

Opponent Testimony - Ohio House Bill 393 (DeVitis, O'Brien)
Roxanne Groff
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Good afternoon, Chairman Landis, Vice Chairwoman Hagan, Ranking Member O'Brien and members of the House Energy and Natural Resources Committee. My name is Roxanne Groff, I am a resident of Athens County. I am recently retired from a term as Bern Township Trustee and for a total of 20 years served the people of Athens County in the positions of County Commissioner and Township Trustee. I am also chair of the Ohio grassroots organization Buckeye Environmental Network. Thank you for the opportunity to testify on Ohio House Bill 393 today.

You have before you for consideration, a very controversial bill. You are weighing the future of a small business owner, safety of citizens in the winter and a contentious by-product of the oil and gas industry you call Brine being allowed to become a "commodity" for public use.

I have read HB 393 and while flawed at the least, I can find no language that would make this bill acceptable in protecting the public from the harmful effects of an already under regulated product of the oil and gas industry.

Although there is language change in the Bill to only allow waste from conventional wells to be used in creating a product for public use, I would like to address issues with any waste from oil and gas extraction to be used as a deicing agent, especially as a commodity.

An article from Scientific American states: "A 2014 U.S. Geological Survey study analyzed roadside sediment where produced brine from conventional wells had been spread as a de-icer and found elevated levels of radium, strontium, calcium and sodium." Radium is radioactive and can thus be carcinogenic. At high concentrations, sodium can be unhealthy for humans and animals. In plants high sodium levels disrupt nutrient intake, leading to death. The lead author of the study, research hydrologist Katherine Skalak, says the chemical contents of produced brine vary from well to well. When it flows out of the well, these fluids can also contain carcinogens, hydrocarbons and solvents, says Marilyn Howarth, a physician at the University of Pennsylvania's Center of Excellence in Environmental Toxicology. But there is no way of knowing what is in each well's batch without testing every one before spreading the produced brine on roads. "If the practice is going to continue," Skalak says, "we need to be out there collecting those samples to make sure there's no environmental consequences...so that in 10 years we're not realizing we've created a problem." (Road De-Icing Fluids May Contain Unhealthy Chemicals, By [Rebecca Harrington](#) on March 5, 2015)

Please read the NRDC article May 2012 d:12-05-A In Fracking's Wake: New Rules are Needed to Protect Our Health and Environment from Contaminated Wastewater

"In regard to total dissolved solids (especially those containing chloride), we are just beginning to focus on the long-term effects of increased use of deicing/anti-icing and dust control chemicals in general. If current trends in use continue, chloride concentrations in streams in some parts of the country are projected to exceed drinking water standards and will become toxic to freshwater life within the next century. This projection suggests a need for renewed focus on

alternative approaches to deicing/anti-icing and dust control. Produced water, with its high concentration of chlorides and increased application frequency, is not an alternative that is likely to reduce this problem.” (NRDC article May 2012 d:12-05-A)

The methods for removing organic compounds, solids, the high levels of toxicity of saline are cumbersome and expensive. What agency defines what is safe? What are the “other contaminants” removed from the waste that are supposed to make a commodity safe? What method of removal is used to remove potential toxic compounds ?

Research reveals that unequivocally, waste from oil and gas is a health hazard for all sentient beings. Fact, ODNR does not test for radioactive material in its brine sampling. We know it can be in the waste.. So, if the waste is not going to a landfill or to be injected but going to a facility that will turn in to a product the public might purchase, and it has not been tested for radioactive content, that will be on the heads of the law makers, not ODNR whom you already allow to not test it. Moreover, once the waste from oil and gas exploration and production is designated for use on roads, it no longer enjoys the protection from regulation afforded to injectate by the Halliburton Loophole and other statutory protections. (See Energy Policy Act of 2005, section 322.) The proposed legislation does not address the increased regulatory burdens imposed on Ohio and federal agencies by the removal of the hazardous waste from the protections afforded to oil and gas injectate. The designation of ODOT as the responsible regulatory authority in no way avoids the required, complex Ohio and federal requirements and responsibilities that will attach as soon as the waste is designated for application to the surface of the earth. ODOT is neither prepared nor qualified for regulation of this potentially hazardous materials. Pacific Northwest Snowfighters state on their web site their criteria for evaluating a deicing product. **07-01: Development of Standardized Test Procedures for Evaluating Deicing Chemicals.** Every year manufacturers introduce new deicing chemicals, additives or mixtures for use in snow and ice operations. Users do not currently have a comprehensive methodology for *evaluating the performance of these new products prior to purchasing*. This organization does not evaluate chemical or toxic or content of a product. It only determines if it melts ice!

And finally HB 393 egregiously restricts the chief's authority over processed brine used for commodities. Specifically, at line 124 on page 5, the bill states. “[t]he chief shall not adopt rules or establish or impose additional requirements applicable to commodities governed by division (C)(9)(a) of this section.” No bill should be adopted without the ability to promulgate rules in the future!

I am in hope that this committee s understands the concerns of the public and does not support the bill.

Thank you for your time and attention.

Roxanne Groff
14222 Amesville Ohio 45711
740-707-3610