

111TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

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

Ms. DEGETTE (for herself, Mr. HINCHEY, and Mr. POLIS of Colorado) introduced the following bill; which was referred to the Committee on

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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 2009”.

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:

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

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

7           (b) DISCLOSURE.—Section 1421(b) of the Safe  
8           Drinking Water Act (42 U.S.C. 300h(b)) is amended as  
9           follows:

10           (1) In subparagraph (C) of paragraph (1) in-  
11           sert before the semicolon “, including a requirement  
12           that any person using hydraulic fracturing disclose  
13           to the State (or the Administrator if the Adminis-  
14           trator has primary enforcement responsibility in the  
15           State) the chemical constituents (but not the propri-  
16           etary chemical formulas) used in the fracturing  
17           process..”

18           (2) Add the following new paragraph at the end  
19           thereof:

20           “(4) The State (or Administrator) shall make  
21           the disclosure of chemical constituents referred to in  
22           subparagraph (C) of paragraph (1) available to the  
23           public, including a posting of the information on an  
24           appropriate Internet website. In addition, whenever  
25           the State or the Administrator, or a treating physi-

1       cian or nurse, determines that a medical emergency  
2       exists and the proprietary chemical formulas or spe-  
3       cific chemical identity of a chemical used in hydrau-  
4       lic fracturing is necessary for emergency or first-aid  
5       treatment, the person using hydraulic fracturing  
6       shall immediately disclose the proprietary chemical  
7       formulas or the specific chemical identity of a trade  
8       secret chemical to the State, the Administrator, or  
9       that treating physician or nurse, regardless of the  
10      existence of a written statement of need or a con-  
11      fidentiality agreement. The person using hydraulic  
12      fracturing may require a written statement of need  
13      and a confidentiality agreement as soon thereafter  
14      as circumstances permit.”.