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

IN THE HOUSE OF REPRESENTATIVES

June 9, 2009

Ms. DEGETTE (for herself, Mr. HINCHEY, and Mr. POLIS of Colorado) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Fracturing Responsibility and Awareness of Chemicals Act of 2009'.

SEC. 2. REGULATION OF HYDRAULIC FRACTURING.

(a) Hydraulic Fracturing- Section 1421(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)) 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 physician or nurse, determines that a medical emergency exists and the proprietary chemical formulas or specific chemical identity of a chemical used in hydraulic 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 confidentiality agreement. The person using hydraulic fracturing may require a written statement of need and a confidentiality agreement as soon thereafter as circumstances permit.

END