

Ohio House Public Utilities Committee Meeting
Thursday, September 26th
Andrea Chu - Food & Water Action and Food & Water Watch

SB 33 Opponent Testimony

Greetings to Chairman Callender, Vice-Chair Wilkin, Ranking Member Smith, and members of the committee. My name is Andrea Chu, and I am with Food & Water Action and Food & Water Watch, national organizations primarily concerned with clean food, water, and a livable climate for all people. Thank you for the opportunity to testify on Senate Bill 33. I unequivocally oppose this oppressive and frankly un-American piece of legislation.

I was born and raised here in Ohio. During my schooling, I was told that in America we all have certain freedoms. Now, as adults, we know that that isn't quite true to life, but some of us work towards it nonetheless. What can we do when we see things that are wrong? What tools do we have against injustices we see against ourselves, our families, and our communities? Free speech, gathering among our peers, public demonstrations, and speaking to our legislators, those who are supposed to represent our interests. These are supposed to be our unalienable rights to keep tyranny at bay.

Senate bill 33 is an insidious attack on these rights. It is also totally unnecessary, since property damage and trespassing are already illegal. Using fear of attacks on "critical infrastructure" to take dampen our civic engagement is an egregious abuse of law. Increasing the penalties from misdemeanors to class III felonies and increasing fines serves only to exacerbate the criminal justice crisis we have. The guilt-by-association clauses charging 10 times the maximum fines for an individual are meant to hobble already strapped organizations trying to work for the public good. All of this protects corporations, which I suppose are technically people, but at the cost of real, actual people who live, eat, and breathe here in Ohio. Ohio has been the site of countless pipeline spills and explosions. Earlier this year, there was a gas pipeline explosion in Noble County that destroyed homes and hospitalized many. The

Rover pipeline has done immeasurable damage with little oversight and consequence. I would argue that it is our *responsibility* to protest affronts like these. Of course, we must protect our critical infrastructure. But not from our communities, *for* our communities. Senate Bill 33 fundamentally is an attack on community members fighting corporate greed, not protection of infrastructure for public safety.

And of course, we know that much of this infrastructure is in rural areas, away from the public eye. Many of the injustices done by private companies are borne by those in Appalachia and outside our cities. These folks should be able to defend their land from the destruction of fracking, pipelines, and other poorly regulated infrastructure, and protest is one of the few things we have left in these fights when all other routes are exhausted.

We also know our judicial system isn't blind and this bill will not be carried out "equally." People of color and working-class people face higher consequences in the criminal justice system. These are people most at risk of being profiled, serving higher sentences, higher recidivism rates, and most difficulty gaining employment after serving time. This is a highly targeted bill, and is a scare tactic to keep whistleblowers of wrongdoing quiet and passive.

The latest news that should give this committee pause regarding SB 33 is that just last week, a federal court blocked similar legislation in South Dakota. The court stated that the legislation infringes on constitutional rights of freedom of speech and association. Passing SB 33 would all but ensure Ohio will be sued, and lose. And legislators voting for it could feel backlash in following elections. Ohio should take note and proceed wisely.

This body will decide whether or not they will protect our rights. Senate bill 33 is clearly a sham to protect profits of the fossil fuel industry at the cost of not only Ohioans, but people all over the world facing the impacts of climate change caused by carbon emissions by these very corporations. It has also been a colossal waste of time and taxpayer dollars to consider a bill that could ultimately bring legal challenges and backlash, in light of the decision in South Dakota. I urge you to stand with Ohioans, and do not vote this atrocity out of committee.

Andrea Chu

Midwest Regional Organizer

Food & Water Action and Food & Water Watch