

ALERT! Fracking Disclosure Exemption in Committee 8 AM, Tuesday

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[Sierra Club Florida News](#) shared a link to the following article:

ALERT! Fracking Disclosure Exemption in Committee 8 AM, Tuesday



A fracking bill that will allow well operators to hide the chemicals they use from the public will be heard in the House Government Operations Subcommittee on Tuesday morning at 8 a.m. Please call the Committee members below to urge them to vote NO on the bill. Phone calls are better than a mass email. Please take a few minutes to reach out to them.

This is the link to the bill:

[CS/HB 1209 – Pub. Rec./High-pressure Well Stimulation Chemical Disclosure Registry](#) by Rep. Ray Rodrigues.

Talking points:

- If this bill becomes law, Floridians will not be able to find out about the worst chemicals frackers inject through their aquifer because they'll be kept secret.
- There is no federal protection available under the Clean Water Act (which deals with surface waters) or the Safe Drinking Water Act which was amended to exclude

fracking from its definition of “underground injection” in the 2005 Energy Policy Act thanks to VP Cheney’s Energy Task Force (§ 300h(d)(1)(B)(ii))

- HB 1209 disguises its true intention by claiming to be about preventing one business from stealing “proprietary business information” (trade secrets) from another. In reality it is designed to gut the disclosure provisions of the bill it is linked to, HB 1205 titled Regulation of Oil and Gas Resources, also by Rep. Rodrigues.
- The bill does an end run around the public interest by misappropriating the rationale for trade secrets for its true purpose of avoiding public scrutiny
- HB 1209 is similar to the relevant parts of an ALEC model bill that can be seen here: <http://www.alec.org/model-legislation/the-disclosure-of-hydraulic-fracturing-fluid-composition-act/> The ALEC bill includes the disclosure and trade secrets language in one bill, but the Florida version requires two bills because of Florida’s Constitutional requirement that public records exemptions be in a stand-alone bill.

Here’s why the oil and gas industry wants “proprietary business information” (trade secrets) confidential. Well operators can mark the most toxic chemicals as proprietary and DEP is bound to keep them secret. If someone requests the information DEP has to tell the well operator of the request and they get ten days to go to court to get an order barring disclosure of the information. The judge has to follow what is in statute in making a determination whether it truly is “proprietary business information” or not. The outcome is a foregone conclusion because the bill defines it in statute and the judge will always have to issue an order banning disclosure:

From the text of HB 1209

53 (b) **Proprietary business information relating to high-**

54 **pressure well stimulations** held by the department in
connection
55 with the online high-pressure well stimulation
chemical
56 disclosure registry, are **confidential and exempt**
from s.
57 **119.07(1) and s. 24(a), Art. I of the State**
Constitution if the
58 person submitting such information to the
department:
59 **1. Requests that the proprietary business**
information be
60 **kept confidential and exempt.**
61 **2. Informs the department of the basis for**
claiming that
62 **the information is proprietary business information.**
63 **3. Clearly marks each page of a document**
or specific
64 **portion of a document containing information claimed**
to be
65 **proprietary business information as “proprietary**
business
66**information.”**

As long as a well operator follows those simple instructions, no member of the public will ever find out what is being injected into their drinking water supply. And if they don't know about it they can't try to **do** anything about it.

Please call these members' offices today. Be polite, but make sure they know this is just plain wrong.

Thank you for Acting!

House Government Operations Subcommittee 2015

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