

TO: All House Members

FROM: Representative Phyllis Mundy

DATE: June 22, 2011

RE: Co-Sponsorship of Legislation
Amending Title 75 to include “hydraulic fracturing wastewater” in the definition of “hazardous material.”

I plan to introduce legislation that will amend Title 75 (Vehicles) to include the “hydraulic fracturing wastewater” in the definition of “hazardous material.”

I am very concerned about the oil and gas industry’s large truck traffic going through our neighborhoods for many reasons – safety, wear and tear on local roads coupled with the cost of repairs for municipalities. I became even more alarmed when I learned of several incidents occurring across the Commonwealth where trucks carrying Marcellus Shale well wastewater were involved in accidents that resulted in the spillage of thousands of gallons of fracking wastewater. As you know, accidents happen, despite the best of intentions.

We know that this wastewater contains countless chemicals including known carcinogens like formaldehyde. What we do not know is exactly what kind of other chemicals, and how much, are in the wastewater because the industry is exempt from the Federal Clean Water Act and therefore not required to disclose the chemical constituents of fracking fluid because they are considered proprietary.

Not only do I worry about wastewater spills damaging the environment and contaminating our water, I am concerned for the safety of the truck drivers who transport the wastewater, the safety of our first responders arriving on the scene of a wastewater trucking accident, and for the safety of the public at large.

Section 8303 of Title 75 (Correspondence with Federal Regulations) empowers the Pennsylvania Department of Transportation (PennDOT) to promulgate regulations in excess of Federal law or regulations relating to Hazardous Materials Transportation. To that end, the purpose of this bill is not to tell PennDOT how to regulate hazardous materials, but rather to put them on notice that the wastewater is hazardous and dangerous, and should be regulated by the department accordingly.

Simply put, this bill would require that the drivers of wastewater transport trucks to the highest standard possible, ensure the proper labeling of trucks to alert the public and our first responders of truck contents in case of an accident, and would place the safety of our community before the interests of the drilling industry.

If you would like to join as a co-sponsor to this bill, please contact Kristen Bernard in my Harrisburg office at 783-1614 or kbernard@pahouse.net.