

# Cincinnati charter amendment: Give the Ohio River rights, create ecology court

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A proposed charter amendment would give the Ohio River rights. *Enquirer File Photo*

If local environmentalists are successful, you may get a chance to grant rights to the Ohio River similar to a person's – giving the river more legal power to stop pollution.

Local activists hope to gather 5,400 signatures over the next three months to put on the November ballot an amendment to Cincinnati's charter that would create a bill of rights for the Ohio River and its watershed. This would allow residents to take legal action on the river's behalf when they feel an industry or development is threatening the ecosystem.

The Cincinnati conservation group Citizens for Rights of the Ohio River Watershed (CROW) announced the proposal Tuesday, hours after a national group, American Rivers, named the Ohio River the second-most endangered river in the nation due to pollution.

"That the river itself, the ecosystem itself, and nonhuman entities, have rights beyond those of profit and property," said Susan Vonderhaar, 61, a Westwood

resident and one of CROW's cofounders, when discussing the purpose of the proposed amendment.

The goal would be to make it harder for industries to dump pollutants in the Ohio River and the surrounding environment, several members of CROW told The Enquirer.

The amendment states all Cincinnati residents have an “inalienable and infeasible right to a healthy ecosystem” and establishes the right of the ecosystem to seek compensation for violation of its rights.

### **Ecology court, commission created**

The proposed charter amendment would establish an ecology court, an ecosystem advocate and advisory commission in Cincinnati to fight for the rights of the river. The advisory commission would consist of neighborhood representatives from each police district elected by the residents and three Native Americans selected by local Native American organizations as well as a member appointed by city council.

The amendment also calls for the city to pay for this with 1% of the city's annual general fund revenues, which in 2023 would be \$4.7 million.

The Ohio River Watershed Ecosystem Bill of Rights would allow the river and nature to be represented in court, said Tish O'Dell, the Ohio organizer for the Community Environmental Legal Defense Fund, who helped draft the bill of rights.

The impact on the environment needs to be part of the approval process for new development and industry, she said.

"Things that would get greenlighted on the basis of 'Oh, it's going to bring jobs, it's going to bring economic growth to the area,' that's where the conversation always ends here," O'Dell said. "We need to continue the

conversation where we can say, 'Why do we have to destroy the environment to have these jobs? Is there another way we can do it?'"

### **How would this impact the Brent Spence Bridge?**

What about the \$3.6 billion project to build a new bridge alongside the Brent Spence Bridge and rehab the old one? O'Dell said she doesn't know whether that would be challenged in court. But the bill of rights would make environmental issues a bigger part of the conversation, she said.

"It wouldn't just be about how it affects people, economics," O'Dell said. "What it would do, it would bring into the conversation how it affects the river. Is it being a positive or negative?"

### **Other areas have recognized the rights of nature**

Cincinnati wouldn't be the first government to recognize nature has legal rights. Toledo voters in 2019 passed a Lake Erie Bill of Rights that allowed people to sue on the lake's behalf to stop pollution. An algal bloom in 2014 had prevented people from drinking water for three days in the area.

But a business sued, and a federal judge struck the law down as too vague and therefore unconstitutional.

Residents of Grant Township, Pennsylvania, incensed over a proposed fracking operation, passed a "Community Bill of Rights" to stop an oil and gas company from locating an injection well there. The matter has been in litigation for a decade.

Other countries have passed laws granting rights to rivers and nature, including Ecuador and New Zealand.

O'Dell said she worked on getting the Lake Erie Bill of Rights passed as well as similar efforts elsewhere. She knows it'll be an uphill legal battle to get this into law. It's not clear where city officials stand on the Ohio River Bill of

Rights. Messages to the Cincinnati mayor, city manager and Councilwoman Meeka Owens, chair of city council's Climate, Environment, and Infrastructure Committee, were not immediately returned on Tuesday.

"They've faced obstacles," O'Dell said of residents in other areas that have tried to pass legislation recognizing the rights of nature. "They've been suppressed. They've been kept off the ballot, things that are anti-democratic, anti-what-we believe-in-this-country, and yet this group is willing to push forward, because this is a movement for change."