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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2013	.	
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The Committee on Environmental Preservation and Conservation
(Soto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Fracturing
Chemical Usage Disclosure Act."

Section 2. Section 377.45, Florida Statutes, is created to
read:

377.45 Hydraulic fracturing chemical registry.-

(1) As used in this section, the term "department" means
the Department of Environmental Protection.

(2) The department shall designate or establish an online



824852

13 hydraulic fracturing chemical registry for all wells on which
14 hydraulic fracturing treatments are performed. The department
15 may designate the FracFocus Chemical Disclosure Registry,
16 developed by the Ground Water Protection Council and the
17 Interstate Oil and Gas Compact Commission, as the state's
18 official registry.

19 (a) Except as provided in subsection (4), within 60 days
20 after the cessation of hydraulic fracturing operations, the
21 operator shall report to the chemical registry and notify the
22 department of all wells on which hydraulic fracturing treatments
23 are performed.

24 (b) The operator shall report to the chemical registry, at
25 a minimum, the total volume of water used in the hydraulic
26 fracturing treatment and each chemical ingredient that is
27 subject to 29 C.F.R. s. 1910.1200(g)(2) for each well on which
28 hydraulic fracturing treatments are performed, as provided by a
29 service company or chemical supplier, or by the well owner or
30 operator if the owner or operator provides such chemical
31 ingredients. For purposes of this subsection, the department may
32 not require chemical ingredients to be identified by
33 concentration or based on the additive in which they are found.

34 (c) The department must provide a link to FracFocus, the
35 national hydraulic fracturing chemical registry website, through
36 the department's website.

37 (d) If the FracFocus Chemical Disclosure Registry is unable
38 to accept and make publicly available any of the information
39 specified in this section, the operator shall submit the
40 information to the department.

41 (3) (a) The owner or operator of a well on which a hydraulic



824852

42 fracturing treatment is performed shall update the chemical
43 registry and notify the department of any chemical ingredients
44 not previously reported which are intentionally included and
45 used for the purpose of creating a hydraulic fracturing
46 treatment for the well.

47 (b) Pursuant to this section, the service company that
48 performs a hydraulic fracturing treatment on a well, or a
49 supplier of an additive used in a hydraulic fracturing treatment
50 on a well, must disclose to the owner or operator of the well
51 the chemical ingredients used to perform the treatment.

52 (4) This section does not apply to ingredients that:

53 (a) Were not purposefully added to the hydraulic fracturing
54 treatment.

55 (b) Occur incidentally or are otherwise unintentionally
56 present in the treatment.

57 (c) Are not disclosed to the well owner or operator by a
58 service company or supplier.

59 (5) The department may adopt rules to administer this
60 section.

61 Section 3. This act shall take effect July 1, 2013.

63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause
66 and insert:

67 A bill to be entitled
68 An act relating to hydraulic fracturing; providing a
69 short title; creating s. 377.45, F.S.; providing a
70 definition; creating the Fracturing Chemical Usage



824852

71 Disclosure Act; directing the Department of
72 Environmental Protection to designate or establish an
73 online hydraulic fracturing chemical registry;
74 requiring owners and operators of wells on which a
75 hydraulic fracturing treatment is performed to update
76 certain information in the chemical registry and to
77 notify the department of such updates; requiring
78 certain service companies and suppliers to disclose
79 certain information; providing exceptions; authorizing
80 the department to adopt rules; providing an effective
81 date.