

112TH CONGRESS
1ST SESSION

H. R. 1084

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.

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”.

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

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

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

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

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

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

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

24 “(I) prior to the commencement
25 of any hydraulic fracturing operations
26 at any lease area or portion thereof, a

1 list of chemicals intended for use in
2 any underground injection during
3 such operations, including identifica-
4 tion of the chemical constituents of
5 mixtures, Chemical Abstracts Service
6 numbers for each chemical and con-
7 stituent, material safety data sheets
8 when available, and the anticipated
9 volume of each chemical; and

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

21 “(ii) The State or the Administrator,
22 as applicable, shall make the disclosure of
23 chemical constituents referred to in clause
24 (i) available to the public, including by

1 posting the information on an appropriate
2 Internet Web site.

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

23 “(B) Subparagraphs (A)(i) and (A)(ii) do not
24 authorize the State (or the Administrator) to require

1 the public disclosure of proprietary chemical for-
2 mulas.”.

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