

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1285 Session of
2011

INTRODUCED BY BREWSTER, COSTA, HUGHES, SCHWANK AND FONTANA,
OCTOBER 12, 2011

REFERRED TO LABOR AND INDUSTRY, OCTOBER 12, 2011

AN ACT

1 Providing for Marcellus Shale unconventional well job training
2 and certification; and imposing duties on the Department of
3 Labor and Industry.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Marcellus
8 Shale Unconventional Well Job Training and Certification Act.

9 Section 2. Findings and legislative intent.

10 The General Assembly finds and declares as follows:

11 (1) The development of technologies to extract natural
12 gas from the Marcellus Shale formation in this Commonwealth
13 has opened opportunities for job growth in this Commonwealth.

14 (2) Because the extraction of natural gas from the
15 Marcellus Shale formation is a complicated extraction process
16 that utilizes unconventional well technology and practices
17 that involve the drilling of horizontal well bores and the
18 use of treated water at high pressure to fracture the rock

1 and free the natural gas, training and certification of
2 workers are in order to ensure the health and safety of
3 persons working in the industry as well as the people in the
4 surrounding area.

5 (3) It is the intent of the General Assembly to require
6 job training and certification of workers at unconventional
7 well sites in order to ensure the health and safety of
8 workers as well as persons within this Commonwealth.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Board." The Marcellus Shale Industry Job Training and
14 Certification Advisory Board established within the Department
15 of Labor and Industry under section 6.

16 "Department." The Department of Labor and Industry of the
17 Commonwealth.

18 "Marcellus Shale." The rock formation known as the Marcellus
19 Formation, also classified as the Marcellus Subgroup of the
20 Hamilton Group, Marcellus Member of the Romney Formation, is a
21 unit of marine sedimentary rock found in eastern North America.

22 "Secretary." The Secretary of the Department of Labor and
23 Industry of the Commonwealth.

24 "Unconventional well." A bore hole drilled or being drilled
25 for the purpose of or to be used for producing oil or gas from a
26 geological formation existing below the base of the Elk
27 Sandstone or its geologic equivalent stratigraphic interval
28 where oil or gas generally cannot be produced at economic flow
29 rates or in economic volumes except by vertical or horizontal
30 well bores stimulated by hydraulic fracture treatments or by

1 using multilateral well bores or other techniques to expose more
2 of the geological formation to the well bore.

3 Section 4. Registration for training and certification.

4 (a) Required training.--No person shall be authorized to
5 work in the area of an unconventional well site or operate
6 equipment which is used in the process of drilling an
7 unconventional well or stimulating natural gas extraction from
8 an unconventional well through hydraulic fracture treatments,
9 unless they have completed job training and received
10 certification by the department as provided under this act. This
11 requirement shall not include persons working in a clerical or
12 administrative position.

13 (b) Transitional period for current workers.--Persons
14 currently working at unconventional well sites, upon the
15 effective date of this act, have 12 months from the promulgation
16 of regulations or interim guidelines, whichever is earlier,
17 under this act to obtain the necessary job training and
18 certification required under subsection (a).

19 Section 5. Department responsibilities.

20 The department, in consultation with the board, shall
21 establish standards for job training and certification for
22 workers as provided under section 4.

23 Section 6. Advisory board.

24 (a) Establishment.--There is established a Marcellus Shale
25 Industry Job Training and Certification Advisory Board within
26 the department. The members of the board shall be appointed by
27 the secretary and shall advise the department on the job
28 training and certification requirements needed for workers in
29 this gas drilling industry.

30 (b) Members.--The board shall consist of nine members as

1 follows:

2 (1) Three representatives from labor unions, including a
3 representative from AFL-CIO. One of the representatives shall
4 serve as chair.

5 (2) Three representatives from the Marcellus Shale
6 Coalition or the Marcellus Shale industry. To the extent
7 possible, the representatives shall represent various
8 segments of the industry and have knowledge of the types of
9 jobs needed to extract the natural gas.

10 (3) Two consumer representatives from areas within this
11 Commonwealth that have active Marcellus Shale drilling sites
12 and have a background in the industry.

13 (4) The secretary or a designee.

14 (c) Conduct of business.--The board shall conduct business
15 in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

16 (d) Terms.--The members of the board shall be appointed to
17 terms of three years. Terms following the initial appointment
18 shall be staggered so that four members initially serve a three-
19 year appointment, three members serve a two-year appointment and
20 two members serve a one-year appointment.

21 (e) Duties.--The board shall:

22 (1) Work with the department to recommend appropriate
23 job training and certification requirements for functions at
24 an unconventional well site performed by various types and
25 classifications of employees. The training programs may
26 include developing health and safety procedures,
27 apprenticeship programs that are industry-specific and site-
28 specific and utilizing expertise of skilled workers within an
29 industry group that have previously completed appropriate
30 approved apprenticeship programs.

1 (2) Review and comment on the regulations prior to their
2 release to the Office of Attorney General under section
3 204(b) of the act of October 15, 1980 (P.L.950, No.164),
4 known as the Commonwealth Attorneys Act.

5 (3) Consider other issues specified by the secretary or
6 other designated organization representing labor or community
7 interest.

8 (f) Compensation.--Board members shall serve without
9 compensation but shall be reimbursed for actual and reasonable
10 expenses related to the performance of their official duties.
11 Reimbursement shall be allocated from funds appropriated to the
12 department.

13 Section 7. Fees.

14 The department shall establish the appropriate fees for job
15 training and certification required under this act in
16 consultation with the board.

17 Section 8. Regulations.

18 (a) Duties of department.--The department shall promulgate
19 and enforce regulations or interim guidelines as provided under
20 subsection (b) to implement this act. These regulations or
21 interim guidelines shall include minimum standards for job
22 training and certification to protect the health and safety of
23 individual workers working on an unconventional well site.

24 (b) Interim regulations or guidelines.--The department may
25 establish interim regulations or guidelines, in consultation
26 with the board, which shall expire upon the promulgation of
27 regulations as provided under this section. The department may
28 consider the adoption of national standards that have been
29 established in the industry when considering the adoption of the
30 regulations or guidelines.

1 Section 9. Preemption of municipal regulations.

2 Notwithstanding any other provision of law, this act shall
3 not preempt any municipal regulations that require job training
4 and certification of workers at an unconventional well site in
5 effect on the effective date of this act.

6 Section 20. Effective date.

7 This act shall take effect in 60 days.