

Hydraulic Fracturing Fluid Disclosure Requirements

As of 7/17/13

State	Citation and Effective Date	Required Disclosures	Chemical Concentration Disclosure	Trade Secret/Proprietary Information Protections	Required Disclosures regardless of Information Protections	Disclosure Method	When to Disclose
Arkansas	178-00 Ark. Code R. §001:B-19. January 15, 2011	- Names of products in the hydraulic fracturing fluid. - Chemicals in the hydraulic fracturing fluid.¹ - Associated Chemical Abstract Service Numbers.	Operators must disclose the percent by volume of the products used in a well, but not the concentrations of individual chemicals.	Yes. Operators seeking exemptions must apply to the director of the Arkansas Oil and Gas Commission. The chemical family is disclosed to the public.	- Director of the Arkansas Oil and Gas Commission. - Health Care Professionals in an Emergency.	State Website.	Before and after well stimulation.
Colorado	2 Colo. Code Regs. §404-1:205A. April 1, 2012	- Names of products in the hydraulic fracturing fluid. - Chemicals in the hydraulic fracturing fluid.² - Associated Chemical Abstract Service Numbers. - Notification to Landowners within 500 feet of the well.³	Yes, but not for specific products.	Operators seeking exemptions must certify, under penalty of perjury, that the exempt compound is a trade secret. The chemical family of each proprietary compound will be disclosed to the public.	- Colorado Oil and Gas Conservation Commission. - Health Care Professionals in an Emergency. - To any person or entity upon written statement of need.	- State Website. - FracFocus.org.	Within 60 days of well stimulation.
Idaho	Idaho Admin. Code r. 20.07.02.056 (2012). March 29, 2012	Before fracturing, and for each stage: - Name of chemical additives and proppants and concentrations or rates proposed to be mixed and injected. - Stimulation fluid identified by additive	Operators must disclose the proposed rate or concentration for each additive as well as the total volume of each.	Operators can request trade secret protection pursuant to Section 9-340, Idaho Code, in its permit application. Exception for when state or federal law requires disclosure to healthcare professional.	- Idaho Department of Lands - Healthcare professional in an Emergency.	Idaho Department of Lands.	Before fracturing in the Application for Permit to Drill. Within 30 days of fracturing in post-treatment report.

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		type. 3) Associated chemical compound names and Chemical Abstract Service Numbers. After fracturing: 4) Concentrations (% by volume) of the base treatment fluid. 5) Individual additives and proppants in the entire fracturing fluid.					
Illinois	S.B. 1715 (Enacted Legislation, Signed by the Governor). June 17, 2013.	For all stages of the hydraulic fracturing process: 1) Total volume of water or base fluid used in the hydraulic fracturing treatment. 2) Trade name, vendor, a brief descriptor of the intended use or function of each hydraulic fracturing additive, and the Material Safety Data Sheet for each additive, if applicable. 3) Each chemical	Yes, operators must disclose the anticipated concentration of each chemical in the water or base fluid.	Yes. However, all information must be disclosed to the Illinois Department of Natural Resources, and the Department will post only information that is not protected as a trade secret to its website.	1) Illinois Department of Natural Resources, Oil and Gas Division 2) Health Care Professionals in an Emergency	Illinois Department of Natural Resources.	Submit the disclosure information when applying for a permit for the well.

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		added to the water or base fluid, including the Chemical Abstract Service Number, if applicable. 4) The maximum concentration of each chemical ingredient in the hydraulic fracturing fluid expressed as a percent by mass.					
Indiana	312 Ind. Admin. Code 16-3-2 (2012). August 1, 2012	Before fracturing: 1) Proposed volume of base fracturing fluid. 2) Proposed rate or concentration of each additive product and a Material Safety Data Sheet for each product, if one exists. After fracturing: 3) Volume of base fracturing fluids used. 4) Trade name and rate or concentration of each additive product. 5) Material Safety Data	Yes.	None specified.	N/A	Indiana Natural Resources Commission.	Before and after well stimulation.

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		Sheets for products if not already submitted.					
Louisiana	La. Admin. Code tit. 43, pt. XIX § 118 (2011). October 20, 2011	1) Names of products in the hydraulic fracturing fluid. 2) Chemical ingredients in the hydraulic fracturing fluid. 3) Chemical concentrations. ⁴	Yes, but only for chemicals in hazardous products.	Operators can claim exemptions for compounds they consider trade secrets. Operators must disclose the chemical family, but the exact chemical name is not disclosed to regulators or the public.	1) Louisiana Department of Natural Resources, Office of Conservation. 2) Health Care Professionals in an Emergency.	1) State Website. 2) FracFocus.org.	Within 20 days of well completion.
Michigan	Michigan Dep't of Env'tl. Quality, Supervisor of Wells Instruction 1-2011 High Volume Hydraulic Fracturing Well Completions. June 22, 2011	1) Material Safety Data Sheets for products containing hazardous chemicals for "high volume" hydraulic fracturing well completions. ⁵	Operators must disclose a range of chemical concentrations in the Material Safety Data Sheet, but 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.	None specified.	1) Material Safety Data Sheets Posted to State Website.	Within 60 days of well completion.

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Mississippi	Rule 1.26, Mississippi Oil and Gas Board (Adopted, but Uncodified Rule). March 4, 2013	1) Types and volumes of fluids and proppants used at each stage. 2) A list of all additives specified by general type and identified by trade name and the additives supplier. 3) All chemical ingredients for which a Material Safety Data Sheet is required and their associated Chemical Abstract Service Numbers. 4) The maximum ingredient concentration within the additive expressed as a percent by mass. 5) The maximum concentration of each chemical ingredient in the hydraulic fracturing fluid expressed as a percent by mass.	Yes, but only for chemicals for which a Material Safety Data Sheet is required.	Yes. Must still disclose the chemical family name associated with the ingredient that qualifies for trade secret protection.	Information required by state or federal law to be provided to a health care professional, doctor, or a nurse.	1) State agency. 2) FracFocus.org.	Within 30 days of well stimulation.

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Montana	Mont. Admin. R. 36.22.1015. August 27, 2011	1) Chemicals in the hydraulic fracturing fluid. 2) Associated Chemical Abstract Service Numbers.⁶	No. Operators provide maximum concentration, not actual concentration.	Operators must disclose the chemical family, but the exact chemical name is not disclosed to regulators or the public. Proprietary chemicals must be disclosed to health care professionals in an emergency. Well operators can decide whether products or chemicals are proprietary.	1) Montana Oil and Gas Board. 2) Health Care Professionals in an Emergency.	1) State Website. 2) FracFocus.org.	Upon well completion.
New Mexico	N.M. Code R. § 19.15.16.19(B). February 15, 2012	1) Name of products in hydraulic fracturing fluid. 2) Chemicals in the hydraulic fracturing fluid. 3) Associated Chemical Abstract Service Numbers.	1) The maximum ingredient concentration in each additive. 2) The maximum ingredient concentration in the hydraulic fracturing fluid.	Yes. The operator does not have to disclose any of the required information if it qualifies for trade secret protection.	None specified.	1) State Website. 2) FracFocus.org.	Within 45 days of well completion.
North Dakota	N.D. Admin. Code § 43-02-03-27.1 April 1, 2012	"All elements made viewable by the FracFocus website." ⁷	Operators must disclose: 1) The maximum ingredient concentration in each additive; and 2) The maximum ingredient concentration in the hydraulic fracturing fluid.	No trade secret protection provided, but FracFocus.org allows operators to label ingredients in the hydraulic fracturing fluid as proprietary information.	None specified.	FracFocus.org.	Within 60 days of well completion.

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Ohio	Ohio Rev. Code §1509.10. ⁸ September 10, 2012	1) Trade Name and contents of hydraulic fracturing fluids. 2) Chemical compound name and Associated Chemical Abstract Service Number. 3) Total volume of the hydraulic fracturing fluid.	Yes. The maximum concentration of any chemical or substance added to the fracturing fluid.	Yes.	1) Ohio Department of Natural Resources. 2) Health Care Professionals in an Emergency.	FracFocus.org.	Within 60 days of well completion.
Oklahoma	Okla. Admin. Code § 165:10-3-10. July 1, 2012	1) Trade name, supplier, and general purpose of each chemical. 2) Associated Chemical Abstract Service Numbers for each additive. 3) Total volume of "base fluid" used.	The maximum ingredient concentration in the hydraulic fracturing fluid.	Yes. The operator must disclose the name of the supplier, service company, or other person asserting trade secret protection under Oklahoma's Uniform Trade Secrets Act. 78 Okla. Stat. §§ 85-94.	Oklahoma Oil and Gas Conservation Commission.	1) State Website. 2) FracFocus.org.	Within 60 days of well completion.

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Pennsylvania	58 Pa. Cons. Stat. § 3222. April 14, 2012	- Names of products in the hydraulic fracturing fluid. - Chemicals present in the hydraulic fracturing fluid.⁹ - Associated Chemical Abstract Service Numbers.¹⁰	Chemicals disclosed need not be linked to a specific additive. Regulations pending.	The vendor, service provider, or operator may withhold trade secrets. The operator must still disclose the chemical family or "similar description associated with the chemical" claiming trade secret protection.	- Pennsylvania Department of Environmental Protection, Office of Oil and Gas Management. - Health Care Professionals in an Emergency.	By January 1, 2013, the PADEP must determine if FracFocus.org allows for searching/sorting by Chemical Abstract Service Number, operator, and well location. If it does not, PADEP will post the information to its own website.	60 days after well stimulation.
South Dakota	S.D. Admin. R. 74:12:02:19. April 22, 2013	- Trade name, supplier, and purpose of each chemical. - Associated Chemical Abstract Service Numbers for each additive. - The maximum ingredient concentration within the additive. - The maximum concentration of each chemical ingredient in the hydraulic fracturing fluid.	Yes, the maximum concentration of any chemical or substance added to the fracturing fluid.	Yes.	None specified.	FracFocus.org.	After well stimulation.

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Tennessee	Tenn. Comp. R. & Regs. 0400-53-01-.03. June 18, 2013	For wells that use more than 200,000 gallons of water-based liquid, the following are required to be disclosed: 1) Total volume of water or base fluid used in the hydraulic fracturing treatment. 2) Trade name, supplier, and purpose of each chemical. 3) Associated Chemical Abstract Service Numbers for each additive. 4) The maximum concentration of each chemical ingredient in the hydraulic fracturing fluid expressed.	Yes, the maximum concentration of each chemical ingredient in the hydraulic fracturing fluid expressed.	Yes. The operator does not have to disclose any of the required information if it qualifies for trade secret protection, unless there is a release of fluid or there is an emergency.	1) Tennessee State Board of Water Quality, Oil and Gas. 2) Health Care Professionals in an Emergency.	FracFocus.org.	Within 60 days after well completion, but no greater than 120 days after commencement of fracturing.
Texas	16 Tex. Admin. Code § 3.29(c)-(f). February 1, 2012	1) Names of products in the hydraulic fracturing fluid. 2) Chemicals present in the hydraulic fracturing fluid. ¹¹ 3) Associated Chemical Abstract Service Numbers. 4) Volume of the	Yes, but only for hazardous chemicals, unless a trade secret.	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.	Health Care Professionals in an Emergency.	FracFocus.org.	Within 30 days of well completion, although deadlines may vary slightly.

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		hydraulic fracturing fluid. 5) Only hazardous chemicals are matched with the products they go into.					
Utah	Utah Code Ann. § 649-3-39. November 1, 2012	"The amount and types of chemicals used in a hydraulic fracturing operation shall be reported to fracfocus.org."	Operators must disclose: 1) The maximum ingredient concentration in each additive; and 2) The maximum ingredient concentration in the hydraulic fracturing fluid.	No trade secret protection provided, but FracFocus.org allows operators to label ingredients in the hydraulic fracturing fluid as proprietary information.	None specified.	FracFocus.org.	Within 60 days of well stimulation.
West Virginia	W. VA. Code § 22-6A-1 <i>et seq.</i> ¹² December 11, 2011	For operations withdrawing more than 210,000 gallons of water per month: 1) List of anticipated additives that may be used in the hydraulic fracturing fluid. 2) Upon well completion, a listing	No.	No.	N/A.	West Virginia Department of Environmental Protection.	Before and after well stimulation.

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		of the additives that were actually used in the hydraulic fracturing fluid.					
Wyoming	Wyo. Code Rules and Regs. Oil Gen. § 45. October 17, 2010	- Names of products in the hydraulic fracturing fluid. - Chemicals present in the hydraulic fracturing fluid. - Associated Chemical Abstract Service Numbers. - Volume of the hydraulic fracturing fluid.	No. 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 Oil and Gas Commission.	State website.	Before and after well stimulation.

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Proposed							
Bureau of Land Management (Federal)	Proposed 43 C.F.R. § 3162.3-2.	1) Total volume of water used. 2) Trade name, associated Chemical Abstract Service Numbers, suppliers, purposes and ingredients of each chemical used (including the base fluid). 3) The maximum ingredient concentration in additive (% by mass). 4) The maximum ingredient concentration in hydraulic fracturing fluid (% by mass).	Yes.	Yes. Operators seeking exemptions must certify, under penalty of perjury, that the exempt compound is a trade secret.	Bureau of Land Management.	1) FracFocus.org. 2) Another BLM-designated database. 3) Subsequent Report Sundry Notice.	Within 30 days of completion.
California	A.B. 591. (Proposed Legislation)	1) Complete list of the chemical constituents used in the hydraulic fracturing fluid. 2) Associated Chemical Abstract Service Numbers.	Yes, expressed in percent by mass.	Yes. Operators claiming trade secret protection must identify by category the information withheld. Operators must also identify the chemical family.	1) State Agency. 1) Health Care Professionals in an Emergency.	State website.	Within 60 days of well completion.

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Kansas	Proposed Kan. Admin. Regs. §82-3-1400, §82-3-1401, §82-3-1402. (Proposed June 13, 2013)	For wells that use more than 350,000 gallons of base fluid, the following are required to be disclosed: 1) The base fluid, including its volume. 2) The proppants used. 3) Each chemical constituent, its Chemical Abstract Service Number, and the maximum concentration of each chemical in the base fluid.	Yes, the maximum concentration of each chemical in the hydraulic fracturing fluid.	Yes. Operators must disclose the chemical family, but the exact chemical name is not disclosed to regulators or the public. Operators must also disclose the name, authorized representative, mailing address, and phone number of the party claiming the trade secret.	The Director of the State Corporation Commission may require disclosure of chemicals, regardless of trade secret protection to the following individuals: 1) Any commissioner or commission staff member. 2) The secretary or any staff member of the department of health and environment. 3) Any relevant public health officer or emergency manager. 4) Health professionals.	1) State agency. 2) FracFocus.org.	Within 120 days of the spud date or commencement or recompletion of a well.

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Michigan	H.B. 5565. (Proposed Legislation)	1) Type and volume of "base fluid" used in the hydraulic fracturing treatment. 2) Trade name and supplier of each additive in the hydraulic fracturing fluid. 3) List of chemical ingredients contained in each additive and associated Chemical Abstract Service Numbers.	Yes. Operators must disclose either the actual or maximum concentration of each ingredient in the hydraulic fracturing fluid.		1) Michigan Department of Natural Resources. 2) Health Care Professionals in an Emergency.	State website.	Submit disclosure information with the drilling permit application.

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Nebraska	L.B. 877 (Proposed Legislation).	1) All chemical ingredients for which a Material Safety Data Sheet is required. 2) All other chemical ingredients in the hydraulic fracturing fluid for which a Material Safety Data Sheet is not required. 3) Total volume of water used in the hydraulic fracturing process.	No.	Yes.	Not specified.	State website.	Not specified.
New York	Draft SGEIS (Comment Period Closed January 11, 2012).	1) Identities of hydraulic fracturing fluid products. 2) Material Safety Data Sheets for those products.	Only to the extent required for Material Safety Data Sheets.	Yes.	New York State Department of Environmental Conservation.	State website.	Prior to commencement of drilling.

1. The chemicals disclosed do not have to be matched with the products they go into.

2. *Id.*

3. Landowners within 500 feet of a well will receive information on how fracking works and how to do baseline water testing.

4. Chemical concentrations only need to be listed for products considered hazardous by Occupational Safety and Health Administration standards.

5. "High volume hydraulic fracturing well completion" means a well completion operation that is intended to use a total of more than 100,000 gallons of "hydraulic fracturing fluid."

6. The chemicals disclosed do not have to be matched with the products they go into.

7. FracFocus.org includes fields for: (1) Trade name; (2) Supplier; (3) Purpose; (4) Ingredients; (5) Chemical abstract number; (6) Maximum ingredient concentration in additive; and (7) Maximum ingredient concentration in hydraulic fracturing fluid.

8. Ohio voluntarily began posting Material Safety Data Sheets on its website, but the Ohio Department of Natural Resources has not yet promulgated any rules implementing S.B. 315.

9. The chemicals disclosed do not have to be matched with the products they go into.

10. Chemical Abstract Service Numbers are required only for chemicals listed on Material Safety Data Sheets.
11. Companies are not required to disclose ingredients that are not disclosed to it by the manufacturer, supplier, or service company; disclose ingredients that were not intentionally added to the hydraulic fracturing treatment; disclose ingredients that occur incidentally or are otherwise unintentionally present which may be present in trace amounts, may be the incidental result of a chemical reaction or chemical process, or may be constituents of naturally occurring materials that become part of a hydraulic fracturing fluid
12. The Governor of West Virginia issued an Executive Order on August 29, 2011, imposing disclosure requirements. See Executive Order No. 4-11. As noted above, the State legislature passed identical disclosure requirements on December 11, 2011. The West Virginia Department of Natural Resources regulations implementing the emergency rules can be found at W. Va. Code R. §§ 35-8-1 *et seq.*