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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R.

To repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. DEGETTE (for herself, Mr. HINCHEY, and Mr. POLIS) introduced the following bill; which was referred to the Committee on

A BILL

To repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fracturing Responsi-
5 bility and Awareness of Chemicals Act of 2011”.

6 **SEC. 2. REGULATION OF HYDRAULIC FRACTURING.**

7 (a) HYDRAULIC FRACTURING.—Section 1421(d)(1)
8 of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1))

1 is amended by striking subparagraph (B) and inserting
2 the following:

3 “(B) includes the underground injection of
4 fluids or propping agents pursuant to hydraulic
5 fracturing operations related to oil, gas, or geo-
6 thermal production activities; but

7 “(C) excludes the underground injection of
8 natural gas for purposes of storage.”.

9 (b) DISCLOSURE OF HYDRAULIC FRACTURING
10 CHEMICALS; MEDICAL EMERGENCIES; PROPRIETARY
11 CHEMICAL FORMULAS.—Section 1421(b) of the Safe
12 Drinking Water Act (42 U.S.C. 300H(b)) is amended by
13 adding at the end the following:

14 “(4)(A) Regulations included under paragraph
15 (1)(C) shall include the following requirements:

16 “(i) A person conducting hydraulic
17 fracturing operations shall disclose to the
18 State (or the Administrator if the Adminis-
19 trator has primary enforcement responsi-
20 bility in the State)—

21 “(I) prior to the commencement
22 of any hydraulic fracturing operations
23 at any lease area or portion thereof, a
24 list of chemicals intended for use in
25 any underground injection during

1 such operations, including identifica-
2 tion of the chemical constituents of
3 mixtures, Chemical Abstracts Service
4 numbers for each chemical and con-
5 stituent, material safety data sheets
6 when available, and the anticipated
7 volume of each chemical; and

8 “(II) not later than 30 days after
9 the end of any hydraulic fracturing
10 operations, the list of chemicals used
11 in each underground injection during
12 such operations, including identifica-
13 tion of the chemical constituents of
14 mixtures, Chemical Abstracts Service
15 numbers for each chemical and con-
16 stituent, material safety data sheets
17 when available, and the volume of
18 each chemical used.

19 “(ii) The State or the Administrator,
20 as applicable, shall make the disclosure of
21 chemical constituents referred to in clause
22 (i) available to the public, including by
23 posting the information on an appropriate
24 Internet website.

1 “(iii) Whenever the State or the Ad-
2 ministrators, or a treating physician or
3 nurse, determines that a medical emer-
4 gency exists and the proprietary chemical
5 formula of a chemical used in hydraulic
6 fracturing operations is necessary for med-
7 ical treatment, the person conducting the
8 hydraulic fracturing operations shall, upon
9 request, immediately disclose the propri-
10 etary chemical formulas or the specific
11 chemical identity of a trade secret chemical
12 to the State, the Administrator, or the
13 treating physician or nurse, regardless of
14 whether a written statement of need or a
15 confidentiality agreement has been pro-
16 vided. The person conducting the hydraulic
17 fracturing operations may require a writ-
18 ten statement of need and a confidentiality
19 agreement as soon thereafter as cir-
20 cumstances permit.

21 “(B) Subparagraphs (A)(i) and (A)(ii) do not
22 authorize the State (or the Administrator) to require
23 the public disclosure of proprietary chemical for-
24 mulas.”.