

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0306.01 Sarah Lozano x3858

HOUSE BILL 22-1348

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A BILL FOR AN ACT

101 **CONCERNING ENHANCED OVERSIGHT OF THE CHEMICALS USED IN OIL**
102 **AND GAS PRODUCTION, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes a regulatory scheme that requires disclosure of certain chemical information for products used in downhole oil and gas operations (chemical disclosure information). On or before July 31, 2023, the oil and gas conservation commission (commission) is required to utilize or develop a chemical disclosure website to collect and share

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 26, 2022

certain chemical disclosure information to the public (chemical disclosure website).

On and after July 31, 2023, a manufacturer that sells or distributes a chemical product for use in underground oil and gas operations (downhole operations) in the state must disclose to the commission:

- The trade name of the chemical product;
- A list of the names of each chemical used in the chemical product;
- The estimated amount of each chemical used in the chemical product; and
- A description of the intended purpose of the chemical used in the chemical product.

The manufacturer must also provide the commission with a declaration that the chemical product contains no intentionally added perfluoroalkyl or polyfluoroalkyl chemicals.

For manufacturers that were already selling or distributing a chemical product for use in downhole operations in the state before July 31, 2023, the disclosure and declaration must be made at least 30 days before July 31, 2023. For manufacturers that begin to sell or distribute a chemical product for use in downhole operations in the state on or after July 31, 2023, the disclosure and declaration must be made at least 30 days before the manufacturer begins selling or distributing the chemical product.

On and after July 31, 2023, an operator of downhole operations using a chemical product must disclose to the commission:

- The date of commencement of downhole operations;
- The county of the well site where downhole operations are being conducted;
- The numerical identifier assigned by the American Petroleum Institute to the well where downhole operations are being conducted; and
- The trade names and quantities of any chemical products the operator plans to use in downhole operations.

The operator must also provide the commission with a declaration that the chemical product contains no intentionally added perfluoroalkyl or polyfluoroalkyl chemicals.

For downhole operations that commenced before July 31, 2023, and that will be ongoing on July 31, 2023, the disclosure and declaration must be made at least 75 days before July 31, 2023. For downhole operations that commence on or after July 31, 2023, the disclosure and declaration must be made at least 75 days before commencement of downhole operations.

The commission will use the chemical disclosure information to create a chemical disclosure list for each well site, which will include:

- An alphabetical list of names of chemicals that will be used

- in downhole operations at the well site; and
- The total estimated amount of each chemical that will be used at the well site.

The commission will post each chemical disclosure list on the chemical disclosure website. The commission shall provide the chemical disclosure list to the applicable operator within 7 days after the operator's disclosures.

Prior to the commencement of downhole operations, the operator is required to disclose the chemical disclosure list to communities near where downhole operations will be conducted, local public water administrators, and, if there is a high-priority habitat near where downhole operations are being conducted, the division of parks and wildlife. For downhole operations that commenced before July 31, 2023, and that will be ongoing on July 31, 2023, the disclosure of the chemical disclosure list by the operator to these entities must be made at least 60 days before July 31, 2023. For downhole operations that commence on or after July 31, 2023, the disclosure of the chemical disclosure list by the operator to these entities must be made at least 60 days before commencement of downhole operations.

If a manufacturer believes that any information that will be included on a chemical disclosure list is a trade secret, the manufacturer must file a trade secret claim with the commission. If the commission determines that the information covered by the trade secret claim constitutes a trade secret, the commission shall not include the information in any applicable chemical disclosure list.

On or before July 31, 2023, the commission must promulgate rules that set standards for the disclosure of the chemical disclosure information to:

- An officer or employee of the United States, the state, or a local government in connection with the officer's or employee's official duties;
- Contractors of the United States, the state, or a local government if the commission determines that the disclosure is necessary for performance of a contract or the protection of public health and safety;
- A health-care professional in connection with an emergency or with diagnosing or treating a patient; and
- In order to protect public safety, a person who is employed in public health or a scientist or researcher employed by an institution of higher education.

No later than February 1, 2025, and no later than February 1 each year thereafter, the commission shall submit and present an annual report to the general assembly based on the chemical disclosure information.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) There are tens of thousands of active oil and gas wells in
5 Colorado;

6 (b) Many different types of products that contain chemical
7 additives are used by operators during the drilling and stimulation of these
8 wells to break up the subsurface and extract oil and gas from the ground;

9 (c) While water and sand can make up the vast majority of these
10 products, the amount of chemical additives injected into a well can add
11 up to tens of thousands of gallons because of the amount of these
12 products that are used during the course of an oil and gas operation;

13 (d) When these chemical additives are injected into a well, there
14 is a high risk of contamination to nearby groundwater or surface water;
15 and

16 (e) Some chemicals used in chemical products, such as
17 perfluoroalkyl and polyfluoroalkyl chemicals and biocides, have high
18 aquatic toxicity and can be incredibly harmful to human health and the
19 environment.

20 (2) The general assembly further finds and declares that:

21 (a) Even though exposure to these chemical additives poses a
22 danger to public health and the environment, scientists, state and local
23 regulators, and the public lack full access to information about the
24 chemical additives used in oil and gas production in the state;

25 (b) While Colorado requires the reporting of certain chemical
26 information for products that are used in hydraulic fracturing (fracking)
27 operations for input into a third-party database, there are broad

1 exemptions allowed for chemical information that is deemed proprietary
2 or confidential by the operator or supplier of a product;

3 (c) In recent years, thousands of operators who conduct fracking
4 operations have used trade secrecy claims to avoid disclosing information
5 about the chemicals that they use in their operations;

6 (d) Operators and suppliers of the products often do not have
7 knowledge of the chemical information that they are required to report to
8 the state;

9 (e) As a result of the amount of trade secrecy claims and the
10 operators' and suppliers' lack of knowledge of specific chemical
11 information, information about the chemical additives that are used in
12 fracking operations in the state is vastly underreported;

13 (f) Greater transparency regarding chemical use in oil and gas
14 production is urgently needed and can be achieved by:

15 (I) Requiring manufacturers and disclosers, rather than operators,
16 to disclose information about chemicals that are used in oil and gas
17 production in the state;

18 (II) Requiring the Colorado oil and gas conservation commission
19 to gather the chemical information so that the disclosure of specific
20 chemical information can be separated from the trade name of a product,
21 which will thereby protect any proprietary information; and

22 (III) Ensuring that disclosure of the chemical information to the
23 state, to local governments, and to schools and communities in close
24 proximity to oil and gas operations occurs before the use of the products
25 in oil and gas operations; and

26 (g) A full inventory of the chemicals used in oil and gas
27 production will:

1 (I) Assist state agencies, local governments, health-care
2 professionals, public health officials, and scientists in determining if
3 highly hazardous chemicals are being used in oil and gas production;

4 (II) Alert Coloradans to potential exposures to highly hazardous
5 chemicals prior to their use; and

6 (III) Encourage the disclosers and users of products that contain
7 highly hazardous chemicals to use less toxic alternatives in future
8 products and oil and gas operations.

9 (3) Therefore the general assembly determines and declares that
10 the state should enact a regulatory scheme that provides full disclosure of
11 the chemicals that are being deposited into the environment through oil
12 and gas production because:

13 (a) Coloradans have the right to know what chemicals are being
14 deposited into the environment where they live, work, and recreate; and

15 (b) State and local governments and regulators need this chemical
16 information to adequately protect the people, water systems, wildlife, and
17 environment of Colorado.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 34-60-132 as
19 follows:

20 **34-60-132. Disclosure of chemicals used in downhole oil and**
21 **gas operations - chemical disclosure lists - community notification -**
22 **trade secret information - disclosure of chemical information to**
23 **governmental agencies, health-care professionals, and scientists -**
24 **reports - definitions - rules - repeal. (1) AS USED IN THIS SECTION,**
25 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

26 (a) (I) "ADDITIVE" MEANS A CHEMICAL OR COMBINATION OF
27 CHEMICALS ADDED TO A BASE FLUID FOR USE IN A HYDRAULIC

1 FRACTURING TREATMENT.

2 (II) "ADDITIVE" INCLUDES PROPPANTS.

3 (b) "BASE FLUID" MEANS THE CONTINUOUS PHASE FLUID TYPE,
4 SUCH AS WATER, USED IN A HYDRAULIC FRACTURING TREATMENT.

5 (c) "CHEMICAL" MEANS ANY ELEMENT, CHEMICAL COMPOUND, OR
6 MIXTURE OF ELEMENTS OR CHEMICAL COMPOUNDS THAT HAS A SPECIFIC
7 NAME OR IDENTITY, INCLUDING A CHEMICAL ABSTRACTS SERVICE
8 NUMBER.

9 (d) "CHEMICAL ABSTRACTS SERVICE NUMBER" MEANS THE UNIQUE
10 NUMERICAL IDENTIFIER ASSIGNED BY THE CHEMICAL ABSTRACTS SERVICE
11 TO A CHEMICAL.

12 (e) "CHEMICAL DISCLOSURE INFORMATION" MEANS THE
13 INFORMATION DISCLOSED TO THE COMMISSION UNDER SUBSECTIONS
14 (2)(a)(I) AND (3)(a)(I) OF THIS SECTION.

15 (f) "CHEMICAL DISCLOSURE LIST" MEANS A LIST OF CHEMICALS
16 USED IN DOWNHOLE OPERATIONS AT A WELL SITE.

17 (g) "CHEMICAL DISCLOSURE WEBSITE" MEANS A WEBSITE THAT IS
18 CAPABLE OF DISPLAYING CHEMICAL DISCLOSURE LISTS AND CAN BE
19 ACCESSED BY THE PUBLIC.

20 (h) (I) "CHEMICAL PRODUCT" MEANS ANY PRODUCT THAT
21 CONSISTS OF ONE OR MORE CHEMICALS AND IS SOLD OR DISTRIBUTED FOR
22 USE IN DOWNHOLE OPERATIONS IN THE STATE.

23 (II) "CHEMICAL PRODUCT" INCLUDES ADDITIVES, BASE FLUIDS,
24 AND HYDRAULIC FRACTURING FLUIDS.

25 (III) "CHEMICAL PRODUCT" DOES NOT INCLUDE THE STRUCTURAL
26 AND MECHANICAL COMPONENTS OF A WELL SITE WHERE DOWNHOLE
27 OPERATIONS ARE BEING CONDUCTED.

1 (i) (I) "DIRECT VENDOR" MEANS ANY DISTRIBUTOR, SUPPLIER, OR
2 OTHER ENTITY THAT SELLS OR SUPPLIES ONE OR MORE CHEMICAL
3 PRODUCTS DIRECTLY TO AN OPERATOR OR SERVICE PROVIDER FOR USE AT
4 A WELL SITE.

5 (II) "DIRECT VENDOR" DOES NOT INCLUDE ENTITIES THAT
6 MANUFACTURE, PRODUCE, OR FORMULATE CHEMICAL PRODUCTS FOR
7 FURTHER MANUFACTURE, FORMULATION, SALE, OR DISTRIBUTION BY
8 THIRD PARTIES PRIOR TO BEING SUPPLIED DIRECTLY TO OPERATORS OR
9 SERVICE PROVIDERS.

10 (j) "DISCLOSER" MEANS AN OPERATOR, ANY SERVICE PROVIDER
11 USING ONE OR MORE CHEMICAL PRODUCTS IN THE COURSE OF DOWNHOLE
12 OPERATIONS, AND ANY DIRECT VENDOR THAT PROVIDES ONE OR MORE
13 CHEMICAL PRODUCTS DIRECTLY TO THE OPERATOR OR SERVICE PROVIDER
14 FOR USE AT A WELL SITE.

15 (k) "DIVISION" MEANS THE DIVISION OF PARKS AND WILDLIFE IN
16 THE DEPARTMENT OF NATURAL RESOURCES.

17 (l) "DOWNHOLE OPERATIONS" MEANS OIL AND GAS OPERATIONS
18 THAT ARE CONDUCTED UNDERGROUND.

19 (m) "HEALTH-CARE PROFESSIONAL" MEANS A PHYSICIAN,
20 PHYSICIAN ASSISTANT, NURSE PRACTITIONER, REGISTERED NURSE, OR
21 EMERGENCY MEDICAL SERVICE PROVIDER LICENSED OR CERTIFIED BY THE
22 STATE.

23 (n) "HIGH-PRIORITY HABITAT" MEANS HABITAT AREAS IDENTIFIED
24 BY THE DIVISION WHERE MEASURES TO AVOID, MINIMIZE, AND MITIGATE
25 ADVERSE IMPACTS TO WILDLIFE HAVE BEEN IDENTIFIED TO PROTECT
26 BREEDING, NESTING, FORAGING, MIGRATING, OR OTHER USES BY WILDLIFE.

27 (o) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID,

1 INCLUDING ANY BASE FLUID AND ADDITIVES, USED TO PERFORM A
2 HYDRAULIC FRACTURING TREATMENT.

3 (p) "HYDRAULIC FRACTURING TREATMENT" MEANS ALL STAGES OF
4 THE TREATMENT OF A WELL BY THE APPLICATION OF HYDRAULIC
5 FRACTURING FLUID UNDER PRESSURE, WHICH TREATMENT IS EXPRESSLY
6 DESIGNED TO INITIATE OR PROPAGATE FRACTURES IN AN UNDERGROUND
7 GEOLOGIC FORMATION TO ENHANCE THE PRODUCTION OF OIL AND GAS.

8 (q) "MANUFACTURER" MEANS A PERSON OR ENTITY THAT MAKES,
9 ASSEMBLES, OR OTHERWISE GENERATES A CHEMICAL PRODUCT OR WHOSE
10 TRADE NAME IS AFFIXED TO A CHEMICAL PRODUCT.

11 (r) "PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES" OR
12 "PFAS CHEMICALS" HAS THE MEANING SET FORTH IN SECTION 25-5-1302
13 (7).

14 (s) "PROPPANTS" MEANS MATERIALS INSERTED OR INJECTED INTO
15 AN UNDERGROUND GEOLOGIC FORMATION DURING A HYDRAULIC
16 FRACTURING TREATMENT THAT ARE INTENDED TO PREVENT FRACTURES
17 FROM CLOSING.

18 (t) "PUBLIC WATER SYSTEMS" HAS THE MEANING SET FORTH IN
19 SECTION 25-1.5-201 (1).

20 (u) "TRADE SECRET" MEANS THE WHOLE OR ANY PORTION OR
21 PHASE OF ANY SCIENTIFIC OR TECHNICAL INFORMATION; DESIGN; PROCESS;
22 PROCEDURE; FORMULA; IMPROVEMENT; CONFIDENTIAL BUSINESS OR
23 FINANCIAL INFORMATION; LISTING OF NAMES, ADDRESSES, OR TELEPHONE
24 NUMBERS; OR OTHER INFORMATION RELATING TO ANY BUSINESS OR
25 PROFESSION THAT:

26 (I) IS SECRET AND OF VALUE; AND

27 (II) FOR WHICH THE OWNER OF THE SECRET HAS TAKEN MEASURES

1 TO PREVENT THE SECRET FROM BECOMING AVAILABLE TO PERSONS OTHER
2 THAN THOSE SELECTED BY THE OWNER TO HAVE ACCESS FOR LIMITED
3 PURPOSES.

4 (v) "TYPE III AQUIFER" MEANS AN AQUIFER THAT CONSISTS OF
5 UNCONSOLIDATED GEOLOGIC MATERIAL, INCLUDING ALLUVIAL,
6 COLLUVIAL, OR OTHER CONSOLIDATED MATERIALS.

7 (w) "WELL SITE" MEANS THE AREA THAT IS DIRECTLY DISTURBED
8 DURING OIL AND GAS OPERATIONS.

9 (2) **Discloser chemical disclosure information and declaration.**

10 (a) ON AND AFTER JULY 31, 2023, AND SUBJECT TO SUBSECTION (2)(b) OF
11 THIS SECTION, A DISCLOSER THAT SELLS OR DISTRIBUTES A CHEMICAL
12 PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE MUST:

13 (I) DISCLOSE TO THE COMMISSION:

14 (A) THE TRADE NAME OF THE CHEMICAL PRODUCT;

15 (B) A LIST OF THE NAMES AND CHEMICAL ABSTRACTS SERVICE
16 NUMBERS OF EACH CHEMICAL USED IN THE CHEMICAL PRODUCT;

17 (C) THE ESTIMATED AMOUNT OF EACH CHEMICAL USED IN THE
18 CHEMICAL PRODUCT; AND

19 (D) A DESCRIPTION OF THE INTENDED PURPOSE OF EACH CHEMICAL
20 USED IN THE CHEMICAL PRODUCT; AND

21 (II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT
22 THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS
23 CHEMICALS.

24 (b) (I) (A) FOR DISCLOSERS THAT WERE ALREADY SELLING OR
25 DISTRIBUTE A CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS
26 IN THE STATE BEFORE JULY 31, 2023, THE INFORMATION AND
27 DECLARATION REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION

1 (2)(a) OF THIS SECTION MUST BE PROVIDED TO THE COMMISSION AT LEAST
2 THIRTY DAYS BEFORE JULY 31, 2023.

3 (B) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1,
4 2024.

5 (II) FOR DISCLOSERS THAT BEGIN TO SELL OR DISTRIBUTE A
6 CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE ON
7 OR AFTER JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED
8 TO BE PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST
9 BE PROVIDED TO THE COMMISSION AT LEAST THIRTY DAYS BEFORE THE
10 DISCLOSER BEGINS SELLING OR DISTRIBUTING THE CHEMICAL PRODUCT.

11 (c) THE COMMISSION SHALL MAKE REASONABLE EFFORTS TO
12 ENSURE THAT THE INFORMATION AND DECLARATION REQUIRED TO BE
13 PROVIDED UNDER SUBSECTION (2)(a) OF THIS SECTION IS PROVIDED TO THE
14 COMMISSION.

15 (d) IF A MANUFACTURER DOES NOT PROVIDE THE INFORMATION
16 DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION FOR A CHEMICAL
17 PRODUCT THAT IT SELLS OR DISTRIBUTES FOR USE IN DOWNHOLE
18 OPERATIONS IN THE STATE TO A DISCLOSER UPON THE REQUEST OF THE
19 DISCLOSER, THE MANUFACTURER MUST PROVIDE THE COMMISSION WITH
20 A TRADE SECRET FORM OF ENTITLEMENT, AS DETERMINED BY THE
21 COMMISSION BY RULE, FOR THE CHEMICAL PRODUCT. AT A MINIMUM, THE
22 MANUFACTURER MUST INCLUDE IN THE TRADE SECRET FORM OF
23 ENTITLEMENT FOR THE CHEMICAL PRODUCT:

24 (I) THE NAME OF EACH CHEMICAL USED IN THE CHEMICAL
25 PRODUCT;

26 (II) THE CHEMICAL ABSTRACTS SERVICE NUMBER OF EACH
27 CHEMICAL USED IN THE CHEMICAL PRODUCT; AND

1 (III) THE CONCENTRATION OF EACH CHEMICAL USED IN THE
2 CHEMICAL PRODUCT.

3 (e) IF, AFTER MAKING A REQUEST TO THE MANUFACTURER OF THE
4 CHEMICAL PRODUCT PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION,
5 A DISCLOSER IS UNABLE TO DISCLOSE THE INFORMATION DESCRIBED IN
6 SUBSECTION (2)(a)(I) OF THIS SECTION, THE DISCLOSER SHALL DISCLOSE
7 TO THE COMMISSION:

- 8 (I) THE NAME OF THE CHEMICAL PRODUCT'S MANUFACTURER;
- 9 (II) THE CHEMICAL PRODUCT'S TRADE NAME;
- 10 (III) THE AMOUNT OR WEIGHT OF THE CHEMICAL PRODUCT; AND
- 11 (IV) A SAFETY DATA SHEET FOR THE CHEMICAL PRODUCT.

12 (3) **Operator chemical disclosure information - declaration.**

13 (a) ON AND AFTER JULY 31, 2023, AND SUBJECT TO SUBSECTION (3)(b) OF
14 THIS SECTION, AN OPERATOR OF DOWNHOLE OPERATIONS USING A
15 CHEMICAL PRODUCT MUST:

- 16 (I) DISCLOSE TO THE COMMISSION:
 - 17 (A) THE DATE OF COMMENCEMENT OF DOWNHOLE OPERATIONS;
 - 18 (B) THE COUNTY OF THE WELL SITE WHERE DOWNHOLE
19 OPERATIONS ARE BEING OR WILL BE CONDUCTED;
 - 20 (C) THE US WELL NUMBER ASSIGNED TO THE WELL WHERE
21 DOWNHOLE OPERATIONS ARE BEING OR WILL BE CONDUCTED; AND
 - 22 (D) THE TRADE NAMES AND QUANTITIES OF ANY CHEMICAL
23 PRODUCTS THE OPERATOR USED IN DOWNHOLE OPERATIONS; AND

24 (II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT
25 THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS
26 CHEMICALS.

27 (b) (I) (A) FOR A DOWNHOLE OPERATION THAT COMMENCED

1 BEFORE JULY 31, 2023, AND THAT WILL BE ONGOING ON JULY 31, 2023,
2 THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED
3 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE PROVIDED TO
4 THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS AFTER JULY 31,
5 2023.

6 (B) THIS SUBSECTION (3)(b)(I) IS REPEALED, EFFECTIVE JULY 1,
7 2024.

8 (II) FOR A DOWNHOLE OPERATION THAT COMMENCES ON OR AFTER
9 JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED TO BE
10 PROVIDED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE
11 PROVIDED TO THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS
12 AFTER THE COMMENCEMENT OF THE DOWNHOLE OPERATION.

13 (c) THE COMMISSION SHALL MAKE REASONABLE EFFORTS TO
14 ENSURE THAT THE INFORMATION AND DECLARATION REQUIRED TO BE
15 PROVIDED UNDER SUBSECTION (3)(a) OF THIS SECTION IS PROVIDED TO THE
16 COMMISSION.

17 (4) **Change in chemical disclosure information.** IF THERE IS A
18 CHANGE IN THE INFORMATION PROVIDED UNDER SUBSECTION (2)(a)(I) OR
19 (3)(a)(I) OF THIS SECTION, THE DISCLOSER OR OPERATOR MUST SUBMIT THE
20 CHANGE TO THE COMMISSION WITHIN THIRTY DAYS AFTER THE DATE THE
21 DISCLOSER OR OPERATOR FIRST KNEW OF THE CHANGE.

22 (5) **Chemical disclosure lists.** (a) THE COMMISSION SHALL USE
23 THE CHEMICAL DISCLOSURE INFORMATION TO CREATE A CHEMICAL
24 DISCLOSURE LIST FOR EACH APPLICABLE WELL SITE.

25 (b) THE COMMISSION SHALL INCLUDE IN THE CHEMICAL
26 DISCLOSURE LIST:

27 (I) AN ALPHABETICAL LIST OF THE NAMES AND CHEMICAL

1 ABSTRACTS SERVICE NUMBERS OF EACH CHEMICAL THAT WILL BE USED IN
2 DOWNHOLE OPERATIONS AT THE WELL SITE; AND

3 (II) THE TOTAL ESTIMATED AMOUNT OF EACH CHEMICAL THAT AN
4 OPERATOR USED IN DOWNHOLE OPERATIONS AT THE WELL SITE.

5 (c) THE COMMISSION SHALL NOT INCLUDE IN THE CHEMICAL
6 DISCLOSURE LIST:

7 (I) THE TRADE NAME OF A CHEMICAL PRODUCT USED IN DOWNHOLE
8 OPERATIONS AT THE WELL SITE; OR

9 (II) THE TOTAL AMOUNT OF A CHEMICAL IN A CHEMICAL PRODUCT.

10 (d) NO LATER THAN SEVEN DAYS AFTER AN OPERATOR MAKES THE
11 DISCLOSURES REQUIRED UNDER SUBSECTION (3) OF THIS SECTION, THE
12 COMMISSION SHALL:

13 (I) POST THE CHEMICAL DISCLOSURE LIST ON THE CHEMICAL
14 DISCLOSURE WEBSITE AND INCLUDE THE DATE OF THE SUBMISSION OF THE
15 CHEMICAL DISCLOSURE LIST TO THE COMMISSION IN THE POST; AND

16 (II) PROVIDE THE CHEMICAL DISCLOSURE LIST TO THE OPERATOR
17 OF THE APPLICABLE WELL.

18 (e) THE COMMISSION SHALL:

19 (I) POST AN UPDATED CHEMICAL DISCLOSURE LIST IF THERE ARE
20 ANY NOTIFICATIONS RECEIVED FROM A DISCLOSER OR OPERATOR UNDER
21 SUBSECTION (4) OF THIS SECTION AND INCLUDE THE DATE OF THE
22 NOTIFICATION BY THE DISCLOSER OR OPERATOR IN THE POST; AND

23 (II) ENSURE THAT:

24 (A) ALL CHEMICAL DISCLOSURE LISTS AND UPDATED CHEMICAL
25 DISCLOSURE LISTS REMAIN VIEWABLE BY THE PUBLIC;

26 (B) THE CHEMICAL DISCLOSURE WEBSITE IS SEARCHABLE BY
27 CHEMICAL, DATE OF SUBMISSION OR UPDATE OF A CHEMICAL DISCLOSURE

1 LIST, NAME AND ADDRESS OF THE OPERATOR, AND COUNTY OF THE WELL
2 SITE; AND

3 (C) THE CHEMICAL DISCLOSURE WEBSITE ALLOWS MEMBERS OF
4 THE PUBLIC TO DOWNLOAD CHEMICAL DISCLOSURE LISTS IN AN
5 ELECTRONIC, DELIMITED FORMAT.

6 (6) **Community notification.** (a) ON OR BEFORE JULY 31, 2023,
7 AND SUBJECT TO SUBSECTION (6)(b) OF THIS SECTION, AN OPERATOR
8 SHALL PROVIDE THE CHEMICAL DISCLOSURE LIST TO:

9 (I) ALL PARTIES THAT:

10 (A) ARE LOCATED WITHIN TWO THOUSAND SIX HUNDRED FORTY
11 FEET OF THE WELL SITE; AND

12 (B) THE OPERATOR IS REQUIRED BY RULE TO NOTIFY OF THE
13 DETERMINATION MADE BY THE DIRECTOR OF THE COMMISSION THAT AN
14 OIL AND GAS DEVELOPMENT PLAN IS COMPLETE;

15 (II) THE ADMINISTRATOR OF ANY PUBLIC WATER SYSTEM THAT
16 OPERATES:

17 (A) A SURFACE WATER PUBLIC WATER SYSTEM INTAKE THAT IS
18 LOCATED FIFTEEN STREAM MILES OR LESS DOWNSTREAM FROM THE WELL
19 SITE;

20 (B) A GROUNDWATER UNDER THE DIRECT INFLUENCE OF A
21 SURFACE WATER PUBLIC WATER SYSTEM SUPPLY WELL WITHIN TWO
22 THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE; AND

23 (C) A PUBLIC WATER SYSTEM SUPPLY WELL COMPLETED IN A TYPE
24 III AQUIFER WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE
25 WELL SITE; AND

26 (III) THE DIVISION IF:

27 (A) THERE IS A HIGH-PRIORITY HABITAT AREA WITHIN ONE MILE OF

1 THE WELL SITE; OR

2 (B) THERE IS A STATE WILDLIFE AREA, AS DEFINED IN SECTION
3 33-1-102 (42), OR A STATE PARK OR RECREATION AREA WITHIN TWO
4 THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE.

5 [REDACTED]
6 (b) THE CHEMICAL DISCLOSURE LIST MUST BE DISCLOSED IN
7 ACCORDANCE WITH SUBSECTION (6)(a) OF THIS SECTION WITHIN THIRTY
8 DAYS AFTER THE OPERATOR'S RECEIPT OF THE CHEMICAL DISCLOSURE LIST
9 FROM THE COMMISSION.

10 (7) **Trade secret claims.** (a) IF A MANUFACTURER BELIEVES THAT
11 ANY INFORMATION THE MANUFACTURER IS REQUIRED TO DISCLOSE UNDER
12 SUBSECTION (2)(d) OF THIS SECTION IS A TRADE SECRET AND SHOULD NOT
13 BE INCLUDED IN A CHEMICAL DISCLOSURE LIST, THE MANUFACTURER
14 SHALL FILE A TRADE SECRET CLAIM WITH THE COMMISSION AND PROVIDE
15 THE COMMISSION WITH A WRITTEN DESCRIPTION OF:

16 (I) THE EXTENT THAT THE INFORMATION COVERED BY THE TRADE
17 SECRET CLAIM IS KNOWN BY:

18 (A) THE MANUFACTURER'S EMPLOYEES;

19 (B) PERSONS INVOLVED IN THE MANUFACTURER'S BUSINESS; AND

20 (C) PERSONS OUTSIDE OF THE MANUFACTURER'S BUSINESS;

21 (II) MEASURES TAKEN BY THE MANUFACTURER TO PROTECT THE
22 SECRECY OF THE INFORMATION COVERED BY THE TRADE SECRET CLAIM;

23 (III) THE VALUE OF THE INFORMATION COVERED BY THE TRADE
24 SECRET CLAIM TO THE MANUFACTURER AND THE MANUFACTURER'S
25 COMPETITORS; AND

26 (IV) THE AMOUNT OF EFFORT AND MONEY SPENT BY THE
27 MANUFACTURER IN DEVELOPING THE INFORMATION COVERED BY THE

1 TRADE SECRET CLAIM.

2 (b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
3 COMMISSION SHALL NOT PROTECT THE NAMES OR CHEMICAL ABSTRACTS
4 SERVICE NUMBERS OF ANY CHEMICAL AS A TRADE SECRET.

5 (c) IF THE COMMISSION DETERMINES THAT A TRADE SECRET CLAIM
6 FILED UNDER SUBSECTION (7)(a) OF THIS SECTION IS INCOMPLETE, THE
7 COMMISSION SHALL NOTIFY THE MANUFACTURER BY CERTIFIED MAIL. THE
8 MANUFACTURER HAS THIRTY DAYS AFTER RECEIVING THE COMMISSION'S
9 WRITTEN NOTICE TO PROVIDE ANY MISSING INFORMATION TO THE
10 COMMISSION.

11 [REDACTED]
12 (d) IF THE COMMISSION DETERMINES THAT THE TRADE SECRET
13 CLAIM IS COMPLETE:

14 (I) THE COMMISSION SHALL NOT INCLUDE THE INFORMATION IN
15 ANY APPLICABLE CHEMICAL DISCLOSURE LIST; AND

16 (II) THE COMMISSION MAY DISCLOSE THE INFORMATION ONLY IN
17 ACCORDANCE WITH SUBSECTION (8) OF THIS SECTION.

18 [REDACTED]
19 (e) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NOTHING IN
20 THIS SUBSECTION (7) ALLOWS A MANUFACTURER TO REFUSE TO DISCLOSE
21 TO THE COMMISSION THE INFORMATION REQUIRED TO BE DISCLOSED
22 UNDER SUBSECTION (2)(a)(I) OF THIS SECTION.

23 (8) **Disclosure of chemical disclosure information to state**
24 **agencies, health-care professionals, and scientists.** (a) ON OR BEFORE
25 JULY 31, 2023, THE COMMISSION SHALL PROMULGATE RULES SETTING
26 FORTH STANDARDS FOR THE DISCLOSURE OF CHEMICAL DISCLOSURE
27 INFORMATION TO:

1 (I) AN OFFICER OR EMPLOYEE OF THE UNITED STATES, THE STATE,
2 OR A LOCAL GOVERNMENT IN CONNECTION WITH THE OFFICER'S OR
3 EMPLOYEE'S OFFICIAL DUTIES;

4 (II) CONTRACTORS OF THE UNITED STATES, THE STATE, OR A
5 LOCAL GOVERNMENT IF THE COMMISSION DETERMINES THAT DISCLOSURE
6 OF THE CHEMICAL DISCLOSURE INFORMATION IS NECESSARY FOR:

7 (A) SATISFACTORY PERFORMANCE OF A CONTRACT WITH THE
8 UNITED STATES, THE STATE, OR A LOCAL GOVERNMENT; OR

9 (B) THE PROTECTION OF PUBLIC HEALTH AND SAFETY;

10 (III) A HEALTH-CARE PROFESSIONAL IN THE EVENT OF AN
11 EMERGENCY OR TO DIAGNOSE OR TREAT A PATIENT; AND

12 (IV) IN ORDER TO PROTECT PUBLIC HEALTH AND SAFETY, A PERSON
13 WHO IS:

14 (A) EMPLOYED IN THE FIELD OF PUBLIC HEALTH IN A
15 GOVERNMENTAL OR HEALTH-CARE AGENCY; OR

16 (B) A SCIENTIST OR RESEARCHER EMPLOYED BY AN INSTITUTION
17 OF HIGHER EDUCATION WHO IS STUDYING THE ENVIRONMENTAL OR
18 HEALTH IMPACTS OF CHEMICAL PRODUCTS.

19 (b) A PERSON DESCRIBED IN SUBSECTION (8)(a)(IV) OF THIS
20 SECTION MUST SUBMIT A WRITTEN STATEMENT OF NEED TO THE
21 COMMISSION TO RECEIVE CHEMICAL DISCLOSURE INFORMATION. THE
22 WRITTEN STATEMENT OF NEED, AT A MINIMUM, MUST:

23 (I) IDENTIFY THE SPECIFIC CHEMICAL DISCLOSURE INFORMATION
24 THAT IS SOUGHT BY THE PERSON; AND

25 (II) DESCRIBE THE REASON THAT DISCLOSURE OF THE SPECIFIC
26 CHEMICAL DISCLOSURE INFORMATION IS NECESSARY FOR PUBLIC HEALTH
27 OR RESEARCH PURPOSES.

1 (c) A HEALTH-CARE PROFESSIONAL DESCRIBED IN SUBSECTION
2 (8)(a)(III) OF THIS SECTION MAY SHARE THE CHEMICAL DISCLOSURE
3 INFORMATION WITH OTHER PERSONS, INCLUDING WITH THE PATIENT AND
4 OTHER HEALTH-CARE PROFESSIONALS, AS MAY BE PROFESSIONALLY
5 NECESSARY TO DIAGNOSE OR TREAT A PATIENT, EXCEPT AS PROHIBITED
6 UNDER APPLICABLE FEDERAL OR STATE LAW.

7 (9) **Reporting to the general assembly.** (a) (I) THE COMMISSION
8 SHALL PREPARE AN ANNUAL REPORT THAT INCLUDES:

9 (A) A LIST OF THE CHEMICALS USED IN DOWNHOLE OPERATIONS IN
10 THE STATE IN THE PRIOR CALENDAR YEAR;

11 (B) AN APPROXIMATE AMOUNT OF EACH CHEMICAL USED IN
12 DOWNHOLE OPERATIONS IN THE STATE IN THE PRIOR CALENDAR YEAR;

13 (C) A DESCRIPTION OF THE CONCENTRATION OF THE USE OF EACH
14 CHEMICAL IN AREAS THROUGHOUT THE STATE IN THE PRIOR CALENDAR
15 YEAR; AND

16 (D) THE NUMBER OF TRADE SECRET CLAIMS RECEIVED BY THE
17 COMMISSION UNDER SUBSECTION (7)(a) OF THIS SECTION IN THE PRIOR
18 CALENDAR YEAR.

19 (II) NO LATER THAN FEBRUARY 1, 2025, AND ON OR BEFORE EACH
20 FEBRUARY 1 THEREAFTER, THE COMMISSION SHALL:

21 (A) SUBMIT AND PRESENT THE REPORT PREPARED PURSUANT TO
22 SUBSECTION (9)(a)(I) OF THIS SECTION TO THE ENERGY AND ENVIRONMENT
23 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
24 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
25 SUCCESSOR COMMITTEES; AND

26 (B) POST THE REPORT ON THE COMMISSION'S WEBSITE.

27 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE

1 REQUIREMENT TO REPORT TO THE LEGISLATIVE COMMITTEES CONTINUES
2 INDEFINITELY.

3 (10) **Rules.** THE COMMISSION MAY PROMULGATE RULES THAT ARE
4 NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS
5 SECTION.

6 (11) **Local governments.** NOTHING IN THIS SECTION OR THE RULES
7 PROMULGATED BY THE COMMISSION PURSUANT TO THIS SECTION LIMITS A
8 LOCAL GOVERNMENT FROM ENACTING OR ENFORCING ANY ORDINANCE,
9 REGULATION, OR OTHER LAW RELATED TO THE DISCLOSURE OF ANY
10 CHEMICAL PRODUCT.

11 (12) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NOTHING
12 IN THIS SECTION OR THE RULES PROMULGATED BY THE COMMISSION
13 PURSUANT TO THIS SECTION PREVENTS THE COMMISSION, THE STATE, OR
14 A LOCAL GOVERNMENT FROM COLLECTING CHEMICAL DISCLOSURE
15 INFORMATION FROM DISCLOSERS OR OPERATORS UNDER ANY OTHER
16 PROVISION OF LAW.

17 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
18 year, \$61,500 is appropriated to the department of natural resources. This
19 appropriation is from the oil and gas conservation and environmental
20 response fund created in section 34-60-122 (5)(a), C.R.S. To implement
21 this act, the department may use this appropriation for the purchase of
22 information technology services.

23 (2) For the 2022-23 state fiscal year, \$61,500 is appropriated to
24 the office of the governor for use by the office of information technology.
25 This appropriation is from reappropriated funds received from the
26 department of natural resources under subsection (1) of this section. To
27 implement this act, the office may use this appropriation to provide

1 information technology services for the department of natural resources.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.