

117TH CONGRESS  
1ST SESSION

# H. R. 2202

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

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Ms. DEGETTE (for herself, Mr. CARTWRIGHT, Ms. SCHAKOWSKY, Ms. CLARKE of New York, Ms. BARRAGÁN, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. COHEN, Mr. CONNOLLY, Ms. ESHOO, Mr. GRIJALVA, Mr. HASTINGS, Mr. HUFFMAN, Mr. JONES, Mr. KHANNA, Mr. LYNCH, Ms. MATSUI, Ms. MENG, Ms. MCCOLLUM, Mr. MORELLE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Mr. RASKIN, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. VARGAS, Ms. VELÁZQUEZ, Mr. WELCH, and Mr. DESAULNIER) 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 2021”.

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 (1)(C)  
 18 shall include the following requirements:

19 “(i) A person conducting hydraulic fracturing  
 20 operations shall disclose to the State (or the Admin-  
 21 istrator if the Administrator has primary enforce-  
 22 ment responsibility in the State)—

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

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

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

16 “(ii) The State or the Administrator, as appli-  
17 cable, shall make the disclosure of chemical constitu-  
18 ents referred to in clause (i) available to the public,  
19 including by posting the information on an appro-  
20 priate internet website.

21 “(iii) Whenever the State or the Administrator,  
22 or a treating physician or nurse, determines that a  
23 medical emergency exists and the proprietary chem-  
24 ical formula of a chemical used in hydraulic frac-  
25 turing operations is necessary for medical treatment,

1       the person conducting the hydraulic fracturing oper-  
2       ations shall, upon request, immediately disclose the  
3       proprietary chemical formulas or the specific chem-  
4       ical identity of a trade secret chemical to the State,  
5       the Administrator, or the treating physician or  
6       nurse, regardless of whether a written statement of  
7       need or a confidentiality agreement has been pro-  
8       vided. The person conducting the hydraulic frac-  
9       turing operations may require a written statement of  
10      need and a confidentiality agreement as soon there-  
11      after as circumstances permit.

12      “(B) Subparagraph (A)(i) and (A)(ii) do not author-  
13      ize the State (or the Administrator) to require the public  
14      disclosure of proprietary chemical formulas.”.

○