



BIG NEWS: Colorado's New Hydraulic Fracturing Disclosure Rule

Facts for our Communities

The Toughest, Most Transparent Hydraulic Fracturing Rule in the Country

On December 13, 2011 Colorado regulators unanimously passed a Hydraulic Fracturing Disclosure Rule that requires comprehensive public disclosure of the chemicals used in hydraulic fracturing treatments. The rule represents a balanced compromise between industry and environmental groups, providing transparency while protecting proprietary information.

According to Mark Brownstein, Chief Counsel of the Environmental Defense Fund's energy program: "Colorado's new regulation requires the most disclosure of any state in the country."

Compare Colorado's Rule With Other States'

- Arkansas, Montana, Texas, and Wyoming all require companies to disclose the chemicals in hydraulic fracturing fluid, but not their concentrations.
- Louisiana and New Mexico only require disclosure of some chemicals ruled workplace hazards by the Occupational Safety and Health Administration (OSHA). Other states such as Michigan and Pennsylvania have proposed similar regulations.

Says Mike Freeman, from Denver-based environmental advocacy group, Earthjustice: "This is the first state rule I know of that requires the disclosure of chemical concentrations of all chemicals, not just those covered by workplace safety rules."

What Does Colorado's Rule Require?

Starting April 2012, these rules will be applied to **ALL** hydraulically fractured treatments performed. The rules include:

- **Public Disclosure:** Of hydraulic fracturing chemicals using the FracFocus.org website is required.
- **Required Information:** The disclosure form requires volume of water used, the chemicals, and the concentrations of those chemicals used.
- **48-hour Advance Notice:** From the operator to the Colorado Oil and Gas Conservation Commission (COGCC) is required of intention to hydraulically fracture a well. The COGCC will then notify the local governmental designee of jurisdiction.
- **60-day Follow-up:** Within 60 days of hydraulically fractured treatment, operators must complete and post the chemical registry form with FracFocus.org.
- **Trade Secret Certification:** Industry-claimed trade secrets must be certified via Form 41 but companies must still disclose the ingredient's chemical family. Form 41 outlines what can and cannot be considered a trade secret
- **Extenuating Trade Secret Disclosure:** In emergencies, companies must disclose to health care workers trade secret ingredients.





- **Public Challenge:** The member of the public can challenge whether a company in Colorado can claim a trade secret and the COGCC will investigate, assess, and determine those claims. If unsatisfied with COGCC response, the citizen can file a lawsuit.

Why Allow Trade Secrets?

Trade secret protection is important to encourage innovation of new products, such as proprietary, environmentally friendly “green” fluids. Even though companies will be required to disclose the ingredient’s chemical family when they apply for trade secret certification, they can still hold on to proprietary information. However, trade secrets must be confidentially disclosed to COGCC and health professionals in emergency situations.

Explains Governor Hickenlooper: “Respect for trade secrets is a part of what our economy is built on. There’s a balance between the public’s right to know and the industry’s need for proprietary information.”

What Does the Rule Say About Colorado?

Colorado has some of the most comprehensive oil and gas regulations in the country. Every aspect is regulated, including site selection, permitting, down-hole activities, hydraulic fracturing, groundwater protection, and final site reclamation. It should not come as a surprise that Colorado now has the strongest hydraulic fracturing rule in the county.

This rule demonstrates that Colorado’s oil and gas industry will transparently show the public how hydraulic fracturing is conducted in a safe manner.

Finally, the rule shows how different Colorado stakeholders can and will come together to make a compromise that is best for Colorado: Industry, environmental advocates, and government regulators agreed to ensure energy development continues in keeping with the environmental protection of our state.

What is in Hydraulic Fracturing Fluid?

Hydraulic fracturing is a technique that pumps water, sand, and chemicals under high pressures into rock formations to unlock oil and natural gas. It is a technique that has been used for decades across the nation and is used in almost all Colorado oil and gas wells. When performed correctly, it is a safe practice.

When you look over FracFocus.org, you’ll find out exactly what is in hydraulic fracturing fluid. The mix is mostly water mixed with sand and small percentages of additives, each designed to streamline the hydraulic fracturing process. You’ll also find on the website only a small percentage of companies claim trade secrets.

Visit FracFocus.org to Find Out More

FracFocus.org is a national hydraulic fracturing chemical disclosure registry created by two intergovernmental agencies whose missions both revolve around conservation and environmental protection, the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission. The database is searchable by company, well location, and type of chemical used.