

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

Subject: S.B. No. 33, Hoagland, "Modify criminal and civil law for critical infrastructure damage"

Date: 4/8/2019

At a time when the democratic process, freedom of speech, and freedom of assembly are under attack, while corporations continue to accrue power and influence in state houses and Washington, the President of the United States himself calling the press the "ENEMY OF THE PEOPLE", and "think tanks" funded by the Kochs and Mercers construct bills aimed at further privatizing profit and socializing environmental and economic costs it is stunning to me that Senator Hoagland continues to advocate for this horrendous bill that he and his staff are simply acting as a conduit for even though his last push in the lame duck last Fall failed miserably. This bill is straight from the playbook of the American Legislative Exchange Council (ALEC) who's primary benefactor just so happens to be the aforementioned Koch Brothers. As Okbazghi Yohannes wrote in his book "The Biofuels Deception: Going Hungry on the Green Carbon Diet":

*"Operating in over sixty countries with about 100,000 workers, Koch Industries controls four oil refineries, six ethanol plants, a natural gas-fired power plant, **and 4,000 miles of pipeline within the United States...**The Koch Industries are major polluters, ranking Third among the thirty worst polluters...after Exxon and [AEP]...In 2012, Koch Industries was singled out to be the number-one producer of toxic waste in the United States, producing 950 million pounds of toxic chemical waste."*

Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

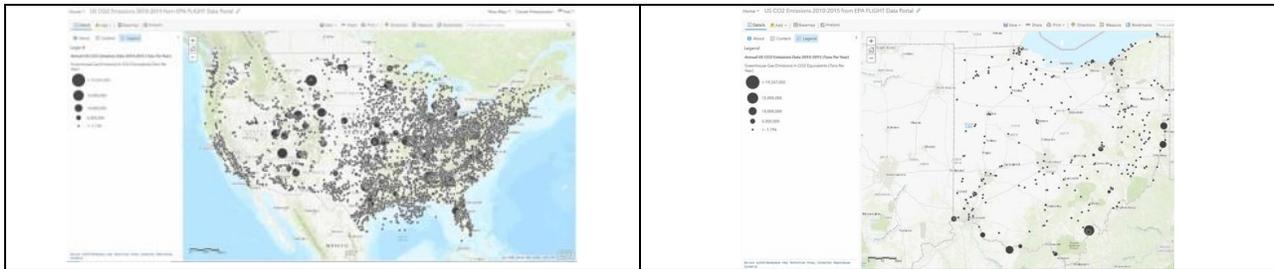
It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the coasts, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

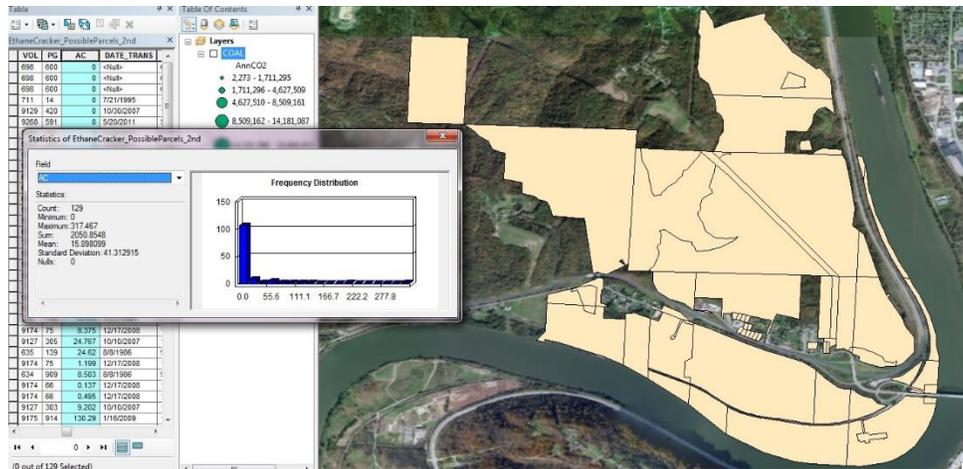
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. [Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.](#)



However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is [Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois](#). The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct its cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

- 1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

<https://www.youtube.com/watch?v=D0F450ESHP8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like [this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton](#) (Note: The Scio processing plant and “Critical Infrastructure” like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch', written in a cursive style.

Walter E. "Ted" Auch PhD

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