

Union Calendar No. 179

113TH CONGRESS
1ST SESSION

H. R. 2850

[Report No. 113-252]

To require certain procedures in the conduct by the Environmental Protection Agency of its study of the potential impacts of hydraulic fracturing on drinking water resources.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2013

Mr. SMITH of Texas (for himself, Mr. STEWART, and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

OCTOBER 23, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To require certain procedures in the conduct by the Environmental Protection Agency of its study of the potential impacts of hydraulic fracturing on drinking water resources.

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 “EPA Hydraulic Frac-

5 turing Study Improvement Act”.

6 **SEC. 2. EPA HYDRAULIC FRACTURING RESEARCH.**

7 In conducting its study of the potential impacts of

8 hydraulic fracturing on drinking water resources, with re-

9 spect to which a request for information was issued under

10 Federal Register Vol. 77, No. 218, the Administrator of

11 the Environmental Protection Agency shall adhere to the

12 following requirements:

13 (1) PEER REVIEW AND INFORMATION QUAL-

14 ITY.—Prior to issuance and dissemination of any

15 final report or any interim report summarizing the

16 Environmental Protection Agency’s research on the

17 relationship between hydraulic fracturing and drink-

18 ing water, the Administrator shall—

19 (A) consider such reports to be Highly In-

20 fluential Scientific Assessments and require

21 peer review of such reports in accordance with

22 guidelines governing such assessments, as de-

23 scribed in—

1 (i) the Environmental Protection
2 Agency's Peer Review Handbook 3rd Edi-
3 tion;

4 (ii) the Environmental Protection
5 Agency's Scientific Integrity Policy, as in
6 effect on the date of enactment of this Act;
7 and

8 (iii) the Office of Management and
9 Budget's Peer Review Bulletin, as in effect
10 on the date of enactment of this Act; and

11 (B) require such reports to meet the stand-
12 ards and procedures for the dissemination of in-
13 fluential scientific, financial, or statistical infor-
14 mation set forth in the Environmental Protec-
15 tion Agency's Guidelines for Ensuring and
16 Maximizing the Quality, Objectivity, Utility,
17 and Integrity of Information Disseminated by
18 the Environmental Protection Agency, devel-
19 oped in response to guidelines issued by the Of-
20 fice of Management and Budget under section
21 515(a) of the Treasury and General Govern-
22 ment Appropriations Act for Fiscal Year 2001
23 (Public Law 106-554).

24 (2) PROBABILITY, UNCERTAINTY, AND CON-
25 SEQUENCE.—In order to maximize the quality and

1 utility of information developed through the study,
2 the Administrator shall ensure that identification of
3 the possible impacts of hydraulic fracturing on
4 drinking water resources included in such reports be
5 accompanied by objective estimates of the prob-
6 ability, uncertainty, and consequence of each identi-
7 fied impact, taking into account the risk manage-
8 ment practices of States and industry. Estimates or
9 descriptions of probability, uncertainty, and con-
10 sequence shall be as quantitative as possible given
11 the validity, accuracy, precision, and other quality
12 attributes of the underlying data and analyses, but
13 no more quantitative than the data and analyses can
14 support.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “EPA Hydraulic Frac-*
17 *turing Study Improvement Act”.*

18 **SEC. 2. EPA HYDRAULIC FRACTURING RESEARCH.**

19 *In conducting its study of the potential impacts of hy-*
20 *draulic fracturing on drinking water resources, with respect*
21 *to which a request for information was issued under Federal*
22 *Register Vol. 77, No. 218, the Administrator of the Environ-*
23 *mental Protection Agency shall adhere to the following re-*
24 *quirements:*

1 (1) *PEER REVIEW AND INFORMATION QUALITY.*—
2 *Prior to issuance and dissemination of any final re-*
3 *port or any interim report summarizing the Environ-*
4 *mental Protection Agency’s research on the relation-*
5 *ship between hydraulic fracturing and drinking*
6 *water, the Administrator shall—*

7 (A) *consider such reports to be Highly In-*
8 *fluential Scientific Assessments and require peer*
9 *review of such reports in accordance with guide-*
10 *lines governing such assessments, as described*
11 *in—*

12 (i) *the Environmental Protection*
13 *Agency’s Peer Review Handbook 3rd Edi-*
14 *tion;*

15 (ii) *the Environmental Protection*
16 *Agency’s Scientific Integrity Policy, as in*
17 *effect on the date of enactment of this Act;*
18 *and*

19 (iii) *the Office of Management and*
20 *Budget’s Peer Review Bulletin, as in effect*
21 *on the date of enactment of this Act; and*

22 (B) *require such reports to meet the stand-*
23 *ards and procedures for the dissemination of in-*
24 *fluential scientific, financial, or statistical infor-*
25 *mation set forth in the Environmental Protec-*

1 *tion Agency’s Guidelines for Ensuring and*
2 *Maximizing the Quality, Objectivity, Utility,*
3 *and Integrity of Information Disseminated by*
4 *the Environmental Protection Agency, developed*
5 *in response to guidelines issued by the Office of*
6 *Management and Budget under section 515(a) of*
7 *the Treasury and General Government Appro-*
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9 *106-554).*

10 (2) *PROBABILITY, UNCERTAINTY, AND CON-*
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12 *utility of information developed through the study,*
13 *the Administrator shall ensure that identification of*
14 *the possible impacts of hydraulic fracturing on drink-*
15 *ing water resources included in such reports be ac-*
16 *companied by objective estimates of the probability,*
17 *uncertainty, and consequence of each identified im-*
18 *pect, taking into account the risk management prac-*
19 *tices of States and industry. Estimates or descriptions*
20 *of probability, uncertainty, and consequence shall be*
21 *as quantitative as possible given the validity, accu-*
22 *racy, precision, and other quality attributes of the*
23 *underlying data and analyses, but no more quan-*
24 *titative than the data and analyses can support.*

1 (3) *RELEASE OF FINAL REPORT.—The final re-*
2 *port shall be publicly released by September 30, 2016.*

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