

**Sierra Club Opposition Testimony**  
**SB 33**

Ohio Senate Judiciary Committee  
Opposition Testimony  
Senate Bill 33 Testimony

May 1, 2019

Chairman Eklund, and Members of the Committee,

Thank you for this opportunity to comment in opposition to Senate Bill 33. My name is Cheryl Johncox; I am the Beyond Dirty Fossil Fuels organizer for Sierra Club National. The Sierra Club is 126 years old and the Nation's oldest and largest grassroots environmental organization with more than 3 million members. The Ohio Chapter was established 51 years ago and has more than 30,000 members and supporters across the state. Our mission is; To explore, enjoy and protect the planet. To practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out those objectives.

I would like to note that the way the Committee has limit opposition testimony to a handful of speakers each week, has been particularly difficult for citizens who are deeply concerned about this legislation. While I have the luxury to be able to adjust my schedule around the limits set by this body, regular people across the state have found it difficult to plan time off of work, and travel to Columbus to address their concerns, not knowing if their testimony would make the cut off.

SB 33's purpose is to intimidate individuals, communities, and organizations lawfully exercising their First Amendment and other fundamental rights. This bill, among other things, is duplicative and amends Ohio's criminal trespass and criminal mischief statutes by extending potential liability to innocent landowners, passersby, peaceful protestors, and community organizations advocating for stronger safeguards for public health and the environment.

Imagine if you will a young mother in Cincinnati who is concerned about the safety and security of her families home, and the impact to her child's health if Duke Energy's Central Corridor Gas Pipeline Extension Project is constructed. This young mother creates a sign saying NO DUKE CENTRAL CORRIDOR PIPELINE and hangs it on the fence on the construction perimeter.

As the bill is currently written our young Cincinnati mother could be charged with Criminal Mischief, A third degree felony, and a \$10,000 Fine. Additionally, the young mothers family could become liable if they try to help her pay her fine and legal fees.

The sheer breadth of this bill's "critical infrastructure facility" definition creates confusion stemming from its blanket list of broad categories of places, objects, or general areas, which trespassers must avoid. Ex. *"Improperly tamper with critical infrastructure "or any guard*

*railing or safety barricade", " or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property".*

Unfortunately, our young mother also has identified herself as being a supporter of NOPE, Neighbor Opposing Pipeline Expansion, an active community group of concerned citizens from Cincinnati, Redding, Blue Ash, Evendale, Silverton, and other neighborhoods, that are opposed to placing a 20 inch high pressure pipeline through densely populated Neighborhoods.

Neighbors Opposing Pipeline Expansion does not know the young mother, she may have attended a meeting in the past, but regardless they have become a party to the vague and arbitrary enforcement of SB 33 and are slapped with a \$100,000 penalty and unknown legal fees.

This scenario is not farfetched. All NOPE has done in this scenario is to have a community education meeting for area residents to become educated and voice their concerns.

There is a very real danger in this legislation and it is the chilling effect that SB 33 could have upon community organizations who have banded together to protect their safety, security, and health of their children.

Recently, I met with a reporter at the Cincinnati Enquirer to discuss issues about the Ohio River and current pollution standards overhaul. As our meeting was wrapping up, the reporter asked about a good place to get pictures of municipal water intake for the city. I am happy to tell you that my words of caution to him about the potential risk of arrest should SB 33 pass were met with the intended consequences. The reporter advised me that he would not be getting that photo.

Thank you,

Cheryl Johncox  
Beyond Dirty Fossil Fuels Organizere  
Sierra Club  
131 N. Hight St. Suite 605  
Columbus, OH 43215