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September 18, 2014

Mark Seltzer
Document Control Office (7407M)
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Comments on the Advanced Notice of Proposed Rulemaking Under TSCA for Hydraulic Fracturing Chemicals, EPA Docket No. EPA-HQ-OPPT-2011-1019.

Dear Mr. Seltzer:

Western Energy Alliance (the Alliance) submits the following comments to the Advanced Notice of Proposed Rulemaking under the Toxic Substances Control Act (TSCA) for Hydraulic Fracturing Chemicals (the ANPR), EPA Docket No. EPA-HQ-OPPT-2011-1019. Because EPA has not provided evidence of a gap in information about the chemicals used in hydraulic fracturing (fracking) operations, we do not support additional reporting requirements for our industry under TSCA, especially given the many sources of such information already in existence.

The Alliance represents over 480 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. We represent independent companies, the majority of which are small businesses with an average of fifteen employees.

Many of the requirements discussed in the ANPR represent requests for data that are already publically available or are reported extensively by companies that manufacture the chemicals used for fracking operations. Reporting requirements common to TSCA are not trivial for small oil and natural gas companies, and we request that EPA consider the resources and manpower that would be required of small businesses if it proposes new rules under TSCA.

The Alliance works closely with both the Independent Petroleum Association of America (IPAA) and the American Exploration and Production Council (AXPC), and we have many member companies in common. IPAA and AXPC are submitting detailed technical comments on the ANPR, and the Alliance fully supports the comments submitted by those organizations. Rather than duplicate their detailed comments, we discuss below areas of particular interest for our independent operators here in the West and comments we would like to emphasize.

The ANPR indicates that EPA will gather much of its data on fracking chemicals from FracFocus, which is used by eighteen states for chemical disclosure reporting.¹ FracFocus contains chemical information on over 70,000 wells that have been completed with fracking since 2011. New Mexico and Wyoming also require public disclosure of fracking chemicals through other reporting systems. These twenty states account for 99% of oil production and 98% of gas production within the United States. States' reporting requirements for fracking provide extensive information to EPA and the public about the chemicals used in fracking, and additional reporting requirements under TSCA would be duplicative and would not

There are other sources of data from which EPA can gather information on chemicals used in fracking. Oil and natural gas operators are required to keep information about the materials used and stored at their operations under the Emergency Planning and Community Right-to-Know Act (EPCRA). Material Safety Data Sheets (MSDS) must be updated and readily available on site, and must be provided to emergency personnel as needed. MSDS sheets must also be provided to the State Emergency Response Commissions if large amounts of chemicals are stored at a location. Commercial, non-profit, and government organizations maintain MSDS documents for research and review, and EPA could use them to learn more about chemicals used in the fracking process.

Finally, chemicals used in fracking operations are used in many other industrial and consumer applications, and therefore, have been subject to TSCA reporting and testing requirements at the chemical manufacturing and processing levels. In the ANPR, EPA has not demonstrated that the information currently available under existing TSCA programs is insufficient to address questions about the chemicals used in fracking.

In conclusion, information about the chemicals used in fracking is readily available in many places, and therefore additional, duplicative reporting requirements for the oil and natural gas industry are not required. New requirements under TSCA would simply add to the reporting burden of oil and natural gas companies without providing new information to the public.

Sincerely,



Ursula Rick
Manager of Regulatory Affairs

¹ Chemical Disclosure through FracFocus is currently required in Alabama, Alaska, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, and West Virginia.