



# COMMUNITY ENVIRONMENTAL LEGAL DEFENSE FUND

P.O. Box 360, Mercersburg, PA 17236 / 717-498-0054 / [www.celdf.org](http://www.celdf.org)

# CELDF

Asserting Community Rights to Say “No” to Fracking  
and Other Threats, and “Yes” to Sustainability:

## Liberating Our Communities From Corporate Control

Whether it's drilling and fracking in our communities, injection wells depositing toxic chemicals under our feet, water withdrawals taking water from our local lakes and rivers, or trash gasification plants polluting the air that we breathe, our right to make local decisions on these issues are routinely overturned by corporate boards of directors - sometimes located thousands of miles away from our Ohio communities.

Communities across Ohio facing fracking and other threats are finding out that corporations and our state government are working hand-in-hand to make sure that communities can't interfere with those corporate projects. When we turn to our own local, elected officials, they're constantly telling us that “they wish they could help, but their hands are tied.”

Maybe it's time to stop banging our heads against these brick walls, and **begin to assert our democratic right to govern our own communities**. Maybe it's time to stop both the state and the corporations from telling us what we can and can't do.

We are in the midst of an escalating ecological crisis and that crisis is the result of decisions made by a relatively few people who run large corporations and state governments. We believe that **building liveable Ohio communities can never be achieved if we leave those decisions in the hands of a few** – both because of their belief in limitless economic production, and because their decisions are made at a distance from the communities affected by them.



# Ohio

*About to get fracked?*

*About to have an injection well?*

*Why working with Ohio regulatory agencies is a dead-end*

*Why organizing to defend community rights is the only way out*

*“All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have a right to alter, reform or abolish the same, whenever they deem it necessary.”*

Article I, Section 2 of the Ohio State Constitution

We believe that **to attain sustainability, a right to local self-government must be asserted that places decisions affecting communities in the hands of those closest to the impacts**. That right to local self-government must enable communities to reject unsustainable economic and environmental policies set by state and federal governments, and must enable communities to construct new laws which mandate a new future in which energy production, land development, and water use *actually supports community well-being*, rather than just corporate profit margins.

In doing so, communities are increasingly confronted with legal doctrines that have been manufactured over the past hundred years that strip away our authority to be self-governing. Those doctrines include state limitations on local lawmaking and corporate “rights” – both of which are routinely used to overturn laws that we make to defend our own communities.

**Ohio communities and the threat of “fracking”**

Ohio communities, and communities in other states, are confronting the threat of shale oil and gas drilling, and the practice known as hydraulic fracturing, or “fracking.” The environmental impacts from drilling and fracking are devastating, and increasingly, communities are seeking ways to stop fracking altogether. Communities are also working to stop the depositing of highly toxic waste from fracking into underground injection wells – an activity also permitted by the Ohio legislature and regulatory agencies.



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With the help of the Community Environmental Legal Defense Fund, over three dozen communities in western Pennsylvania and Ohio – including the City of Pittsburgh – have adopted Community Rights laws which ban fracking and injection wells as a violation of the rights of residents of those communities.

## ***Why can't we stop these corporate projects through other channels?***

Ohio communities have discovered that the **state government, with the help of corporate drillers, has legally authorized fracking and injection wells**. Through legislation such as HB 278 - passed in 2004 - state legislators stripped local control over drilling for oil and gas, and gave exclusive authority over those operations to the Ohio Department of Natural Resources. So, when a community contacts the ODNR for help to stop fracking, they find that rather than helping the community to protect itself from fracking harms, the agency is instead *tasked with issuing permits to corporations to frack*.

In addition to direct state control over what happens in our communities, **corporations routinely use certain constitutional "rights" and legal powers to override local, democratic decisionmaking**. Often, those rights and powers give those corporations more power where they drill and inject than the people who live there.

Current permit processes incorporate both state preemption and corporate "rights," and thus, communities are left out in the cold when they rely on those processes to try to stop specific projects.

## ***The Community Environmental Legal Defense Fund – Organizing for Community Rights***

CELDF – or the Community Environmental Legal Defense Fund - assists people and communities to assert their fundamental rights to democratic local self-governance and sustainability.

Through grassroots organizing, our two day trainings known as Democracy Schools, ordinance drafting, and litigation, **CELDF has assisted over 150 communities across the country to develop *first-in-the-nation* laws banning fracking, factory farming, sludging, water privatization, and industrial-scale energy development**.

**In Ohio, with CELDF's help, Yellow Springs, Broadview Heights, and Mansfield have already passed rights-based legislation – through a vote of the local village council in Yellow Springs, and by citizens' initiative in Broadview Heights and Mansfield – which ban fracking and related activities**. Now other Ohio communities are in the process of approving rights-based laws.

Through this work, CELDF has become the principal advisor to communities struggling to transition from merely *regulating* corporate harms to *stopping* those harms by addressing key legal obstacles - including corporate constitutional "rights" - that stand in the way of local self-governance and sustainability. CELDF has also assisted the first communities in the country to expand local protection of ecosystems and natural communities. CELDF's work is thus focused on elevating the rights of people, communities, and nature above the "rights" of corporations.

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## **Want to Learn More About How to Fight Back?**

To learn more about what you can do in your community:

visit CELDF's website at [www.celdf.org](http://www.celdf.org) or contact

Tish O'Dell at [tish@celdf.org](mailto:tish@celdf.org)

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