



## Fracking Fluid Disclosure Laws

Nine states require energy companies to disclose information about fracking fluids they use.  
Here's how those laws stack up against proposed U.S. BLM rules.

2/15/12

State or federal agency	What must be disclosed (excluding proprietary compounds)	Must chemical concentrations be disclosed?	What about proprietary information?	Where is the information posted?	When is the information disclosed?
U.S. Bureau of Land Management draft regulations  (Applicable only to wells drilled on federal land).	Names of products, chemicals and their CAS numbers.* Chemicals are listed by well but not matched with the products they go into.	Yes, but not for specific products.	Unclear if it would be disclosed to regulators or hidden from both regulators and the public.  Operators seeking exemptions must cite the specific regulation that applies to each exemption, and explain why that product or chemical is considered proprietary.	Operators would disclose the information using BLM Form 3160-5 (Sundry Notices). It's unclear if the data would be posted online.	A list of proposed chemicals is due at least 30 days before fracking begins. An updated list is due after well completion.
Arkansas	Names of products, chemicals and their CAS numbers. The chemicals are listed by well but not matched with the products they go into.	No.  Operators disclose the percent by volume of the products used in a well, but not the concentrations of individual chemicals.	Disclosed to director of the Arkansas Oil and Gas Commission. The information must be provided to health care professionals who require it. The chemical family is disclosed to the public.  Operators seeking exemptions must apply to the Commission director.	<a href="#">Posted on state website</a>	A list of proposed products and chemicals is due before fracking. When fracking is done, updated lists are submitted for each well.
Colorado  (Rules effective April 1, 2012).	Names of products, chemicals and their CAS numbers. Chemicals are listed by well but not matched with the products they go into.  Landowners within 500 feet of a well will receive information on how fracking works and how to do baseline water testing.	Yes, but not for specific products.	Disclosed to Colo. Oil and Gas Commission and to health care professionals in an emergency. The chemical family of each proprietary compound will be disclosed to the public.  Operators seeking exemptions must certify that the exempt compound is a trade secret. That statement is provided under penalty of perjury--if the information is a lie, the person who signed the form could go to prison.	<a href="#">Posted on FracFocus.org**</a>	Within 60 days of fracking activity.
Louisiana	List of products used.  If a product is considered hazardous by Occupational Safety and Health Administration standards, then its chemical ingredients and concentrations must also be released.	Yes, but only for chemicals in hazardous products.	Operators must disclose the chemical family, but the exact chemical name is not disclosed to regulators or the public.  Operators must follow state or federal laws that require disclosure to health care professionals.  Operators can claim exemptions for compounds they consider trade secrets.	Posted on FracFocus or a state website within the Louisiana Dept. of Natural Resources Office of Conservation	Within 20 days of well completion.
Michigan	Material Safety Data Sheets must be filed for hazardous chemicals and matched with the products they go into.***	No.  Operators disclose a range, not the exact concentration.	Not disclosed to regulators or the public. Operators can label chemicals they consider trade secrets as "proprietary" on Material Safety Data Sheets. Only the concentration range is disclosed.	<a href="#">Material Safety Data Sheets posted on state website</a>	Within 60 days of drilling completion.
Montana	Names of chemicals and their CAS numbers. Chemicals don't have to be matched with the products they go into.	No.  Operators provide maximum concentration, not actual concentration.	Operators must disclose the chemical family, but the exact chemical name isn't disclosed to regulators or the public. Proprietary chemicals must be disclosed to health care professionals in an emergency.  Well operators can decide whether products or chemicals are proprietary.	Companies can post the information on FracFocus or give it to the Montana Oil and Gas Board.	Before fracking begins and after fracking is complete.
Ohio	Material Safety Data Sheets, which list products' individual chemical components and their CAS numbers.	No.  Operators disclose a range, not the exact concentration.	Not disclosed to regulators or the public. No specific requirements for medical disclosure, but a regulator from the Ohio Dept. of Natural Resources said he's confident the information would be provided to health care professionals in an emergency.	<a href="#">Posted on state website</a>	60 days after drilling is complete.



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Pennsylvania	Names of products and chemicals. Chemicals don't have to be matched with the products they go into. CAS numbers are required only for chemicals listed on Material Safety Data Sheets.	Yes, but only for chemicals considered hazardous.  Operators also disclose the concentration of each product as a percent of the total fracking fluid.	Disclosed to regulators. Members of the public seeking access can submit a request to the Dept of Environmental Protection. The request is passed to the operator, which then makes its case to the DEP. The DEP makes the final decision.	Not posted online but available on request from the Dept. of Environmental Protection.	Within 30 days of well completion.
Texas  (Rules became effective Feb. 1, 2012).	Names of products, chemicals and their CAS numbers.  Only hazardous chemicals are matched with the products they go into.	No.  Operators disclose the actual or maximum concentration of only hazardous chemicals.	Companies are not required to disclose trade secret information unless the attorney general or court determines the information is not entitled to trade secret protection. A landowner or state agency can challenge trade secret classification. The information cannot be withheld from health care professionals in an emergency.	Posted on FracFocus	Within 30 days after well completion, although deadlines may vary slightly.
Wyoming	Names of products, chemicals and their CAS numbers.  It's unclear if the chemicals would be matched with the products they go into. +	No.  Operators disclose product concentrations but not the concentrations of individual chemical components.	Disclosed to the supervisor of the Wyoming Oil and Gas Conservation Commission but not to the public.	Wyoming website <sup>+</sup>	Both before and after fracking.

Source: updated from a table created by ProPublica in June 2011:

<http://www.propublica.org/article/critics-find-gaps-in-state-laws-to-disclose-hydrofracking-chemicals>

\*CAS numbers are the unique codes that the Chemical Abstracts Service assigns to individual chemical compounds.

\*\*FracFocus.org was set up by regulators and the industry for voluntary disclosure of fracking compounds.

\*\*\*The Occupational Safety and Health Administration requires Material Safety Data Sheets for chemicals considered hazardous to worker safety.

+The agency did not respond to requests for information.