



Preserving and protecting our precious freshwater

DATE: September 25, 2019

TO: Representative Callender, Chair, Public Utilities

SUBJ: Opponent Testimony

RE: SB33 Modify criminal and civil law for critical infrastructure damage

We are writing to express strong opposition to the referenced ALEC bill, introduced by Senator Frank Hoagland and passed by the Senate, which is part of a wave of anti-protest bills introduced and passed in other states to promote the fossil fuel industry over citizens' rights. This bill is a blatant assault upon our civil rights and the right to protest. The only reason such a bill would be introduced is to squash our freedoms and to chill our ability to protest. It would not be necessary, but due to the capture of our government by moneyed interests, promoted by Citizens' United making money speech, we the people are at a disadvantage compared to the well-funded interests of corporations, especially those who are threatened with decreased social favor such as fossil fuel interests; specifically, fracking and frack-gas infrastructure such as pipelines and petrochemical facilities.

Senator Hoagland and the bill's sponsors will go down in history as those who were compromised to protect the constitution and co-opted into threatening our right to protests, attempting to legalize exorbitant fines and make felons of those who disagree with the moneyed interests and ALEC agenda. I am a reluctant activist, being thrust into protesting because of losing my human rights by the toxic trespass of the fracking industry, which caused us to leave our home and move out of Southeast Ohio. Now we are opposing the huge petrochemical buildout along the Ohio River, which is an atrocity in itself, with profits going overseas only to leave the pollution with us. Ohio has increasingly failed to legislate necessary protections to insure the fracking and petrochemical industries would be held accountable for their environmental and human health harms. We continually appeal to our elected "representatives" to hear our complaints about the industry to no avail. Instead, we continue to be looked upon in Ohio as a resource colony for fracking and its associated moneyed interests. SB33 is an egregious example of how far the corporate profiteers will go to make criminals out of law-abiding, taxpaying citizens and how compromised our legislature has become to even pass this law out of the Senate.

Some day there will be a historical look-back, and people will wonder how Ohio could cave so heavily to the fracking industry, allowing its toxic, radioactive waste, falsely labeled as "non-hazardous" to be processed and disposed of without adequate regulations. As we increasingly have the ear of nationwide media and provide them with the truth of our situation here, it will become apparent that SB33 was part of the plot to silence our dissent. We hope that your committee will do the right thing and stop this bill so that costly litigation is not necessary, such as the successful constitutional challenge to a similar bill in South Dakota that recently resulted in an injunction against it:



<https://www.motherjones.com/politics/2019/09/a-judge-just-blocked-south-dakotas-riot-boosting-law-but-anti-protest-measures-keep-spreading/>

We believe that the House will do the right thing. Representative Callender's introduction of the Ohio Clean Air Program (OCAP) indicates good intentions. So we trust that those on the Public Utilities Committee will weigh whether they want to be on the right side of history and avoid constitutional challenges that would ensue if SB33 was passed into law. The blatant attempt to curb our free speech and constitutional rights in the days of overreach by corporations and fossil fuel interests will be looked at historically as a serious compromise to democratic principles. The chilling effect to assert our rights that this bill would have, especially when there are adequate laws already on the books to protect critical infrastructure, will point fingers to those who were compromised to serve their corporate benefactors rather than their constituents. SB33 is nothing but an industry-sponsored means to deter protests in a time when protest is most needed to avoid corruption and climate change. We are hopeful that the Public Utilities Committee will see through this orchestration to serve the interests of those who are increasingly fearful because they have overstepped to assert their rights over the rights of the people. The Senate was compromised by allowing SB33 to move forward; we are hopeful the Public Utilities Committee will right this wrong.

Best regards,

Leatra Harper
Managing Director