

111TH CONGRESS
1ST SESSION

H. R. 2766

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2009

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

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 2009”.

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))
9 is amended by striking subparagraph (B) and inserting:

1 “(B) includes the underground injection of
2 fluids or propping agents pursuant to hydraulic
3 fracturing operations related to oil and gas pro-
4 duction activities; but

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

7 (b) DISCLOSURE.—Section 1421(b) of the Safe
8 Drinking Water Act (42 U.S.C. 300h(b)) is amended as
9 follows:

10 (1) In subparagraph (C) of paragraph (1) in-
11 sert before the semicolon “, including a requirement
12 that any person using hydraulic fracturing disclose
13 to the State (or the Administrator if the Adminis-
14 trator has primary enforcement responsibility in the
15 State) the chemical constituents (but not the propri-
16 etary chemical formulas) used in the fracturing
17 process”.

18 (2) Add the following new paragraph at the end
19 thereof:

20 “(4) The State (or Administrator) shall make
21 the disclosure of chemical constituents referred to in
22 subparagraph (C) of paragraph (1) available to the
23 public, including a posting of the information on an
24 appropriate Internet website. In addition, whenever
25 the State or the Administrator, or a treating physi-

1 cian or nurse, determines that a medical emergency
2 exists and the proprietary chemical formulas or spe-
3 cific chemical identity of a chemical used in hydrau-
4 lic fracturing is necessary for emergency or first-aid
5 treatment, the person using hydraulic fracturing
6 shall immediately disclose the proprietary chemical
7 formulas or the specific chemical identity of a trade
8 secret chemical to the State, the Administrator, or
9 that treating physician or nurse, regardless of the
10 existence of a written statement of need or a con-
11 fidentiality agreement. The person using hydraulic
12 fracturing may require a written statement of need
13 and a confidentiality agreement as soon thereafter
14 as circumstances permit.”.

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