

THE FRAC ACT

H.R. 2755 AND S. 1215

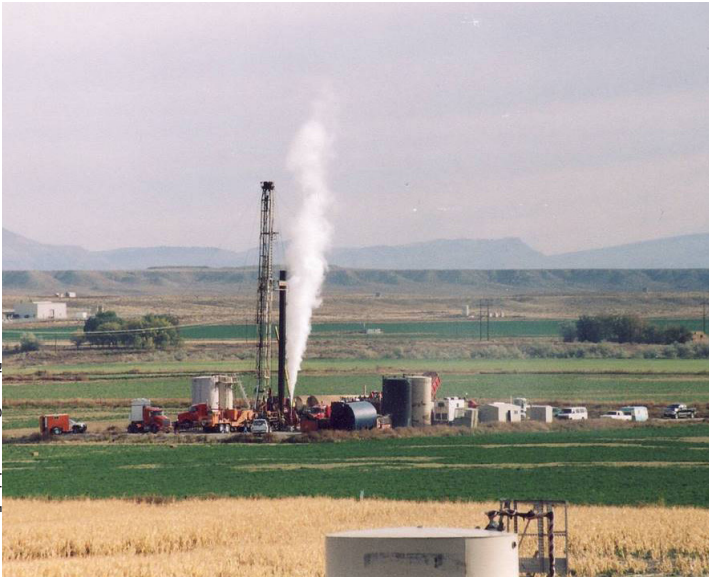


Photo Courtesy: John Fenton

Hydraulic fracturing involves the injection of fluids, often containing toxic chemicals, into oil or gas wells at very high pressure in order to increase production. The process of hydraulic fracturing is very common, it is currently used in 90 percent of all oil and gas wells and is implemented in 34 states. Because underground injection can lead to unintended consequences such as contamination of drinking water, other types of injection are regulated under the Safe Drinking Water Act (SDWA). With hydraulic fracturing, fluids are sometimes injected directly into drinking water aquifers and some injected fluids remain underground. Yet, in 2005, Congress exempted hydraulic fracturing from the SDWA to benefit Halliburton and a handful of other hydraulic fracturing companies.

The Fracturing Responsibility and Awareness of Chemicals Act, or FRAC Act, would repeal this handout to special interests. The Act would also require public disclosure of the chemical constituents in hydraulic fracturing fluid. By tackling these two critical issues concerning hydraulic fracturing the FRAC Act takes an important step in ensuring citizens' safety and health.

DISCLOSURE OF CHEMICALS USED IN HYDRAULIC FRACTURING

The FRAC Act would take a necessary first step to shine more light on the practices of the oil and gas industry by requiring public disclosure of chemicals being used. It is impossible to ensure the safety of our country's drinking water without complete knowledge of what chemicals are being injected. Full disclosure would give regulatory agencies and the public the information they need to perform more inclusive water testing, giving citizens' greater piece of mind that their family's drinking water is safe and their health is not in jeopardy.

The FRAC Act would not require disclosure of specific proprietary formulas except in cases where a nurse or physician deems it necessary for emergency or first-aid treatment.

REPEAL THE SDWA EXEMPTION

By repealing the exemption of hydraulic fracturing from the SDWA, the FRAC Act would supplement existing state regulations, which vary, with a nationwide minimum standard and federal oversight to ensure every state is reaching a basic level of protection.

The bill closes a loophole that lacks common sense. Currently, when a company initially injects fracturing fluids underground, no federal groundwater protection standards apply. After fracturing, the oil or gas is extracted along with some of the fracturing fluids, which are stored on the surface either in open pits or closed containers. In many areas, these leftover fluids are ultimately pumped back underground into deeper disposal wells. These disposal wells are subject to the SDWA's Underground Injection Control program, including groundwater protection standards and reporting requirements. There is no reason to believe the initial injection of the fluids underground poses less risk to drinking water sources, particularly when the fractured zone can be within the drinking water source and 20 - 70% of the fracturing fluids remain underground.

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