

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1680 Session of
2011

INTRODUCED BY JOHNSON, MILLARD, D. COSTA, FREEMAN, TRUITT,
WAGNER, MURPHY, WHEATLEY, VULAKOVICH, MUNDY, MULLERY,
CALTAGIRONE, DONATUCCI, MURT, THOMAS, READSHAW AND GOODMAN,
JUNE 17, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 17, 2011

AN ACT

1 Amending the act of May 1, 1984 (P.L.206, No.43), entitled "An
2 act providing for safe drinking water; imposing powers and
3 duties on the Department of Environmental Resources in
4 relation thereto; and appropriating certain funds," further
5 providing for definitions; and providing for disclosure of
6 chemicals used in hydraulic fracturing.

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

9 Section 1. The title of the act of May 1, 1984 (P.L.206,
10 No.43), known as the Pennsylvania Safe Drinking Water Act, is
11 amended to read:

AN ACT

12 Providing for safe drinking water; imposing powers and duties on
13 the Department of Environmental [Resources] Protection in
14 relation thereto; and appropriating certain funds.

15 Section 2. The definitions of "department," "secretary" and
16 "State agency" in section 3 of the act are amended to read:

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Department." The Department of Environmental [Resources]
5 Protection.

6 * * *

7 "Secretary." The Secretary of the Department of
8 Environmental [Resources] Protection.

9 "State agency." Any State department, board, commission or
10 agency other than the Department of Environmental [Resources]
11 Protection.

12 * * *

13 Section 3. The act is amended by adding a section to read:
14 Section 11.1 Disclosure of hydraulic fracturing chemicals.

15 (a) Disclosure.--Any person using hydraulic fracturing must
16 disclose to the department, the chemical constituents, but not
17 the proprietary chemical formulas, used in the fracturing
18 process.

19 (b) Disclosure of chemical constituents.--The department
20 shall make available to the public the information contained in
21 each disclosure of chemical constituents under subsection (a),
22 including by posting the information on the department's
23 Internet website.

24 (c) Immediate disclosure in case of emergency.--

25 (1) In any case in which the department or appropriate
26 health care provider determines that a medical emergency
27 exists and the proprietary chemical formula or specific
28 chemical identity of a trade secret chemical used in
29 hydraulic fracturing is necessary for emergency or first aid
30 treatment, the applicable person using hydraulic fracturing

1 shall immediately disclose to the department or appropriate
2 health care provider, as applicable, the proprietary chemical
3 formula or specific chemical identity of a trade secret
4 chemical, regardless of the existence of a written statement
5 of need or a confidentiality agreement.

6 (2) A person using hydraulic fracturing that makes a
7 disclosure required under paragraph (1) may require the
8 execution of a written statement of need and a
9 confidentiality agreement as soon as practicable after the
10 determination by the department or health care provider under
11 paragraph (1).

12 Section 4. This act shall take effect in 60 days.