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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 175 Session of  
2023

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INTRODUCED BY KRAJEWSKI, FRANKEL, KINSEY, ISAACSON, GUENST,  
MADDEN, RABB, HANBIDGE, HILL-EVANS, HOHENSTEIN, SANCHEZ,  
FREEMAN, OTTEN, KHAN, N. NELSON, INNAMORATO AND MAYES,  
MARCH 28, 2023

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REFERRED TO COMMITTEE ON HEALTH, MARCH 28, 2023

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AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated  
2 Statutes, providing for public health protections relating to  
3 hydraulic fracturing infrastructure; imposing duties on  
4 Department of Health and Department of Environmental  
5 Protection; and establishing the Oil and Natural Gas Public  
6 Health Registry Fund.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 58 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 37

12 PUBLIC HEALTH PROTECTIONS

13 Sec.

14 3701. Definitions.

15 3702. Duties of department.

16 3703. Interdepartmental Coordinating Task Force.

17 3704. Reporting.

18 3705. Oil and Natural Gas Production Health Registry.

19 3706. Environmental health education.

1 3707. Education and training of physicians.

2 3708. Department of Environmental Protection duties.

3 3709. Environmental hazard fee.

4 3710. Oil and Natural Gas Public Health Registry Fund.

5 § 3701. Definitions.

6 The following words and phrases when used in this chapter  
7 shall have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Company." An entity doing business within this Commonwealth  
10 and subject to tax under Article III, IV or VI of the act of  
11 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of  
12 1971.

13 "Department." The Department of Health of the Commonwealth.

14 "Fund." The Oil and Natural Gas Public Health Registry Fund  
15 established under section 3710 (relating to Oil and Natural Gas  
16 Public Health Registry Fund).

17 "Hydraulic fracturing." An oil and gas well development  
18 process that typically involves injecting water, sand and  
19 chemicals through a well under high pressure into a bedrock  
20 formation to increase oil and gas flow to the well from a  
21 petroleum-bearing rock formation.

22 "Hydraulic fracturing infrastructure." The term includes  
23 pipelines, drill wells, pump stations, compressor stations,  
24 power plants, natural gas processing plants or hazardous waste  
25 streams that are used in the process of hydraulic fracturing  
26 operations.

27 "Industrial pollution event." The discharge of chemicals,  
28 compounds, contaminants, particulate matter or other pollutants  
29 into or upon land, any structure on land, the atmosphere or any  
30 watercourse or body of water, including groundwater, in

1 concentrations or at levels in excess of those naturally present  
2 in the environment as a result of manufacturing processes.

3 "Participants." Members of the public who live, work or  
4 attend school within 20 miles of hydraulic fracturing  
5 infrastructure and choose to participate in the registry.

6 "Registry." The Oil and Natural Gas Production Health  
7 Registry established under section 3705 (relating to Oil and  
8 Natural Gas Production Health Registry).

9 "Task force." The Interdepartmental Coordinating Task Force  
10 established under section 3703 (relating to Interdepartmental  
11 Coordinating Task Force).

12 § 3702. Duties of department.

13 (a) Data collection.--The department shall collect and  
14 analyze data on the impact hydraulic fracturing and hydraulic  
15 fracturing chemicals have on public health and safety. In  
16 collecting and analyzing data, the department shall:

17 (1) Accept and investigate complaints related to an  
18 unconventional well site from individuals who reported  
19 adverse public health effects that may have resulted from  
20 hydraulic fracturing or the use of hydraulic fracturing  
21 chemicals at unconventional well sites.

22 (2) Conduct investigatory interviews for qualitative  
23 data analysis with health professionals working within the  
24 communities where hydraulic fracturing infrastructure is  
25 located.

26 (3) Implement a communitywide health data program that  
27 collects health data of individuals. In administering the  
28 data program under this paragraph, the department shall:

29 (i) Contract with a team of toxicologists to gather  
30 baseline biomarker indicators of participants studied

1 under this paragraph and test for chemicals known to be  
2 used in hydraulic fracturing, including benzene, toluene,  
3 styrene, methylbenzene, chlorobenzene, xylene,  
4 acrylonitrile, cyclohexane, hemellitene, pseudocumene and  
5 mesitylene.

6 (ii) Keep confidential and anonymous the identities  
7 of participants studied under this paragraph in the  
8 reporting of data in accordance with section 708(b)(5),  
9 (6) and (28) of the act of February 14, 2008 (P.L.6,  
10 No.3), known as the Right-to-Know Law, and the Health  
11 Insurance Portability and Accountability Act of 1996  
12 (Public Law 104-191, 110 Stat. 1936).

13 (4) Prior to the permitting of new hydraulic fracturing  
14 infrastructure, gather research on baseline communitywide  
15 health data. As part of the baseline research, hydraulic  
16 fracturing companies shall declare the health impacts that  
17 are expected to result from hydraulic fracturing  
18 infrastructure development and processes.

19 (5) Following the collection of data, issue a report of  
20 symptoms found in connection with hydraulic fracturing  
21 infrastructure as described under subsection (c).

22 (b) Nondisclosure agreements.--

23 (1) A participant submitting information to the registry  
24 under this section shall not be held liable in an action for  
25 violating a nondisclosure agreement agreed to by all parties,  
26 including an employment contract or settlement agreement  
27 signed after the effective date of this paragraph.

28 (2) A company engaged in hydraulic fracturing shall be  
29 prohibited from conditioning a settlement or employment  
30 agreement on a participant signing an agreement or waiver

1 that prohibits, prevents or otherwise restricts the  
2 participant from disclosing, reporting or participating in  
3 public policy or research related to the health impacts of  
4 hydraulic fracturing.

5 (c) Data publication.--Within one year of the effective date  
6 of this subsection and annually thereafter, the department  
7 shall:

8 (1) Publish data collected and analyzed under subsection  
9 (a) on the department's publicly accessible Internet website.

10 (2) Develop and publish on the department's publicly  
11 accessible Internet website resources and information on the  
12 impact hydraulic fracturing and hydraulic fracturing  
13 chemicals have on public health and safety.

14 § 3703. Interdepartmental Coordinating Task Force.

15 (a) Establishment.--The department shall establish the  
16 Interdepartmental Coordinating Task Force to consult with the  
17 Department of Environmental Protection and local public health  
18 officials to collect, analyze and maintain data as required  
19 under section 3702(a) (relating to duties of department). The  
20 task force shall meet at least once a month to review and  
21 analyze data collected. The task force shall include the  
22 following officials:

23 (1) The Secretary of Environmental Protection.

24 (2) The Secretary of Health.

25 (3) The director of the Bureau of Air Quality within the  
26 Department of Environmental Protection.

27 (4) The director of the Bureau of Clean Water within the  
28 Department of Environmental Protection.

29 (5) The director of the Bureau of Safe Drinking Water  
30 within the Department of Environmental Protection.

1           (6) The director of the Division of Environmental Health  
2 Epidemiology in the Bureau of Epidemiology within the  
3 department.

4           (b) Report.--The task force shall submit a quarterly report  
5 of all health data gathered, including the presence of symptoms  
6 commonly found in connection with hydraulic fracturing  
7 infrastructure, updated information from the registry and status  
8 updates on implementing policies, to:

9           (1) The Governor's Office.

10           (2) The Attorney General's Office.

11           (3) The President pro tempore of the Senate and the  
12 Majority Leader and Minority Leader of the Senate.

13           (4) The Speaker of the House of Representatives and the  
14 Majority Leader and Minority Leader of the House of  
15 Representatives.

16           (5) The chair and minority chair of the Environmental  
17 Resources and Energy Committee of the Senate.

18           (6) The chair and minority chair of the Environmental  
19 Resources and Energy Committee of the House of  
20 Representatives.

21           (7) The chair and minority chair of Health and Human  
22 Services Committee of the Senate.

23           (8) The chair and minority chair of the Health Committee  
24 of the House of Representatives.

25           (c) Working group.--The Secretary of Health shall form a  
26 working group that is comprised of staff within the department  
27 to make recommendations and track progress toward the tasks  
28 required under this chapter.

29 § 3704. Reporting.

30           (a) Duty of physicians.--Physicians treating patients with

1 symptoms commonly found in connection with hydraulic fracturing  
2 infrastructure shall report the symptoms to the department  
3 through the registry within 30 days of first detection of  
4 symptoms.

5 (b) Duties of department.--The following apply:

6 (1) The department shall keep a record of correspondence  
7 received that includes a health, environment or hydraulic  
8 fracturing infrastructure-related complaint. The department  
9 shall provide guidance to officials and staff on the  
10 expectations of how the complaint process works and submit a  
11 regular update to the Secretary of Health and the Deputy  
12 Secretary for Health Preparedness and Community Protection  
13 with the number of complaints. The Secretary of Health shall  
14 provide regular updates to the task force.

15 (2) The department shall establish a database to be  
16 shared with the Department of Environmental Protection to  
17 track incoming calls, correspondence and complaints related  
18 to hydraulic fracturing infrastructure.

19 (3) The department, in consultation with the Department  
20 of Environmental Protection, shall develop a response plan  
21 for each incoming environment or health complaint, including  
22 a communication plan with the initial complainant.

23 (4) The Department of Environmental Protection shall  
24 report to the department an industrial pollution event within  
25 24 hours of the event.

26 (5) On an annual basis, the department shall submit all  
27 data collected in a report to the task force.

28 § 3705. Oil and Natural Gas Production Health Registry.

29 (a) Creation.--The department shall create a registry that  
30 satisfies the requirements of this chapter.

1 (b) Goals.--The goal of the registry shall be to track a  
2 participant's exposure to a known hydraulic fracturing-related  
3 activity.

4 (c) Access.--

5 (1) The registry shall be accessible by participants  
6 through an online portal where participants may create a  
7 profile and submit and update symptoms.

8 (2) The registry shall be accessible by physicians  
9 through a separate online portal using a physician profile  
10 and shall provide physicians with a method to report  
11 information obtained under section 3704(a) (relating to  
12 reporting).

13 (d) Required updates.--

14 (1) A participant shall update personal information at  
15 least once a year or the participant's portal will be labeled  
16 with a no response status.

17 (2) Prior to changing a participant's portal status to  
18 no response, the department shall make no less than three  
19 attempts to contact the participant.

20 (3) A participant's portal shall continue to remain  
21 accessible to the participant for updating even if the portal  
22 has a no response status.

23 (e) Public education campaign.--The department shall conduct  
24 a public education campaign promoting the registry to members of  
25 the public living, working or attending school within 20 miles  
26 of hydraulic fracturing infrastructure. The department shall  
27 contract with an environmental health organization for public  
28 promotion of the registry.

29 § 3706. Environmental health education.

30 No later than 90 days following the release of the report of

1 symptoms under section 3702(a) (5) (relating to duties of  
2 department), the department shall implement a public education  
3 campaign to inform members of the community about the public  
4 health impacts of hydraulic fracturing, that includes the health  
5 symptoms related to hydraulic fracturing infrastructure.

6 § 3707. Education and training of physicians.

7 No later than 90 days following the release of the report of  
8 symptoms under section 3702(a) (5) (relating to duties of  
9 department), the department shall implement an education and  
10 training program that provides training and information for  
11 physicians. The training shall include recognizing the health  
12 symptoms of hydraulic fracturing infrastructure and section  
13 3222.1(b) (10) and (11) (relating to hydraulic fracturing  
14 chemical disclosure requirements).

15 § 3708. Department of Environmental Protection duties.

16 The Department of Environmental Protection shall:

17 (1) Gather baseline water and air quality data within  
18 2,500 feet prior to new construction of hydraulic fracturing  
19 infrastructure.

20 (2) On a quarterly basis, gather air and water quality  
21 samples from locations within 2,500 feet of hydraulic  
22 fracturing infrastructure.

23 § 3709. Environmental hazard fee.

24 An operator of hydraulic fracturing infrastructure shall pay  
25 to the Department of Environmental Protection an annual  
26 environmental hazard fee of \$10,000 per hydraulic fracturing  
27 infrastructure facility to be deposited into the fund. The fee  
28 shall be used by the Department of Environmental Protection to  
29 conduct data gathering under section 3708 (relating to  
30 Department of Environmental Protection duties).

1 § 3710. Oil and Natural Gas Public Health Registry Fund.

2 The following shall apply:

3 (1) The Oil and Natural Gas Public Health Registry Fund  
4 is established as an account in the State Treasury.

5 (2) The fund shall be administered by the department.

6 (3) All interest earned from the investment or deposit  
7 of money accumulated in the fund shall be deposited into the  
8 fund for the same use.

9 (4) All money deposited into the fund shall be held in  
10 trust and shall not be considered general revenue of the  
11 Commonwealth but shall be used only to effectuate the  
12 purposes of this chapter as determined by the department.

13 Section 2. This act shall take effect in 60 days.