

**Testimony of Dr. Brett Joseph, a resident of Lake County, Ohio
In Opposition to S.B. 250
Before the Senate Judiciary Committee
Of the Ohio General Assembly**

November 14, 2018

Mr. Chairman and members of the Judiciary Committee, my name is Brett Joseph, and I am speaking today as a private citizen and resident of Lake County, Ohio, to voice my opposition to S.B. 250.

I am a private attorney and member of the Ohio bar, with law degrees from Case Western Reserve and Georgetown, and a Ph.D. in organizational systems and community action research from Saybrook University. For 15 years as an attorney advisor with the National Oceanic and Atmospheric Administration, I worked on both east and west coasts, in the areas of coastal zone protection, water quality, hydropower licensing, fisheries, marine pollution prevention, and legislative affairs. I have extensive experience negotiating evidence-based solutions on matters involving critical infrastructure, including our nation's largest hydropower dams, in multi-stakeholder contexts with power companies, Native American tribes, municipalities, environmental organizations, and community groups. No one is paying me to be here today.

I oppose S.B. 250 because in my judgment it is a measure that would not "protect the public," in fact it would do just the opposite. It would threaten the health and safety of millions of Ohioans whose lives are currently, or in the very near future will be, detrimentally affected by unconventional and large scale fossil fuel development projects that are being launched all across the State, on private and public lands alike. These high pressure pipelines and other projects are being fast-tracked in Ohio with a minimum of regulatory oversight or public scrutiny.

Even as fossil energy project construction proceeds in Ohio at a breakneck pace, a growing body of evidence including extensive grant-funded research and data gathered by FrackTrack and other science-based organizations shows that developments are exposing Ohio's families and children to significant hazards, including harmful chemicals born in the air and water. Across the State, ordinary people are discovering either at the 11th hour or virtually after the fact that decisions have been made that will force them to live in dangerously close proximity to facilities such as the high pressure Rover and Nexus pipelines, or injection wells that are receiving millions of gallons of toxic brine waste along the Ohio-Pennsylvania border, where a design flaw or mishap could at any time produce a deadly fire, explosion or toxic release that exceeds the capacity of local emergency response crews.

Notwithstanding the euphemistic language being used to promote this dangerous piece of legislation, S.B. 250 would target patriotic Americans who demand accountability from their government and who cherish their First Amendment rights; it would treat them as if they were terrorists, as if they were

public enemy No. 1. To claim that this measure is necessary to “protect the public,” or that it would not be used as a pretext for militarized confrontations such as we witnessed over the Dakota Access pipeline, is deceptive at best. In truth, this measure is part of a nationwide campaign to criminalize and suppress public dissent and to co-opt all three branches of our government so as to advance the agenda of industry lobbyists and political patrons who aim to generate windfall energy profits by compromising the health and safety of Ohio’s families and communities. It is an insidious by power grab by the dirty fuel industry designed to neutralize and pre-empt public opposition so that local residents will be kept in the dark about the true extent of harm being inflicted upon themselves and their children.

If S.B. 250 was truly about protecting the public by safeguarding critical infrastructure, it would still be unnecessary and redundant because the Department of Homeland Security already has established a framework plan for designating and protecting critical infrastructure against all known threats, domestic and foreign. Implementation of the Homeland Security plan at the state level would provide sufficient protection against actual threats to our critical infrastructure, without any need to expand criminal sanctions or infringe upon the 1st amendment rights of citizens in the manner of S.B. 250.

Moreover, in this era when we face increasing climate related hazards to the public health and safety, it is incumbent upon all responsible public officials to give equal attention to the protection of our environmental infrastructure, the lands, waters, soils and other natural amenities that sustain our lives at the most basic level, and that are critical to maintaining the security of our livelihoods now and in the future. As our elected representatives, I urge you to consider that the real risks to the lives, health and property of your constituents include the environmental risks that arise when regulatory safeguards are lacking.

S.B. 250 is an affront to our democracy because it would go a long way towards eliminating public accountability for these energy projects altogether. It would dramatically increase the likelihood that citizen activists, research scientists, local business owners, parents, teachers and others who participate in organized efforts to gather and communicate information about projects associated with the unregulated expansion of fossil energy development in Ohio will be disenfranchised and silenced by the threat of criminal sanctions. On this account, S.B. 250 is an exercise in government over-reach that would criminalize the very kinds of citizen oversight activities that such as arial photography and collaboration between local residents and grassroots organizations, that have always been part of the checks and balances that are implicit in our system of governance of the people, by the people and for the people.

Thank you for this opportunity to testify and voice my opposition to S.B. 250.