



**Testimony of Mardy Townsend, Chairperson  
Ohio Farmers Union Policy Committee  
Ohio Senate Committee on Agriculture  
H.B. 490 – Submitted as Written  
December 2, 2014**

Chairman Hite, Vice Chairman Balderson and Ranking Member Gentile and members of the Committee:

Thank you for the opportunity to express my concerns about some of the provisions in House Bill 490 as it is being considered by the Ohio Senate Agriculture and Natural Resources Committee.

First, I would like to commend the work of both the Ohio House and Senate for taking the first steps in controlling the phosphorous contamination problem in our rivers and lakes. The new regulations around the application of manure are based in science and the Best Management Practices advocated by the Natural Resources Conservation Service for more than twenty years. We have long followed those guidelines on our own farm while spreading manure from the beef cattle operation.

However, I am very concerned about some of the provisions that were added to HB 490 in the past month. First, I am extremely concerned about the amendment that would allow Ohio's landline telephone service providers to potentially pull landline (copper wire) services from less profitable rural areas of Ohio, contingent upon pending Federal Communications Commission action that may ease the telephone service providers' responsibility to provide universal landline service. There have been gains made in cellular service and Internet connectivity in rural Ohio, but there are still many rural residents who have poor cellular service at home, lack decent Internet connectivity or their cellular or Internet options are limited and cost-prohibitive.

The demographics of Ashtabula County show us to be older and poorer than the average, and we know many people who cannot afford any communication service except the copper landlines. In our case, we live in an area that is technically served by the major cell phone carriers, but our farm is in a slight dip, which makes cell phone service unreliable. I take care of my elderly mother and we must have reliable landline telephone service for emergency medical reasons.

The "protection" for consumers that was just added is completely inadequate. The new language says that a customer of a service provider pulling their landline service may petition the PUCO 60 days prior to the service being terminated. Then the PUCO must seek to find another company willing to provide telephone service to

the customer. If one cannot be found, the PUCO “may” order the provider withdrawing service to provide telephone service. “May” is not a guarantee of service.

I ask that the Senate completely strike all language regarding telecommunications from the language of HB 490. This discriminates against the elderly, poor, and rural residents of Ohio.

My second concern is another provision that was added to HB 490 during House deliberations that makes it harder for the public, local governments, and first responders to know what kind of hazardous chemicals are being used in hydraulic fracturing operations. It was determined last year by the federal government that Ohio regulations did not comply with the federal Emergency Planning and Community Right-to-Know Act of 1986. The current language of HB 490 says that companies will report the hazardous chemicals being used at individual fracking operation to the Ohio Department of Natural Resources, which will keep this information in a data base. Only local emergency responders would have access, and only to data for individual wells in their own jurisdiction. This makes no sense because any accident or spill could span several jurisdictions.

There are six permitted Class II injection wells for frack waste in my township. “Brine” trucks carrying unknown fluids constantly pass through Windsor. There has already been one minor known spill here, but nobody ever did find out what was in that fluid. The information on which chemicals are used in specific drilling operations and what is being injected into Class II waste wells must be immediately accessible to all. That’s what Right-to-Know means. I ask that you change the current language to require drilling and fracking companies to keep their inventories up to date with ODNR; that ODNR make this data immediately accessible to the public; and that the requirement is expanded to include Class II injection wells.

Respectfully submitted  
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