient flexibility.

- **Tariff Classifications:** Declare the correct tariff classification. Importers cannot choose whichever Harmonized Tariff Schedule (HTS) code they want (e.g., choosing the HTS code with the lowest duty rate). If you believe your im-

ported item is using the wrong HTS code at a higher duty rate, importers can seek a binding ruling on prospective imports or file protests on past imports.

- **Custom Valuations:** Appraise and declare the proper value for U.S. Customs and Border Protection (CBP) to assess tariffs owed. CBP's preferred method of appraisal is "transaction value" which is the price actually paid or payable for merchandise when sold for exportation to the U.S.

- **Country of Origin Planning:** Establish favorable countries of origin for products by examining whether production in a third country effected a "substantial transformation" of input materials—subject to tariffs—into a new article with a different name, character or use, etc. Countries with more favorable origins include countries where such articles are not subject to trade remedies or other enhanced special duties, and countries that have a free trade agreement with the U.S., which provides for reduced duties or duty-free entry.

- **Exemptions:** Determine whether there is an exemption available and apply it correctly.

- **Foreign-Trade Zones (FTZs):** Secure areas located in or near CBP ports of entry but legally considered to be outside the Customs territory for the purpose of tariff laws and CBP entry procedures. Under the tariff actions, FTZs allow duty deferral but FTZs do NOT eliminate the duties & new tariffs once the goods are entered into commerce.

- **Lobbying:** Lobby before U.S. Congress and the administrative agencies can provide different types of potential solutions with respect to tariff actions.

This article should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer on any specific legal questions you may have concerning your situation. ♦



# HOW ILLINOIS MANUFACTURERS ARE USING AI TO TACKLE INDUSTRY PAIN POINTS AND FUEL GROWTH

QXIMPACT

Illinois is home to more than 18,000 manufacturing companies, making it one of the most vital industrial hubs in the country. From precision machining to food processing, chemicals to clean energy, our manufacturers are diverse, resilient, and deeply innovative. But like much of the industry nationwide, Illinois-based manufacturers—including many members of the Illinois Manufacturers' Association (IMA)—face a shared set of challenges: fragmented data systems, manual reporting processes, limited real-time visibility, and growing pressure to scale faster and smarter.

Artificial intelligence (AI) is emerging as a practical, high-impact solution to those challenges. For manufacturers seeking to modernize without disrupting operations, AI offers a path forward, one that doesn't just add automation but delivers better decisions, tighter operations, and real financial gains.

Here's how AI is directly addressing five of the most persistent pain points in manufacturing:

## 1. Unifying Data: One Source of Truth Across Systems

Many manufacturers operate with multiple systems—ERP, CRM, inventory management, logistics software—often disconnected from each other. This fragmentation makes it difficult to access a reliable, holistic view of performance across business units, plants, or product lines.

AI-powered data platforms now make it possible to seamlessly integrate and cleanse data from disparate sources, providing a single source of truth. Whether it's a midsize operation in Rockford or a global manufacturer based in Peoria, centralized data enables everyone, from plant managers to CFOs, to operate from the same, accurate metrics. For many manufacturers, this has been the first step toward smarter, faster decisions.

## 2. Replacing Manual Reporting with Real-Time Dashboards

Illinois manufacturers are known for their hands-on grit, but reporting shouldn't be labor-intensive. Too many teams still spend hours pulling spreadsheets, reconciling data from different sys-

tems, and building forecasts by hand. This slows down reporting cycles, introduces risk of human error, and reduces agility.

AI automates this process by delivering real-time, customizable dashboards for key metrics like billings, backlog, margins, and inventory. These dashboards pull data continuously and update without manual intervention. Even better, natural language AI allows users to simply ask, "What were our bookings last quarter by region?" and get an answer instantly.

Many companies that have adopted this technology report fewer delays, better visibility, and more time for teams to focus on analysis, not data cleanup.

## 3. Providing Real-Time Visibility for Proactive Decision-Making

Delays in data often lead to delays in action. Whether it's a machine about to fail or a supplier missing a delivery window, reactive decisions cost time and money.

With AI, real-time data becomes the default. Smart sensors, IoT integrations, and machine learning algorithms continuously monitor operations, flag anomalies, and alert teams to potential issues before they escalate. This real-time awareness allows manufacturers to adjust staffing, reroute supply chains, or shift production in response to changing conditions.

Several Illinois-based companies using AI-powered predictive maintenance tools have already seen significant reductions in downtime and maintenance costs, improving not just output but profitability.

## 4. Improving Top-Line Growth and Bottom-Line Growth

AI isn't just about optimization—it's about impact. On the top line, AI enhances demand forecasting by analyzing historical data, market trends, and seasonality. This helps manufacturers plan production more accurately, reduce stockouts, and seize growth opportunities. AI also supports smarter pricing strategies, better customer segmentation, and faster new product development using tools like generative design.

On the bottom line, AI helps manufacturers reduce costs through better inventory management, supplier scoring, and production scheduling. AI-powered simu-

lations and scenario planning enable companies to stress-test their operations and identify the most efficient paths forward.

Many manufacturers leveraging AI tools report significant ROI gains through reduced waste, improved asset utilization, and enhanced procurement decisions.

## 5. Scaling with Confidence Through Data-Driven Decisions

Growth introduces complexity, and complexity demands smarter decision-making. For IMA companies expanding into new markets, adding SKUs, or acquiring new facilities, decision-making must scale too.

AI makes this possible by embedding intelligence directly into systems and workflows. With intelligent agents for working capital optimization, cross-portfolio benchmarking, and capacity planning, teams no longer need to build every report or analysis from scratch. AI learns from the data, improves over time, and helps companies stay agile even as they grow.

This is especially important for Illinois' midsize manufacturers, who may lack the deep IT teams of larger firms but still want to compete at scale.

## A Future-Proof Path for Illinois Manufacturing

AI isn't just for tech giants or cutting-edge startups. It's a tool that's increasingly accessible, practical, and profitable—and it's already helping Illinois manufacturers lead the way in efficiency and innovation.

Across the state, there is a growing focus on the smart adoption of technology through workforce development, policy alignment, and cross-sector collaboration. As manufacturers navigate this next phase of industrial evolution, AI is emerging as a cornerstone of modern manufacturing strategy.

In a world that rewards speed, intelligence, and adaptability, manufacturers who invest in AI today are laying the groundwork for long-term, sustainable growth. The tools are here. The need is clear. And for Illinois manufacturers ready to take the next step, the future is closer than ever. ♦



# THE IMPACT OF RENEWABLE NATURAL GAS ON SUSTAINABILITY

CONSTELLATION

As more businesses look to decarbonize their energy supply and enhance sustainability in their operations, many are exploring ways to optimize their natural gas use. Renewable Natural Gas (RNG) is a clean option that provides environmental benefits with little to no equipment or operational modifications. RNG is available on the pipeline and is a mass balance environmental product (a method to track and account for use of bio-based feedstocks) that requires no changes to natural gas equipment already on site. By integrating RNG into customized energy strategies, businesses can benefit from using current equipment without needing capital improvements, maintaining overall equipment efficiency and achieving long-term sustainability and scope 1 reduction goals.

## What is Renewable Natural Gas?

RNG is pipeline-quality natural gas that originates from the decomposition of organic matter and includes its associated environmental attributes. This process produces raw biogas, which is then upgraded to meet applicable pipeline pressure, quality and heat content requirements. Once purified, RNG is injected into the commercial pipeline system, just like regular geologic natural gas. Biogas can be produced from sources like municipal solid waste landfills, wastewater treatment plants, and various other anaerobic digester feedstocks, such as agricultural and livestock waste,

food production facilities and organic waste management operations.

## The environmental impact of RNG

RNG projects capture and recover methane from landfills or anaerobic digestion (AD) plants, preventing it from being vented and released into the atmosphere. Methane has a global warming potential over 25 times that of CO<sub>2</sub> and a relatively short atmospheric life of 12 years. By capturing and utilizing methane emissions, the use of RNG can help to significantly mitigate global climate change by displacing the use of conventional fossil-derived natural gas.

In addition to its climate benefits, RNG can also positively impact transportation emissions. Replacing traditional diesel or gasoline engines with RNG-powered natural gas engines can also significantly reduce nitrogen oxide and particulate matter emissions, resulting in improved local air quality.

Ultimately, replacing fossil fuels with RNG can significantly reduce CO<sub>2</sub> emissions on a lifecycle basis. Compared to natural gas, RNG can lower emissions by up to 40% when used as transportation fuel. In 2023, RNG as a transportation fuel achieved carbon reduction equivalent to growing 115,146,800 tree seedlings for ten years or preserving 8,130,425 acres of U.S. forests for one year.<sup>1</sup>

## How RNG impacts your business

The environmental benefits associated with RNG, including reduced carbon

emissions compared to fossil-derived natural gas, can be paired with end-users' natural gas consumption to support renewable energy claims. Specific sustainability claims and emission reduction levels will depend on the specific end-use of the gas and the chosen GHG emission reporting standards. By integrating RNG into their energy strategies, businesses can achieve significant sustainability goals without the need for major infrastructure changes.

Additionally, businesses can benefit from renewable and carbon credits when RNG is used as a transportation fuel in vehicles. An electronic tracking system on MRETS has been established to issue Renewable Thermal Credits (RTCs), which can be purchased, tracked and retired to document sustainability claims.

## Transform Your Energy Strategy with RNG

By adopting sustainable natural gas strategies, businesses can reduce GHG emissions, demonstrating to customers, investors and employees that they are actively contributing to a more sustainable future. Constellation is committed to helping you navigate your sustainability journey and develop a tailored strategy that meets your unique needs.

Contact Constellation today to learn how we can help you develop a tailored RNG strategy that meets your unique needs. ♦



Constellation – 24/7 access to billing and energy usage data

# AN EMPLOYER'S GUIDE TO CURBING INTERMITTENT FMLA LEAVE ABUSE

UB GREENSFELDER LLP

One of the most frustrating issues for employers is an employee's unpredictable intermittent absences taken under the Family Medical Leave Act ("FMLA"), which also raises concerns about employee abuse of intermittent leave. Intermittent FMLA leave allows employees to take time off in separate blocks due to a single qualifying reason, rather than a continuous 12-week period. This can be for their own serious health condition or a family member's serious health condition. The FMLA offers a number of tools—many of which are not widely known unless recommended by experienced employment counsel—that you can use to discourage abuse of intermittent leave. Below are recommended best strategies for curbing FMLA intermittent leave abuse.

To be eligible for intermittent FMLA leave, the employee is required to provide a certification from their physician substantiating that there is a medical need for intermittent leave. When the certification has missing entries or is ambiguous, for example, as it relates to the physician's estimate of how often (frequency) and how long (duration) the episodes of incapacity will likely last such that intermittent leave is needed, you may require the employee to provide such additional information and/or even seek clarification directly from the employee's physician. Note, however, the FMLA regulations instruct that the employee's direct supervisor may not be the one who contacts the physician; rather it must be a human resource professional, leave administrator, or management official. Employers may also contact the physician to ensure that the physician actually prepared the certification, and to clarify handwriting or the meaning of a response. During this process, be careful not to request more information than what is required to authenticate or clarify the form.

If you have a legitimate basis to doubt the validity of an initial certifi-

cation, you can ask for a second opinion. While you can choose the physician who will provide the second opinion, it cannot be a physician whom you use on a regular basis for employee examinations, and you must pay for the second opinion. If the first and second opinions conflict, you may require the employee to see a third health care provider, also at your expense. The third provider's opinion is binding.

**"THESE TIPS WON'T ENTIRELY ELIMINATE THE PROBLEM OF EMPLOYEES TRYING TO TAKE ADVANTAGE OF USING THE INTERMITTENT FMLA LEAVE—PROBABLY NOTHING CAN DO THAT—BUT THEY WILL HELP."**

Employers also should ensure that all absences related to the condition for which intermittent FMLA was approved are counted against the employee's FMLA entitlement. Identifying FMLA absences is not simple, mainly because the employee does not have to even state the words "FMLA" in a request. If there is an existing certification, it is enough for the employee to notify the employer that he had a recurrence of the health condition covered by the certification. Thus, supervisors should be trained to notify human resources any time an employee is out for an extended period (i.e. more than 3 days) with an illness, particularly if the employee sought treatment from a physician during that

time.

Adopt a policy that requires accrued paid leave to run concurrently with unpaid FMLA leave, including intermittent. Employees are less likely to abuse intermittent FMLA leave if they are required to use up their vacation/sick/PTO time each time they take leave.

The FMLA prohibits employers from requiring that the employee provide a doctor's note following any one FMLA-related absence, if there is a valid medical certification already in place. But, if your policies require employees to sign a certification upon return from any and all approved medical absences (FMLA otherwise), attesting that the specific absence was for the specific reason approved, you generally can require the employee to sign such a certification after each intermittent leave. The benefit of doing so is fairly straightforward: In the event that the employee takes leave inconsistent with the specific reason approved, you can discipline the employee for falsification of employment records.

Require employees to provide recertification when appropriate and necessary. For example, an employer may request recertification if the circumstances described by the previous certification have changed significantly, or the employer receives information that casts doubt upon the employee's stated reason for the absence. "Changed circumstances" include a different frequency or duration of intermittent absences than what was initially approved. "Information that casts doubt on the employee's stated reason for the absence" may be information you receive (possibly from other employees) about activities the employee is engaging in while on FMLA leave that are inconsistent with the employee's health condition.

Employees may take intermittent leave for among other reasons, treatment, therapy, and doctor visits. Employees must schedule those absences for planned medical treat-





ment in a way that least disrupts your operations. So, when you receive a request for this type of intermittent leave, communicate with employees about the frequency of the treatment, the office hours of the health care provider, and ways that the employee may be able to alter the schedule to cut down on disruptions.

If an employee's continued intermittent absences interfere with your operations, the employer may require the

employee to transfer temporarily, for the duration of the approved intermittent leave, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. However, the transfer may not result in a loss of pay or benefits or be used to discourage employees from taking leave. And, when the employee no longer needs to continue on intermit-

tent leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced.

These tips won't entirely eliminate the problem of employees trying to take advantage of using the intermittent FMLA leave—probably nothing can do that—but they will help. ♦



## LEGISLATIVE ADVOCACY: STANDING FIRM IN A SHIFTING LANDSCAPE

**T**he Illinois Manufacturers' Association (IMA) remains a leading advocate for manufacturers of all sizes at the State Capitol in Springfield. As the only statewide trade association dedicated solely to representing Illinois manufacturers, the IMA plays a critical role in shaping legislation and regulatory policies that impact businesses across the state. Looking back at the 2025 Spring legislative session, the IMA's influence is more evident than ever.

During the final two weeks of the session, a surge of new proposals—many introduced with little notice and voted on within hours—demanded swift and strategic action. The IMA's government affairs team was fully engaged, reviewing legislation, negotiating with lawmakers and advocacy groups, consulting with IMA members, engaging with state leaders and agencies, and pushing back against harmful proposals that would have increased energy costs, expanded lawsuit jurisdiction, raised taxes, and more.

However, the IMA's efforts extended well beyond the closing days of the session. For months, the team worked tirelessly to promote pro-growth, pro-industry policies that support and strengthen Illinois' manufacturing sector. While the session brought significant legislative victories, it also included a few hard-fought setbacks—each contributing to a landscape that will shape the future of manufacturing in the state.

### Key Legislative Wins in the 2025 Spring Session

#### Rising Energy Costs

Illinois is confronting an emerging energy crisis driven by growing demand from the manufacturing sector, data centers, and the rapidly advancing field of quantum technologies. At the same time, state and federal policies have contributed to a decline in baseload generation capacity, including coal, natural gas, and even nuclear power in some states, further straining the energy grid. This issue is especially critical for Illinois manufacturers, who collectively consume approximately one-third of all energy used in the state. Reliable, affordable energy is essential to maintaining a strong, globally competitive manufacturing sector.

In the final weeks of session, the Governor's office, the Illinois Commerce Commission, and a small handful of legislators unveiled a massive and costly proposal that would have further increased the cost of energy for businesses while essentially blocking any new large economic development projects. The proposal, later filed on SB 40, was based on a new tariff (rate) on

large energy users while also requiring them to build or fund new renewable energy projects.

The IMA sprang into action, working to educate legislators and members of the Governor's office on the full impact the bill would have on industrial users, especially in the face of rising capacity prices. The IMA and others suggested a market-based approach using the Illinois Finance Authority to fund projects, but it was rejected. Still, efforts by the IMA and others played a large role in ensuring the legislation did not pass this Spring. Conversations are continuing on the issue of energy reform, and the IMA continues to be at the table.

#### Economic Incentive Package

The IMA worked closely for months with the Governor's Office and the Illinois Department of Commerce and Economic Opportunity (DCEO) to craft an economic development package aimed at attracting new businesses to Illinois while also supporting existing companies making capital investments in the state. This effort culminated in the passage of SB 2008, a comprehensive economic development package that received broad bipartisan support in both chambers. Notably, the IMA not only played a key role in shaping the legislation but was also the sole business organization to testify in support of the bill.

SB 2008 contains an IMA initiative to create a brand new CapX tax credit (Advanced Innovative Manufacturing for Illinois) for manufacturers that are currently operating in Illinois. This incentive is aimed at helping current manufacturers who are making capital investments in their facilities. The credit will range from 3 to 7 percent based on the investment. The bill also extends the Apprenticeship Tax Credit for five years and increases it from \$3,500 to \$5,000. The IMA passed the original apprenticeship tax incentive five years ago and it's scheduled to sunset at the end of 2025 without action.

Other provisions of the bill include the creation of a new category under Tier 2 of Illinois' Economic Development for a Growing Economy (EDGE) program to support companies investing \$100 million in capital and retaining a minimum of 500 employees. The bill also includes an expansion of the Reimagining Energy & Vehicles (REV) program eligibility to include the retrofitting of vehicles, the manufacture of hybrid vehicles, and the manufacture of energy transformers and their components.

With the IMA's leadership to get SB 2008 passed, the next step will be to have the Governor sign the bill and work with the state on implementing the benefits.



### 340B Reform

House Bill 2371 proposes significant and potentially concerning changes to the 340B Drug Pricing Program under the guise of reform. The legislation, titled the Patient Access to Pharmacy Protection Act, introduces broad restrictions on the ability of pharmaceutical manufacturers and other entities to manage the distribution of 340B drugs.

Specifically, the bill prohibits any individual or entity, including drug manufacturers, from denying, restricting, prohibiting, conditioning, or otherwise interfering, directly or indirectly, with the acquisition or delivery of 340B drugs to a 340B covered entity or its authorized contract pharmacy, unless such actions are explicitly prohibited by federal law. It also bars the imposition of any limitations on a covered entity's ability to contract with or designate a 340B contract pharmacy and prohibits any requirement or coercion compelling covered entities or contract pharmacies to engage in specific actions regarding 340B drug access or delivery.

HB 2371 represents a misguided attempt at reform that could undermine the integrity of the 340B program, complicate manufacturer compliance, and potentially result in unintended consequences for both patients and providers. The IMA opposed the bill, testifying in opposition and coordinating efforts with Illinois pharmaceutical manufacturers and other interested parties. In the final hours of session, it became clear the initiative did not have the support in the Illinois House to advance this spring, and the bill stalled.

## Hard-Fought Losses in the 2025 Spring Session

### Corporate Tax Policy

In February, Governor Pritzker proposed a \$55.5 billion state budget based on projected revenues. However, as the spring legislative session progressed, lower-than-expected revenue prompted significant adjustments. These shortfalls were partly driven by federal policy changes, including new tariffs, declining consumer confidence and spending, and potential reductions in federal budget allocations that could decrease matching funds for state programs.

In response, the Governor and legislative budget negotiators revised the budget downward to \$55.1 billion and introduced a revenue package expected to generate nearly \$1 billion in new funding. A budget bill was introduced in the final 24 hours of session, containing several new revenue measures that directly impact Illinois manufacturers. Among these were changes to the taxation of Global Intangible Low-Taxed Income (GILTI), which reduces the dividends deduction and results in higher tax liability for Illinois companies with significant foreign affiliates. The bill also altered sales tax sourcing rules and modified how Illinois determines tax jurisdiction for companies operating as a single, "unitary business" group. Additionally, it included provisions targeting foreign-owned companies by eliminating two safe harbor rules, making certain interest and royalty payments to overseas entities taxable.

The IMA opposed these corporate tax changes and communicated concerns to the Governor's Office both before the vote and following the General Assembly's adjournment. However, as a last-minute budget agreement negotiated exclusively between the Governor and Democratic legislative leaders, the measure passed along party lines despite opposition.

### Extended Jurisdiction in Civil Litigation

In the final days of the legislative session, and at the urging of the trial bar, the Illinois General Assembly passed Senate Bill 328—legislation that will fundamentally alter the state's jurisdictional standards. Under the new law, companies could face expanded legal liability simply for registering to do business in Illinois.

Under current law, a company must have substantial and relevant ties to Illinois to be subject to litigation in the state for matters originating elsewhere. Senate Bill 328, however, would establish that registering to do business in Illinois constitutes automatic consent to general jurisdiction. This change would allow Illinois courts to hear lawsuits against a company regardless of whether the underlying dispute has any connection to the state.

Despite going up against the strong trial bar, the IMA led the opposition to SB 328 throughout its rapid advancement in the legislature. As the sole business organization to testify against the bill, the IMA strongly opposed the legislation, warning of its harmful impact on companies considering operations in Illinois. Still, the bill advanced through both chambers along partisan lines.

### Workers' Rights

In an effort to safeguard workers' rights in Illinois from potential rollbacks at the federal level, Democratic legislators advanced SB 1976 this spring. The bill establishes the Illinois Workers' Rights and Worker Safety Act, which stipulates that, unless otherwise authorized by state law enacted after April 28, 2025, state agencies may not amend or revise their rules concerning worker rights or safety protections in a manner that is less stringent than those prescribed by federal law. In addition, SB 1976 introduces the Illinois Safe & Healthy Workplace Act, which empowers the Department of Labor to adopt occupational health and safety standards in the event that comparable federal standards are repealed or rescinded.

The IMA strongly opposed the legislation, citing concerns that it could create significant compliance challenges for businesses. Companies may be forced to navigate potentially conflicting federal and state regulations, making it difficult to determine the appropriate standards for legal operation. Furthermore, the IMA warned that Illinois could become less competitive if its regulatory environment is perceived as more burdensome than that of other states. However, Democrats were insistent on passing the bill as a challenge to President Trump and his efforts at the federal level, and the bill passed on partisan lines.

### The Work Continues

Although the spring legislative session has concluded, the work of the IMA's government affairs team continues. Ongoing uncertainty regarding the flow of federal funding into Illinois has raised concerns about potential budget shortfalls. Several critical issues affecting manufacturers—including state funding for essential programs, energy reform, and transit reform—remain unresolved. The IMA remains steadfast in its commitment to advocating for policies that foster a competitive and supportive business climate for manufacturers across Illinois.◆

# APEX PROCEDURE – A REVOLUTIONARY TOOL FOR CONSUMER PRODUCT MANUFACTURERS SELLING ON AMAZON

TAFT LAW

**A**fter a myriad of challenges, you finally made the product and protected it with a United States utility patent. But how do you enforce it when foreign copycats are sitting next to your listing on Amazon?

Patent infringement cases have been known to outpace the market popularity of many consumer products—either because it takes too long, or costs too much, to enforce a utility patent against an infringer. If the culprit is foreign, getting them to come to the U.S. to stand trial is nearly impossible.

In 2022, Amazon introduced a program designed to support U.S. utility patent holders, helping level the playing field for brands facing lookalike products on its marketplace. They launched the Amazon Patent Evaluation Express (APEX) procedure as an efficient and cost-effective alternative to district court litigation to ensure their registered sellers can enforce their utility patents against knockoffs, copycats, and infringers.

My client, Pilot Automotive, took an early opportunity to use APEX to address foreign infringers that were competing with its emergency automobile battery charging products on Amazon (pictured). The procedure was smooth, streamlined, and highly impactful. We were able to achieve results in seven weeks that could not be delivered in District Court in a year. And did so at a fraction of the cost of filing a traditional infringement suit.

When deciding if you are going to enforce your utility patent using APEX against a concerning product on Amazon, consider the following:

- APEX is focused on utility patents issued by the United States Patent & Trademark Office. APEX is not currently available for U.S. Design patents or foreign issued patents.
- There is no hearing, no discovery, no depositions, no damages. The only issue on the table is whether the ASIN infringes your claims.

- Beware that the APEX process does not always keep you out of District Court. An accused seller can choose to avoid APEX by filing a Declaratory Judgment Action (DJ action) in District Court. A DJ action is a complaint filed by an accused infringer seeking a court order that their product does not infringe the asserted patent, or that the patent itself is invalid. If the accused infringer takes this step, APEX will not be initiated, and you will be fighting in a District Court in the infringer's backyard. The United States Supreme Court in *SnapRays v. Lighting Defense Group* held that the accused infringer could choose to file their DJ action in their home state when it is filed in response to an APEX procedure.

- The entire process takes about seven weeks. As a patent owner or an accused infringer, there is nothing more valuable than getting a decision like this—win or lose—in seven weeks. The cost of fully prosecuting an APEX proceeding is a fraction of the cost of District Court Litigation.

Below is a brief overview of the process:

1. You initiate an APEX proceeding within your Amazon Brand Registry account. You will be asked to identify one utility patent you own, and up to 20 Amazon Standard Identification Numbers (ASINs) that you claim to have been infringed. While it is recommended that you work through an attorney, you are not required to have an attorney initiate this process.

2. Once APEX has confirmed your utility patent has not expired (don't forget to pay those USPTO maintenance fees!), APEX will then notify the sellers of the ASINs that their product has been accused of infringement.

3. Accused sellers have 14 days to select one of three options: (1) agree to a neutral patent evaluation conducted by a patent

attorney selected by Amazon, pay \$4,000, and return a signed arbitration agreement, (2) contact you and negotiate the terms for an agreement for continued sale of the ASIN, or (3) file a declaratory judgment action in District Court.

4. If the seller does not respond within 14 days, their ASIN will be removed by Amazon. Many sellers get removed at this stage. The accused seller either just disappears, curing the problem, or they are unable to reach an agreement with you on the terms of continued sale. The \$4,000 arbitration cost is also a reason many just disappear.

5. If the seller opts for the neutral patent evaluation, Amazon will assign a neutral patent evaluator. In my experience, Amazon does an excellent job of selecting these practitioners. At this stage, you will be asked to pay \$4,000 as well, an amount you get back if you win. The neutral patent evaluator will then set a briefing schedule for the parties, and you will have 14 days to submit an opening brief. The accused infringer will have 14 days to respond, and you will have 7 days to reply.

6. APEX affords a very narrow defense to infringement. If the accused seller can show that they were selling the product before your patent priority date, then they can survive the challenge. Otherwise, the more expansive invalidity defenses that patent owners typically face in District Court are not entertained by the neutral patent evaluator.

7. The neutral patent evaluator has 14 days following the final brief to determine if it is likely that the accused ASIN infringes the asserted patent. This a binary decision – thumbs up or thumbs down.

8. If the Neutral gives your claim a thumbs up, Amazon will proceed to remove the accused ASIN from the Amazon marketplace. When dealing with foreign actors, this result is often better



than chasing damages, as you now have market exclusivity on Amazon!

9. Following a win, Amazon allows patent owners to accuse additional infringing ASINs through the Brand Registry. Your APEX win will be provided an APEX ID number, and any other products that pop up will be taken down without having to go through the entire APEX process again.

The APEX process is fair, quick, and revolutionary for both patent owners and the accused. The true power of the APEX procedure is your ability to deal with guppies (small infringers) and whales (foreign infringers of any size that rely upon Amazon to have a presence in the U.S.). Patent holders are able to clear the clutter quickly, as the small infringers typically don't fight. Patent holders are also able to use the power of the Amazon marketplace to generate a royalty stream from foreign infringers that simply cannot afford to be removed from Amazon. And, if a foreign infringer drags you to district court through a DJ action, you will have them in your grasp as they have waived their jurisdictional defenses.

Make no mistake—the neutral patent evaluators do their best to ensure that the Amazon Marketplace is both robust and free from IP infringement. For some of my manufacturing clients, we have been successful in achieving a well-earned market exclusivity on Amazon through this process. For others who have been accused, we have been successful in defeating the claims of infringement and remaining a viable product on Amazon. Given the benefits of this procedure, it should be considered early in your enforcement and used when the right ingredients exist for success.◆

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# HANDLE A CRISIS LIKE A PRO

EMC INSURANCE COMPANIES



**W**hat you do in the first five minutes can define your company's future.

Emergencies don't wait for a convenient time—and in a manufacturing setting, they can unfold fast. Whether it's a fire, medical issue, or severe weather, being prepared helps protect your team and your business. These nine quick tips from EMC Insurance can help you respond with confidence when it counts most.

## 1. Define leadership roles before a crisis hits

In any emergency, knowing who's responsible for what can prevent confusion and save time. Make sure everyone—from supervisors to floor leads—knows their specific responsibilities before an emergency strikes. Who sounds the alarm? Who handles shutdowns? Who guides evacuations? Establishing this in advance helps to minimize chaos and maximize response time.

## 2. Lead with prevention

As a leader, prioritize proactive risk identification—think blocked exits, covered or blocked fire extinguishers, alarm boxes, and emergency stations, or environmental hazards—anything that might prevent quick evacuation or access to equipment needed in an emergency. Set expectations that every employee has a role in identifying risks and that concerns will be acted on quickly. Conduct regular drills to reinforce this mindset.

## 3. Act fast to alert others

In an emergency, hesitation can cost lives. Confirm your teams are equipped and trained to communicate clearly and instantly—whether through alarms, PA systems, or shouting to get attention. Communication is the first step toward a safe response.

## 4. Streamline the call for help

Avoid wasting valuable time searching for emergency contacts. Ensure numbers for first responders—like fire, police, and emergency medical services—are posted near phones and stored in employee devices. Leaders should also verify that multiple employees across shifts are trained to initiate emergency response procedures if needed.

## 5. Understand your facility's emergency response procedures

Emergency response plans should be more than a binder on a shelf. Reinforce the importance of knowing the steps for fire, medical, or weather events—along with the designated meeting spots and safety checkpoints. Your leadership sets the tone for how seriously these protocols are taken. At EMC, we offer a variety of complimentary resources on our website to help you develop or update your facility's plans. Visit [www.emcinsurance.com/losscontrol/top-icsindustries/security-emergency-preparedness](http://www.emcinsurance.com/losscontrol/top-icsindustries/security-emergency-preparedness) for more information.

## 6. Know your layout—and ensure others do too

Familiarity with exits, storm shelters, first aid kits, eye wash stations, and shut-

down switches can save precious time. Encourage managers to regularly review layouts with their teams—especially in complex or high-risk areas of your facility.

## 7. Learn the right way to shut things down

If machinery needs to be shut down during a crisis, clarity is critical. Confirm that all operators are trained on safe shutdown steps and understand when those protocols apply. This protects your team, prevents escalation, and limits damage.

## 8. Educate on medical red flags

While not everyone needs to be a first responder, awareness is key. Promote education around the warning signs of medical emergencies—such as slurred speech, labored breathing, or sudden collapse—and encourage prompt action. Identify those trained in first aid and CPR. Speed and training save lives.

## 9. Invest in access—and training—for safety tools

First aid kits and automated external defibrillators (AEDs) should be easy to find and fully stocked. Just as important: Your employees need to know how to use them. Provide training and refreshers as part of your ongoing safety program.

Being prepared isn't just about checking a box—it's about building habits that keep your team safe. Understand your facility's procedures, encourage your team to speak up when something looks wrong, and take training seriously. A little preparation now can make all the difference later. ♦



# PREPARING TODAY'S WORKFORCE FOR TOMORROW'S COMPLIANCE LANDSCAPE

HARPER COLLEGE/HARPER BUSINESS SOLUTIONS

In a rapidly evolving economic and technological landscape, understanding government regulation and legislation is no longer confined to legal departments. Today, it's becoming essential knowledge for professionals across a wide range of industries and job roles—from human resources and healthcare to manufacturing and information technology. Staying informed on regulatory developments can protect organizations from legal risks, ensure workplace safety, and foster ethical, sustainable growth.

## The Expanding Impact of Regulation in the Workplace

Government regulation now touches virtually every facet of modern business operations. At the federal level, laws such as the Occupational Safety and Health Act (OSHA), the Americans with Disabilities Act (ADA), and the Fair Labor Standards Act (FLSA) establish fundamental rights and protections for workers. State and local governments layer on additional rules, often addressing industry-specific concerns or regional priorities such as environmental sustainability or public health.

Take data privacy for example. Laws like the California Consumer Privacy Act (CCPA), along with similar emerging legislation in other states, require not only IT departments but also marketing, customer service, and HR teams to adjust how they collect and manage personal information.

Similarly, in the wake of high-profile workplace incidents and shifting public expectations, companies are facing greater scrutiny around issues such as diversity, equity, and inclusion (DEI), workplace harassment, and wage transparency—areas where regulatory oversight is increasing both in scope and enforcement.

## The Need for Ongoing Education

As the regulatory environment becomes more complex, the need for ongoing education and training is clear. Compliance is no longer a one-time event, but a continuous process requiring organizations to monitor changes, interpret implications, and train employees to adapt accordingly.

Educational institutions, especially community colleges, are uniquely positioned to support this need. Through both open

enrollment courses and customized training programs, colleges can help organizations build internal capacity to manage compliance proactively, rather than reactively.

At Harper College, for instance, workforce development programs are designed in partnership with industry to align educational content with real-world regulatory challenges. These offerings are tailored to support not only compliance professionals, but also frontline supervisors, team leads, and staff in non-traditional roles who may encounter regulatory issues in their daily work.

## Bridging the Gap with Customized Training

One-size-fits-all training may fall short when it comes to understanding the unique regulatory pressures different organizations face. That's where customized training becomes critical.

Through customized programs, colleges can collaborate directly with employers to design training modules that address specific regulations relevant to their sector—whether it's OSHA compliance for a manufacturing firm, HIPAA training for a healthcare provider, or FMLA and ADA guidance for a human resources team.

This approach not only helps employees grasp the “what” of regulation but also the “why”—connecting abstract legal requirements to real-world scenarios. Employees gain a clearer understanding of how their actions contribute to broader organizational compliance and risk mitigation goals.

## Empowering the Workforce Through Civic Understanding

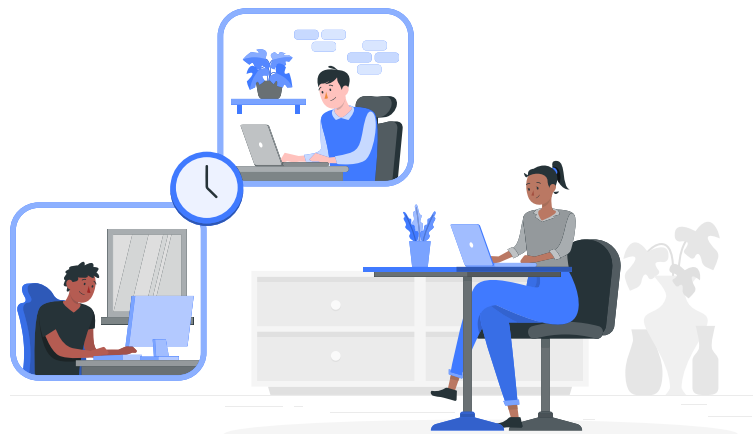
Understanding regulation and legislation also fosters a more civically engaged workforce. Employees who grasp how legislation affects their industries are more empowered to participate in public discourse, vote with insight, and even advocate for changes that benefit their communities and workplaces.

Courses that examine the legislative process, administrative law, or regulatory trends can deepen this engagement by demystifying how laws are created, implemented, and enforced. Such knowledge is especially important for supervisors and mid-level managers who must interpret and apply regulations while leading teams.

## Looking Ahead

As we look to the future, one certainty remains: regulatory and legislative shifts will continue to influence the way businesses operate and how professionals perform their work. Equipping employees with foundational knowledge and adaptive skills builds organizations that are not only compliant but resilient and forward-thinking.

A culture of compliance literacy strengthens operations, reduces risk, and supports ethical growth in a dynamic policy environment. Educational institutions like Harper College will continue to play a pivotal role in this effort—serving as bridges between evolving laws and the professionals who must implement them every day. ♦



# NAVIGATING UNLIMITED PTO IN ILLINOIS

BARNES &amp; THORNBURG LLP



**U**s Unlimited paid time off (“UPTO”) policies have gained traction. Employers who have a workforce spread across multiple states may implement UPTO because it provides a way to maintain consistent policies. Rather than tailoring leave benefits to the specific requirements of each state, an employer can instead offer a UPTO policy to ensure compliance with all state laws simultaneously. In theory, the UPTO approach helps employers streamline operations and

simplify administrative efforts.

However, UPTO is not the one-size-fits-all solution that some employers think it is. UPTO presents a set of challenges that require an understanding of the legal landscape and the crafting of a policy that is both compliant and equitable. Employers should ensure that UPTO policies are clearly defined and consistently applied to avoid claims of discrimination. This article will examine the considerations and potential issues that Illinois employers

should consider before implementing a UPTO.

## Illinois’ Paid Leave Laws

In the last two years, Illinois and local municipalities implemented paid leave laws granting employees up to 40 hours of paid leave to be used for any reason. In most instances, if an employer’s PTO policy meets the minimum requirements of the applicable law, the employer may not need to change its policy. Employers must ensure that



employees are allowed to take leave for any reason at their discretion. Illinois law mandates at least 40 hours of paid leave per year, which must be incorporated into any PTO policy. However, if the employer's policy needs revision, it may implement a policy with an accrual method or front-load the paid leave.

If an employer implements a UPTO policy, it must consider whether an employee's current PTO balance is earned vacation or paid time off as defined under Illinois' Wage Payment and Collection Act ("IWPCA"). Under the IWPCA, employers are required to pay employees their unused earned vacation at the time of separation. If an employer changes its PTO policy (which is not a separation of employment), and its employees have a PTO balance, the employer must consider whether it will pay out the PTO balances, require employees to use their PTO balances concurrently with paid leave under the new PTO policy, or implement the new policy at the beginning of the 12-month period.

Importantly, employers must provide employees with written notice of their PTO policies. This includes notification of the requirements for using leave and any changes to policies affecting an employee's right to final compensation for such leave. Changes to policies must be communicated in writing within five calendar days of the change. Employers should ensure that the UPTO policy is clearly documented, communicated to employees, and compliant with these statutory requirements to avoid potential legal issues.

### Truly Unlimited Policies

Employers must consider how a UPTO can affect other leave required by federal law, such as the Family and Medical Leave Act ("FMLA"), the Americans with Disabilities Act (ADA),

and the Pregnant Workers Fairness Act (PWFA). If an UPTO is truly unlimited, employees theoretically are entitled to take paid leave in place of any other leave, but they would not be entitled to legal protections under other leave laws. It is essential for employers to comprehend the interplay between these protected leaves of absence and their new policies to mitigate the risks of discrimination claims.

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**"IF EMPLOYERS  
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PROMOTE FLEXIBILITY  
AND TRUST."**

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In *Mitura v. Finco Services, Inc.*, 712 F.Supp.3d 442 (S.D.N.Y., 2024), the plaintiff sued her employer for FMLA interference and retaliation. During her employment, the employee inquired about FMLA leave, and a Human Resources representative told her to use leave under the UPTO policy instead. The plaintiff was later terminated and then filed a claim under the FMLA. Because the employer failed to provide the plaintiff with information related to leave under the FMLA, the plaintiff was not granted the job protections. The plaintiff's claims survived a motion to dismiss for this reason. This is just one example of the

potential risks associated with UPTO. Employers must properly categorize employees' use of leave as provided under state and federal law.

### Solutions

To avoid being confronted with these issues, employers could make all leave covered by state and federal law paid. Employers could also specify in the UPTO policy that if an absence is deemed to be a qualifying leave under a state or federal law, the absence will be unpaid after a certain number of days of PTO. Furthermore, a UPTO policy should explicitly state that it does not cover wage replacement benefits, such as short-term or long-term disability.

Whether UPTO policies are fair and compliant depends on their implementation. If employers apply them consistently and can ensure that employees are empowered to take time off, UPTO can promote flexibility and trust. However, poorly implemented UPTO policies can cause confusion and create legal risk. To ensure fairness and compliance, employers must create and implement policies that align with state and federal laws, clearly communicate them, and monitor their use. If these steps are taken, employers will have workplaces that balance administrative efficiency and employee well-being. ♦

# DRUG TESTING IN THE WORKPLACE: WHAT ILLINOIS MANUFACTURERS NEED TO KNOW

AMUNDSEN DAVIS LLC

The 2020 legalization of recreational cannabis in Illinois raised key questions for employers—particularly manufacturers—around workplace policies, employee rights, and disciplinary boundaries. Can employers still enforce drug-free policies? How do they address impairment on the job while respecting lawful, off-duty use?

Of course, the use of cannabis at the workplace or that leads to impairment while on duty can and should be strictly prohibited by the employer, particularly in a manufacturing setting. This is common sense as it involves safety concerns and can be analogized to the use of alcohol at the workplace. However, where recreational use of cannabis—now a lawful substance for adults—takes place away from the employer's premises and during nonworking hours, employers' rights have been construed by some to be murkier. Illinois law—as it exists today—permits employers to implement reasonable zero-tolerance policies and testing procedures covering cannabis, provided such policies and procedures are enforced on a consistent and non-discriminatory basis.

## Overview of Illinois's Workplace Drug Testing Laws

### Cannabis Regulation and Tax Act

Illinois's Cannabis Regulation and Tax Act (the "Cannabis Act"), which regulates adult recreational use of cannabis, provides in section 10-50 that employers can implement reasonable zero tolerance or drug-free workplace policies or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call—provided that the policy is applied in a nondiscriminatory manner. Accordingly, the Cannabis Act permits employers to subject employees to reasonable suspicion, post-accident, random, and pre-employment testing without violating the law as long as it's reasonable and done in a nondiscriminatory manner.

The Cannabis Act does not prevent an employer from disciplining or terminating an employee for violating employment policies or a workplace drug policy. The law protects employers against lawsuits filed by current and former employees as well as job applicants for actions taken pursuant to the employer's reasonable workplace drug policy.

### Compassionate Use of Medical Cannabis Program Act

Illinois' Compassionate Use of Medical Cannabis Program Act (the "Medical Cannabis Act") regulates the medicinal use of cannabis for medical cardholders. Like the Cannabis Act, it permits employers to implement nondiscriminatory drug testing and zero-tolerance drug-free workplace policies. It also allows employers to discipline medical card holders for violating the employer's workplace drug policies. Under the law, employers are protected against lawsuits filed by employees for:

1. Actions based on the employer's good faith belief that a medical cardholder used or possessed cannabis while on the employer's premises or during the hours of employment;
2. Actions based on the employer's good faith belief that a medical cardholder was impaired while working on the employer's premises during the hours of employment; and
3. Injury or loss to a third party if the employer neither knew nor had reason to know that the employee was impaired.

Taken together, these laws outline a framework for employers to maintain a safe workplace while navigating employees' rights around lawful cannabis use.

Both the Cannabis Act and Medical Cannabis Act require employers that discipline or terminate employees on the basis that they are under the influence of or impaired by cannabis at work to provide a reasonable opportunity to contest the determination of impairment. While nothing in either law requires that the employer reverse any adverse decision,

employers will want to be certain that they are proceeding reasonably under the circumstances.

### Right to Privacy in the Workplace Act

As immigration policies under President Trump's administration continue to focus on aggressive enforcement, it is essential for employers to be proactive in understanding their rights and responsibilities regarding ICE raids and Form I-9 audits. By taking steps such as conducting self-audits, reviewing procedures, and training staff, employers can better prepare for potential inspections. By staying informed and following proper procedures, employers can navigate the complexities of immigration enforcement.

## Recent Caselaw Developments

To what extent can a positive drug test for cannabis be used to deny or terminate employment, particularly when that use was "recreational" and done off duty? While the Cannabis Act offered broad guidance, its real-world application was unclear until recently.

In July 2024, in *White v. Timken Gears & Servs. Inc.*, the U.S. District Court for the Northern District of Illinois provided employers some clarification on the use of drug screens in employment decisions. In *White*, the court reviewed a claim of unlawful termination under the Privacy Act. Based on the plain language of section 10-50 of the Cannabis Act, it seemed likely that a "reasonable" workplace drug-free policy would be sufficient to defeat actions under the Privacy Act. *White* supports this conclusion.

In *White*, the court granted summary judgment for the defendant employer where the plaintiff employee failed a drug test for marijuana after being randomly chosen pursuant to the company's policies and was ultimately fired. The court found that the employer had a clearly stated and consistently applied drug and alcohol policy, which prohibited testing positive for controlled sub-



stances.

The plaintiff tested positive after a random drug screen, was given counseling pursuant to the policy, then tested positive again, which resulted in his termination. Although it is unknown whether the use was recreational or medical, it is assumed to be recreational based on substance abuse counseling and no mention of medical use in the court's decision. The plaintiff then sued his employer under the Privacy Act, alleging that the statute prohibits termination or adverse employment actions when an employee uses a lawful product off premises during nonworking hours.

The court in *White* pointed out the "critical exemption" in the Privacy Act: It "excludes from its reach" section 10-50 of the Cannabis Act. The court provided a detailed analysis in interpreting both statutes, ultimately finding that the Privacy Act by "its plain language precludes claims against employers for certain actions taken pursuant to their drug policies." The court then looked at the defendant (employer)'s drug-free workplace policy. The court found that such a policy is permissible under the plain language of the Cannabis Act, so long as the testing is "reasonable and nondiscriminatory." Looking at the facts at hand, the court determined the policy was reasonable and had not been applied in a discriminatory manner. Therefore, the plaintiff (employee) had no cause of action under the Privacy Act.

### What White Means for Employers

The decision in *White* is a sigh of relief for employers in Illinois because it definitively states the Cannabis Act exclusions in the Privacy Act. However, employers must remain vigilant.

In order to receive the protections of the Cannabis Act for drug screens, they must be part of a reasonable drug policy. This means that the policy should be published to, and acknowledged by, all employees who fall under its coverage. It should clearly state the circumstances that trigger a drug screen, the method

and manner of the drug screen, and which drugs will be tested. It should also clearly outline the consequences for having drugs or drug paraphernalia in the workplace, testing positive for cannabis, and failing to cooperate in the drug testing process.

It should also be noted that the court in *White* felt it necessary to mention that the drug policy at issue was developed "with the assistance of a medical review officer." While this is certainly not necessary for such a policy, it may be good practice to have it reviewed by a medical review officer, as well as employment

law counsel, prior to implementation. Of course, fair and consistent treatment of similarly situated workers under the policy is critically important.

As the use of recreational and medicinal cannabis is on the rise, Illinois employers—particularly in the manufacturing industry—need to review their current drug testing policies and procedures. Special thought should be given to ensure fair and consistent implementation of such policies and procedures, and in a manner that promotes and sustains necessary productivity, work quality and employee safety. ♦

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**Constellation – Providing tools to create a customized energy strategy for your company**

# ILLINOIS' FAILED HEAT ILLNESS BILL REFLECTS A GROWING NATIONAL TREND

CONN MACIEL CAREY

While employers across the country are watching and waiting to see what happens to the heat illness prevention rule proposed by President Biden's OSHA in 2024—hearings started on June 16, 2025, much to the surprise of most observers given the Trump Administration's focus on deregulation—six State Plan states (states not subject to Fed OSHA jurisdiction) and one Fed OSHA state have promulgated rules intended to protect workers from extreme heat and, in some cases, extreme cold.

Not content waiting for Fed OSHA to act, the Illinois legislature stepped into the void during the most recent legislative session in an effort to make Illinois the first Fed OSHA state to adopt a general industry heat illness and injury prevention standard. The proposed Illinois Workplace Extreme Temperature Safety Act (HB 3762/SB 2501) ("Act"), introduced on February 7, 2025, sought to address the growing risks posed by extreme temperatures in the workplace and would have required employers to develop comprehensive plans to prevent temperature-related occupational illnesses and injuries. While the Act would have applied broadly, it would not have covered employees directly involved in the protection of life or property, including, but not limited to, lifeguards, firefighters, paramedics, law enforcement personnel, and employees engaged in the emergency restoration of essential infrastructure and services, including roads, bridges, utilities, and communications.

Like the other states that have already adopted such rules, the proposed Illinois occupational temperature-related illness prevention rule would have required employers to develop a site-specific written plan (in English and the language that each employee understands), with meaningful input from employees and employee representatives, that included procedures and methods relating to hydration, exposure monitoring, rest breaks, exposure time limitations, insulating PPE and warm beverages (to prevent cold stress), training, acclimatization, a heat/cold alert system, coordination with other employers on certain worksites, and the adoption of certain con-

trols to prevent temperature-related illnesses. The proposed rule also provided for potentially significant fines (per employee per day) and included a means by which employees could bring private rights of action.

Normally, Fed OSHA states like Illinois are preempted from adopting rules related to hazards regulated by Fed OSHA; however, unless and until Fed OSHA finalizes its heat injury and illness prevention standard, there is nothing which prevents the Illinois legislature from adopting a comprehensive heat (and cold) stress standard that would apply to manufacturers across the State. If that comes to pass, Illinois would likely be on the vanguard of a series of states such as New York, New Jersey, and Massachusetts that adopt their own heat illness prevention standards, thereby exacerbating the existing patchwork problem caused by State Plan States that already have their own very different and unique standards.

## State(s) of Play

Even if the onerous bill introduced during the past session is never enacted, Illinois manufacturers can look West, mostly but also East, for examples of how other states have regulated heat illness and in one case cold stress, in the workplace.

o Having adopt an outdoor heat rule several years ago, California's finally completed its new Heat Illness Prevention in Indoor Places of Employment in 2024. The rule applies to indoor work areas where the indoor temperature is 82°F or above when employees are present. The CA rule mandates that employers develop a written prevention program, deliver employee and supervisor training, provide water, cool-down rest/areas, assess the workplace and adopt control measures applicable when certain trigger temperatures are reached, develop emergency response procedures, and acclimatize workers.

o Oregon's Heat Illness Prevention Rule requires access to potable water and shade (for outdoor workers), annual supervisor and employee training in a language they can readily understand before they begin work at sites where the heat index will be

80 degrees or higher, additional requirements (communication, buddy system, and monitoring) when the heat index exceeds 90 degrees, an emergency medical plan, and an acclimatization plan.

o Washington State adopted a temporary outdoor heat illness rule more than 15 years ago and after several updates, a permanent rule went into effect for outdoor work a few years ago. Washington State, however, has yet to adopt a detailed indoor heat illness rule.

o Nevada's heat illness rule, which took effect on April 29, 2025, requires employers with more than ten employees to implement a written safety program to protect workers from heat-related illnesses, developed, in part, as a result of a job hazard analysis, training on heat illness prevention, ensuring access to potable water, acclimatization protocols for new and returning workers, and designating employees for emergency response. The rule aims to mitigate risks associated with heat exposure in both indoor and outdoor workplaces.

o Maryland's heat illness prevention standard, effective since September 2024, kicks in when the heat index reaches or exceeds 80°F. Maryland employers must, under this rule, adopt high-heat procedures, provide access to water and cool-down areas, offer mandatory rest breaks, and train employees on heat illness. Employers must also develop and implement a written Heat Illness Prevention and Management Plan, which includes procedures for identifying and responding to heat-related illnesses, as well as emergency response protocols according to the Maryland Department of Labor.

o Minnesota is currently the only state with an indoor temperature rule that applies to extreme heat and cold. Taking things a step further than the other states, Minnesota ties temperature thresholds to the type of work being performed (heavy, medium, or light); for example, restrictions begin for heavy work at a mere 77 degrees Fahrenheit, 80 degrees for moderate work, and 86 degrees for light work. Meanwhile, Indoor workplaces in Minnesota must maintain a minimum air temperature of 60 degrees where heavy work is performed,



unless prohibited by process requirements (e.g., working in a foodservice warehouse), and 65 degrees for light to moderate work. Note that the Minnesota rule also imposes certain ventilation (air flow and circulation requirements).

o Last but not least, Colorado (the only state under the jurisdiction of Federal OSHA that has enacted a heat illness rule) has a rule that is limited to agricultural workers and kicks in at 80 degrees.

### **There Is No Time Like the Present to Protect Your Employees from Heat Illness**

With a wealth of scientific research on the subject of heat illness and a growing number of state workplace safety rules focused on heat illness prevention, there are a series of steps that Illinois manufacturers may wish to consider taking now to proactively address temperature-related risks in the workplace:

**1) Assess Your Operations and Develop a Site-Specific Heat Illness Prevention Program.** Downloading a generic template is simply not going to cut it. Using such a form can be a great place to start, but it is essential that you evaluate your operations, identify the areas and/or tasks that expose workers to heat hazards, and then develop and adopt measures to reduce exposure. For example, one of our clients manufactures spices including chili powder; industrial-sized fans cannot be used in the blending rooms for obvious reasons, so this employer frequently rotates employees out of this area and provides specialized cooling PPE, such as neck fans and ice vests.

**2) Ensure Access to Water, Rest, and Shade (or Ventilation).** OSHA's proposed heat illness standard mandates that employers provide access to cool, potable water in sufficient quantities for employees, especially when the heat index reaches 80°F or higher. This includes ensuring the water is easily accessible and encouraging employees to drink regularly. Additionally, consider providing access to air-conditioned or well-ventilated rest areas are available for workers to use during breaks.

These areas should be sufficiently close to the work area(s) to allow for quick access. If you have employees working outside, the same general approach applies for access to shaded areas.

**3) Train Supervisors and Workers.** Your training, like your written program, should be site-specific and customized to your operations. Think about it like this: OSHA expects your program to reflect the realities on the shop floor and vice versa. The same holds true for your training in that the content of the presentation should reflect the program and educate employees and supervisors about the dangers of heat-related illnesses, common symptoms, how to recognize early warning signs, the available preventive measures, and what to do in the event someone falls ill or shows signs of becoming ill. Do not forget to provide refresher training when there are new or more intense sources of heat, changed company policies and procedures, or if you have a heat-related incident.

**4) Acclimatize New and Returning Workers.** Acclimatizing involves gradually increasing workloads and exposure time to build up a worker's tolerance to heat. Simply put, it means giving workers time to get used to the heat, which can be especially important for people unaccustomed to working in extreme temperatures. For example, an individual who starts work in a bakery during the summer after years working in a climate-controlled retail or warehouse environment will likely need time to adjust. Of course, acclimatization is unique and individualized and depends on an employee's personal health and his/her background, experience, and exposure to hot environments. While many stakeholders took exception with the prescriptive nature of the acclimatization requirements in OSHA's proposed heat stress standard, that does not mean you should omit the process from your heat illness prevention program. Recognizing that acclimatization periods will be different due to variations in an employee's health and prior work experience, as well as the physical demands of work and the duration/intensity of hazardous heat to which

each employee is exposed, you may opt to empower your workers to self-manage their acclimatization periods. If you opt for such an approach over a uniform ramp-up period, allowing for more self-managed acclimatization through health awareness training is key, prioritizing employee training on recognizing signs and symptoms of exertional heat-related illness, as well as prevention strategies,

**5) Adopt Engineering and/or Administrative Controls, Develop Work Practices, and Make Cooling PPE Available.** There are a host of actions that you can take, such as air conditioning, cooling rooms or booths, increased ventilation, and insulation of hot surfaces, work-rest cycles, job rotation, temporary changes to hours of work, and modifying work practices to minimize physical exertion.

There are, of course, other steps that employers can take but these represent a solid foundation that will appreciably reduce the risk of heat illness now and in the future, as well as making it less likely that OSHA will cite your business under the General Duty Clause.

### **Takeaways**

Illinois employers are likely to find themselves having to comply with a heat illness prevention rule in the near future, one way or another. If the Fed OSHA finalizes and publishes a standard, that rule will apply to Illinois manufacturers. If, however, OSHA fails to act, the Illinois General Assembly can step in and pass legislation such as the bill introduced in the last session. While Governor Pritzker would likely have vetoed the most recent bill, the legislature will presumably go back to the drawing board and craft a less onerous rule yet one that almost certainly goes beyond what Fed OSHA will do. Regardless, Illinois employers would be well advised to adopt some combination of the measures described above to help keep their employees safe and avoid General Duty Clause citations. If you have questions about Fed OSHA or state-level efforts to regulate occupational heat illness, please contact the author. ♦





## CELEBRATING MANUFACTURING'S BRIGHTEST: 2025 HALL OF FAME & EXCELLENCE AWARD WINNERS

**O**n June 26, Illinois' manufacturing community came together to honor the visionaries, innovators, and trailblazers shaping the future of industry. Hosted at the Westin Chicago Lombard, the Illinois Manufacturers' Association (IMA) proudly inducted the second class of the Illinois Manufacturing Hall of Fame and recognized the 2025 Manufacturing Excellence Awards winners in partnership with the Illinois Manufacturing Excellence Center (IMEC). Together, these awards pay tribute to the incredible impact manufacturing continues to have on our state, our communities, and our economy.

Established in 2024, the Illinois Manufacturing Hall of Fame honors the people, products, and companies that have left a lasting legacy on the manufacturing sector in Illinois. As the largest contributor to the state's Gross Domestic Product, supporting nearly one-third of all jobs and contributing over \$580 billion annually, manufacturing remains the heartbeat of our economy—and these honorees are at its center.

This year's Hall of Fame inductees span generations, industries, and communities, united by their commitment to excellence, resilience, and transformation.

### Honoring the Makers: 2025 Hall of Fame Inductees

#### People: Visionary Leaders and Trailblazers

These individuals have shaped industries, launched global companies, and inspired generations through their dedication, leadership, and entrepreneurial spirit.

#### J. Gerald Demirjian

A bold entrepreneur and skilled engineer, J. Gerald Demirjian acquired the York Division compressor line in 1987, founding TCCI Manufacturing in Decatur. Under his leadership, TCCI evolved into a global innovator in compressor and thermal management technologies. From Central Illinois to international markets, the company has created high-quality jobs, pushed the boundaries of commercial transportation, and set a new standard for family-led manufacturing businesses.

#### Barry L. MacLean

A leader with a global vision and a deep appreciation for the arts, Barry L. MacLean transformed MacLean-Fogg into a manufacturing powerhouse with more than 30 locations worldwide. His legacy extends beyond engineering, with a philanthropic reach that includes the School of the Art Institute of Chicago, the Griffin Museum of Science & Industry, and Dartmouth College. His dedication to innovation, education, and service continues to inspire.

#### Suad Muthana

Known affectionately as "Mama Susie," Suad Muthana embodies the American dream. An immigrant without a formal education, she co-founded M&M Quality Grinding in Hodgkins and blazed a trail in precision ground bar stock and centerless grinding services. Her story is one of grit, perseverance, and unwavering spirit—qualities that have



inspired generations in manufacturing and beyond.

#### **Products: Iconic Innovations Made in Illinois**

These legendary products were born in Illinois and have become staples of American culture—recognized across generations and around the world.

##### **Kraft Mac & Cheese**

An enduring symbol of comfort and simplicity, Kraft Mac & Cheese was introduced by James Lewis Kraft in 1937 and quickly became a household staple. More than 85 years later, it remains one of the best-selling boxed meals in America, with over seven million boxes sold each week—proof that good ideas, like good recipes, stand the test of time.

##### **Red SOLO Cup**

Invented by Leo Hulseman, the Red SOLO Cup is more than just a party essential—it's a pop culture icon. Instantly recognizable and universally loved, it has become a symbol of good times, shared memories, and American ingenuity.

##### **Tootsie Roll**

Manufactured in Chicago since 1968, the Tootsie Roll is a candy classic with humble beginnings. Invented by Leo Hirshfield in 1896, it was the first individually wrapped penny candy in the U.S. Today, over 65 million Tootsie Rolls are made daily in the city, keeping a sweet legacy alive with every bite.

#### **Companies & Organizations: Enduring Excellence**

These companies have not only led in innovation and craftsmanship but also contributed significantly to Illinois communities and the broader economy over generations.

##### **C. Cretors & Company**

Founded in 1885 and still family-owned five generations later, C. Cretors & Company revolutionized concessions with the invention of the first steam-driven popcorn machine in 1893. Today, they remain a global leader in food processing and concession equipment, offering cutting-edge solutions for popcorn, cotton candy, nachos, and more.

##### **Ford Motor Company**

One of the most iconic names in American manufacturing, Ford has operated its oldest continuously running plant in Chicago since 1924. With legendary models like the Model T, Mustang, and F-150, Ford transformed global manufacturing with the development of the assembly line—a technique that forever changed the pace and scale of production.

##### **Horween Leather Company**

Founded in 1905, Horween Leather is synonymous with quality. The Chicago-based tannery provides premium leather for a wide range of products, including every official NFL football and NBA basketball. With a reputation for craftsmanship, tradition, and excellence, Horween remains a trusted name in premium goods manufacturing.

#### **Recognizing Excellence Across the Industry**

In addition to the Hall of Fame inductions, the event spotlighted standout achievers in manufacturing through the 2025 Manufacturing Excellence Awards, honoring leadership, innovation, sustainability, and community engagement across eight categories:

##### **Champion of Operational Excellence: Meyer Tool & Mfg., Inc.**

This precision-focused manufacturer stood out for its commitment to lean processes, quality control, and operational efficiency that drives customer success and long-term growth.

##### **Economic Development Partner of the Year: Intersect Illinois**

Through strategic partnerships, data insights, and economic incentives, Intersect Illinois has been instrumental in attracting and retaining manufacturers across the state.

##### **Innovator of the Year: AmeriChem Systems, Inc.**

This award recognizes AmeriChem's bold spirit and technological advancements, including cutting-edge chemical blending and dispensing systems that redefine what's possible in custom processing solutions.

##### **Safety Champion: Titan International**

Titan International is committed to protecting its workforce through best-in-class safety protocols, a robust safety culture, and consistent employee engagement in health and wellness.

##### **Sustainable Champion of the Year: United Scrap Metal, Inc.**

A circular economy leader, United Scrap Metal exemplifies how recycling and sustainability efforts can drive economic and environmental value for future generations.

##### **Workforce Excellence Award: TCCI Manufacturing**

TCCI's commitment to workforce development is evident in its apprenticeship programs, academic partnerships, and leadership pipeline initiatives, cultivating the next generation of skilled manufacturing professionals.

##### **Community Impact Award: C.H.I. Overhead Doors**

C.H.I. goes beyond its factory walls, investing in its community through charitable initiatives, employee volunteerism, and corporate giving that create lasting local impact.

##### **Educator of the Year: Chris Sink, Rend Lake College**

A passionate instructor and program builder, Chris Sink has opened doors for countless students through his leadership in technical education and hands-on learning opportunities.

##### **Looking Ahead**

As we reflect on this year's honorees, it's clear that Illinois manufacturing continues to thrive because of the people and organizations that dare to lead. From century-old factories to high-tech startups, our state remains a beacon for innovation, resilience, and growth.

Congratulations again to the 2025 Hall of Fame and Excellence Award winners—your contributions continue to move our industry forward, one bold idea at a time. ♦

# ILLINOIS AT THE INTERSECT OF MANUFACTURING AND DIGITAL INFRASTRUCTURE

FAEGRE DRINKER BIDDLE &amp; REATH LLP

As businesses embrace digital transformation from data storage and processing to artificial intelligence, the data center industry has become the essential infrastructure powering day-to-day operations, customer engagement, long-term growth, and nearly all aspects of the 21st century economy. The manufacturing and data center industries, in particular, rely on each other forming a strong symbiotic partnership. Manufacturers supply all of the critical physical components of data centers, from construction materials to electrical equipment to servers, while data centers, in turn, provide the digital backbone that enables and optimizes manufacturing processes. As the Illinois General Assembly's Spring legislative session demonstrated, manufacturers and data centers both rely upon abundant, reliable, and affordable energy to power their facilities.

In recent years, Illinois, and particularly the Chicagoland region, has become a national hub for data center growth. While rankings will differ from firm to firm, real estate and site selection firms consistently rank the Chicagoland region as a top five market nationally for data center development. According to a February 2025 PwC study commissioned by the Data Center Coalition (DCC), the data center industry's direct annual GDP contributions in Illinois totaled \$7.56 billion in 2023. When accounting for indirect, and induced effects, that amount rises to \$36.14 billion. That same study showed that labor income earned directly in the Illinois data industry totaled \$3.5 billion in 2023, while roughly \$1.85 billion in state and local taxes were generated by Illinois' data center industry that year. In 2023, the Illinois Department of Commerce and Economic Opportunity reported that over \$11 billion in investment was committed as a result of the Data Center Tax Incentive Program established in 2019. The investment,

jobs created, labor income, and taxes generated figures have substantially increased since 2023.

However, the confluence of an increasingly challenging environment for energy policy and existing state data privacy policy has threatened Illinois' status as a national hub for data center growth.

Entering the 2025 Illinois General Spring Legislative Session, Illinois' environmental community targeted the data center industry on a myriad of energy and environmental issues, while the data center industry sought to modify the Illinois Biometric Information Privacy Act ("BIPA"), which has hampered both data center and manufacturing development in Illinois in recent years. In addition to conversations related to energy and BIPA, a number of other bills were filed that would have impacted Illinois' data center industry. Below you will find a recap of the 2025 legislative session as it pertains to the data center industry.

## Legislative Energy Discussions

In the 2025 Illinois General Assembly Spring Legislative Session, the Pritzker Administration and Illinois General Assembly embarked on efforts similar to the 2016 Future Energy Jobs Act and 2021 Climate and Equitable Jobs Act in order to address various energy and environmental matters. Several working energy policy working groups were established with the goal of merging these conversations into one large energy bill. In addition to working groups on transmission policies, interconnection processes, energy efficiency, and others, a data center-specific sub working group was established. Participants in this working group included legislators, relevant state agency officials, the Data Center Coalition, Illinois Manufacturers' Association, utilities, generators, labor organizations, and the environmental community. The working group met throughout Session to

address issues related to generation, ratepayer cost allocation, environmental policies, among other related topics.

In the final weeks of May, after having not received legislative text throughout Session, omnibus energy legislation was presented to the working group. Under the draft language, a large load tariff would be assessed at 6 times the current energy costs for industries like data centers and manufacturers. Companies impacted by the large load tariff would be able to reduce the artificially imposed energy cost increase by bringing their own new renewable generation to Illinois. The legislative drafts also sought to require data centers to report their power and water consumption—requirements that have been strongly opposed by the industry in other states over confidentiality, security, and national security concerns. In addition, the draft language sought limit the type of diesel backup generators by data centers. For a wide array of reasons, the industry opposed the proposal.

Following the release of the legislative text, DCC worked with the Illinois Manufacturers' Association and many other partners to oppose the proposal and successfully had the most concerning data center-specific and large load provisions removed from it. Subsequently, several amendments were filed onto the bill (SB 40) in the final days of Session, but, for a number of reasons, including continued opposition from the IMA due to rate impacts, the bill did not advance prior to the midnight deadline on May 31st.

Moving forward, legislative leaders and the environmental community have reiterated their commitment to work on energy legislation throughout the summer and into the fall Veto Session. It remains to be seen whether the legislative conversations will revert back to the policy ideas that were proposed in May or whether new solutions to address Illinois' increased energy



demand and its stagnant energy supply will be developed.

### **Efforts to Reform Illinois' Biometric Information Privacy Act**

The manufacturing industry is no stranger to BIPA and the urgent need for its reform. Similarly, in recent years, data center companies have seen a rise of BIPA lawsuits filed against them for storing and processing data for customers that have been alleged to have violated BIPA. Additionally, data center companies view BIPA as a strong deterrent in developing artificial intelligence models and technologies in Illinois, which are now being developed across the country.

DCC and others sought modifications to both the storage and artificial intelligence concerns posed by BIPA. Due to opposition from plaintiff attorneys and privacy rights groups like the ACLU, reforms to BIPA did not advance in the legislative session meaning Illinois will continue to lose data center investment to states like Wisconsin and Indiana—both states with growing data center markets.

Moving forward, the industry will continue to push for reforms to BIPA in coordination with partners like the Illinois Manufacturers' Association and many others.

### **Data Center Power and Water Reporting Requirements**

While the energy conversations and BIPA reform consumed much of the legislative oxygen for the industry, legislation to require data center to report its energy and water usage was also introduced in the 104th General Assembly and was also a strong topic of interest amongst the environmental community and others. Specifically, SB 2181 was filed to require data centers to report their energy and water use and consumption. As mentioned in the energy section above, the industry has strongly

opposed reporting mandates because it poses serious risks to confidentiality and security for data center operators and their tenants. Additionally, reporting mandates pose national security concerns. When similar legislation was recently proposed in the Virginia legislature, the U.S. Department of Homeland Security weighed in expressing concerns over the security of sensitive and critical data.

SB 2181 did not advance as a stand-alone bill but was injected into the omnibus energy conversations. Like the large load tariff and self-direct proposals, the energy and water reporting mandates were removed from the legislative text prior to amendments being officially filed onto SB 40. The environmental community has expressed its commitment to continuing to advocate for data center-specific reporting mandates.

**“THE DATA CENTER INDUSTRY HAS BECOME THE ESSENTIAL INFRASTRUCTURE POWERING DAY-TO-DAY OPERATIONS, CUSTOMER ENGAGEMENT, AND LONG-TERM GROWTH.”**

### **Data Residency Requirements**

Following the passage of an ordinance in the City of Chicago, proponents of establishing data residency requirements sought to enact similar legislation state-wide. Under HB 3574, vendors with state contracts would receive a procurement or bid incentive

if they agreed to store all of that state contract data in Illinois.

Similarly to what transpired at the City of Chicago level, the industry argued that data residency is flawed concept that contracts modern best practices in cloud computing and could position Illinois at a competitive disadvantage compared to other states embracing more flexible data management strategies. Data residency requirements significantly increase costs for taxpayers while reducing the state's cybersecurity capabilities. On-premises / localized systems are often the weakest link in cloud security creating obvious targets for malicious actors.

While HB 3574 passed the House, it failed to advance in the Senate.

### **Conclusion**

While the legislation and proposals discussed above reflected many of the top priorities for the data center industry in the 2025 spring session, the industry also engaged on numerous other pieces of legislation and supported initiatives such as the lifting of the large-scale nuclear moratorium initiated by the Illinois Manufacturers' Association, and the establishment of a minority-owned data center tax incentives.

Moving forward, conversations around energy and BIPA will continue to be a focal point as the data center industry and its partners work to ensure that Illinois remains a top market for data center development. As Illinois works to secure its place as a national leader in digital infrastructure, the strength of its manufacturing sector remains foundational. From producing the components that power data centers to advocating for aligned energy and privacy policies, manufacturers continue to play a vital role in the future of technology-driven economic growth. ♦

# NEURODIVERSITY IN MANUFACTURING: HOW STRUCTURED HIRING IS CLOSING THE SKILLS GAP

STANNUM CORE SOLUTIONS

**S**tarting in 2023, I authored a 3-part series exploring the positive impact of neurodiversity on local manufacturers. This quarter, I'd like to follow up by highlighting how structured hiring frameworks are transforming workforces—and why forward-thinking manufacturers are taking notice.

## The Untapped Talent Solution

With manufacturing facing a persistent labor shortage (over 600,000 open jobs as of 2024), companies like Gilster-Mary Lee Corp. (G-ML) have turned to an unexpected talent pool: neurodivergent workers. Since launching the program in 2020, G-ML has successfully hired and retained over 20 autistic employees across their production facilities. Last October, Gilster-Mary Lee was acknowledged as the first Spectrum Certified® employer and continues to expand their workforce program.

The results mirror findings from other manufacturers:

- 90%+ retention rates (compared to industry averages of 60-70%)
- Increased Productivity through reduced skills and labor gaps
- Quality Improvements tied to employee consistency

Regarding the workforce partnership at Gilster-Mary Lee, President Tom Welge shared: "We are extremely pleased with the results of our program to bring neurodiverse individuals into our workforce. This effort required careful planning, hard work, and consistent follow-through from many on our team. We're grateful for the partnership and support of Stannum Core Solutions. The return on our investment has been real and significant. We are proud to be the first Spectrum Certified® employer in the nation."

## The Spectrum Certified® Difference

The Spectrum Certified® process, developed through years of workforce research, follows six key phases:

1. Job Analysis Deep Dive: Identifying roles where neurodivergent strengths

align with business needs

2. Universal Standard Work Implementation: Creating visual work instructions and predictable routines

3. Autism 101 Training: Preparing teams with communication strategies and management best practices

4. Skills-Based Demonstrations: Replacing traditional interviews with hands-on job trials to assess hard skills

5. On-Site Coaching: Transitional support for new hires and managers

6. 90-Day Success Planning: Tracking metrics, adjusting supports as needed, and developing ongoing talent strategies

## Beyond Charity: An Operational Strategy

At its core, this approach applies manufacturing principles to workforce development. Just as lean methodology reduces process variation, structured, transparent hiring, and intentional skill matching reduce workplace ambiguity, benefiting all employees.

G-ML's experience demonstrates the potential of this approach: their neurodivergent hires now work alongside neurotypical colleagues with equal pay and expectations, showcasing true inclusion. This is a deviation from other disability employment models, which require job carving, increased managerial oversight, and are unable to create an integrated design.

## The Road Ahead

On January 21st, 2025, Gov. Pritzker signed the Dignity in Pay Act—legislation that expands access to competitive employment for thousands of disabled Illinoisans. For manufacturers, it's not just a policy milestone, but an opportunity to lead by example in building more inclusive, resilient workforces. This isn't about charity—it's about building teams where neurodivergent talent can thrive alongside their colleagues, driving real operational benefits.

Companies embracing this shift are discovering a powerful truth: when you create the right structure, you don't just fill jobs, you unlock a whole new paradigm for talent acquisition and development.

As the labor market continues to evolve, structured hiring offers a blueprint for tapping into overlooked talent and creating sustainable operational value across the manufacturing sector. ♦





# ANOTHER SUCCESSFUL ANNUAL BUSINESS DAY IN THE BOOKS

The Illinois Manufacturers' Association, in partnership with the Illinois Retail Merchants Association, held our annual Business Day at the Capitol on Wednesday, May 7, 2025, at the President Abraham Lincoln Hotel, the Illinois State Capitol, and the IMA offices in Springfield. Business Day at the Capitol is the largest lobbying day in Springfield by and for the business community, and hundreds of industry leaders participated, communicating the interests of manufacturers and retailers directly to legislators, the administration, and other policymakers. Business Day events kicked off Tuesday night at Springfield's Illini Country Club, where the IMA and IRMA Boards of Directors gathered for dinner and drinks. On Wednesday morning, the IMA Board held its regular May meeting. Registration for the luncheon followed, with robust networking among the hundreds of participants in the sold-out crowd. The luncheon program opened with remarks from IRMA President & CEO, Rob Karr, and IRMA Board Vice-Chair, Amanda Puck of Mariano's, fol-

lowed by IMA President & CEO, Mark Denzler, and IMA Board Chair, Renee Togher of Azteca Foods, Inc. Andy Manar, Illinois Deputy Governor of Budget and Economy, delivered keynote remarks and highlighted the Governor's work with IMA and IRMA on legislative priorities, including retail theft, the REV-EDGE and MICRO Acts, manufacturing academies, workforce initiatives, and the administration's efforts to pass a balanced budget. The afternoon program featured two panels moderated by Denzler and Karr. The first featured House Speaker Emanuel "Chris" Welch and Senate President Don Harmon. The second brought together Senate Republican Leader John Curran and House Republican Leader Tony McCombie took the stage. Each panelist highlighted their perspective on Illinois' legislative session, their legislative priorities, and areas of agreement with IMA and IRMA's policy agendas. After the luncheon, participants packed breakout sessions. The first, hosted by the President of the Illinois Energy Association, Patrick Evans, focused on

collaboration between utilities and businesses to shape effective energy policies. The second session, led by IMA General Counsel, Patrick Schweska, and Rob Karr, explored the need for a practical framework in emerging data privacy legislation. They emphasized the challenges posed by ambiguous definitions and enforcement mechanisms, particularly those found in health data privacy proposals currently under consideration by the Illinois General Assembly, which could create an unmanageable compliance environment for employers. The day's activities ended with our traditional gala reception under the tent on the corner of 2nd and Adams, next to the IMA office, a greatly anticipated event attended by hundreds of business leaders, legislators, policymakers, and staff, who enjoyed great music, food, refreshments, and networking. The IMA is grateful to all our attendees, and especially to our sponsors, for their support of IMA's Business Day at the Capitol and partnership in our advocacy efforts. ♦



*The Illinois Manufacturer is underwritten by Constellation*

# TOP TARIFF STRATEGIES

MILLER COOPER &amp; CO, LTD

*Editor's Note: This article builds on the previous overview of federal tariff actions with a focus on financial and strategic implications for manufacturers.*

New baseline and reciprocal tariffs, and modifications to them, frequently make headlines in 2025. The situation is complex and changes rapidly, creating significant disruption.

Traditional tariffs established under the Trade Acts have been supplemented by reciprocal ones under the International Emergency Economic Powers Act (IEEPA), invoked by the Trump Administration in April 2025. The IEEPA enables the Executive Branch to regulate commerce as an emergency response to threats to national security, foreign policy, or the economy, although subject to a joint resolution by Congress. As of this writing, legal challenges to the new tariffs are pending.

To address tariff policies and duties levied, managers need strategies to apply in the uncertainty. They are well-advised to stay flexible and consult with qualified customs brokers regarding their specific circumstances. Some of the strategies described here may be unavailable under the IEEPA, but nonetheless worth exploring.

## 1. Update Import Costs

As foreign markets expanded, so did U.S. imports and offshoring. However, too often, perceived savings have not been considered in total costs and so, they are even more urgent to revisit. According to the Reshorennow.org blog, the costs of imports are often 20 to 30% higher than what U.S. companies estimate. To start with, landed cost includes the base product cost, international and domestic shipping fees, import duties, customs brokerage charges, insurance during transit, port or terminal handling fees, inland transportation from the port of entry to the final destination, and compliance or inspection fees.

Beyond landed cost, importers should fully analyze indirect overhead. For instance, higher inventory levels resulting from longer lead times incur increased warehousing costs. Some companies use offshore offices to manage

vendors and ensure quality control. Costs should all be risk-adjusted for delays and quality issues. Once complete, options become clearer. With costs fluctuating, keeping the analysis current is critical.

## 2. Have Backups

As goods prices rise and predictability wane, U.S. companies need backup options. As the pandemic experience showed, backups are critical not only for maintaining competitive pricing but also for avoiding supply interruptions. Diversifying suppliers reduces reliance on any single country. The term "China +1" has gained popularity in international sourcing.

With tariffs varying significantly, even in the short term, action is needed. Establishing new relationships with suppliers necessitates expenditures and time. Each country carries its own unique economic and political risks. Some foreign currencies fluctuate more than others. The level of intellectual property protection also differs from country to country. These and many other factors affect decisions.

## 3. Pass Through

Companies that impose tariff surcharges when invoicing their customers need to communicate. During the pandemic, freight surcharges became expected as fuel prices and transportation costs reached record highs. Keeping base prices unchanged made the transient nature clear. To make surcharges more palatable to their customers, suppliers should explain how they have mitigated the costs.

Long-term agreements often include clauses that protect against materials' price escalation. They must clearly define the events that would trigger increases and explicitly outline the procedures for calculation and adjustment. With the volatility in commodities during the pandemic, many companies are more cautious about capping the amount of escalation allowed.

## 4. Reclassify or Exempt

Importers have additional strategies available to them. The U.S. Commerce Department grants reclassifications and exemptions, allowing importers to apply for specific products. Since Harmonized Tariff Schedule (HTS) codes vary in rates, reclassification can help reduce costs.

Another path is exemption. Reasons for importing products include limited supply or unavailability in the U.S. For example, certain raw materials used in manufacturing can be so specialized that foreign suppliers are the only option. Exemptions under certain provisions, such as Section 301 of the Trade Act, may still be available.

However, some exemptions currently are not. As of February 10, new exemptions on steel and aluminum under Section 232 of the Trade Expansion Act were suspended. The Administration justified this measure as necessary to close loopholes and ensure the effectiveness of its actions under the IEEPA. The changes also included the revocation of country-specific exemptions and the expansion of tariffs to cover a broader range of steel and aluminum products, as well as certain derivatives.

## 5. Consider Free Trade Zones

Importers facing high tariffs can benefit from Free Trade Zones (FTZs). FTZs permit the deferral of tariffs until goods are withdrawn, enabling importers to hedge against potential future rate decreases. Additionally, if imported goods are exported from the FTZ, no U.S. import duties are incurred.

Tariff inversion can lead to additional savings. If finished goods carry a lower tariff rate than their components, the lower rate applies when the goods are withdrawn from the zone. For example, if a product assembled in an FTZ has a 5% duty while its components have a 10% duty, the importer pays only the 5%. Conversely, an importer may choose privileged foreign status to lock in rates for components upon entry to the zone,





if lower than those for the finished goods.

Goods stored in the FTZ are also subject to lower transaction costs. As of October 2024, Merchandise Processing Fees (MPFs) are capped at \$635 per entry, and imposed weekly rather than daily.

Costs to set up the FTZ include approval, professional fees, site improvements, and activation. Ongoing expenses include operator fees, customer compliance, and bonding costs. Operations are also subject to audits by Customs and Border Protection. Achieving a 20% return in three years requires a \$50,000 annual net savings per \$100,000 initial investment. A less expensive alternative, though not as beneficial, is to lease space in a bonded warehouse.

## 6. Drawback

Many managers do not know they can recover up to 99% of tariffs on imported

items if those items are later exported. This process, known as duty drawback, involves submitting claims to U.S. Customs. However, certain new tariffs are explicitly excluded from eligibility for drawback. Additionally, reciprocal tariffs arising under the IEEPA restrict duty drawback opportunities for sanctioned products or countries.

When a duty drawback is available, maintaining the documentation and enduring the wait time for receiving refunds can be worthwhile.

## 7. Look Ahead

Beyond these strategies, planning is essential. Reshoring manufacturing could be viable, particularly for companies with excess capacity or limited needs for new equipment.

In evaluating return, managers should compare the incremental or out-of-pocket costs, which include materials, related burdens, labor, and variable overhead,

to the total initial costs of equipment and operations. For instance, achieving a 20% return over a ten-year equipment lifespan means the payback period should not exceed 4.2 years. If new equipment costs \$1 million, an annual savings of \$235,000 is required to meet the threshold.

However, onshoring manufacturing entails risk, which some companies manage successfully. For example, GE Appliances has expanded its U.S. operations since 2016 and reports improved innovation and quality. Additionally, companies can redesign products to remove imported components.

Plans need to contemplate their projected financial effects. Companies should be careful not to over-leverage themselves to save on import costs. The rapid changes in the variables involved in these decisions heighten the risk of hasty reactions. ♦

# STRENGTHENING AMERICA'S BACKBONE: POLICY THAT POWERS LOCAL MANUFACTURING

ILLINOIS MANUFACTURING EXCELLENCE CENTER  
DAVID BOULAY, PRESIDENT



Over the past several years, the United States has moved toward what can only be described as a de facto industrial policy, which is a significant shift from previous decades. While countries like Germany have long operated under strong industrial policies to support their advanced manufacturing base, the U.S. is just beginning.

Our country's approach now includes strategic moves such as the CHIPS and Science Act, the extensive use of tariffs, the Defense Industrial Base Strategy, and increased federal attention to strengthen domestic manufacturing for economic prosperity. Together, these actions reflect a new, purposeful direction for U.S. manufacturing policy.

**Local Policy for Small and Mid-Sized Manufacturers:** Ninety-nine percent of Illinois manufacturers are small or mid-sized businesses (SMMs). These firms may operate behind the scenes, but they drive our economy forward. Their ability to thrive is closely linked to the nation's strength, security, and technological leadership. That's why policy that supports these companies is vital.

Around the world, other nations actively support their SMMs through targeted policy. In Japan, for example, the government has long operated a network of Monozukuri (manufacturing) support centers that provide technical assistance, subsidies, and R&D partnerships tailored for smaller firms. Similarly, the UK's Made Smarter program offers digital transformation support and leadership training for small manufacturers.

As a state, Illinois has emerged as a leader in creating policies that work for its SMMs:

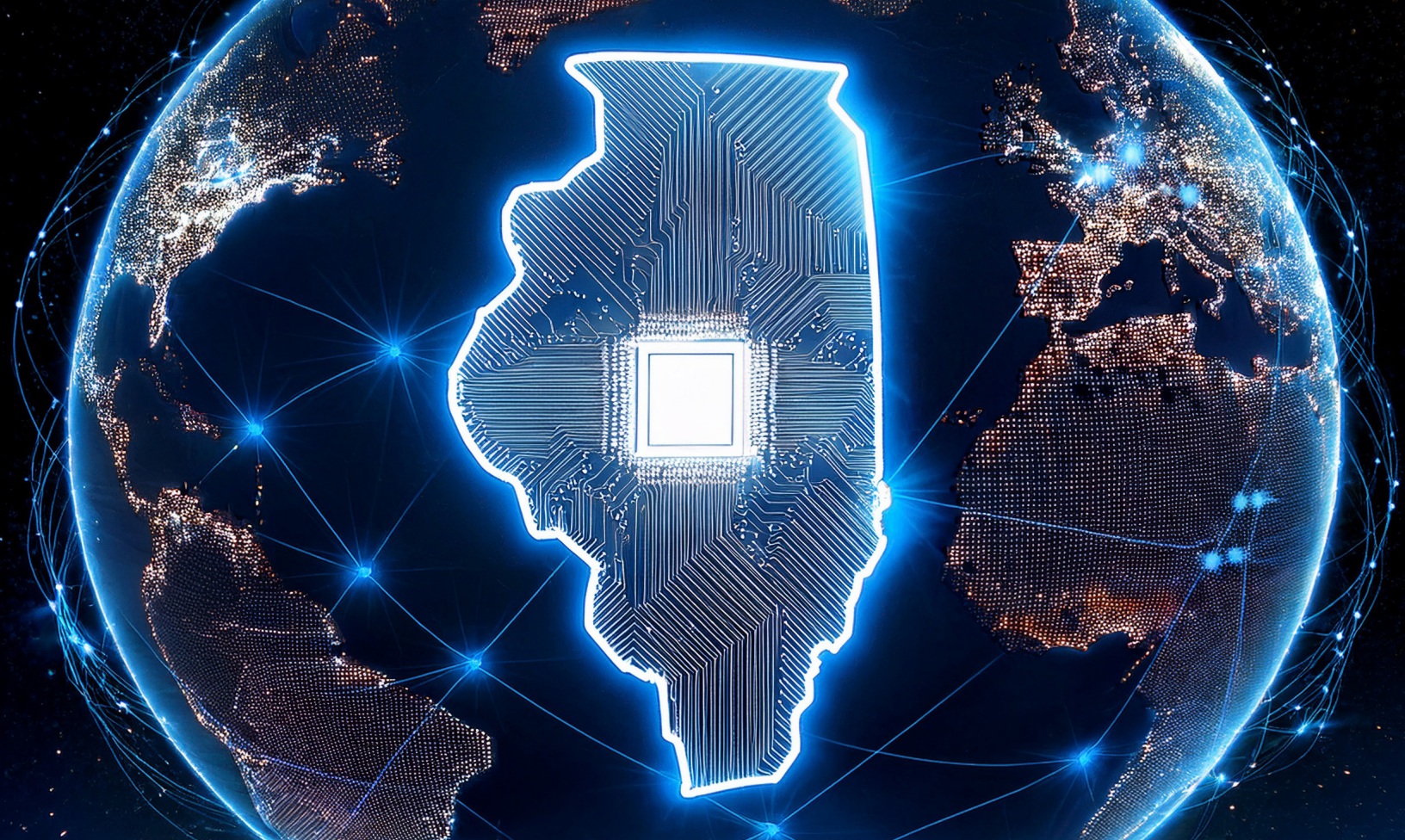
- The Illinois Department of Commerce and Economic Opportunity (DCEO) is advancing its own economic development strategy through the Open for Business plan. With a focus on advanced manufacturing, clean energy, and transportation equipment, the plan aims to align workforce development and supply chain localization to keep Illinois competitive on the national stage.
- Programs like REV (Reimagining Energy and Vehicles) and MICRO (Manufacturing Illinois Chips for Real Opportunity) are part of a strategic investment in next-generation industries. REV supports electric vehicle and battery manufacturers, while MICRO aims to attract and grow semiconductor supply chain firms across the state.
- Made in Illinois Grant Program, now in its second year, exemplifies how smart state investment can supercharge small business success. With \$50,000 in matching grant funds, it helps SMMs modernize operations, boost productivity, and adopt advanced technologies. In 2025 alone, nearly 600 companies applied.
- Employer Training Investment Program (ETIP), which reimburses training costs to build the skilled workforce these companies need to succeed.

**Federal Support That Must Not Falter:** As we face fiscal challenges and policy shifts, particularly at the federal level, we will still need policy choices that strengthen the SMMs. There will always be economic development policies and programs, during tougher financial times, the policy choices must narrow and focus on those that work with a strong return on investment and can be scaled efficiently to serve SMMs. Small manufacturers, those most in need of support, are the first to feel the effects of fragmented or inconsistent policy. Without access to capital, technical assistance, or market opportunities, too many promising firms will stagnate or shutter.

Recently the MEP program has been proposed to be dismantled. Through leadership from IMA at both a state and national level, the message has been made clear that a program like MEP that works is needed now more than ever.

**Now is the Time to Act:** Policy must meet this moment. While fiscal constraints and shifting priorities at the federal level pose challenges, we must double down on what works, especially for SMMs. These firms are often the most vulnerable to fragmented or





underfunded policies. Without access to capital, training, or new markets, many risk falling behind or closing altogether. Alarming proposals to dismantle the MEP program threaten to reverse decades of proven progress. Thanks to the leadership of the Illinois Manufacturers' Association (IMA) and other advocates at both state and national levels, a clear message is being sent: Now is not the time to weaken MEP. Now is the time to expand it.

To ensure a resilient and competitive manufacturing future, we must act with urgency and coordination:

- Federal policymakers must fully fund and strengthen MEP, integrating it more deeply with state economic development initiatives to maximize impact.
- Illinois lawmakers should continue to innovate, scaling programs like Made in Illinois, REV, and MICRO, and making Illinois the national benchmark for manufacturing policy success.
- Industry leaders must share their success stories and make their voices heard, demonstrating how smart policy changes lives and builds stronger communities.
- Small and mid-sized manufacturers should connect with programs like IMEC, Made in Illinois, and ETIP to access funding, technical assistance, and training that can transform their businesses.

Investing in manufacturing today is not optional, it is a strategic imperative tied directly to American values of hard work, self-reliance, and economic opportunity. The road ahead demands more than rhetoric. It calls for bold policy, trusted partnerships, and scalable solutions.

The good news? We already know what works.

Now it's time to scale it. ♦



# MEMBER NEWS

## Boeing Contributes \$150,000 to Support Tornado Recovery Efforts in Missouri and Kentucky



ARLINGTON, Va., May 29 – Boeing (NYSE: BA) is donating \$150,000 to support tornado recovery efforts in St. Louis and southern Kentucky.

Funding from the Boeing Charitable Trust will support the following organizations:

\$100,000 for the Urban League of Metropolitan St. Louis to provide impacted neighborhoods with supplies, food, water, lodging and clean-up support.

\$50,000 for American Red Cross, to help those affected by the Kentucky storms and floods.

“Boeing is committed to supporting the resilient communities devastated by these tornadoes,” said Lindsay Leonard, vice president of Boeing Global Engagement. “We are working with our partners on the ground that are doing the necessary work of providing immediate aid and starting the process of recovery.”

“We are so thankful for the generosity of donors like Boeing, who help make the mission of the Red Cross possible,” said Nadine McCrindle, CEO of the American Red Cross Kentucky Region. “Our Red Crossers have been on the ground supporting communities in places like Laurel, Pulaski and Russell counties since before the tornadoes, and we continue to work with these communities to make sure they have a safe place to stay, warm meals to eat and other vital support in the days ahead. The generosity of donors and the support of our partners allow us to walk hand in hand with our neighbors while they navigate the road to recovery.”

Boeing is also a proud partner of the American Red Cross Annual Disaster Giving Program, which enables the Red Cross to assist people as they recover and help them become better prepared ahead of the next disaster.

In addition to corporate charitable investments, Boeing employees give to their local communities through their local Boeing Employees Community Fund chapter and by participating in volunteer and charitable gift match programs. Boeing matches qualifying employee contributions made in

support of tornado relief efforts.

Disaster recovery and relief efforts align with Boeing’s ongoing commitment to the communities where the company has a presence. Boeing employs more than 17,000 people in Missouri, and in 2024, contributed over \$12 million in charitable investments across the state. In 2024, Boeing donated \$3.8 million to recovery and relief efforts globally.

## Young players can enjoy rounds for \$5 or less and instructional opportunities through partnership with Youth on Course



April, 17, 2025 - Bank of America today announced the launch of Golf with Us, a new initiative designed to grow the next generation of golfers. values of safety, quality and integrity.

Golf with Us offers youth, ages 6-18, a free one-year membership to Youth on Course, courtesy of Bank of America. Enrollment in the program is open until May 24, 2025, and includes access to thousands of courses in 97 markets for \$5 or less per round. The courses are in the Youth on Course network.

“When kids get involved in sports, they learn first-hand about achieving their goals and develop lifelong skills that help them thrive,” said David Tyrie, President, Marketing, Digital & Specialized Consumer Client Solutions, Bank of America. “By working with Youth on Course to help make golf more accessible, we’re helping grow the sport while also making a positive impact in our communities.”

Through Golf with Us, BofA will also bring unique instructional opportunities to youth in select markets throughout the spring, summer and fall by hosting a series of free clinics featuring professional golfers, athletes and celebrities with a passion for golf.

Program membership also includes a registered handicap index in the United States Golf Association’s Golf Handicap Information Network (GHIN) system, continued development as well as learning opportunities. Interested families can enroll in Youth on Course and learn more about the Golf with Us offer at [BofA.com/GolfwithUs](https://BofA.com/GolfwithUs).

“Golf has the power to shape young lives

in incredible ways - not just through the sport itself, but through the friendships, confidence and opportunities it creates,” said Youth on Course CEO Adam Heieck. “Through this partnership with Bank of America, we’re making it possible for more kids across the country to step onto the course and discover what’s possible. This partnership is about more than just golf; it’s about opening doors and changing futures.”

Youth on Course and BofA recently announced a multi-year, strategic partnership to expand golf access across the country for young players who are challenged to find an affordable place to play. As part of the agreement, BofA is helping fund widespread expansion of municipal course locations participating in the program. To date, more than 2,000 courses are Youth on Course partners nationwide.

## Ericsson Private 5G to support JLR’s Digital Manufacturing Transformation



ERICSSON

Ericsson Private 5G enables multiple AI, production tools, and machine learning applications necessary for JLR vehicle manufacturing to embrace Industry 4.0

JLR is on a mission to “cut the copper,” creating more agile manufacturing to reduced time-intensive changes to production lines from weeks to seconds

JLR is accelerating industrial connectivity at its Solihull plant with the implementation of Ericsson Private 5G. This cutting-edge networking technology is enhancing the production of Range Rover vehicles by supporting business-critical applications such as vision systems, IoT sensors, and production tools. Leveraging Ericsson’s high-speed, low-latency, and secure private 5G solution, JLR is setting new standards in modern automotive manufacturing.

The deployment of Ericsson Private 5G is a pivotal step for JLR in embracing Industry 4.0. JLR is creating a more agile and innovative manufacturing environment to support IoT devices, artificial intelligence (AI), and automation with an eye toward automated guided vehicles (AGVs). The limitations of



traditional wired networks drove JLR to “cut the copper” replacing those networks with Ericsson’s robust 5G capabilities, allowing for seamless and real-time data transmission. This transformation ensures that JLR’s manufacturing processes are not only connected but also agile and efficient, leading to streamlined operations.

Private 5G is driving greater workflow efficiency at JLR, with manufacturing teams already sharing positive feedback. Through enhanced connectivity, maintenance and production managers can now turn data insights and simulations into tangible operational efficiencies with DataOps platforms such as Litmus. Consolidating and analyzing data empowers JLR decision-makers on the factory floor to quickly innovate and optimize manufacturing processes. Additionally, private 5G enables JLR to quickly swap and provision new or broken connected tools, significantly reducing downtime and enabling quicker modifications to the production line. This collaboration paves the way for JLR to explore use cases at other sites in the future.

Stephen Mason, Product Manager, Manufacturing, Global IT at JLR says: “As a leading global luxury automotive manufacturer, it is crucial for us to equip our teams with the tools and connectivity necessary to optimize efficiency. Ericsson Private 5G provides a robust foundation for a connected, agile, and data-driven manufacturing environment. This positions us to enhance automation, digitalization, safety, and sustainability across our operations.”

Manish Tiwari, Head of Enterprise 5G, Enterprise Wireless Solutions, Ericsson says: “Private 5G is transforming manufacturing by supporting the complex connectivity needs of Industry 4.0. We are thrilled to partner with a luxury automotive leader like JLR, providing a network solution that elevates their global manufacturing capabilities.”

The solution is being delivered through the West Midlands 5G Innovations Regions (5GIR) project. The 5GIR project is led by WM5G Limited and funded and awarded by the Department for Science, Innovation and Technology (DSIT) with the objective of accelerating the economic benefits through the adoption of advanced wireless technology in the manufacturing sector.

## **Inprentus Delivers Volume Product Lines for Sensing, Augmented Reality, and Semiconductor Applications**



CHAMPAIGN, IL, UNITED STATES, April 14, 2025 /EINPresswire.com/ -- Inprentus manufactures advanced custom blazed diffraction gratings for a variety of high-end scientific and technical applications, including for the company’s founding market of soft X-ray materials research. These applications are highly customized, and require a precise production set up for each grating to meet the customer’s complex technical specifications. Each customer only needs one or two of these highly specialized large optical components, and each can take months to produce.

In addition to the ability to make highly specialized large diffraction gratings, Inprentus has increasingly been sought after for higher volume production of ultra-precise smaller gratings. Compared to soft X-ray gratings, where the customer’s source light beam has a large area footprint necessitating large gratings, markets in other applications require smaller area gratings. For example, augmented reality requires multiple small gratings on the same substrate in a “step and repeat” process, and sensing or semiconductor applications require identical single gratings on multiple substrates. “Inprentus uses mechanical ruling technology, and this technology is very flexible in terms of handling a “step and repeat” on one substrate or multiple substrates” says Cody Jensen, Chief of Engineering at Inprentus. “Inprentus has been increasingly sought after by customers to create gratings in higher volume. The challenges for quality assurance are different when going into volume production; however we have welcomed the challenge and have exceeded customer expectations in innovating every step, from design to production set-up and implementation, to metrology”.

Inprentus’ first foray into volume production was facilitated by orders from customers in the rapidly emerging area of Extreme Ultra-violet (EUV) lithography, a technology

that fabricates ultra-small features on semiconductor chips. This technology is now used by every major computing technology in the world for cutting edge applications like artificial intelligence. “Due to the flexibility of mechanical ruling that a blazed grating provides the market, we are able to provide grating based solutions for applications all the way from Soft X-ray, Deep Ultra-violet and Visible Light, to Infrared and Far-Infrared Light. Inprentus has a very wide spectrum of grating solutions to facilitate innovations at the heart of humanity’s technological future, and the demand is only going to go up from here” says Subha Kumar, Chief Operating Officer of Inprentus.

“Delivering these volume orders is a big win for the company but there was never a doubt that we could achieve this. For a company known for making the likes of Ferraris for the optics world, making our product in volume is all about executing the plan” says Jeff MacDonald, the interim CEO.

Inprentus designs, manufactures, and sells X-ray and EUV diffraction gratings for a variety of scientific and commercial applications by companies, academic institutions, and government laboratories around the world. Inprentus was founded in June 2012 to commercialize an innovative, nano-scale lithography technology using mechanical deformation of metallic surfaces. Inprentus aims to apply 21st century mechanical ruling to solve critical current and future grating-centered challenges. Inprentus is a disruptive technology company that will lead the manufacturing of next-generation diffraction gratings. We are committed to excellence, risk, and pushing boundaries by providing state-of-the-art blazed gratings that perform to unprecedented specifications and that enable novel applications. Outcomes include next-generation monochromators, spectrometers, laser systems, and analytical instrumentation in defense applications, as well as ground-breaking consumer experiences enabled by improvements in chip manufacturing and see-through AR waveguides. We are dedicated to facilitating next-level science and technology by continually enhancing our capabilities with cutting-edge developments, collaborations, and partnerships. The Inprentus team truly exemplifies an unwavering belief in the power of can-do creativity, perseverance, and excellence.

## Manufacturers Asked and EPA Delivered: Repeal of Unworkable Power Plant Rule a Victory for Grid Reliability, Protecting America's Energy Future



Washington, D.C. – In response to the EPA's decision to repeal the 2024 power plant rule, a key priority for the National Association of Manufacturers' ongoing efforts to rebalance federal regulations and unleash American energy, NAM President and CEO Jay Timmons issued the following statement:

"The EPA's decision to repeal the unworkable power plant rule for existing coal-fired and new natural gas-fired power plants is a critical and welcome step toward rebalanced regulations and American energy dominance. This change will strengthen grid reliability and support manufacturing growth in the United States.

"From the onset, the NAM has warned that this rule would undermine the stability of our electric grid and impose unworkable mandates on critical energy infrastructure. The rule's unrealistic timeline for power plants to adopt certain emerging technologies to commercial scale made it infeasible—undermining America's energy security and hampering America's leadership in next generation technologies like AI. Existing natural gas plants are critical to powering manufacturing in the United States—providing affordable, reliable baseload energy to continuously support industry. By layering new regulations on an already overburdened electric grid, the rule was putting our energy security at risk. Repealing this unbalanced rule will enhance manufacturers' access to America's abundant energy resources and ensure that the industry has the power it needs to drive the American economy."

Background: Today's action builds on the momentum from a December 2024 NAM-led letter to the transition team, signed by more than 100 manufacturing organizations, detailing regulatory actions the incoming administration could take to right-size regulations that stunt-

ed manufacturing growth and job creation—including the power plant rule. It also implements one of the key recommendations from the letter the NAM sent to 10 federal agencies in April, including the EPA, identifying the power plant rule as one of the most burdensome regulations facing manufacturers and urging a rebalanced approach to strengthen, rather than strain, U.S. manufacturing. Last year, the NAM endorsed Rep. Balderson's (OH-12) Congressional Review Act resolution that would have blocked implementation of this rule.

### SBA Award: Pegasus Manufacturing Named Illinois Manufacturer of the Year at Jupiter Open House



On June 5th, 2025, Pegasus Manufacturing proudly hosted the Meet The Makers Open House in collaboration with Jupiter Machine Tool — a landmark event that brought together innovators, engineers, and industry leaders to celebrate the future of American manufacturing.

Guests were welcomed into the heart of Pegasus's Galesburg facility for an immersive experience that included live demonstrations, guided tours, and a hands-on look at cutting-edge CNC and hybrid technologies pushing boundaries in aerospace, defense, and high-performance industrial manufacturing.

**SBA RECOGNITION OF EXCELLENCE:** The pinnacle moment came during the award ceremony, when Ray and Ruth Whitehead, co-founders of Pegasus Manufacturing, were honored by the U.S. Small Business Administration (SBA) as the 2025 Illinois Manufacturer of the Year.

The award was presented by Willette LeGrant, District Director of the Illinois SBA Office, who praised Pegasus's leadership and purpose-driven innovation:

"There are thousands of great manufacturers in this state, but these folks

represent the best of the best — and they have a heart for this world!"

This recognition affirms Pegasus Manufacturing's deep commitment to excellence, sustainability, and technical advancement in mission-critical sectors.

A Hands-On Innovation Tour: Attendees explored Pegasus's advanced workflows, including Jupiter's WLMD hybrid machines, 5-axis automation, and demonstrations of additive-subtractive capabilities that define the next generation of production.

But beyond machines, the event celebrated the people — the engineers, operators, and visionaries — who bring American manufacturing to life.

Ray Whitehead, CEO of Pegasus Manufacturing, shared:

"This is just the beginning. We're building the future of manufacturing with automation, aerospace and defense innovation, and 3D metal printing — the processes that will define tomorrow's economy."

### S&C Achieves ISO 27001 Certification for Information Security and Data Protection



CHICAGO, April 21, 2025 - S&C Electric Company, a leading innovator of resilient grid technology, recently achieved ISO 27001:2022 certification for its company-wide information security management systems. This globally recognized certification is the benchmark for proactive management of information security and demonstrates that an organization is committed and able to manage data securely and safely. It covers a wide range of security practices that include risk management, incident response, and continuous improvement of security measures.

ISO 27001 helps organizations establish best practices and processes to protect critical systems and information against cyber risks and proactively identify and address weaknesses.

For S&C, ISO 27001 certification encompasses the confidentiality and integrity of its customer data as well as its



own. It also covers the cyber resilience of the business systems and processes that S&C uses for product design, engineering, development, and service, as well as non-production operations at its primary U.S. facilities.

For customers, this means enhanced trust and confidence in S&C's ability to safeguard their critical data and deliver dependable solutions that power the future of the electric grid.

ISO 27001 is the world's best-known standard for information security management systems (ISMS). It defines the requirements an ISMS must meet. The standard provides guidance for companies of any size and from all sectors of activity to establish, implement, maintain and continually improve an ISMS.

### **WM marks opening of \$60M renewable natural gas facility in DeKalb**



April 24, 2025 at 6:04 am CDT

DeKALB – Waste Management (WM) marked Earth Day this week with a ribbon cutting on its new \$60 million renewable natural gas facility, 18370 Somonauk Road, DeKalb.

Facility tours, public remarks, networking and a ribbon cutting were among some of the highlights of the event.

Brian Snyder, director of operations at WM renewable energy, said it's an exciting time for the waste hauling company.

"The exciting thing about this whole situation is that the collection truck goes out and collects the trash from each person's home," Snyder said. "It comes to the landfill and it turns into a gas through natural breakdown. And to make sure that we stay compliant and do the best thing for the community, we capture that gas and turn it into an energy of some sort."

The DeKalb renewable natural gas facility has been in the works for several years, project leaders said.

Snyder said he will be excited for the facility to open its doors in the coming weeks.

The new renewable natural gas plant, once complete, will make for the eighth of 20 facilities across North America operated by WM, project leaders said.

"It takes about three years to design, get everything lined up, engineered, so that you can start to build it," Snyder said. "It takes about eight to 10 months to construct."

The plant is expected to generate about 1 million MMBtu – a unit of measure to record amount of energy required to heat water – per year of renewable natural gas. The gas can then be used by communities as a lower-emission energy source, according to WM. The facility also makes for part of WM's broader planned investment's in renewable energy, expected to grow to approximately \$1.6 billion by 2026.

Tara Hemmer, chief sustainability officer for WM, said the waste hauler has listened to its customers and strives to be responsive to their interests.

"This is really because it's what our customers want, and it is about evolving our sustainability and environmental footprint," Hemmer said.

At 4,000 standard cubic feet per minute (SCFM), the DeKalb facility makes for a standard design for WM, which Snyder said is viewed as a positive.

The waste hauler runs similar facilities as large as 8,000 SCFM, he said.

"By having a standard design makes it very cost effective, very efficient for our employees and very safe," Snyder said.

Illinois Environmental Protection Agency Director James Jennings pointed to the impact that the new plant will have on DeKalb residents.

"This project will affect people throughout the community, up to 11,500 homes' electricity based on this project," Jennings said. "It will have the effect of reducing as many 53,000 metric tons of greenhouse gas emissions. Both of those outcomes directly align to the state's ambitious energy climate agenda hence

why we view [WM] as an excellent partner in this arena."

Since 2019, the IEPA has invested more than \$350 million in renewable energy initiatives while partnering with state agencies, private entities and other organizations to ensure that resources are effectively employed.

Jennings said the IEPA stands in support of the waste hauler's new initiative.

"Collectively projects like this and other similar items the agency has supported will improve Illinois residents' quality of life while minimizing utility costs," Jennings said.

DeKalb County Board Chairman John Frieders gave kudos to project leaders for their commitment to investing in the area.

"As a 50-year resident of DeKalb County and a lifelong farmer, I think that agriculture was at the forefront of sustainability before sustainability was a buzzword," Frieders said. "I find it heartwarming that Waste Management has embraced this project. It does my soul good to see something like this come on line. I think it is great for DeKalb County. I think it is a testament to Waste Management's vision."

Snyder touted WM's ability to keep the project's labor local.

"We've used about nine local contractors and almost 100 local trades people to build this facility," Snyder said. "It's very exciting to be able to show off what we've built over time and then, of course, to operate this facility, which is about ready to get going here in the next couple weeks. We'll be in full production. We have about four full-time employees in this building. They are local employees that we've hired just for this facility."

Hemmer shared that sentiment.

"When we invest in facilities like this, we are creating brand-new green-collar jobs," Hemmer said. "These are jobs that deliver on sustainability, deliver on innovation and deliver on the promise of a new future."◆

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