

Richard Jordan  
5816 Jeb Stuart Drive  
Milford, OH 45150

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To: Chairman Robert McColley, Vice Chairman Kirk Schuring, Ranking Member Dale B. Martin  
Members of the Ohio Senate Energy and Public Utilities Committee

From: Richard Jordan, Miami Township, Clermont County, OH

Regarding: Opposition testimony to HB484, the Advanced Nuclear Technology Helping Energize  
Mankind Act

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Chairman McColley, Vice Chairman Schuring, Ranking member Martin, and members of the committee,

Respectfully, I submit the following comments as an opponent to House Bill 434 of the 134<sup>th</sup> session of the Ohio Legislature.

If adopted as currently written, HB434 requires the state's Department of Development (DoD) to set up a new government agency within DoD. This new entity, named the Ohio Nuclear Development Authority (ONDA) would be exclusively tasked with making Ohio a global leader for research and production of radioactive isotopes, advanced nuclear reactors and high-level radioactive waste reduction and storage technologies.

First among the several concerns I have with HB434 is the sponsor's intention to establish the pursuit of these objectives as an essential governmental function for which public moneys can be spent. ONDA would be constituted within the Department of Development, which would designate operational and funding decision making to the director of DoD. The director of DoD has full authority to approve contracts which use JobsOhio monies for private enterprise research and development projects. I'm sure members of this committee are aware of this criticism leveled at DoD and JobsOhio since its inception: JobsOhio conducts business out of public view! JobsOhio is shielded from most accountability requirements including the Ohio Open Records Act, state ethics laws, the Sunshine Act, and the Administrative Procedure Act. For me, this veil of secrecy is a glaring problem with placing ONDA under DoD control. HB434 would do nothing to improve the situation. I do not understand why Ohio legislators would want to excuse themselves from oversight of an entirely new agency tasked with bringing into Ohio in the most dangerous enterprise known to humanity. At the very least HB434 must be amended to include stronger requirements for transparency and accountability to this body.

HB434 specifies a process for staffing the proposed ONDA which deserves much closer examination. It reads like legislation written by nuclear industry lobbyists for the benefit of their employers. Candidates for ONDA's board of directors would be nominated by a body deeply committed to expanding nuclear, Ohio State University's Nuclear Engineering External Advisory Board. The bill assigns the task of board appointments to Ohio's governor; however, he/she must choose exclusively from candidates selected by the nominating council. HB434 does not have any requirement for appointing members not aligned with the industry. This insider only appointment process lacks integrity and does not serve the public's interest.

Sponsors and proponents of HB434 understand that for Ohio to become a global leadership in the research and development of isotopes, advanced nuclear reactors, and radioactive waste control technologies the state will need to assume regulatory duties currently performed by the federal government. This would include oversight of design, cost control, site location and security for all projects,

plus transportation safety and disposal of radioactive waste. I do not believe the ONDA as chartered by HB434 would be capable of managing such an undertaking. In fact, HB434 is worded to shield the State of Ohio from being held responsible for nuclear accidents and radioactive contamination. The bill confers sovereign immunity upon the state of Ohio and ONDA, which would make it impossible for injured parties to sue for damages occurring from accidental radioactive contamination. Ohioans living near any ONDA funded project would have no recourse if an accident or spill harmed them or contaminated their property. The same would be true for workers. Proponents of nuclear claim major accidents rarely happen, but smaller unintentional discharges of radioactive material are historically frequent. HB434 includes no requirements for ONDA to remedy problems it might create. I believe Ohio legislators must address the potential risks associated with the production and handling radioactive materials. If lawmakers are going to commit Ohio government to the goals stipulated in HB434, they must first adopt measures to ensure victims of nuclear accidents can be made whole.

I've submitted this testimony on my own behalf, but to conclude, I want to note my longtime membership in the Sierra Club of Ohio. In addition to the personal concerns that I've offered, I'd like to enter in the record the Sierra Club's position on nuclear power generation.

*The Sierra Club opposes the licensing, construction and operation of new nuclear reactors utilizing the fission process, pending:*

- 1. Resolution of the significant safety problems inherent in reactor operation, disposal of spent fuels, and possible diversion of nuclear materials capable of use in weapons manufacture.*
- 2. Establishment of adequate regulatory regime to guarantee adherence to the foregoing conditions. The above resolution does not apply to research reactors.*

*The Sierra Club understands that nuclear power produces less CO2 than fossil alternatives; however, nuclear generates more CO2 than energy efficiency and most forms of renewable sources on a life cycle basis. Nuclear power is not affordable, clean, or entirely safe with currently available technology and practice. In addition, the huge investment needed to bring additional nuclear facilities online would siphon capital from much more cost-effective uses of financial resources, especially investments in efficiency.*

I agree with the Sierra Club's view on nuclear energy production. Additionally, HB434 sponsors have presented bill which is inadequate for implementation. HB434 lacks clarity on goal setting and results. It fails on oversight and offers no remedies for accidents related to ONDA projects. My recommendation to members of this committee is take no action to advance HB434.

Thank you for offering me this opportunity.  
Richard Jordan