

**Written Testimony in Opposition to Section 2305.011 of HB 166**  
**William Lyons, Columbus, OH,**  
**May 23, 2019**

Good morning Chairman Dolan and members of the Finance committee. I wish to speak in opposition of a section of House Bill 166.

I am opposed to Section 2305.011 which was added as a last-minute amendment just before the Ohio House of Representatives voted on this bill. This amendment is an underhanded attempt to undermine the Lake Erie Bill of Rights (LEBOR), which was overwhelmingly passed by Toledo voters this past February in spite of large sums of dark money from BP North America, under the guise of "Toledo Jobs and Growth Coalition". Section 2305.011 states that "... nature or any ecosystem does not have standing to participate or bring an action in a common pleas court; it prohibits any person, on behalf of nature or an ecosystem, from bringing, or intervening in, an action in such court; and it prohibits any person from bringing an action against a person who is acting on behalf of nature or an ecosystem."

Since the late 1990's, Lake Erie has been plagued with toxic algae blooms and almost five years ago there was a massive bloom that significantly affected the people of Toledo. It created a crisis so dangerous that they were not able to even touch their water for several days, let alone drink it. Motivated by this, a campaign was formed by a group of Toledo citizens to do something about this after years of neglect from industry and the legislature. Well, at the end of February of this year the citizens of Toledo overwhelmingly passed the Lake Erie Bill of Rights with 61% of the vote, which granted rights to Lake Erie and its entire ecosystem to exist, flourish and naturally evolve. This law empowers citizens – as part of that larger ecosystem, and who have the right to a healthy environment – to stand up for the lake when those rights are violated. This is the first-of-its-kind law to grant rights to an entire body of water and its ecosystem in the United States. Similar rights of nature laws have passed in Australia, New Zealand, Ecuador, India, Bolivia, Brazil and Columbia.

This is something that should be celebrated by Ohio, and the Ohio legislature should be leading the way forward in recognizing this. It drew international attention and some of the grassroots activists responsible for LEBOR were invited to speak at the United Nations on International Mother Earth Day this past April. In a time when we are experiencing a climate crisis and the rate of extinction of species is accelerating, we can no longer see nature as just property and a resource but something that has rights itself. This is a paradigm shift that is so desperately needed and represents a way forward for the survival of our planet. We are not separate from nature; we are an integral part of it. If we continually allow nature and ecosystems to be polluted and destroyed, then we are also destroying ourselves.

The seeds of this idea of have been planted long before but now it is crucial that Ohio and the world fertilize and embrace granting rights to nature. In his visionary dissenting opinion in the 1972 Supreme Court decision *Sierra Club v. Morton*, Justice William O. Douglas argued, "The critical question of "standing" would be simplified and also put neatly in focus

if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary public concern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation." He further added, "The river, for example, is the living symbol of all the life it sustains or nourishes - fish, aquatic insects, otter, fisher, deer, elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it. Those people who have a meaningful relation to that body of water – whether it be a fisherman, a canoeist, a zoologist, or a logger – must be able to speak for the values which the river represents and which are threatened with destruction ...” I find it a grave injustice that non-living corporate entities are often granted “standing” but the living, breathing people are often locked out of the system. Do you?

So, I am disgusted that the Ohio House chose a backwards path rather than a vision forward on this issue. Also, the process of adding last minute amendments to a budget bill that have nothing to do with a budget, just to get something through for the benefit of big-money interests, is as slimy as the toxic blue green algae that Toledoans are trying to prevent.

Therefore, I am asking the Senate to be more forward thinking, to be supportive of local democracy, the health of Lake Erie, all of Ohio's natural habitats and ecosystems, and all people who depend on it by removing this section from the budget bill. It has no place there and should never have been added in the first place, unless you want to leave a legacy for future generations as dark as the money that attempts to defeat the will of the people of this state.

Thank you.