

SENATE BILL 409

M3, M1

5lr1960
CF HB 449

By: **Senators Montgomery, Raskin, Guzzone, Kagan, Lee, Madaleno, Manno,
Nathan-Pulliam, Pinsky, Ramirez, Young, and Zirkin**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Protect Our Health and Communities Act**

3 FOR the purpose of prohibiting the Department of the Environment from issuing a permit
4 to authorize the hydraulic fracturing of a well for the exploration or production of
5 natural gas in the State until a certain date and until a certain panel is appointed,
6 convenes, and reports to the Governor and General Assembly on a certain date;
7 establishing a certain panel of experts for certain purposes; requiring the President
8 of the Senate and the Speaker of the House of Delegates to appoint a certain number
9 of members to the panel in accordance with certain requirements; requiring the
10 panel to be appointed and convened on or after a certain date; requiring the panel to
11 examine certain scientific literature through a certain date; requiring the panel to
12 report to the Governor and General Assembly on a certain date; defining a certain
13 term; and generally relating to hydraulic fracturing for the exploration or production
14 of natural gas.

15 BY adding to
16 Article – Environment
17 Section 14–107.1
18 Annotated Code of Maryland
19 (2014 Replacement Volume)

20 Preamble

21 WHEREAS, Exposure to the chemicals used or released in well stimulation and well
22 stimulation–related activities may pose a widespread and significant risk to public health,
23 safety, and the environment; and

24 WHEREAS, Well stimulation and well stimulation–related activities can involve the
25 use of high volumes of chemicals, some of which are known to be carcinogenic, neurotoxic,
26 endocrine disruptors, or could otherwise be harmful to human health; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Well stimulation and well stimulation–related activities may release
2 chemicals, including methanol, crystalline silica dust, hydrochloric and hydrofluoric acids,
3 xylene, 2–butoxyethanol, naphthalene, ethylbenzene, 2–propanol, volatile organic
4 compounds, and particulate matter; and

5 WHEREAS, Well stimulation and well stimulation–related activities may involve
6 the use of significant amounts of freshwater which are then permanently removed from the
7 water cycle; and

8 WHEREAS, Well stimulation and well stimulation–related activities may result in
9 the emission of greenhouse gases, such as carbon dioxide and methane; and

10 WHEREAS, The disposal of wastewater resulting from well stimulation and well
11 stimulation–related activities into underground injection wells in other states has been
12 linked to increased earthquake activity; and

13 WHEREAS, Well stimulation and well stimulation–related activities may harm
14 wildlife, including species that are protected under federal and state endangered species
15 laws; and

16 WHEREAS, Nondisclosure agreements and industry secrecy have hampered public
17 health researchers, regulators, and policymakers; and

18 WHEREAS, Scientific research is only now emerging to help us understand the
19 impacts of well stimulation and well stimulation–related activities on human populations
20 and the environment, with over 70% of such research being published since January 2013;
21 and

22 WHEREAS, Emerging scientific research confirms that well stimulation and well
23 stimulation–related activities are inherently risky and there is little scientific research to
24 support the claim that they can be carried out in a way that reduces health and
25 environmental risks to an acceptable level; and

26 WHEREAS, The final report of the Marcellus Shale Safe Drilling Initiative concedes
27 that implementing “best management practices” cannot eliminate the risks involved in well
28 stimulation and well stimulation–related activities and that many gaps remain in the
29 information with which it was working; now, therefore,

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
31 That the Laws of Maryland read as follows:

32 **Article – Environment**

33 **14–107.1.**

1 **(A) (1) IN THIS SECTION, “HYDRAULIC FRACTURING” MEANS A DRILLING**
2 **TECHNIQUE THAT EXPANDS EXISTING FRACTURES OR CREATES NEW FRACTURES IN**
3 **ROCK BY INJECTING FLUIDS, OFTEN A MIXTURE OF WATER AND CHEMICALS, SAND,**
4 **OR OTHER SUBSTANCES, AND OFTEN UNDER PRESSURE, INTO OR UNDERNEATH THE**
5 **SURFACE OF THE ROCK FOR PURPOSES THAT INCLUDE WELL DRILLING AND THE**
6 **EXPLORATION OR PRODUCTION OF NATURAL GAS.**

7 **(2) “HYDRAULIC FRACTURING” INCLUDES:**

8 **(I) FRACKING;**

9 **(II) HYDROFRACKING; AND**

10 **(III) HYDROFRACTURING.**

11 **(B) THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER THIS SUBTITLE TO**
12 **AUTHORIZE THE HYDRAULIC FRACTURING OF A WELL FOR THE EXPLORATION OR**
13 **PRODUCTION OF NATURAL GAS IN THE STATE UNTIL:**

14 **(1) APRIL 30, 2023; AND**

15 **(2) (I) A PANEL OF EXPERTS IS APPOINTED AND CONVENED, IN**
16 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND**

17 **(II) THE PANEL REPORTS TO THE GOVERNOR AND GENERAL**
18 **ASSEMBLY IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

19 **(C) (1) THERE IS A PANEL OF PUBLIC HEALTH, ENGINEERING, AND**
20 **SCIENTIFIC EXPERTS TO:**

21 **(I) EXAMINE THE SCIENTIFIC LITERATURE RELATED TO THE**
22 **PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF HYDRAULIC FRACTURING; AND**

23 **(II) ASSESS WHETHER HYDRAULIC FRACTURING CAN OCCUR IN**
24 **THE STATE WITH NO DETRIMENTAL IMPACT ON PUBLIC HEALTH OR THE**
25 **ENVIRONMENT.**

26 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
27 **PRESIDENT OF THE SENATE SHALL APPOINT 5 MEMBERS TO THE PANEL AND THE**
28 **SPEAKER OF THE HOUSE OF DELEGATES SHALL APPOINT 5 MEMBERS TO THE**
29 **PANEL.**

30 **(3) (I) THE PANEL SHALL CONSIST OF 10 MEMBERS, INCLUDING:**

1 1. **AT LEAST FIVE CREDENTIALLED EXPERTS IN PUBLIC**
2 **HEALTH; AND**

3 2. **NOT MORE THAN FOUR CREDENTIALLED EXPERTS IN**
4 **SCIENCE AND ENGINEERING.**

5 **(II) A MEMBER MAY NOT BE EMPLOYED, DIRECTLY OR**
6 **INDIRECTLY, BY:**

7 1. **THE STATE OF MARYLAND; OR**

8 2. **ANY PERSON WHO HAS DRILLED OR WHO MAY SEEK**
9 **TO DRILL FOR NATURAL GAS IN THE STATE OR IN ANY OTHER STATE.**

10 **(4) (I) ON OR AFTER JANUARY 1, 2022, THE PANEL SHALL BE**
11 **APPOINTED AND CONVENED.**

12 **(II) THE PANEL SHALL EXAMINE SCIENTIFIC LITERATURE THAT**
13 **HAS BEEN PUBLISHED IN PEER-REVIEWED SCIENTIFIC JOURNALS THROUGH**
14 **DECEMBER 31, 2022.**

15 **(D) ON JANUARY 1, 2023, THE PANEL SHALL REPORT TO THE GOVERNOR**
16 **AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
17 **GENERAL ASSEMBLY, ON WHETHER THE STATE SHOULD ISSUE A PERMIT UNDER**
18 **THIS SUBTITLE TO ENGAGE IN THE HYDRAULIC FRACTURING OF A WELL FOR THE**
19 **EXPLORATION OR PRODUCTION OF NATURAL GAS IN THE STATE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2015.