

Jenny Morgan Senate Testimony (June 22, 2021)
(Strongly Opposed to SB 171)

Chair Schaffer, Vice-Chair Huffman and Ranking Member Fedor, and Senators, I'm a pre-school teacher, and I'm here to protect my students, and the children at every school and home across Ohio, from the radioactive gas and oil brine associated with SB 171. If you vote yes on this bill, and it becomes a law, radioactive gas and oil brine will be allowed to be spread far and wide by a public that will be unaware of its radioactive contents, unaware of its various heavy metal contents, and unaware of the radon it will also contain. It's a dangerous and unthinkable proposition.

As a teacher of little ones, I've found the best way to reach children is by entertaining them. So, today, I will be testifying, not only as myself, but as my made-up character named Rad. Please don't get me wrong, I'm not calling you preschoolers. ☺ My made-up character, Rad, will be singing an original song adapted from an old song by David Frishberg that used to play on the 70s show School House Rock. *(I'm just a bill, yes, I'm only bill, and I'm sitting here on Capitol Hill)*. So, thank you for your indulgence as I transform into my character known as RAD.

* * *

Dear friends, let me introduce myself—My name is Rad, R-A-D, that's short for Radium. I live deep down in the ground with lots of dangerous heavy metals, AND with my two dear sisters, URANIUM and RADON. You know uranium, the radioactive stuff they make nuclear bombs out of! I'm related to uranium because when she decays, I become me--Radioactive Rad! When I decay, I become RADON, the 2nd leading cause of lung cancer. When you think of me, you must think of us--We're a trio, a triad, a trey...a good old-fashioned nuclear family!

Now, you must be wondering why, a radioactive isotope like myself, would be standing before the Ohio Senate. Well, I have come here today, my friends, because I have a dream, a dream of becoming a disease—bone cancer, lung cancer, breast cancer, leukemia! AND, YOU have legislation on your desks right now that could help me become a disease. And, so, I have written you a song in hopes that you will help me fulfill my dream. And it goes something like this...Hit it Sam!

(Sing Song) I'm just some rad, yes, I'm only a rad--And I'm sitting in this deicing bag; With my 1000s of other Radioactive friends--Hoping you will pass this legislation; So, I can become a disease--Oh, I hope and pray that you will, but today I am still just some radioactive RAD.

It's a catchy little tune, isn't it?! Well, I'm sure you're wondering how I got here—to the surface of the earth, when I live so deep down in the earth? Well, that's an interesting story. You know the gas and oil man that came to visit recently, well, when he drills for oil, just like all the other drillers, he disturbs A LOT of dangerous stuff down there, including radioactive things like myself. AND, when he does, I get to ride up and up and up that up that long dark well with the all the radioactive sludge, and the radioactive brine and with all my dangerous heavy metal friends!.....(Joke).....I'll be here all week folks!

What's that? How'd I get into this deicing bag? Well, that's another interesting story. You see, that same gas and oil man, a Mr. Mansbery, went to some Ohio leaders some 15 years ago, and he said:

I can filter out the potential contaminants from my raw, dirty, oily, contaminated brine, and I can turn it into a *clean* (ha, ha) *environmentally friendly* (ha ha) deicer.

I'm sorry, I can't say it with a straight face, BECAUSE he was pullin' their legs, pullin' the wool over their eyes, just like he's doin' with you now. He's not filtering out the contaminants! If he was filtering out the contaminants, how could I be singing this song for you now from his deicing bag?! If he was filtering out the RADIUM, he'd be filtering out the salts too, and his AquaSalina deicer would be rendered useless! That's chemistry 101. And, anyway, didn't you read the test? ODNR, 2017, AquaSalina, really radioactive, exceeded radium limits, lots of bad press? Did you read it? No? You don't care about it? Well, ok, good for me—**15-LOVE-Radium!** Ok, I'm gonna turn to my notes right now, cuz this is getting interesting.

* * * *Rad starts reading from notes* * *

Ok, I'm gonna go down my list here, cuz I want to see what kind of thinkin' you all have done, or, not done about this VERY important bill, SB 171, a bill that will have life and death consequences. Because, my friends, you do know you are dealing with me, radium, right? Contrary to what you've been told, I'm in the "filtered" gas and oil brine, not just in raw brine--you do know that, right? AND you do know I'm radioactive and ruthless, correct? That I won't fully decay to safe levels for tens of thousands of years, AND that I'll build up, in the environment, with every single application of this stuff, right? AND you do know "filtered" gas and oil brine contains *various* dangerous heavy metals too, AND Radon, right?

Ok, I just want to make sure you are 100% aware of all of this, because I don't want you to pass a bill, have blood on your hands, or, god forbid I give you, or, your child, bone cancer or lung cancer, or breast cancer, leukemia, and then you come to me, all upset, and say I didn't warn you. So, let's see how you're thinking about this:

1. THE BANNANA ARGUMENT—DON'T REPEAT IT

Ok, let's start first with the banana argument. Is anyone here repeating the banana argument Dave Mansbery touted--That AquaSalina is no more radioactive than bananas? Well, you might want to stop parroting that one, cuz you might look, well, a little ridiculous. As one scientist describes it: Bananas & radium emit two different types of radiation. The potassium-40 in bananas emits beta particles that barely interact with your body; radium emits alpha particles, which are thousands of times more impactful and can swiftly mutate cells. *1 (America's Radioactive Secret/Rolling Stone/Justin Nobel)*. Ok, now that we got that straight.

2. 2018 ODH COMPUTER MODEL OF AQUASALINA DOESN'T APPLY HERE

How 'bout the Ohio Department of Health's 2018 computer model of AquaSalina cited by the proponent of this bill. ODH put in some of my numbers, it spit out something like "negligible risk?" Did you talk to the health department about their model, and the assumptions made in

the model, to see how it may, or, may not apply here? Cuz a citizen did, and ODH said the model was very limited, the model did NOT use a hard surface as an exposure pathway, and that the model did NOT assume AquaSalina would be getting on the bottom of shoes and tracked into homes and schools.

AND yet, this bill, if passed **will** allow radioactive gas and oil brine to be spread on lots of hard surfaces. It *will be* walked upon, tracked into schools and homes, breathed in. It *will be* used on school sidewalks and residential driveways, where children will, and they WILL, eat the snow. Ms. Morgan's students will be eating radium! Your beloved pets will be walking on it, tracking it in, licking their radioactive paws, walking on your furniture and beds. So, in other words, that 2018 ODH model doesn't apply here at all. BUT, you don't care? Well, okee-dokey then, good for me again! **30-LOVE Radium!**

3. THE GUY DAVE MANSBERY PAID TO DO THE COMPUTER MODEL

a. Inherent Bias

Ok, let me cover something else on my check list. You know the OTHER computer model simulation on AquaSalina you heard about...the one that Dave Mansbery, owner of AquaSalina, paid the guy to do...a Dr. Rish? Did you consider the conflict of interest there? Did anyone here take statistics? Remember inherent bias? Dr. Rish gettin' paid-inherent bias? Dr. Rish being on Mr. Mansbery's payroll since 2004—inherent bias? Does this concern anyone? NO? YEE HAW!

b. Dr. Rish doesn't know the law?!

How 'bout this--Dr. Rish, in his testimony, said that drinking water standards don't apply here, (as if the radium in AquaSalina won't get into water supplies? Ok)... He said he's not aware of any limits for radium being discharged into the environment. REALLY?

Now, why would the regulator of gas & oil brine spreading, ODNR, write in a 2017 ODNR memo, after testing AquaSalina, that "the average radioactivity in AquaSalina exceeds... drinking water limits_for combined Ra-226/228 by a factor of 300" AND that "the radioactivity in AquaSalina exceeds State of Ohio discharge to the environment limits for Ra-226/228..."

IF drinking water limits DON'T APPLY HERE, and IF there are no discharge to the environment limits for radium? Well, they wouldn't! So, the question is, are you really going to ignore ODNR, and listen to a man who got paid to do a computer model of AquaSalina, BY THEY MAN who owns AquaSalina, and who will make a lot of money if this law passes? You are? **Yee haw...40-LOVE Radium!**

4. DO YOU FEEL MISLED? & THE PROPONENT DEFIED THE RULES

OK, I'm gonna check a few more things, AND this, my friends, is for GAME, SET & MATCH. Mr. Mansbery, when he came to testify, told you lots of different things. Did you verify what he was saying, what he was claiming about his deicer, AquaSalina? I mean, did you check his facts?

a. Universities didn't study radium levels in AquaSalina (Environmentally friendly, really?!)

For instance, he said stuff like, his product had been carefully studied by 3 universities. Well, did you read the studies? No, you just took his word for it? CUZ these studies didn't study anything about me, radium. No, they did not. But that doesn't matter to you? You're just gonna let Mr. Mansbery say his radioactive product is environmentally friendly when it contains high levels of radium and heavy metals and radon? Well, ok then.

b. PNS & Clear Roads don't study radium either (Certified?!)

How 'bout when Mr. Mansbery tried to impress upon you that his AquaSalina product had been "certified" by the Pacific Northwest Snowfighers Assoc and Clear Roads. Did that impress you? Because they don't look into the radioactivity of the products they certify. That doesn't matter to you? Well, yee haw, good for me again!

c. Ohio Turnpike Commission votes to NOT use AquaSalina

How 'bout when Mr. Mansbery said he had a big client, the Ohio Turnpike Commission, and that he needs more freedom, less regulation, so he can fulfill all the demand for his product. Well, did you check with the Turnpike Commission to see how they feel about AquaSalina? Cuz a citizen did, and the Turnpike Commission voted last Nov NOT to use AquaSalina anymore. Their Nov. 2021 minutes say this, and I quote:

"due to the issues and complaints that ODOT and the Commission are having with regard to the potential health risks of AquaSalina we decided not to use it this year and let ODOT continue with their investigation and evaluation of AquaSalina."

Do you feel misled by Mr. Mansbery yet? No? Ok, zippity do dah!

d. Mansbery was not allowed to sell AquaSalina "off the shelf" and he did anyway

What if I told you that Mr. Mansbery defied ODNR and the statute related to gas and oil brine? He wasn't supposed to sell this radioactive product in stores, BUT he did it anyway! ODNR recently wrote:

"There is no provision in current state statute that authorizes retail store (off the shelf) sales of oil and gas brine. The Division (ODNR) learned of the past retail sale of AquaSalina that was outside of the legal authority of Duck Creek's operating order and (ODNR) prevented further sales."

Now, does it concern you that a business man would break the rules, and sell a *radioactive* product in stores to an unwitting public? That children could have opened a bottle of AquaSalina, and been exposed to nearly 3000 pCi/L of radium AND 3000 pCi/L of RADON because radon lives in equilibrium with radium. Do you think you can trust a businessman who would do such a thing? Yes? You think you can trust him? Ok, great for me.

e. Opening a facility without a permit--Radioactive material, radon, heavy metals? Really?

Finally, what if I told you that Mr. Mansbery opened his Mogadore, Ohio facility in 2015 without the proper permit, without an ODNR Order? Would that concern you? Well, he did. And he

was caught by ODNR, AND ordered to shut his facility down. He appealed to the Gas & Oil Commission, saying the ODNR Chief had no right to do this because AquaSalina was a commercial product, BUT he lost that argument, and he was ordered to close the facility and remediate it.

Just take this all in: Mr. Mansbery is working with a radioactive product, that contains radium, radon and a slew of various dangerous heavy metals. AND he didn't seek the proper permit to open a facility where workers would be exposed to this stuff, AND he broke the rules, sold it at stores, and exposed an unwitting general public to it. Does all the above NOT give you pause as to what this man is claiming about his product?...How it's the best thing since sliced bread? How he being unfairly treated by ODNR, etc? Can you trust anything this man is saying?

Let me just encapsulate all of this:

1. Mr. Mansbery told you some dumb banana analogy that if you repeat it, you're gonna look uneducated.
2. The Ohio Department of Health's 2018 computer model of AquaSalina doesn't apply here.
3. The other computer model of AquaSalina was done by a man who is on the payroll of the man who owns AquaSalina and will make a lot of money if you pass this law.
4. The university studies cited by the proponent didn't study radium
5. The PNS/Clear Rds certification, also cited by the proponent, don't look at radium levels
6. The Ohio Turnpike Commission said "no thank you" to Mr. Mansbery, and he lost out on a really big contract, hundreds of thousands of dollars. (Side bar: You think Mr. Mansbery might be a little angry at ODNR for all the bad press that 2017 study caused?)
7. Mr. Mansbery defied ODNR orders and statute
8. AND to boot, the Ohio Department of Natural Resources has written you 13 very serious concerns about this bill

Just to be clear, with all of this, are you telling me your mind is made up?! Yes? Ok, Merry Christmas, Happy Birthday, Happy New Year to me! **That's Game, set and match!** With your help, my friends, I'm gonna finally become a disease! 22,000!

22,000 what? Wait, this bill allows for 22,000 pCi/L of me to be spread around via this decing product?! Right now only 60 of my 226, and 60 of my 228 are allowed to be discharged. BUT you are considering an 18,700% increase of radium to be discharged to the environment via via these gas and oil products? REALLY?!! AND, AND my dangerous heavy metal friends get to be increased too...lead, benzene, arsenic!! Holy cow!! WOW, YOU REALLY DON'T CARE ABOUT RADIATION EXPOSURE! Ignorance is bliss! I'm gonna be everywhere, in storm sewers, water supplies, tracked into schools, homes, breathed in, eaten in the snow, hangin in the air IN that big brine dust cloud when the AquaSalina dries on the road, I'm gonna be on your pets paws, on your beds, carpets. I've got to get packed...I've got a lot to do...thank you, thank you! Butter my butt and call me a bisquit...I'M GONNA BECOME A DISEASE...DID YOU HEAR THAT MAMMA, I'M FINALLY GONNA BECOME A DISEASE!!!!!!!!!!!!!!

Hit is Sam (sing song): *I'm just a rad, yes I'm only a rad And I'm sittin' in this deicin' bag; Dreaming the law has passed and now I'm at schools and at homes; Gettin' into all the little lungs and the bones; Where I can become a disease; Oh I hope and pray you say yes; That you don't read the test about me; Oh I hope and pray you stay deaf, deaf and blind about me; Oh I hope and pray you say yes, though I cannot promise; That I won't get in your bones, and your lungs; And your bones, and your lungs; DON'T SAY I DIDN'T WARN YOU!!!! RADIOACTIVE RAD!!!!!!*

Jenny:

I recently asked Senator Hoagland, the co-sponsor of 171, for a meeting. He said yes, and he asked ODNR to attend as well. The Senator had one big question for ODNR. He said: (IF this stuff is so hazardous, WHY isn't there a hazmat symbol on the brine trucks?) To which ODNR replied (that's because the EPA exempted gas and oil brine from this hazardous designation back in the late 70s early 80s).

ODNR couldn't have been clearer in this meeting--Raw gas and oil brine, AND filtered gas and oil brine, like AquaSalina, are not that different. They're both radioactive, both contain a slew of dangerous heavy metals, both need to be accounted for by ODNR gallon for gallon, and yes, the brine trucks that carry both of these *should* have the hazmat symbol. Essentially saying that this stuff *MUST* not get into the hands of families, children, and the general public. Sen Hoagland said (well if it's that bad, this stuff shouldn't be on the roads at all). To which ODNR replied (well some Ohio leaders, back in 1985, decided it *should* be used on Ohio roads, and so we did our best to create the regulations for it. We'd be more than happy to work with you to get all of this stuff off the roads, BUT SB 171 is the first issue at hand. It must not become law).

Senators, from all of the materials you now have received about gas and oil brine, filtered or not, you now know the facts, not the fiction you've been told. You now have also received 13 concerns from ODNR raising alarm bells about this bill. So, with all of this knowledge, IF you still vote yes on SB 171, you will have blood on your hands, just like the Ohio leaders from 85 have blood on their hands, just like the EPA officials that exempted gas and oil from hazmat symbols have blood on their hands, and just like anyone who stays silent about this radioactive brine, has blood on their hands. How many children, how many Ohioans do you think have gotten bone cancer, lung cancer, breast cancer, leukemia from this radioactive gas and oil brine? It's shameful. If you really want to help cure cancer, how 'bout we stop poisoning ourselves.

PLEASE tell me you are not going to take the word of Dave Mansbery over the Ohio Department of Natural Resources, OR, the word of Dr. Rish, an engineer paid by Mansbery, over the word of Dr. Weatherington-Rice, an independent Ohio scientist who is the expert on this issue, and who has been raising alarm bells since 1985 about this radioactive gas and oil brine on our roads.

AND finally, to every citizen out there, watching this testimony...NOW *you know* that the OH Senate is fully aware of the radioactive facts here—you *know* ODNR has warned them not to pass this bill. And, now we are all witnesses. I hope, I pray that you do the right thing, the safe thing--Do not allow this radioactive material to be commercialized. Vote NO on SB 171!

