116TH CONGRESS 1ST SESSION

H. R. 4014

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

IN THE HOUSE OF REPRESENTATIVES

July 25, 2019

Ms. Degette (for herself, Mr. Neguse, Mr. Cartwright, Ms. Schakowsky, Ms. Clarke of New York, Mr. Khanna, Mr. Beyer, Mr. Blumenauer, Mr. Sarbanes, Mr. Welch, Ms. McCollum, Ms. Bonamici, Mr. Engel, Ms. Lee of California, Mrs. Napolitano, Ms. Norton, Mr. Raskin, Mr. Hastings, Mr. Soto, Mr. McGovern, Mr. DeSaulnier, Mr. Quigley, Mr. Morelle, and Mr. Schiff) 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 2019".
- 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))

1	is amended by striking subparagraph (B) and inserting
2	the following:
3	"(B) includes the underground injection of
4	fluids or propping agents pursuant to hydraulic
5	fracturing operations related to oil, gas, or geo-
6	thermal production activities; but
7	"(C) excludes the underground injection of
8	natural gas for purposes of storage.".
9	(b) Disclosure of Hydraulic Fracturing
10	CHEMICALS; MEDICAL EMERGENCIES; PROPRIETARY
11	CHEMICAL FORMULAS.—Section 1421(b) of the Safe
12	Drinking Water Act (42 U.S.C. 300H(b)) is amended by
13	adding at the end the following:
14	"(4)(A) Regulations included under paragraph
15	(1)(C) shall include the following requirements:
16	"(i) A person conducting hydraulic frac-
17	turing operations shall disclose to the State (or
18	the Administrator if the Administrator has pri-
19	mary enforcement responsibility in the State)—
20	"(I) prior to the commencement of
21	any hydraulic fracturing operations at any
22	lease area or portion thereof, a list of
23	chemicals intended for use in any under-
24	ground injection during such operations,
25	including identification of the chemical

1	constituents of mixtures, Chemical Ab-
2	stracts Service numbers for each chemical
3	and constituent, material safety data
4	sheets when available, and the anticipated
5	volume of each chemical; and
6	"(II) not later than 30 days after the
7	end of any hydraulic fracturing operations,
8	the list of chemicals used in each under-
9	ground injection during such operations,
0	including identification of the chemical
1	constituents of mixtures, Chemical Ab-
2	stracts Service numbers for each chemical
3	and constituent, material safety data
4	sheets when available, and the volume of
5	each chemical used.
6	"(ii) The State or the Administrator, as
7	applicable, shall make the disclosure of chemical
8	constituents referred to in clause (i) available to
9	the public, including by posting the information
20	on an appropriate internet website.
21	"(iii) Whenever the State or the Adminis-
22	trator, or a treating physician or nurse, deter-
23	mines that a medical emergency exists and the
24	proprietary chemical formula of a chemical used

in hydraulic fracturing operations is necessary

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for medical treatment, the person conducting the hydraulic fracturing operations shall, upon request, immediately disclose the proprietary 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 provided. The person conducting the hydraulic fracturing operations may require a written statement of need and a confidentiality agreement as soon thereafter as circumstances permit.

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

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