

Dear Senate Judiciary Committee,

I write to you again because I think it is imperative that you reject Senate Bill 33 because it raises First Amendment issues that are foreseeable to the critical eye. Environmental science makes critical judgments based on science, data, observation, and history to determine that an action may cause public and environmental harm that may not be seen for another 20-50 years. Currently we are seeing the reality of the climate-changing crisis that was called Global Warming when predicted by Exxon scientists 30-50 years ago. The calculated campaigns to deny the environmental effects of the gas and oil industry make me concerned, especially when I read in Senate Bill 33:

Section 2917.32(A)(1): “No person shall do any of the following: Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;”

Section (A)(4) includes the natural gas industry specifically:

“Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.”

When a report is prepared and circulated that the natural gas industry does not agree with and does not want to be shared, whose truth will be trusted? Who will say what is truth and what is false? Who has the greatest influence in the state of Ohio and equity for a trial? Recently an advisory opinion was released called “Session on Human Rights, Fracking and Climate Change” by Permanent Peoples’ Tribunal¹. Will this be

¹ <https://www.tribunalonfracking.org/wp-content/uploads/2019/04/AO-FINAL-3-28-19.pdf?fbclid=IwAR0RdsJ4yyWAVpCwnHbGUds1ueSrEgefud16D6mEhL04LLgpWILnxZXzMhg>

considered a report or warning that causes alarm and imposes a fine or criminal offense against first amendment rights?

The first 20 pages of this advisory opinion by experts around the world is highly critical of the natural gas industry. I hope that this Judiciary Committee honors the United States First Amendment as this is circulated and read throughout the state.

Environmentalists, property owners and citizens of Ohio are peacefully protesting against the natural gas industry because they fear water contamination, air pollution, and catastrophic effects of carbon dioxide and methane gas that cause Global Warming.

This is a time to create laws to slow the use of fossil fuels so that Ohio is the national example of environmental foresight and resiliency. Protests are necessary when the government does not listen to the public. People have a right to their opinions, to warn people of danger, to share what is happening in written form or by peaceful protest.

“In the US, authorities often fail to identify and map water bodies affected by fracking-related installations or take account of karst soils; often do not take earthquake or climate risks into account; and routinely and calculatedly prevent local knowledge from being incorporated into environmental studies.”pg.18

“For example, regarding the release of poisons into water, air, soil and geological formations, it is known that of the 240 chemicals used or created during the fracking process whose biological effects on humans have been studied, 157, or 65 per cent, are reproductive or developmental toxins. Substances universally used in the fracking system, such as benzene, toluene, ethylbenzene, xylenes, polycyclic aromatic hydrocarbons and endocrine-disrupting chemicals, are uncontroversially associated with developmental problems in infants, children and young adults. Another 781 chemicals used in fracking lack toxicity data entirely. Through its explosive disruption of subsurface geological layers, fracking also unavoidably spreads heavy metals and radioactive substances into water sources and other locations. Compressor stations along pipelines add contamination that includes nitrogen oxides, particulate matter, sulfur dioxides, volatile organic compounds and, of course, greenhouse gases.”pg.20

“The testimonies heard by the Tribunal strongly suggest the inadvisability of responding to such data with proposals for replacement or better regulation of the toxins associated with fracking. In the relevant political and technical context, such proposals would merely expand the scope for the deadly, large-scale experiments in poisoning humans and nonhumans that the fracking industry is currently conducting in violation of the Nuremberg Code.”pg.20

Senate Bill 33 has a section on trespassing, Section 2911.21(A)(5)(D)(1) creates a fine 10 times the amount of a first degree misdemeanor for organizations found guilty of complicity to those who “knowingly enter or remain on a critical infrastructure facility”. Peaceful protesting is guaranteed in the United States Constitution so that people of all equitable standing can be heard. When people feel that an industry is coming into their community and dumping toxic liquid into their ground without dye to ensure that water contamination will be detected, without groundwater mapping or porosity capacity testing they are going to protest. The public knows that the practice of Class II injection wells causes earthquakes which is a consequence of liquid moving rock, the rock that is suppose to ensure the waste is contained. The fracking industry has a high-risk of harm, people will continue to protest, do not make it illegal to practice First Amendment rights during Global Warming.

Sincerely,

Katie O’Neill

Chagrin Falls, Ohio

Vermont Law School Candidate, 2019

