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

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2011

Ms. DeGette (for herself, Mr. Hinchey, Mr. Polis, Mr. Ackerman, Mr. Berman, Mrs. Capps, Mr. Connolly of Virginia, Mr. Ellison, Mr. Engel, Mr. Farr, Mr. Frank of Massachusetts, Mr. Grijalva, Ms. Hirono, Mr. Holt, Mr. Honda, Mr. Kildee, Mr. Kucinich, Mrs. Lowey, Mrs. Maloney, Ms. McCollum, Mr. Moran, Ms. Moore, Mr. Nadler, Mr. Pallone, Ms. Pingree of Maine, Mr. Sarbanes, Ms. Schakowsky, Mr. Stark, Mr. Tonko, Mr. Van Hollen, Mr. Weiner, and Ms. Woolsey) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fracturing Responsibility and Awareness of Chemicals Act of 2011”.
SEC. 2. REGULATION OF HYDRAULIC FRACTURING.

(a) HYDRAULIC FRACTURING.—Section 1421(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) includes the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities; but

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

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

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

“(i) A person conducting hydraulic fracturing operations shall disclose to the State (or the Administrator if the Administrator has primary enforcement responsibility in the State)—

“(I) prior to the commencement of any hydraulic fracturing operations at any lease area or portion thereof, a
list of chemicals intended for use in any underground injection during such operations, including identification of the chemical constituents of mixtures, Chemical Abstracts Service numbers for each chemical and constituent, material safety data sheets when available, and the anticipated volume of each chemical; and

“(II) not later than 30 days after the end of any hydraulic fracturing operations, the list of chemicals used in each underground injection during such operations, including identification of the chemical constituents of mixtures, Chemical Abstracts Service numbers for each chemical and constituent, material safety data sheets when available, and the volume of each chemical used.

“(ii) The State or the Administrator, as applicable, shall make the disclosure of chemical constituents referred to in clause (i) available to the public, including by
posting the information on an appropriate
Internet Web site.

“(iii) Whenever the State or the Ad-
ministrator, or a treating physician or
nurse, determines that a medical emer-
gency exists and the proprietary chemical
formula of a chemical used in hydraulic
fracturing operations is necessary for med-
ical treatment, the person conducting the
hydraulic fracturing operations shall, upon
request, immediately disclose the propri-
etary chemical formulas or the specific
chemical identity of a trade secret chemical
to the State, the Administrator, or the
treating physician or nurse, regardless of
whether a written statement of need or a
confidentiality agreement has been pro-
vided. The person conducting the hydraulic
fracturing operations may require a writ-
ten statement of need and a confidentiality
agreement as soon thereafter as cir-
cumstances permit.

“(B) Subparagraphs (A)(i) and (A)(ii) do not
authorize the State (or the Administrator) to require
the public disclosure of proprietary chemical formulas."