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Before the Senate Judiciary Committee
Proponent Testimony on Senate Bill 33
March 20, 2019

My name is Rob Eshenbaugh and I am testifying on behalf of a large and diverse coalition of companies and trade associations that support SB 33. A list of these supporters is attached to my testimony.

This committee heard testimony on this topic near the end of the last General Assembly, and I would like to provide some key reasons for the committee to support this bill again. Critical infrastructure including water treatment facilities, telecommunications facilities, pipelines, and energy operations have experienced an increase in threats to operations with various levels of consequence. Harmful actions like turning valves on a pipeline or damaging equipment during construction of critical infrastructure facilities put the public's safety at risk.

As Senator Hoagland pointed out in his sponsor testimony, incidents of sabotage are not hypothetical. In fact, over the last few months, there have been two such incidents. In Virginia, vandals set fire to heavy equipment in connection with the Mountain Valley Pipeline project. In Minnesota, a group of four people closed a valve on an Enbridge pipeline. Thankfully there were no injuries in these instances, but the danger associated with these intentional acts is serious. Passage of this bill by this distinguished body will send a message to these outlaws that such actions will not be tolerated in Ohio and that organizations willing to sponsor these activities will be held responsible.

Criticism of this proposed legislation is misguided. This proposed bill does not affect one's constitutional right to protest. The current bill seeks to increase criminal and civil penalties for very specific intentional acts. If a "protestor" decides to take matters into one's own hands and destroys property or endangers the public, this bill gives local decision makers the ability to prosecute this behavior.

The industries represented in the coalition make communication possible for emergency services and provide energy to power homes, hospitals and police stations. Trucks and railroads transport essential products to Ohioans every day and water treatment facilities serve water to millions of people in our state. Increasing penalties on a civil and criminal basis for individuals, and organizations that pay individuals, to impact these essential operations here in Ohio will ensure those behaviors are punished or fined appropriately. Furthermore, such penalties and fines will serve as a deterrent for anyone thinking about committing such sabotage.

I urge your support and swift passage of SB 33 for the foregoing reasons.

Critical Infrastructure Protection Act (SB 33)

Supporters

- a. American Fuel & Petrochemical Manufacturers
- b. American Municipal Power
- c. API Ohio
- d. Coalition of Ohio Regional Districts
- e. Columbia Gas of Ohio
- f. CSX Transportation
- g. Dominion Energy Ohio
- h. Duke Energy
- i. Marathon Petroleum Company
- j. MarkWest Energy Partners
- k. MPLX Energy Logistics
- l. National Association of Water Companies (Ohio Chapter)
- m. Ohio Aggregates and Industrial Minerals Association
- n. Ohio Chamber of Commerce
- o. Ohio Chemistry and Technology Council
- p. Ohio Coal Association
- q. Ohio Gas Association
- r. Ohio Municipal Electric Association
- s. Ohio Municipal League
- t. Ohio Railroad Association
- u. Ohio Rural Water Association
- v. Ohio Steel Council
- w. Ohio Telecom Association
- x. Ohio Trucking Association
- y. Ohio's Electric Cooperatives
- z. Ohio Rural Water Association
- aa. XTO Energy