111TH 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 of Colorado) 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 Responsibility 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:
“(B) includes the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil and gas production activities; but

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

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

(1) In subparagraph (C) of paragraph (1) insert before the semicolon “, including a requirement that any person using hydraulic fracturing disclose to the State (or the Administrator if the Administrator has primary enforcement responsibility in the State) the chemical constituents (but not the proprietary chemical formulas) used in the fracturing process.”

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

“(4) The State (or Administrator) shall make the disclosure of chemical constituents referred to in subparagraph (C) of paragraph (1) available to the public, including a posting of the information on an appropriate Internet website. In addition, whenever the State or the Administrator, or a treating physi-
cian or nurse, determines that a medical emergency
exists and the proprietary chemical formulas or spe-
cific chemical identity of a chemical used in hydrau-
lic fracturing is necessary for emergency or first-aid
treatment, the person using hydraulic fracturing
shall immediately disclose the proprietary chemical
formulas or the specific chemical identity of a trade
secret chemical to the State, the Administrator, or
that treating physician or nurse, regardless of the
existence of a written statement of need or a con-
fidentiality agreement. The person using hydraulic
fracturing may require a written statement of need
and a confidentiality agreement as soon thereafter
as circumstances permit.”.