

115TH CONGRESS
1ST SESSION

H. R. 2012

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

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

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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