

A BILL

To promote clean energy jobs and oil accountability, 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 ‘ ‘Clean Energy Jobs
5 and Oil Company Accountability Act of 2010’ ’ .

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TITLE XLIII—HYDRAULIC

16 **FRACTURING CHEMICALS**

17 **SEC. 4301. DISCLOSURE OF HYDRAULIC FRACTURING** 18 **CHEMICALS.**

19 (a) DISCLOSURE.—Title III of the Emergency Plan
20 ning and Community Right-To-Know Act of 1986 (42
21 U.S.C. 11041 et seq.) is amended by adding at the end
22 the following:

23 **“SEC. 331. DISCLOSURE OF HYDRAULIC FRACTURING** 24 **CHEMICALS.**

25 ‘ ‘(a) IN GENERAL.—

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1 ‘ ‘(1) STATE AUTHORITY.—A State that permits
2 oil and natural gas drilling—

3 ‘ ‘(A) may require any person using hy-
4 draulic fracturing for an oil or natural gas well
5 in the State to disclose to the State, not later
6 than 30 days after completion of drilling the
7 well, the list of chemicals used in each hydraulic
8 fracturing process (identified by well location
9 and number), including the chemical constitu-
10 ents of mixtures, Chemical Abstracts Service
11 registry numbers, and material safety data
12 sheets; and

13 ‘ ‘(B) shall make any such disclosure avail
14 able to the public, including a posting of the in-
15 formation online.

16 ‘ ‘(2) DISCLOSURE IF NO STATE IMPLEMENTA
17 TION.—If a State that permits oil and natural gas
18 drilling does not require and make available disclo-
19 sures in accordance with paragraph (1) by December
20 31, 2011, or ceases to require and make available
21 disclosures in accordance with paragraph (1) after
22 that date, the operator of the oil or natural gas well
23 in the State shall make available to the public on
24 line, not later than 30 days after completion of drill-
25 ing the well, the list of chemicals used in each hy-

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1 draulic fracturing process (identified by well location
2 and number), including the chemical constituents of
3 mixtures, Chemical Abstracts Service registry num-
4 bers, and material safety data sheets.

5 ‘ ‘(b) PROPRIETARY CHEMICAL FORMULAS; MEDICAL
6 EMERGENCIES.—

7 ‘ ‘(1) IN GENERAL.—Except as provided in this
8 subsection, this section does not require the disclo-
9 sure of proprietary chemical formulas used in hy-
10 draulic fracturing.

11 ‘ ‘(2) DISCLOSURE IN MEDICAL EMER
12 GENCIES.—

13 ‘ ‘(A) IN GENERAL.—If the State or the
14 Administrator, or a treating physician or nurse,
15 determines that a medical emergency exists and
16 the proprietary chemical formulas, or the iden-
17 tity, of 1 or more chemical constituents used in

18 hydraulic fracturing is necessary for medical
19 treatment, the person using hydraulic frac-
20 turing shall immediately disclose the propri-
21 etary chemical formulas or the identity of the
22 chemical constituents to the State, the Adminis-
23 trator, or that treating physician or nurse, re-
24 gardless of the existence of a written statement
25 of need or a confidentiality agreement.

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1 ‘ ‘(B) STATEMENT OF NEED.—The person
2 using hydraulic fracturing may require a writ
3 ten statement of need and a confidentiality
4 agreement as soon thereafter as circumstances
5 permit.

6 ‘ ‘(c) THRESHOLDS INAPPLICABLE.—Threshold limi-
7 tations under this Act shall not apply to disclosures made
8 under this section.’ ’ .

9 (b) ENFORCEMENT.—Section 325(c)(2) of the Emer-
10 gency Planning and Community Right-To-Know Act of
11 1986 (42 U.S.C. 11045(c)(2)) is amended by striking
12 ‘ ‘section 311 or 323(b)’ ’ and inserting ‘ ‘section 311,
13 323(b), 331(a)(2), or 331(b)’ ’ .