

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
3rd Reading Unamended
April 27, 2022

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 operators disclose chemical information to the
23 state, local governments, and communities in close proximity to
24 operations after the operations have commenced; and

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

27 (I) Assist state agencies, local governments, health-care

1 professionals, public health officials, and scientists in determining if
2 highly hazardous chemicals are being used in oil and gas production; and

3

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

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

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

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

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

18 **34-60-132. Disclosure of chemicals used in downhole oil and**
19 **gas operations - chemical disclosure lists - community notification -**
20 **trade secret information - disclosure of chemical information to**
21 **governmental agencies, health-care professionals, and scientists -**
22 **reports - definitions - rules - repeal. (1) AS USED IN THIS SECTION,**
23 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

24 (a) (I) "ADDITIVE" MEANS A CHEMICAL OR COMBINATION OF
25 CHEMICALS ADDED TO A BASE FLUID FOR USE IN A HYDRAULIC
26 FRACTURING TREATMENT.

27 (II) "ADDITIVE" INCLUDES PROPPANTS.

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

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

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

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

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

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

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

21 (II) "CHEMICAL PRODUCT" INCLUDES ADDITIVES, BASE FLUIDS,
22 AND HYDRAULIC FRACTURING FLUIDS.

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

26 (i) (I) "DIRECT VENDOR" MEANS ANY DISTRIBUTOR, SUPPLIER, OR
27 OTHER ENTITY THAT SELLS OR SUPPLIES ONE OR MORE CHEMICAL

1 PRODUCTS DIRECTLY TO AN OPERATOR OR SERVICE PROVIDER FOR USE AT
2 A WELL SITE.

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

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

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

15 (l) "DOWNHOLE OPERATIONS" MEANS OIL AND GAS PRODUCTION
16 OPERATIONS THAT ARE CONDUCTED UNDERGROUND.

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

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

25 (o) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID,
26 INCLUDING ANY BASE FLUID AND ADDITIVES, USED TO PERFORM A
27 HYDRAULIC FRACTURING TREATMENT.

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

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

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

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

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

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

24 (I) IS SECRET AND OF VALUE; AND

25 (II) FOR WHICH THE OWNER OF THE SECRET HAS TAKEN MEASURES
26 TO PREVENT THE SECRET FROM BECOMING AVAILABLE TO PERSONS OTHER
27 THAN THOSE SELECTED BY THE OWNER TO HAVE ACCESS FOR LIMITED

1 PURPOSES.

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

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

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

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

12 (I) DISCLOSE TO THE COMMISSION:

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

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

16 (C) THE CONCENTRATION OF EACH CHEMICAL USED IN THE
17 CHEMICAL PRODUCT; AND

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

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

23 (b) (I) (A) FOR DISCLOSERS THAT WERE ALREADY SELLING OR
24 DISTRIBUTES A CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS
25 IN THE STATE BEFORE JULY 31, 2023, OR THAT WERE USING THE CHEMICAL
26 PRODUCT BEFORE JULY 31, 2023, THE INFORMATION AND DECLARATION
27 REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS

1 SECTION MUST BE PROVIDED TO THE COMMISSION AT LEAST THIRTY DAYS
2 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, DISTRIBUTE, OR USE 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, DISTRIBUTING, OR USING THE CHEMICAL
11 PRODUCT.

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

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

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

27 (II) THE CHEMICAL ABSTRACTS SERVICE NUMBER OF EACH

1 CHEMICAL USED IN THE CHEMICAL PRODUCT; AND

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

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

9 (I) THE NAME OF THE CHEMICAL PRODUCT'S MANUFACTURER;

10 (II) THE CHEMICAL PRODUCT'S TRADE NAME;

11 (III) THE AMOUNT OR WEIGHT OF THE CHEMICAL PRODUCT; AND

12 (IV) A SAFETY DATA SHEET FOR THE CHEMICAL PRODUCT.

13 (f) IN THE EVENT THAT THE DISCLOSER IS UNABLE TO DISCLOSE
14 THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION,
15 THE COMMISSION SHALL OBTAIN THE INFORMATION DESCRIBED IN
16 SUBSECTION (2)(a)(I) OF THIS SECTION FROM THE MANUFACTURER.

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

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

21 (I) DISCLOSE TO THE COMMISSION:

22 (A) THE DATE OF COMMENCEMENT OF DOWNHOLE OPERATIONS;

23 (B) THE COUNTY OF THE WELL SITE WHERE DOWNHOLE
24 OPERATIONS ARE BEING OR WILL BE CONDUCTED;

25 (C) THE UNIQUE NUMERICAL IDENTIFIER ASSIGNED BY THE
26 AMERICAN PETROLEUM INSTITUTE TO THE WELL WHERE DOWNHOLE
27 OPERATIONS ARE BEING OR WILL BE CONDUCTED AND THE US WELL

1 NUMBER ASSIGNED TO THE WELL WHERE DOWNHOLE OPERATIONS ARE
2 BEING OR WILL BE CONDUCTED; AND

3 (D) THE TRADE NAMES AND QUANTITIES OF ANY CHEMICAL
4 PRODUCTS THE OPERATOR USED IN DOWNHOLE OPERATIONS; AND

5 (II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT
6 THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS
7 CHEMICALS.

8 (b) (I) (A) FOR A DOWNHOLE OPERATION THAT COMMENCED
9 BEFORE JULY 31, 2023, AND THAT WILL BE ONGOING ON JULY 31, 2023,
10 THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED
11 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE PROVIDED TO
12 THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS AFTER JULY 31,
13 2023.

14 (B) THIS SUBSECTION (3)(b)(I) IS REPEALED, EFFECTIVE JULY 1,
15 2024.

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

21 (c) THE COMMISSION SHALL MAKE REASONABLE EFFORTS TO
22 ENSURE THAT THE INFORMATION AND DECLARATION REQUIRED TO BE
23 PROVIDED UNDER SUBSECTION (3)(a) OF THIS SECTION IS PROVIDED TO THE
24 COMMISSION.

25 (4) **Change in chemical disclosure information.** IF THERE IS A
26 CHANGE IN THE INFORMATION PROVIDED UNDER SUBSECTION (2)(a)(I) OR
27 (3)(a)(I) OF THIS SECTION, THE DISCLOSER OR OPERATOR, OR IN THE CASE

1 OF DISCLOSURE UNDER SUBSECTION (2)(d) OF THIS SECTION, THE
2 MANUFACTURER, MUST SUBMIT THE CHANGE TO THE COMMISSION WITHIN
3 THIRTY DAYS AFTER THE DATE THE DISCLOSER, MANUFACTURER, OR
4 OPERATOR FIRST KNEW OF THE CHANGE.

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

8 (b) THE COMMISSION SHALL INCLUDE IN THE CHEMICAL
9 DISCLOSURE LIST:

10 (I) AN ALPHABETICAL LIST OF THE NAMES AND CHEMICAL
11 ABSTRACTS SERVICE NUMBERS OF EACH CHEMICAL THAT WILL BE USED IN
12 DOWNHOLE OPERATIONS AT THE WELL SITE; AND

13 (II) THE TOTAL CONCENTRATION OF EACH CHEMICAL THAT AN
14 OPERATOR USED IN DOWNHOLE OPERATIONS AT THE WELL SITE.

15 (c) THE COMMISSION SHALL NOT INCLUDE IN THE CHEMICAL
16 DISCLOSURE LIST:

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

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

20 (d) NO LATER THAN THIRTY DAYS AFTER AN OPERATOR MAKES THE
21 DISCLOSURES REQUIRED UNDER SUBSECTION (3) OF THIS SECTION, THE
22 COMMISSION SHALL:

23 (I) POST THE CHEMICAL DISCLOSURE LIST ON THE CHEMICAL
24 DISCLOSURE WEBSITE AND INCLUDE THE DATE OF THE SUBMISSION OF THE
25 CHEMICAL DISCLOSURE LIST TO THE COMMISSION IN THE POST; AND

26 (II) PROVIDE THE CHEMICAL DISCLOSURE LIST TO THE OPERATOR
27 OF THE APPLICABLE WELL.

1 (e) THE COMMISSION SHALL:

2 (I) POST AN UPDATED CHEMICAL DISCLOSURE LIST IF THERE ARE
3 ANY NOTIFICATIONS RECEIVED FROM A DISCLOSER, MANUFACTURER, OR
4 OPERATOR UNDER SUBSECTION (4) OF THIS SECTION AND INCLUDE THE
5 DATE OF THE NOTIFICATION BY THE DISCLOSER, MANUFACTURER, OR
6 OPERATOR IN THE POST; AND

7 (II) ENSURE THAT:

8 (A) ALL CHEMICAL DISCLOSURE LISTS AND UPDATED CHEMICAL
9 DISCLOSURE LISTS REMAIN VIEWABLE BY THE PUBLIC;

10 (B) THE CHEMICAL DISCLOSURE WEBSITE IS SEARCHABLE BY
11 CHEMICAL, DATE OF SUBMISSION OR UPDATE OF A CHEMICAL DISCLOSURE
12 LIST, NAME AND ADDRESS OF THE OPERATOR, AND COUNTY OF THE WELL
13 SITE; AND

14 (C) THE CHEMICAL DISCLOSURE WEBSITE ALLOWS MEMBERS OF
15 THE PUBLIC TO DOWNLOAD CHEMICAL DISCLOSURE LISTS IN AN
16 ELECTRONIC, DELIMITED FORMAT.

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

20 (I) ALL OWNERS OF MINERALS THAT ARE BEING DEVELOPED AT THE
21 WELL SITE;

22 (II) ALL SURFACE OWNERS, BUILDING UNIT OWNERS, AND
23 RESIDENTS, INCLUDING TENANTS OF BOTH RESIDENTIAL AND COMMERCIAL
24 PROPERTIES, THAT ARE WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET
25 OF THE WELL SITE;

26 (III) THE STATE LAND BOARD IF THE STATE OWNS MINERALS THAT
27 ARE BEING DEVELOPED AT THE WELL SITE;

1 (IV) THE FEDERAL BUREAU OF LAND MANAGEMENT IF THE UNITED
2 STATES OWNS THE MINERALS THAT ARE BEING DEVELOPED AT THE WELL
3 SITE;

4 (V) THE SOUTHERN UTE INDIAN TRIBE IF THE MINERALS BEING
5 DEVELOPED AT THE WELL SITE ARE WITHIN THE EXTERIOR BOUNDARY OF
6 THE TRIBE'S RESERVATION AND ARE SUBJECT TO THE JURISDICTION OF THE
7 COMMISSION;

8 (VI) ALL SCHOOLS, CHILD CARE CENTERS, AND SCHOOL
9 GOVERNING BODIES WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF
10 THE WELL SITE;

11 (VII) POLICE DEPARTMENTS, FIRE DEPARTMENTS, EMERGENCY
12 SERVICE AGENCIES, AND FIRST RESPONDER AGENCIES THAT HAVE A
13 JURISDICTION THAT INCLUDES THE WELL SITE;

14 (VIII) LOCAL GOVERNMENTS THAT HAVE A JURISDICTION WITHIN
15 TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE;

16 (IX) THE ADMINISTRATOR OF ANY PUBLIC WATER SYSTEM THAT
17 OPERATES:

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

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

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

27 (X) THE DIVISION IF:

1 (A) THERE IS A HIGH-PRIORITY HABITAT AREA WITHIN ONE MILE OF
2 THE WELL SITE; OR

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

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

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

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

19 (A) THE MANUFACTURER'S EMPLOYEES;

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

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

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

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

27 (IV) THE AMOUNT OF EFFORT AND MONEY SPENT BY THE

1 MANUFACTURER IN DEVELOPING THE INFORMATION COVERED BY THE
2 TRADE SECRET CLAIM.

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

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

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

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

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

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

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

1 INFORMATION TO:

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

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

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

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

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

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

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

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

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

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

26 (II) DESCRIBE THE REASON THAT DISCLOSURE OF THE SPECIFIC
27 CHEMICAL DISCLOSURE INFORMATION IS NECESSARY FOR PUBLIC HEALTH

1 OR RESEARCH PURPOSES.

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

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

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

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

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

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

20 (II) THE COMMISSION SHALL PRESENT THE ANNUAL REPORT TO THE
21 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
22 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
23 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, DURING THE
24 COMMITTEES' HEARINGS HELD PRIOR TO THE 2026 REGULAR SESSION, AND
25 EACH SESSION THEREAFTER, OF THE GENERAL ASSEMBLY UNDER THE
26 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
27 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF

1 TITLE 2. THE COMMISSION SHALL ALSO POST THE REPORT ON THE
2 COMMISSION'S WEBSITE.

3 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
4 REQUIREMENT TO REPORT TO THE LEGISLATIVE COMMITTEES CONTINUES
5 INDEFINITELY.

6 (10) **Rules.** THE COMMISSION MAY PROMULGATE RULES THAT ARE
7 NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS
8 SECTION.

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

14 (12) **Collection of chemical disclosure information under other**
15 **provisions of law.** NOTWITHSTANDING ANY LAW TO THE CONTRARY,
16 NOTHING IN THIS SECTION OR THE RULES PROMULGATED BY THE
17 COMMISSION PURSUANT TO THIS SECTION PREVENTS THE COMMISSION, THE
18 STATE, OR A LOCAL GOVERNMENT FROM COLLECTING CHEMICAL
19 DISCLOSURE INFORMATION FROM DISCLOSERS, MANUFACTURERS, OR
20 OPERATORS UNDER ANY OTHER PROVISION OF LAW.

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

27 (2) For the 2022-23 state fiscal year, \$61,500 is appropriated to

1 the office of the governor for use by the office of information technology.
2 This appropriation is from reappropriated funds received from the
3 department of natural resources under subsection (1) of this section. To
4 implement this act, the office may use this appropriation to provide
5 information technology services for the department of natural resources.

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