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HOUSE BILL 136

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Brian F. Egolf

AN ACT

RELATING TO OIL AND GAS; PROVIDING FOR PUBLIC SAFETY; ENACTING  
A NEW SECTION OF THE OIL AND GAS ACT TO PROVIDE FOR THE  
DISCLOSURE OF THE COMPOSITION OF HYDRAULIC FRACTURING FLUIDS  
USED IN HYDRAULIC FRACTURING TREATMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Oil and Gas Act is  
enacted to read:

"[NEW MATERIAL] DISCLOSURE OF COMPOSITION OF HYDRAULIC  
FRACTURING FLUIDS.--The legislature finds that disclosure of  
the components of hydraulic fracturing fluid is necessary to  
protect the public safety. Therefore, the commission shall  
adopt rules, which shall become effective on January 1, 2014,  
that:

A. require an operator of a well on which a

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1 hydraulic fracturing treatment is performed to:

2 (1) complete and post the hydraulic fracturing  
3 chemical registry form on the internet web sites of the ground  
4 water protection council and the interstate oil and gas compact  
5 commission with regard to the well, including the total volume  
6 of water used in the hydraulic fracturing treatment and each  
7 chemical ingredient used in the hydraulic fracturing treatment,  
8 regardless of whether the ingredient is subject to the  
9 requirements of 29 C.F.R. Section 1910.1200(g)(2);

10 (2) if the web sites as provided in Paragraph  
11 (1) of this subsection are discontinued or permanently  
12 inoperable, post the completed form on another publicly  
13 accessible internet web site specified by the commission; and

14 (3) submit the completed form to the  
15 commission with the well completion report for the well;

16 B. require a service company that performs a  
17 hydraulic fracturing treatment on a well or a supplier of an  
18 additive used in a hydraulic fracturing treatment on a well to  
19 provide the operator of the well with the information necessary  
20 for the operator to comply with this section;

21 C. prescribe a process by which an entity required  
22 to comply with this section may designate certain information,  
23 including the identity and amount of a chemical ingredient used  
24 in a hydraulic fracturing treatment, as a trade secret for  
25 purposes of 40 C.F.R. Part 350, Subpart A;

.191189.2

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1           D. require a person who desires to challenge a  
2 claim of entitlement to trade secret protection pursuant to  
3 this section to file the challenge with the commission;

4           E. limit the persons who may challenge a claim of  
5 entitlement to trade secret protection to:

6                   (1) the landowner on whose property the  
7 relevant well is located;

8                   (2) a landowner who owns property adjacent to  
9 property described in Paragraph (1) of this subsection;

10                   (3) a department or agency of this state; or

11                   (4) an entity of the federal government; and

12           F. prescribe an efficient process for an entity to  
13 provide information, including information that is a trade  
14 secret as defined by Appendix D to 29 C.F.R. Section 1910.1200,  
15 to a health professional or emergency responder who needs the  
16 information in accordance with Subsection (i) of that section."