Regulators Hold Fracking Disclosure Hearing

CATHERINE TSAI,Associated Press

DENVER (AP) — Requiring oil and gas companies to publicly disclose what chemicals they use in hydraulic fracturing is important, but it's not the first line of defense for protecting public health and the environment, the director of the Colorado Oil and Gas Conservation Commission said Monday.

David Neslin's comments came at a public hearing on the commission's proposal to require public disclosures of fracking chemicals that aren't trade secrets. It wasn't clear whether commissioners would act on the proposal Monday.

Hydraulic fracturing, also known as fracking, involves blasting water, sand and chemicals into rock formations to free oil and natural gas. Companies have been fracking for decades, but as drilling expands into more populated areas, residents near wells have expressed concerns about potential effects on their health and drinking water.

More than 100 people overflowed the room where the commission held a hearing Monday on the proposed rules.

Neslin said disclosures are important, but more critical are the state's rules for monitoring wells, ensuring proper casing and cementing around oil and gas wells, and sampling water to help detect contamination.

"It's only one tool," Neslin said of public disclosures. "We have other tools that provide more direct protection."

In recent years, Arkansas, Louisiana, Michigan, Montana, New Mexico, Pennsylvania, Texas and Wyoming have proposed or adopted rules requiring disclosure of fracking chemicals.

After Gov. John Hickenlooper called for Colorado to do the same, the commission proposed having companies list nonproprietary ingredients and concentrations on FracFocus.org, a national website created by two intergovernmental agencies. The rule was proposed to take effect Feb. 1, but commission staff recommended delaying that until April 1 to give drillers more time to comply.

The commission also proposes giving designated local officials 48 hours' notice of fracking operations. Politicians representing Commerce City said even they were caught off guard by recent fracking in Adams County.

"Are you going to contact me when I'm dead?" resident Kristi Douglas said, visibly shaking.

Residents, conservation groups and two state representatives said Monday that a

disclosure rule shouldn't include any protection for trade secrets. Some said disclosures should be made before fracking starts.

Halliburton and others have said they would support listing the ingredients but they don't want to publicly disclose the amounts of those ingredients being used.

Commission staff say a survey of Colorado disclosures on FracFocus.org show only a small percentage claim trade secrets, though the website includes only voluntary disclosures.

Neslin said the commission would support creating its own website for disclosures if FracFocus doesn't add a way to search listings by chemical or time period. FracFocus already allows searches by other parameters, including by location.

Neslin said requiring operators to list chemicals before fracking would have little value, since recipes can change, and Colorado's drilling rules already presume all fracking fluids can be dangerous.

Tisha Conoly Schuller, president of the Colorado Oil and Gas Association, said the industry supports the rulemaking and only has quibbles about the details.

"We understand disclosures are important to the public," she said.

Among speakers Monday, two called for a ban on fracking. Anthony Chavez of Occupy Denver urged commissioners to protect water for future generations.

The rulemaking process has prompted suggestions, including adding tracers in fracking fluid so that any contamination can be traced, and banning diesel or carcinogens in fracking fluid. Neslin said commissioners could consider those ideas separately later.

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