

**AMENDMENT TO MR. RAHALL'S AMENDMENT TO
 H.R. 3534, AS REPORTED
 OFFERED BY MS. DEGETTE OF COLORADO
 (As Posted on Rules Committee Website)**

Add at the end of title VIII the following:

1 **SEC. ____ . DISCLOSURE OF HYDRAULIC FRACTURING**
 2 **CHEMICALS.**

3 (a) DISCLOSURE.—The Emergency Planning and
 4 Community Right-To-Know Act of 1986 (42 U.S.C.
 5 11001 et seq.) is amended by adding at the end the fol-
 6 lowing new section:

7 **"SEC. 331. DISCLOSURE OF HYDRAULIC FRACTURING**
 8 **CHEMICALS.**

9 "(a) IN GENERAL.—

10 "(1) STATE AUTHORITY.—A State that permits
 11 oil and natural gas drilling—

12 "(A) may require any person using hy-
 13 draulic fracturing for an oil or natural gas well
 14 in the State to disclose to the State, not later
 15 than 30 days after completion of drilling the
 16 well, the list of chemicals used in each hydraulic
 17 fracturing process (identified by well location
 18 and number), including the chemical constitu-

1 ents of mixtures, Chemical Abstracts Service
2 registry numbers, and material safety data
3 sheets; and

4 “(B) shall make any such disclosure avail-
5 able to the public, including a posting of the in-
6 formation online.

7 “(2) DISCLOSURE IF NO STATE IMPLEMENTA-
8 TION.—If a State that permits oil and natural gas
9 drilling does not require and make available disclo-
10 sures in accordance with paragraph (1) by December
11 31, 2011, or ceases to require and make available
12 disclosures in accordance with paragraph (1) after
13 such date, the operator of the oil or natural gas well
14 in the State shall make available to the public on-
15 line, not later than 30 days after completion of drill-
16 ing the well, the list of chemicals used in each hy-
17 draulic fracturing process (identified by well location
18 and number), including the chemical constituents of
19 mixtures, Chemical Abstracts Service registry num-
20 bers, and material safety data sheets.

21 “(b) PROPRIETARY CHEMICAL FORMULAS; MEDICAL
22 EMERGENCIES.—

23 “(1) IN GENERAL.—Except as provided in this
24 subsection, this section does not require the disclo-

1 sure of proprietary chemical formulas used in hy-
2 draulic fracturing.

3 “(2) DISCLOSURE IN MEDICAL EMER-
4 GENCIES.—Whenever the State or the Adminis-
5 trator, or a treating physician or nurse, determines
6 that a medical emergency exists and the proprietary
7 chemical formulas, or the identity, of one or more
8 chemical constituents used in hydraulic fracturing is
9 necessary for medical treatment, the person using
10 hydraulic fracturing shall immediately disclose the
11 proprietary chemical formulas or the identity of such
12 chemical constituents to the State, the Adminis-
13 trator, or that treating physician or nurse, regard-
14 less of the existence of a written statement of need
15 or a confidentiality agreement. The person using hy-
16 draulic fracturing may require a written statement
17 of need and a confidentiality agreement as soon
18 thereafter as circumstances permit.

19 “(c) THRESHOLDS INAPPLICABLE.—Threshold limi-
20 tations under this Act shall not apply to disclosures made
21 under this section.

22 “(d) RULE OF CONSTRUCTION.—This section shall
23 not be construed to restrict the authority of States to reg-
24 ulate hydraulic fracturing or other aspects of oil and gas
25 operations.”.

1 (b) ENFORCEMENT.—Section 325(c)(2) of the Emer-
2 gency Planning and Community Right-To-Know Act of
3 1986 (42 U.S.C. 11045(c)(2)) is amended by striking
4 “section 311 or 323(b)” and inserting “section 311,
5 323(b), 331(a)(2), or 331(b)”.

