

Regular Session, 2012

HOUSE BILL NO. 957

BY REPRESENTATIVE EDWARDS

MINERALS: Provides for the disclosure of the composition of hydraulic fracturing fluids

1 AN ACT

2 To enact R.S. 30:4(L), relative to hydraulic fracturing; to provide for the authority of the
3 commissioner of conservation to promulgate rules, regulations, and orders; to
4 provide for the reporting of additives and ingredients of hydraulic fracturing fluid;
5 to provide for reporting of certain ingredients with trade secret protection; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:4(L) is hereby enacted to read as follows:

9 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

10 * * *

11 L.(1) The commissioner shall make, after notice and hearings as provided
12 in this Chapter, any reasonable rules, regulations, and orders that are necessary to
13 require the operator of a well, which utilizes the application of fluids with force or
14 pressure in order to create artificial fractures in the formation for the purpose of
15 improving the capacity to produce hydrocarbons, to report thirty days prior to the
16 application of any fracturing fluids and in a manner determined by the commissioner
17 the following:

18 (a) The type and volume of the hydraulic fracturing fluid.

19 (b) A list of additives used, including the specific trade name and the
20 supplier of the additive.

1 (c) A list of ingredients contained in the hydraulic fracturing fluid, the
2 associated CAS registry number, and the maximum concentration of each chemical
3 ingredient. Such rules, regulations, and orders shall provide for an ingredient that
4 is subject to trade secret protection under the criteria set forth in 42 U.S.C. §11042
5 (a)(2), and require the operator to submit a claim of entitlement to have the identity
6 of such ingredient withheld as a trade secret and to report, at a minimum, in such
7 cases the chemical family associated with such ingredient. An operator will not be
8 responsible for reporting information that is not provided to the operator due to a
9 claim of trade secret information.

10 (2) Nothing in this Paragraph shall authorize any person to withhold
11 information which is required by state or federal law.

12 (3) Any information provided pursuant to the provisions of this Subsection
13 shall be subject to examination and reproduction as provided by the Public Records
14 Law R.S. 44:1 et seq. or any other applicable law.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Edwards

HB No. 957

Abstract: Provides for rules and regulations requiring operators to disclose the additives and ingredients in fracturing fluid.

Proposed law requires the commissioner of conservation to make, after notice and hearings, any reasonable rules, regulations, and orders that are necessary to require the operator of a fracking well to report 30 days prior to the application of any fracturing fluids and in a manner determined by the commissioner.

Proposed law requires the report to contain the type and volume of the hydraulic fracturing fluid; a list of additives used, including the specific trade name and the supplier of the additive; and list of ingredients contained in the hydraulic fracturing fluid, the associated CAS registry number, and the maximum concentration of each chemical ingredient.

Proposed law requires that for an ingredient that is subject to trade secret protection under the criteria set forth in 42 U.S.C. §11042 (a)(2), the operator shall submit a claim of entitlement to have the identity of such ingredient withheld and shall report, at a minimum, the chemical family associated with such ingredient.

Proposed law provides that an operator will not be responsible for reporting information that is not provided to the operator due to a claim of trade secret information.

Proposed law provides that proposed law shall not authorize any person to withhold information which is required by state or federal law.

Proposed law provides that any information provided pursuant to proposed law shall be subject to examination and reproduction as provided by the Public Records Law R.S. 44:1 et seq, or any other applicable law.

(Adds R.S. 30:4(L))