



## 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<br><br>(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.<br><br>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.<br><br>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.<br><br>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<br><br>(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.<br><br>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.<br><br>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.<br><br>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.<br><br>Operators must follow state or federal laws that require disclosure to health care professionals.<br><br>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.<br><br>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.<br><br>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.<br><br>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.<br><br>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.<br><br>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<br><br>(Rules became effective Feb. 1, 2012). | Names of products, chemicals and their CAS numbers.<br><br>Only hazardous chemicals are matched with the products they go into.  | No.<br><br>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.<br><br>It's unclear if the chemicals would be matched with the products they go into. +  | No.<br><br>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+   | 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.