

Hydraulic Fracturing Bill Could Force Disclosure

Kate Galbraith, New York Times, 3-25-11

Hydraulic fracturing, an increasingly common method of extracting natural gas that involves shooting a concoction of water, sand and chemicals deep underground, has sparked controversy around the country — in part because drillers mostly keep their chemical formulas secret. But Texas, the leading gas-producing state, could help change industry practices by requiring public disclosure of the chemicals used.

A bill filed this month by State Representative Jim Keffer, Republican of Eastland, who heads the House Committee on Energy Resources, would create a Web site containing information about the chemicals used in each well. The bill has won praise from both industry and major environmental organizations including the Sierra Club, the Texas League of Conservation Voters and the Environmental Defense Fund.

“E.D.F. believes that passage of this bill would create the nation’s strongest disclosure system,” said Scott Anderson, an Austin-based senior policy adviser to the group’s energy program. By embracing mandatory disclosure, Mr. Anderson added, gas companies “have the opportunity to demonstrate to the public that the industry is no longer trying to hide the ball.”

David Blackmon, the Texas state committee chairman for America’s Natural Gas Alliance, said that while some details needed adjusting, most companies in his group had reacted positively to the bill as a way to address the widespread concerns — misplaced, the industry asserts — about hydraulic fracturing, or fracking. “You have to maintain the faith of the public to stay in business,” Mr. Blackmon said.

Some homeowners living above shale-gas formations like the Barnett Shale in North Texas say drillers engaged in hydraulic fracturing have contaminated their water supplies. The gas industry counters that fracking takes place too far below aquifers for contamination to take place, and that chemicals compose, by volume, less than 1 percent of fracking fluids, which are mostly water and sand.

But environmentalists say that fracking can pose risks depending on the depth and type of rock, and that poor construction of the gas wells can also result in leakage of the chemicals, some of which may be toxic.

Mr. Keffer said that his bill was modeled on a similar rule in Arkansas, which took effect in January. Several other states are instituting fracking disclosure requirements. Since September, Wyoming has required drillers to provide well-by-well information that is then listed on a regulatory Web site. Colorado mandated chemical disclosures in 2009, though environmentalists say the requirements are relatively weak. In February, Pennsylvania changed its rules to require disclosure of well-specific chemical information, which the public can request.

Mr. Blackmon said Texas legislation could provide a blueprint for other states.

Federal legislation introduced in Congress would require disclosure of fracking chemicals. But Mr. Anderson, of the Environmental Defense Fund, said the Texas legislation is stronger than those proposals.

Both sides want changes in the legislation. Mr. Blackmon said drillers wanted clearer liability protection — in case, for example, a company that manufactures fracking fluid makes an error in the information it provides to

the driller. Environmentalists want to make sure that a special provision in the bill allowing some deference to “trade secrets” is not abused.

Cyrus Reed, the conservation director for the Sierra Club’s Lone Star chapter, also said disclosure would not resolve other drilling-related concerns like air pollution.

Sharon Wilson, a prominent drilling critic in the Barnett Shale area, has come out against the bill, saying that the required disclosures are inadequate and that landowners should be told that the information is available.

Mr. Keffer hopes for a hearing for his bill in early April.