



OEC [Action Fund]

**Interested Party Testimony of Ohio Environmental Council Action Fund
Trent Dougherty, General Counsel
State Biennial Operating Budget - Amended Substitute House Bill 49
June 14, 2017**

Chairman Oelslager, Vice Chair Manning, Ranking Member Skindell, and Members of the Ohio Senate Finance Committee, my name is Trent Dougherty, General Counsel for the Ohio Environmental Council Action Fund (OECAF). Thank for the opportunity to submit testimony to the Committee today on changes to HB 49.

First of all, we acknowledge and appreciate the daunting task that was before the Committee-- attempting to balance the budget in the face of a diminishing GRF outlook. In light of a gap of nearly \$1 Billion, priorities must be set and tough decisions made.

These decisions are evident in the Bill's conservation and environmental protection provisions. While many GRF line items saw further cuts, we thank the Committee for prioritizing clean water and public lands in its substitute version of HB49.

Restoring funding for the Healthy Lake Erie Fund

First, the Sub Bill restores the Healthy Lake Erie Fund to the appropriation level proposed by the Governor in the *As Introduced* version. While the total appropriation is still less than what had been appropriated in previous fiscal years, the Senate's restoration of the funds prioritizes Lake Erie; the more than \$14.1 billion a year tourism, travel, and sport fishing industry it sustains; and the millions of Ohioans that depend on it for drinking water.

This fund was a key element of Senate Bill 1, or the Clean Lake Erie Act, that was the previous General Assembly's primary response to Toledo's water crisis during the summer of 2014. It 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 determines beneficial. Cutting this crucial fund would have been a step backwards right at the precise time when we need more support for widespread adoption of these practices.

Removing provisions that threaten state and public land

Secondly, as we testified a couple of weeks ago, two amendments were added to HB 49 by the House of Representatives that were a direct attack on our state and local

parks. The House version of HB49 took executive branch authority away from determining the fate of executive agency managed property, and allowed forced unitization of any and all local property - including local parks.

We commend the Committee for refusing to follow the short-sighted lead of the House, but instead restoring the unitization and state lands drilling provisions to current law. Instead of prioritizing expediency for one industry, the Senate chose to prioritize protecting our state and local parks, ensuring that we, and our children and grandchildren have the opportunity to experience intact, healthy, and beautiful places in which to hike, hunt, fish, and find solitude in nature.

Protecting First Responders and Public Health

We would be remiss, however, if we did not acknowledge a missed opportunity to fix an unfortunate health and safety gap in Ohio law. Just as with clean water and public lands, fixing the emergency responder chemical reporting loophole in Ohio Oil and Gas Law should, too, be a major priority.

As OECAF and others testified, 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)).

It is imperative that first responders and drinking water operators get immediate access to the complete list of chemicals (including trade secret chemicals) whenever environmental releases and spills threaten Ohioans. Without this simple but important change, Ohio is failing 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.

This priority, unlike many other asks of this Committee, will not cost the General Revenue Fund a dime. Instead, the amendments we recommend could save local governments and the communities they serve a great deal of time, money, and resources when responding to emergencies – and perhaps even save lives.

In conclusion, Chairman Oelslager and Members of the Committee, thank you for considering our perspective and our recommendations. We look forward to working with the Committee to address our concerns and finalize a bill that protects Ohio's communities, Ohio's environment, and Ohio's pocketbook.