



# ProgressOhio

FOR IMMEDIATE RELEASE: January 26, 2015

**CONTACTS:**

Teresa Mills, Center for Health, Environment and Justice, [\(614\) 539-1471](tel:6145391471) [tmills@chej.org](mailto:tmills@chej.org)

Melissa English, Ohio Citizen Action, [\(513\) 221-2100](tel:5132212100) [menglish@ohiocitizen.org](mailto:menglish@ohiocitizen.org)

## **40 COMMUNITY AND ENVIRONMENT GROUPS CHALLENGE ODNR AUTHORITY TO MANAGE FRACKING EMERGENCY RESPONSE**

### **Cites record of accidents and failures**

COLUMBUS - - Today 40 Ohio community and environmental groups fires off a challenge to the Ohio Department of Natural Resources' (ODNR) authority to manage chemical reporting and emergency response for the state's oil and gas industry. The challenge, carried in a letter to U.S. EPA Administrator Gina McCarthy, is based on the fact that Ohio law appears to contradict federal law with respect to what agency should receive hazardous chemical information and also respond to chemical accidents and emergencies. The letter to US EPA seeks clarification of these federal requirements in order to forestall an oil and gas industry agenda in Ohio's legislature to shift custody of the industry's chemical use data from front-line emergency responders to the industry's accommodating but unqualified supporters at ODNR.

The federal Emergency Planning and Community Right-to-Know Act (EPCRA) states that authority to accept hazardous chemical information and respond to chemical accidents resides with the State Emergency Response Commission (SERC), as well as local emergency planning committees and fire departments. Indeed, every other chemical-intensive industry in the state reports to SERC and SERC coordinates and plans emergency response for them. Ohio law, however, carves out an exception for the oil and gas industry, diverting its hazardous chemical information and emergency response authority to ODNR.

The groups point out sections of existing Ohio law (ORC 1509.231) and proposed legislation (2014's HB 490) that it says allows ODNR to, "...adopt a new and separate program tailored exclusively for its patrons in the oil and gas industry." The group

alleges that ODNR is “captured” by the industry it regulates and “...*routinely ignores and ridicules the concerns of sensible citizens regarding fracking while reflexively repeating the industry’s public relations talking points on this important subject...*”.

Furthermore, the group says that ODNR’s lack of expertise in emergency response puts public health and natural resources at risk.

To back up its claims, the groups cite several recent incidents, including a June fire and chemical spill in Monroe County that dumped 54,000 gallons of hazardous chemicals into a tributary of the Ohio River. Gaps in reporting meant volunteer firefighters lacked information on what chemicals were stored on site and had to guess at the appropriate response. Despite being the current custodian of fracking chemical information, ODNR’s Division of Oil and Gas didn’t arrive at the scene until 3 days after the fire broke out and failed to share trade secret chemical information with other state and federal emergency responders until 2 days after that. By that time, 70,000 fish had been killed and the plume of contamination had reached drinking water intakes located downstream.

**The letter calls upon U.S. EPA to clarify that while the state might allow chemical reporting to additional state agencies, it may not divert that information from the State Emergency Response Commission, as Ohio has done.**

Beyond the issue of public safety, the groups require this clarification to ensure public access to information about local chemical hazards. Under federal law, any citizen may access non-trade secret chemical information for any facility in their community, through their Local Emergency Planning Committee. Accessing this information through the ODNR is currently fraught with frustration and delay, even, as in the Monroe County incident, for firefighters. “The law is called the Emergency Planning and Community Right-to-Know Act for a reason,” says Center for Health, Environment and Justice organizer Teresa Mills. “ODNR has no right to keep this information from us,” she adds.

Buckeye Forest Council  
Raven Rock, Inc.  
Center for Health, Environment and Justice  
Southeast Ohio Fracking Interest Group  
Ohio Citizen Action  
Sycamore Valley  
Ohio Citizen Action Education Fund  
Frack Free Ohio  
Ohio Environmental Council  
Concerned Barnesville Area Residents  
Ohio Ecological Food and Farm Association  
Green Environmental Coalition

Sierra Club- Ohio Chapter  
Southwest Ohio No Frack Forum  
Ohio Organizing Collaborative  
Guardians of Mill Creek Park  
Ohio Farmer Union  
Frackfree Mahoning Valley  
Community United for Responsible Energy  
Stewards of the Land  
Mahoning Valley Organizing Collaborative  
Stark County Concerned Citizens  
Frackfree American National Coalition Youngstown  
Concerned Citizens Ohio- Hiram  
People's Oil & Gas Collaborative  
Radioactive Waste Alert  
Guernsey County Citizens Support on Drilling Issues  
Kent Environmental Council  
Fresh Water Accountability Project  
Athens County Frack Action Network  
Network for Oil and Gas Accountability and Protection  
Concerned Citizens of Medina County  
Concerned Citizens Ohio- Shalersville  
Concerned Citizens of Lake Township  
Defenders of the Earth Outreach Mission  
Ohio Student Association  
Coshocton Environmental and Community Awareness  
Cincinnati Green Group  
Morrow County POWER  
Save Our County, Inc.

The letter was also signed by the following individual activists:  
Peggy Ann Berry MSN, COHN-S, SPHR  
Professor James O'Reilly  
Dr. Ted and Swanny Voneida

# # # # #

