



**OEC [ Action Fund ]**

**Interested Party Testimony of Ohio Environmental Council Action Fund  
State Biennial Operating Budget - House Bill 49 (As Introduced)  
Presented to the Ohio House Finance Committee  
April 5, 2017**

Chairman Smith, Ranking Member Cera, and Members of the Ohio House Finance Committee, my name is Trent Dougherty, General Counsel for the Ohio Environmental Council Action Fund (OECAF). Thank for the opportunity to testify before this committee today on important environment and conservation funding provisions in the Governor's proposed budget for Fiscal Years 2018-2019, introduced as House Bill (HB) 49.

A couple weeks ago, I [testified](#) before Chairman Thompson's Agriculture, Development and Natural Resources subcommittee, and focused on the four agencies we at OECAF interface with the most: the Ohio EPA, Department of Natural Resources, Department of Agriculture, and the Public Utilities Commission.

As we mentioned in Subcommittee, from an environmental protection and natural resource conservation perspective, these four departments have a mighty responsibility to ensure the public's safe use and enjoyment of modern life's most basic needs: air, water, land, food, and energy. Therefore, we support robust budgets and staffing for the important role each of these agencies play in the lives of Ohioans.

The OECAF has deep respect for Director Zehringer, Director Daniels, Director Butler, and Chairman Haque and their expert staff who work hard everyday to protect and conserve Ohio's environment and natural resources. While we understand the need for fiscal restraint with General Revenue Funding, especially during FY18, we insist that the reductions and consolidations of funds for these agencies be done with a focus on the short and long term implications to each agency's ability to perform its functions, not just the Department's overall bottomline.

Therefore, we wish to first draw the attention of this Committee to two important areas where modest increases in appropriations to certain line items (some merely to match current FY17 levels) will allow the important work of these agencies to continue unheeded. Furthermore, we urge this Committee to close the gap in Ohio law that impedes the sharing of chemical information during environmental emergencies.

**1. Restore the \$2 million cut to ODNR Division of Forestry (Fund 727321) for FY18.**

Shawnee. Zaleski. Tar Hollow. Mohican. These, and the remainder of Ohio's 20 State Forests are not merely groups of trees owned and protected by the state. These forests symbolize the heart of local communities, free recreation for everyday Ohioans, and the state's dedication to conservation of nature for future generations. The Governor's proposed budget for ODNR's Division of Forestry, however, includes a \$2 million cut in its essential GRF funding. This represents a 40% reduction from Forestry's FY17 GRF funding estimates, and the actual expenses for the past half decade. In the face of such a large funding cut, Forestry will be forced to prioritize revenue generating activities over conservation. This will mean less attention devoted to vitally important items that do not necessarily generate revenue, but are essential to forest ecosystem health and maintaining the forests for those who live near and recreate in our state forests. Examples include both support for outdoor recreation like Forestry's several campgrounds and horse camps, as well as hundreds of miles of bridle and hiking trails and for forest ecosystem health and pest control.

Absent restoration of FY18 GRF funding, Forestry will be forced to draw more heavily from the State Forest Fund (Fund 5090). This would be bad policy. Fund 5090 has value as a standing fund and should not be raided to cover large GRF cuts. Instead, Fund 5090 should be left alone so that Forestry can safely draw on it as necessary to meet important obligations as they arise. Examples include: meeting federal match requirements, support of community projects, and emergency forest fire control efforts. We respectfully request that this Committee fully restore the \$2 million eliminated from Forestry's FY18 GRF funding.

**2. Adequately fund Ohio's efforts to eradicate toxic algae in Lake Erie and around Ohio**

The OECAF supports Governor Kasich's commitment to curb Lake Erie's toxic algae epidemic, and similar outbreaks around the state, through actions that significantly cut phosphorus entering the Ohio's waters. Back in February, the Administration released its framework, which provides a blueprint for how to achieve a 40% reduction in phosphorus pollution by the year 2025. To ensure the actions to fulfill the Governor's commitment are a success, however, the framework must be adequately funded in any final budget bill.

**Therefore, we urge this Committee to support and, in places, increase the budget for those agencies and programs responsible for ensuring Ohio meets its phosphorus reduction commitment. Specifically, we recommend:**

- **Restoring the \$200,000 cut to the Healthy Lake Erie Fund (Fund 725505) for FY2018.**
- **Supporting the Federation of Soil and Water Conservation Districts call for increased funding to local districts across Ohio.**
- **Increasing funding for Ohio Sea Grant and Heidelberg University Water Quality Lab (Fund 700660) to \$275,000 for FY 2018 and \$350,000 for FY 2019.**
- **Providing additional, dedicated, funds to Department of Agriculture's Division of Soil, Water and Conservation to implement and enforce key initiatives of Ohio's Agriculture Pollution Abatement Program.**

### ***Heidelberg Water Quality Lab and Ohio Sea Grant***

In order to effectively monitor water quality we must continue crucial research that will inform how agencies adapt their programs and actions. We, therefore, we urge the Committee to increase funding for the Heidelberg Water Quality Lab and the Ohio Sea Grant. An increase would allow Heidelberg to expanded capacity to better monitor water quality in the Maumee River watershed, and the Ohio Sea Grant expand monitoring in Lake Erie itself, upgrade its research and teaching facilities at Stone Laboratory, purchase analytical equipment and hire and increase its outreach efforts to support Ohio's achievement of its phosphorus reduction goals.

### ***Healthy Lake Erie Fund***

The proposed budget cuts the Healthy Lake Erie fund by 20% or \$200,000 in FY 18 at a time when Ohio needs all its tools to achieve its phosphorus reduction goals. This fund was a key element of Senate Bill 1, or the Clean Lake Erie Act, and provides funding assistance for farmers to plant winter cover crops, conducting edge of field testing, supports tributary monitoring, and building manure storage facilities to better manage animal waste. It also supports other conservation measures in Lake Erie's western basin the Director of Natural Resources<sup>1</sup> determines beneficial. Cutting this crucial fund is a step backwards right at the precise time when we need more support for widespread adoption of these practices, and undermines the Ohio's response to Lake Erie's toxic algae problem.

### ***Soil Water Conservation Districts***

Ohio's Soil and Water Conservation Districts offer crucial services to farmers, businesses and local residents looking for assistance enrolling in state and federal cost-incentive programs. Often they are also the first to receive complaints about potential rule violations, especially in regards to the safeguards put in place under the Clean Lake Erie Act. Whether located in rural or urban areas, Ohio's SWCDs have seen significant reductions in staffing but required to perform more and more duties, especially in the the western Lake Erie basin and Grand Lake St. Marys watersheds. For these reasons, we support the Federation of Soil and Water Conservation Districts call for restoring the 1:1 match from state funding to local districts across Ohio. Current state funding is matching 71 percent of local funding, which is \$14.3 million annually. State funding would need to increase by a modest \$3.5 million per year for a true 1:1 match. This would allow districts to assure proper employee training, hire the right staff members and increase our outreach efforts to support the new regulations set in place by the previous general assembly.

---

<sup>1</sup>When the Clean Lake Erie Act was signed into law, ODNR's Division of Soil and Water was the primary agency responsible for implementing agricultural pollution abatement program and utilization of the Healthy Lake Erie Fund. With the transfer of this program to the Ohio Dept. of Agriculture it makes sense to include direction in this budget bill to transfer the administration of the Healthy Lake Erie Fund to ODA's Division of Soil and Water Conservation. This aligns with the Ohio phosphorus reduction framework and our recommendation to bolster the division's cost incentive capacity.

### ***Department of Agriculture Division of Soil Water Conservation***

Last year, the General Assembly approved the transfer of ODNR's Division of Soil and Water Conservation and its oversight of Agricultural Pollution Abatement Program to the Ohio Department of Agriculture. Now that oversight of livestock facilities of all sizes is under the Department of Agriculture's purview, this is great opportunity to strengthen the protections for Ohio's waters through enhanced Best Management Practices (BMPs) for a wider array of Ohio farms. Therefore, we urge the creation of a dedicated funding mechanism should be established within the Division of Soil and Water Conservation for cost incentives to implement agriculture nonpoint BMPs, and to ensure successful implementation and enforcement of the nutrient reduction BMP Implementation, Verification and Evaluation process being developed in coordination with OEPA.

### **3. Close the Emergency Chemical Reporting Gap in Ohio Law**

Recent major oil and gas incidents have exposed significant problems with Ohio's chemical disclosure laws. In Ohio, the Ohio DNR Division of Oil and Gas Chief may receive trade secret chemical information but **not share it** with anyone, even in the case of emergencies (1509.10(J)(2)). This change to Ohio law was inserted near the end of the passage of SB 315, the Governor's energy bill.

We are pleased that access was given to medical professionals to request trade secret chemical information for the purposes of treating or diagnosing patients affected by an oil and gas incident, Ohio still fails to protect public health and safety and drinking water without providing this same access to drinking water operators and emergency responders.

We respectfully request an amendment to the budget bill that would provide immediate access of all chemical information, including trade secret chemicals to other state agencies, emergency responders and drinking water operators, during an emergency, incident, spill or release.

It is imperative that first responders and drinking water operators can get immediate access to the complete list of chemicals including trade secret chemicals whenever environmental releases and spills occur. This is the only way to minimize negative effects and to ensure that the public, our drinking water and our first responders are as protected as possible.

In conclusion, Chairman Smith and Members of the Committee, thank you for considering our perspective and our recommendations. We look forward to working with the Committee during the upcoming weeks to craft a bill that protects Ohio's communities, Ohio's environment, and Ohio's pocketbook.