

November 30, 2019

Testimony of Randy Cunningham in Opposition to SB 222

Chairman Manning, Ranking Member Maharath, Committee Members.

This written testimony is in opposition to SB 222 that pre-empts local governments from regulating single use plastic bags sold in their jurisdictions. I am in opposition to this legislation for two main reasons.

The first reason is that the fondness of the Ohio State Legislature for pre-empting local government from passing certain types of legislation has turned local democracy into a joke and has turned Ohio's home rule provisions into an irrelevant antique oddity from Ohio's past. Over the years pre-emption has robbed local government of the right to require public employees to live in the jurisdictions they serve. It has robbed local government of the right to regulate oil and natural gas development, and to protect its residents from possible hazards that are inherent to such development. It has robbed local government of the right to set minimum wage legislation. On the other hand, it has provided local government with the ability to defy initiative and referendum proposals made by citizens. If the prevailing powers of a local government do not like an initiative or referendum that has met all other standards to be put on the ballot, all they have to do is find enough support in the State House to engineer pre-emption legislation that will make the citizen effort null and void. Preemption legislation has become a curse upon and a never-ending nightmare for local government. At the rate the State House is going, the only powers that local government will retain will be to set leash laws and speed limits. Everything else will have been pre-empted. In fact, I marvel that anyone runs

for local political offices which are being emptied of all content and relevance by a pre-emption crazed State House. Why bother going through the cost of running and campaigning for positions that are devoid of any power?

My second reason for opposing SB 222 is for a reason that finds few friends and many enemies in the Ohio State House. That is the protection of the environment. I am sick of picking up plastic bags that have blown into my yard. I am sick of seeing plastic bags festooning trees, blowing down roadways, clogging streams and turning our state into a trash pit. It is ironic that the governor has declared his determination to clean up our waterways and protect Lake Erie, when his party and supporters are blind to one of the worst problems confronting our waterways – plastic pollution. Maybe there are those who are backing SB 222 who consider a blue plastic bag blowing in the wind down the street, or tangled in a tree on their lawn, to be a beautiful thing – but I think they are a distinct minority in the state.

But questions of aesthetics and harm to the environment seldom move the practical and business focused minds of the Ohio State House, so let me close by mentioning something that conforms to that mind set. In recent rankings of states that are desirable to live in, one of the qualities that people – especially young people, value is the health of the natural environment. In short, people do not want to live in a state that is a trash pit and a toxic waste dump. Silly people. Let them live somewhere else. They are not welcome in Ohio.

Thank you.