

115TH CONGRESS  
1ST SESSION

# H. R. 2012

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Ms. DEGETTE (for herself, Mr. SMITH of Washington, Mr. TONKO, Ms. MCCOLLUM, Mr. GRIJALVA, Ms. TSONGAS, Mr. TAKANO, Ms. SCHAKOWSKY, Mr. POLIS, Mr. CARTWRIGHT, Mr. CAPUANO, Mr. SCOTT of Virginia, Ms. LEE, Mr. SWALWELL of California, Mr. ENGEL, Mr. POCAN, Mr. CONNOLLY, Mr. BLUMENAUER, Mr. SARBANES, Ms. NORTON, Mr. QUIGLEY, Mr. HUFFMAN, Ms. ESHOO, Mrs. CAROLYN B. MALONEY of New York, Mr. SERRANO, Mr. YARMUTH, Mr. BEYER, Mr. PALLONE, Ms. MENG, Ms. MAXINE WATERS of California, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 2017”.

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 frac-  
20 turing operations shall disclose to the State (or  
21 the Administrator if the Administrator has pri-  
22 mary enforcement responsibility in the State)—

23 “(I) prior to the commencement of  
24 any hydraulic fracturing operations at any  
25 lease area or portion thereof, a list of  
26 chemicals intended for use in any under-

1 ground injection during such operations,  
2 including identification of the chemical  
3 constituents of mixtures, Chemical Ab-  
4 stracts Service numbers for each chemical  
5 and constituent, material safety data  
6 sheets when available, and the anticipated  
7 volume of each chemical; and

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

18 “(ii) The State or the Administrator, as  
19 applicable, shall make the disclosure of chemical  
20 constituents referred to in clause (i) available to  
21 the public, including by posting the information  
22 on an appropriate Internet website.

23 “(iii) Whenever the State or the Adminis-  
24 trator, or a treating physician or nurse, deter-  
25 mines that a medical emergency exists and the

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

16               “(B) Subparagraph (A)(i) and (A)(ii) do not  
17          authorize the State (or the Administrator) to require  
18          the public disclosure of proprietary chemical for-  
19          mulas.”.

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