



Chairman Blessing, Members of the House Government Accountability and Oversight Committee, thank you for the opportunity to speak to you today regarding Senate Bill 220.

My name is Lewis Dolezal and I am here today representing two organizations. The first is my employer, The Scotts Miracle-Gro Company, where I am a member of the Legal Division. Headquartered in Marysville for the last 150 years, we are the world's largest marketer of branded consumer products for lawn and garden care. Our brands – Scotts, Miracle-Gro and Ortho - are market leaders and among the most recognized in the industry.

While you may not immediately think of ScottsMiracle-Gro as an interested party in data collection, our company has emerged in the connected yard and outdoor water management category through our Gro™ product line of smart and internet enabled products. These innovative products are designed to save water, save time, and make your landscapes and gardens thrive. Since our smart products collect information about the consumers who use them, we take the protection of this information seriously and have invested to protect it. This is why we are so interested in the introduction of this proposal and one of the reasons we are focused on cybersecurity.

I am also here today on behalf of our trade association, The Ohio Manufacturers' Association (OMA), to provide comments for all of their members related to this legislation. The OMA was created in 1910 to advocate for Ohio's manufacturers; today, it has nearly 1,400 members. Its mission is to protect and grow Ohio manufacturing.

First, let me offer my sincere thanks to Senators Hackett and Bacon for their leadership on this issue. We appreciate their time and effort to introduce this innovative approach to cybersecurity. We would also publicly offer our thanks to Chairman Coley for his work to further refine and improve SB 220 to provide additional protections to Ohio's consumers and businesses.

Further, we are also very appreciative of the work of the Attorney General, his staff and the CyberOhio Initiative for their vision to take up this very important issue and to seek introduction of this measure. We have spent countless hours working with all of these parties to provide specific, technical expertise to enhance SB 220 and appreciate their cooperation.

As a well-known and respected consumer products company, I can tell you that protecting personal information is one of the highest priorities of our organization. SB 220 not only offers a unique incentive to companies willing to commit to a framework of security standards and maintain ongoing compliance, it also provides benefits to be shared by those companies invested in cyber security and the individuals that expect reasonable security in their transactions when providing personal information or using connected products that acquire this type of information.

Working with the sponsor and interested parties, we have suggested technical, but extremely important, amendments to this bill in this committee. The specific changes are listed on page two of my testimony. I am happy to answer any questions related to these changes that the committee may have.

Thank you again for the opportunity to testify here today in support of SB 220. I am happy to answer any questions.

Specific Changes for SB 220

1. Modification to 1354.01(E) definition of Restricted Information.

A materiality element should be included in the definition of Restricted Information. If the materiality test is not included, the scope of data becomes too broad and includes data that may not ever feasibly lead to identity theft or harm, but a failure of a covered entity to protect would defeat the availability of the affirmative defense.

2. Change "complies" to "conforms" in Section 1354.02 and 1354.03.

Using "complies" here seems to cause concerns with security professionals. The covered entity can make its program conform to the control framework, but it can only comply with its program (and selected controls of the framework). A covered entity cannot necessarily "comply" directly with the framework – it's a two-step process. Since the Payment Card Industry (PCI) has a distinct set of requirements for compliance, the language that relates to that standard is set at "complies."

3. Clarification to 1354.01(D)(1) and (2) grant of an affirmative defense.

We changed the word choice to be consistent with other grants of an affirmative defense in the code.

4. Clarification to 1354.01(A)

We deleted "financial institution" and refer to any of the foregoing business types (reason: should be inclusive of all businesses).

5. Clarification to 1354.01 (C)

This change would revise "owned or licensed by a person" (reason: clarify and make consistent with other usage).

6. Clarification to 1354.01(C)(1)

This suggestion changes "person" to "covered entity" (reason: relic of 1349 and not defined in 1354) to use words in the existing statute.

7. Clarification to 1354.01(E)

We would add "individual" to carry over definition from 1349 (reason: omission, 1354 uses "individual").

8. Clarification to 1354.03

Revise this section to any of (A), (B), or (C) are satisfied (reason: (D) does not have to be satisfied, it applies to (A)-(C)).