

113TH CONGRESS
1ST SESSION

H. R. 1921

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2013

Ms. DEGETTE (for herself and Mr. GIBSON) 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 2013”.

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
10 the following:

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

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

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

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

14 “(i) A person conducting hydraulic frac-
15 turing operations shall disclose to the State (or
16 the Administrator if the Administrator has pri-
17 mary enforcement responsibility in the State)—

18 “(I) prior to the commencement of
19 any hydraulic fracturing operations at any
20 lease area or portion thereof, a list of
21 chemicals intended for use in any under-
22 ground injection during such operations,
23 including identification of the chemical
24 constituents of mixtures, Chemical Ab-
25 stracts Service numbers for each chemical

1 and constituent, material safety data
2 sheets when available, and the anticipated
3 volume of each chemical; and

4 “(II) not later than 30 days after the
5 end of any hydraulic fracturing operations,
6 the list of chemicals used in each under-
7 ground injection during such operations,
8 including identification of the chemical
9 constituents of mixtures, Chemical Ab-
10 stracts Service numbers for each chemical
11 and constituent, material safety data
12 sheets when available, and the volume of
13 each chemical used.

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

19 “(iii) Whenever the State or the Adminis-
20 trator, or a treating physician or nurse, deter-
21 mines that a medical emergency exists and the
22 proprietary chemical formula of a chemical used
23 in hydraulic fracturing operations is necessary
24 for medical treatment, the person conducting
25 the hydraulic fracturing operations shall, upon

1 request, immediately disclose the proprietary
2 chemical formulas or the specific chemical iden-
3 tity of a trade secret chemical to the State, the
4 Administrator, or the treating physician or
5 nurse, regardless of whether a written state-
6 ment of need or a confidentiality agreement has
7 been provided. The person conducting the hy-
8 draulic fracturing operations may require a
9 written statement of need and a confidentiality
10 agreement as soon thereafter as circumstances
11 permit.

12 “(B) Subparagraphs (A)(i) and (A)(ii) do not
13 authorize the State (or the Administrator) to require
14 the public disclosure of proprietary chemical for-
15 mulas.”.

○