

## Testimony SB 171 By Roxanne Groff

Chairman Shaffer, Vice Chair Huffman, Ranking member Fedor, My name is Roxanne Groff, I live in Athens County. I was an Athens County Commissioner for three terms and a township trustee for two terms and have extensive knowledge about road safety and maintenance.

You have before you for consideration, a very controversial bill. You are weighing the future of, safety of citizens and a contentious by-product of the oil and gas industry you call Brine, being allowed to as a commodity be exempt from some Ohio laws. I have studied SB 171 and while flawed at the very least, I can find no language that would make this bill acceptable in protecting the public from the potential harmful effects of an already under regulated by product of the oil and gas industry.

Over the past 4 years since similar bills have been before the legislature, I have, as have others, researched and had discussions concerning this legislation with local governments, county engineers, ODOT and ODNR. The ODOT district in SE Ohio District 10, does not use AquaSalina, Athens County will not use it, our township trustees will not use it and the Athens County Commissioners have passed a resolution declaring that they do not support not only the use of oil and gas brine to be used as a deicer or dust control but any *product made from it*.

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{ While researching the reason for this bill to be introduced I found that Senate Bill 2 was before the Senate Energy and Natural Resources Committee in 2017 and Tony Fiore testified on behalf of Duck Energy that it was necessary for the legislature to remove “regulatory burdens” placed on the private sector which manufactures a deicing agent from raw brine. }

**This bill has circled around and around the legislature for 4 years.** Citizens have opposed in great numbers, organizations have opposed it, local governments have opposed it and most importantly, ODNR has opposed it. And now before you in SB 171, Mr. Mansbery in addition for asking to have regulatory oversight removed, he wants you to set standards for his product that have dangerous levels of radium far in excess of current Ohio law or any other state that allows oil and gas waste to be used on roads. Look to the comments written by ODNR for this bill, provided in your packet by the Ohio Brine Task Force. ODNR reveals that limits for radium in oil and gas brine allowed for use in other states Colorado and N. Dakota, can only be 5 pCi/gram. If you allow this bill to pass with the levels presented by Mr. Mansbery you will allow Ohio limits to be 64 pCi/g This is 13 times higher than allowable amounts in other states!!!! The product, frankly should not even be allowed to be manufactured, but that is another bill that needs to be introduced.

The burden on this company that is reducing his sales is the fact that it has high amounts of radium 226, a bone seeking cancer causing radioactive material that breaks down from uranium. The reason Mr. Mansbery cannot sell his product in retail stores is because THAT circumvents current law. This is what he did when Lowe’s and retail hardware stores carried his product and sold it to consumers.” *There is no provision in current state statute that authorizes retail store (off the shelf) sales of oil and gas brine. The Division learned of the past retail sale of AquaSalina that was*

*outside of the legal authority of Duck Creek's operating order and prevented further sales."* When Lowe's found out that the product had radioactive material in it, their 0 tolerance ethics made them pull it from their shelves. If Ohio passes a law that allows the sale of radioactive brine in stores with NO labeling, you are subjecting people to a potential harmful product without their knowledge or consent. (READ ODNR COMMENT>)

. The studies cited in Mr. Mansbery's presentation ,Temple University for Pennsylvania DOT, as well as the University of Akron study for our own ODOT and Montana State University for Ohio DOT, look at ice melting properites..., NONE of these studies or models study AquaSalina. The Pacific Snowfighters, now Clear Roads looks at the ice melting capabilities, NOT radium. None of these certifying agencies are accountable for radioactive material content. It is irresponsible to change the regulatory authority as Mr. Mansbery wants you to, to an Agency such as ODOT as ODOT is neither prepared nor qualified for regulation of these potentially hazardous materials.

Other questions you should be asking, What are The methods for removing organic compounds, solids, the high levels of toxicity of saline are cumbersome and expensive. What agency defines what is safe? What are the "other contaminants" removed from the waste that are supposed to make a commodity safe? What method of removal is used to remove potential toxic compounds? Where does the waste go after AquaSalina is so called refined? Not ONE of the models or studies used by Mr. Mansbery to try to convince you that his product should be out from under ODNR's regulatory authority says his product is safe. You will find the word negligible in some models, but not SAFE. Is that what you want to hear from your children's or grandchildren's school ? The chance of your child being harmed at school is negligible? No, you want and demand the safety of our children no matter what it takes!

You will find many studies, some of which are cited in the education packet sent to you by the Ohio Brine Task Force, with a few studies on the use of oil and gas brine as a deicer in regard to the radium found in the waste. There have been to date, NO LONG TERM STUDIES OF THE BUILD UP OF RADIUM 226 and 228 in our environment on the health of humans...NONE!

SB 171 egregiously restricts the chief's authority over processed brine used for commodities. Specifically, (D) line 44, the bill states. "the chief shall not adopt rules or establish or impose additional requirements applicable to commodities governed by 1509.228." No bill should be adopted without the ability to promulgate rules in the future!

ODNR has more than once weighed in on this legislation. **You have been given 13 points of** important facts that clearly demonstrates that this committee must not pass this bill on for further consideration. If you have not had conversations with ODNR, you should, we have, and their concern validates ours.

- The proscribed acceptance limit for Ra-226 @20,000 pCi/l and Ra-228 @2,500 pCi/l are inconsistent with concentrations currently approved in other States such as North Dakota and Colorado for the spreading of conventional oil & gas brine for ice and dust control. This value is four times higher than some other states that regulate brine spreading.

- The bill allows for any person to use the “commodity” for ice and dust control. The long- term impact for private use is unknown. Regarding it’s radioactive content, commercial use for road-spreading and personal use at home present entirely different human exposure risks.
- The bill requires the Division to approve brine as a commodity using criteria as a one-time approval process and specifically prohibits any future changes or updates to the process regardless of unanticipated or unintentional consequences of its use.
- Because the Division regulates brine spreading, the Division will have to fulfill public records requests and answer questions of the public even though the Division had no part in the approval and cannot stop the brine as qualifying as a “commodity”.

ODNR began testing oil and gas brine including AquaSalina in 2017 because they knew that radium of potentially high levels was in vertical wells. They needed data to reveal to you and the public that what WE have been saying all along....oil and gas waste is RADIOACTIVE. Therefore, AquaSalina, being made from oil and gas waste is RADIOACTIVE! The tests on AquaSalina, found in the ODNR memo in your education packet reveals in their conclusions that, ALL SAMPLES EXCEED STATE OF OHIO LIMITS FOR Ra 226 AND 228 AS DELINEATED IN THE OHIO ADMINISTRATIVE CODE 3701:1-38-12, APPENDIX C TABLE II. Yes, we have many environmental exposures, yes we have treatments for illnesses and disease that can be harmful. But WHY would a lawmaking body approve the purposeful exposure of an unwitting public to the potential harmful effects of a cancer causing level of radium? This law body does not and should not pass laws that benefit ONE person.

This bill is on you the lawmakers. You have been educated to the best of our abilities and the bill has been sugar coated, by Mr. Mansbery, as to the problems with oil and gas waste being made into a product for use by the public with no regulations.