

Opposition Testimony – SB 33
Cathy Cowan Becker

To Rep. Callender and the members of the House Public Utilities Committee,

Thank you for this opportunity to submit written testimony regarding Senate Bill 33, “Modify criminal and civil law for critical infrastructure damage.” My name is Cathy Cowan Becker, and as a concerned citizen of Ohio and the United States, I am strongly opposed to this bill.

Senate Bill 33 is a thinly veiled attempt by the fossil-fuel industry to criminalized peaceful protests of new oil and gas facilities, especially pipelines and 73 other structures that the bill would deem as “critical infrastructure projects.”

This is cookie-cutter legislation based on a model bill from the American Legislative Exchange Council, which is funded in large part by the Koch brothers, who do not want anything to interfere with the profits going to their fossil fuel-based corporate empire.

SB 33 was drafted in response to Standing Rock and landowner protests against large pipeline projects – something that has never happened in Ohio. It demonstrates just how rash powerful corporations have become in their eagerness to suppress constitutionally protected protest activities. The bill would even criminalize hanging flyers on telephone poles.

The bill’s vague language could entrap landowners with infrastructure on their property, and paves the way for industry to use eminent domain for pipelines and power lines, and to claim that landowners are “impeding” their commercial interests.

SB 33 violates Ohioans’ rights to free speech and free association, and labels those acts as crimes. I want to highlight three ways in which the bill is unconstitutional.

First, SB 33 would add significant criminal charges for people or “any organization found guilty of complicity” in violation of Ohio’s criminal trespassing, aggravated trespassing or criminal-mischief laws while on property considered to be a “critical infrastructure” facility.

Such language is so vague that any organization, such as several that I am a member of, could be fined hundreds of thousands of dollars simply for sharing support of a peaceful protest on its Facebook page or email newsletter, even if they knew nothing about and did not condone any civil disobedience. This is an unconstitutional suppression of free speech.

Second, SB 33 would make it illegal to fly aerial drones over pieces of “critical infrastructure” – things like pipelines, petroleum refineries, electric stations and dams. With so many things in Ohio defined as critical infrastructure, it would become difficult to fly a drone at all.

Drones can be an important way for citizens to be informed about projects that affect them. At Standing Rock, people who were simply trying to protect their water used drones to find out that Energy Transfer Partners, owner of the Dakota Access Pipeline, was proceeding with construction of the pipeline against the express orders of the Obama administration.

In Ohio, Governor Mike DeWine sued Energy Transfer Partners to collect \$2.4 million in fines for dozens of violations of the Clean Water Act, including spilling millions of gallons of drilling fluid into a pristine wetland in Stark County during construction of the Rover pipeline.

Do the citizens of Ohio not deserve the chance to see or know about violations like this?

Finally, SB 33 violates the right of Ohioans to protest infrastructure that entrenches the fossil-fuel industry for decades to come. The Intergovernmental Panel on Climate Change – the world’s foremost body of climate scientists – has released a report stating that we must lower carbon emissions 45 percent by 2030 and to zero by 2050, if we are to have an inhabitable planet.

Already global temperatures have risen more than 1 degree Celsius since the Industrial Revolution, with another half a degree locked in due to the long half-life of carbon. Now the world’s scientists are telling us that we cannot raise temperatures more than 1.5 degrees total without posing an existential threat to human civilization and all life on Earth.

Yet our leaders in Ohio insist on building more fracking, more pipelines, and more oil and gas processing facilities, which will continue to pump more carbon into the atmosphere and destabilize our climate. Why? Do they have children who will still be alive in 2050? Is the money they get from fossil fuel donations worth destroying their children’s future?

Instead of riding roughshod over the free speech of Ohio citizens, wouldn’t it be better – and more profitable – to deploy renewable energy across the state? The fastest-growing jobs in the country are solar panel installer and wind turbine technician. States around us are making hundreds of millions of dollars from renewable energy. Why not bring these jobs into Ohio? You won’t see huge protests of a solar farm. A solar spill is just called a nice day.

In short, Ohio legislators should vote NO on SB 33. It is a cookie-cutter bill that does not address any problems in Ohio, but instead creates problems by criminalizing the First Amendment rights of all Ohioans. SB 33 is a rash, ill-considered and unconstitutional power grab by large corporations, and should be sent to the dustbin of history where it belongs.

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