

Hydraulic Fracturing Disclosure Requirements

State	Applicable Law	Disclosure Requirements	Trade Secrets
Alabama	Ala. Admin. Code R. §§ 400-3-8-03 (HF); 400-1-9-04 (HF of coalbed methane wells)	Required disclosure to the Oil and Gas Board and FracFocus of: (1) a description of the hydraulic fracturing fluid identified by additive; and (2) the name and CAS number of the chemical compound for each constituent added to the base fluid.	Not required to disclose trade secret information, unless necessary for proper medical diagnosis and treatment or for spill response.
Alaska	20 AAC § 25.283	<p>Prior to hydraulic fracturing, operator must submit an application for sundry approvals that includes a detailed copy of the proposed hydraulic fracturing program, including: (1) the trade name, generic name, and purpose of all base fluids and additives to be used, and estimated or maximum rate or concentration of each additive; and (2) the chemical ingredient name and CAS number for each base fluid and additive in percent by mass and the actual or maximum concentration of each chemical ingredient in the hydraulic fracturing fluid in percent by mass.</p> <p>Must disclose to the AOGCC and to FracFocus the amount and types of material pumped during each treatment stage and the total amount and types of material pumped including: (1) description of the hydraulic fracturing fluid pumped identified by base fluid and additives including trade name, supplier, and a brief description of purpose; (2) chemical ingredient name and CAS number for each base fluid and additive used; and (3) the actual or maximum concentration of each chemical ingredient in each base fluid and additive used in percent by mass.</p>	Information claimed to constitute trade secrets shall be separately filed in an envelope clearly marked confidential along with the legal bases for the claim of confidentiality. The Commission will maintain the information as confidential. If the Commission receives a request for the information under the Alaska Public Records Act, the party claiming confidentiality shall file an affidavit setting forth specific facts and legal authority supporting non-disclosure.

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Arkansas	Ark. Oil & Gas Comm'n General Rules and Regulations, Rule B-19	The operator shall submit a well completion report that includes (1) the types and volumes of the base fluid and proppant used for each stage of the treatment; (2) a list of all additives used during the HF treatment specified by type; (3) the actual rate or concentration for each specific additive; and (4) the chemical constituents and associated CAS numbers as provided by the service company. If the operator uses an additive not provided by the service company, the operator must provide a list of all chemical constituents and associated CAS numbers in each such additive used.	<p>If a constituent identity is trade secret, the service company is entitled to withhold it from disclosure to the operator.</p> <p>All information required by a health care professional must be supplied immediately upon request by the person performing the HF treatment.</p>
California	Cal. Code Regs. tit. 14, §§ 1761, 1783, 1783.1, 1788	<p>Prior to performing a well stimulation treatment, must submit application containing a list of the names, CAS numbers (or other unique identifier), and estimated concentrations, in percent by mass, of each and every chemical constituent of the well stimulation fluids anticipated to be used in the well stimulation treatment.</p> <p>The operator shall post on FracFocus (until DOGGR website created, then on DOGGR website): (1) the trade name, supplier, concentration and brief description of the intended purpose of each additive contained in the well stimulation treatment fluid; (2) a list of the names, CAS numbers (or other unique identifier) and maximum concentrations, in percent by mass, of every chemical constituent of the well stimulation treatment fluids used; and (3) any radiological components or tracers injected into the well as part of the well stimulation treatment.</p>	Identities of chemical constituents of additives, including CAS numbers, shall not be protected as a trade secret. Other information claimed to be a trade secret shall be disclosed to DOGGR with a written claim. Pub. Res. Code § 3160(j).

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Colorado	2 CCR 404-1 s. 205A	Service companies and vendors are required to provide the operator with the following information for each frac job: (1) the total volume of water and total volume of base fluid used in the hydraulic fracturing treatment; (2) each hydraulic fracturing additive and the trade name, vendor, and brief description of the intended use or function of the additive; (3) each chemical intentionally added to the base fluid; (4) the maximum concentration of each chemical intentionally added to the base fluid; and (4) the CAS number for each chemical added to the base fluid. The operator is then required to complete a FracFocus registry form. Chemical constituents need not be tied to additives.	The vendor, service provider, or operator may claim trade secret protection for a chemical identity or concentration and withhold the information from disclosure, and must submit a Form 41 claim of entitlement providing information regarding the basis for the trade secret claim.
Idaho	IDAPA 20 Title 07 Chapter 2 s 20.07.02	Operator shall provide the Commission with information on (1) the source of the base stimulation fluid, (2) the stimulation fluid identified by additive type, (3) the chemical compound name and CAS number as found on the MSDS, (4) the proposed rate or concentration for each additive, and (5) the proposed rate or concentration in the overall stimulation fluid for each chemical compound listed on the MSDSs.	Upon request by applicant, trade secret protection is available under Idaho Code Sec. 9-340D(1) and 9-340E(2).
Illinois	225 ILCS 470 Ill. Admin. Code tit. 62 §§ 245.210, 245.720, 245.860.	For high volume hydraulic fracturing ("HVHF") operations (80,000 gallons per stage or 300,000 gallons total), operator must submit to the agency as part of a HVHF permit application a chemical disclosure report identifying each chemical and proppant anticipated to be used in hydraulic fracturing fluid for each stage of operations including: (1) each additive anticipated to be used, including trade name, vendor, a brief descriptor of the intended use or function, and the MSDS if applicable; (2) each chemical anticipated to be intentionally added to the base fluid, including for each chemical, the CAS number, if applicable; and (3) the anticipated concentration in the base fluid, in percent by mass, of each chemical to be intentionally added to the base fluid.	Upon submission or within 5 calendar days of submission of information to the Department, must provide a justification of a trade secret claim. Chemical disclosure information furnished under a trade secret claim shall be protected from public disclosure as a trade secret if the Department determines that the trade secret justification statement is valid.

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		For HVHF operations, must submit to the agency as part of a completion report a chemical disclosure report including: (1) each additive used, including trade name, vendor, brief descriptor of intended use or function, and MSDS if applicable; (2) each chemical intentionally added to the base fluid and CAS number if applicable; and (3) actual concentration in the base fluid, in percent by mass, of each chemical intentionally added to the base fluid.	
Indiana	Emergency Rule LSA Document #11-432(E)	Operator must provide information on, among other things, (1) the source and proposed volume of base stimulation fluid, (2) the type and amount of proppant, (3) the additive rate or concentration, (4) additive product name as indicated on MSDS, (5) a description of the type or purpose of each additive; (6) the maximum volume of each additive; and (7) a copy of any MSDS for each additive.	
Kentucky	Ken. Rev. Stat. 353.6603, 6604	Operator of horizontal well shall complete the chemical disclosure registry [FracFocus] form and post the form on the registry. Required information includes each chemical additive used in the fracturing treatment, including the CAS number added, if applicable, and the maximum concentration in percent by mass of each chemical intentionally added to the base fluid.	If the vendor, service provider or operator claims that the volume or relative concentration of a chemical is a trade secret, the operator shall so indicate on the chemical disclosure registry form and the operator, vendor or service provider, as applicable, shall submit a request to the director to designate the information as a trade secret.
Kansas	Kansas Admin. Reg. 82-3-1401	Operator shall disclose to the KCC (in the completion report) or on FracFocus: (1) the base fluid used; (2) each proppant; and (3) each chemical constituent at its maximum concentration, as a percentage by mass in the hydraulic fracturing fluid, and its CAS number.	Trade secret information may be withheld, but must provide the name of the chemical family or similar descriptor and the name, address and phone number of the trade secret claimant.

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Louisiana	LAC 43:XIX 118	Operator shall disclose to FracFocus or agency: (1) the types and volumes of the base fluid; (2) a list of all additives; (3) the trade name and suppliers of all the additives; (4) a list of MSDS chemical ingredients and associated CAS numbers; (5) maximum concentration of each MSDS-level ingredient within the additive; and (6) the maximum concentration of each MSDS-level ingredient within the overall hydraulic fracturing fluid.	Trade secret information is not required to be submitted to the agency.
Maryland	COMAR 26.19.01.31 (proposed)	<p>An applicant shall provide to the Department the name, CAS number, and chemical concentration of every chemical constituent of every commercial chemical product it intends to use on the site.</p> <p>No later than 10 days after well completion, operator shall provide to the Department a list of all chemicals used in fracturing, the weight of each used, and the concentration of the chemical in the fracturing fluid.</p> <p>No later than 30 days after well completion, operator shall provide to FracFocus a list of all chemicals used in fracturing, the weight of each used and the concentration of the chemical in the fracturing fluid in accordance with FracFocus rules on reporting and trade secrecy.</p>	Unless the applicant or supplier attests that the information is a trade secret, the chemical information is public information. If a claim is made that the concentration of a chemical in either a commercial product or the fracturing fluid is a trade secret, the operator shall attest to that fact and provide a second list that includes every chemical by name and CAS number but does not link the chemical to a specific commercial product or reveal the concentration.
Michigan	Mich. Admin. Code R. 324.1401	Permittee must submit the following high volume hydraulic fracturing information to FracFocus: (1) a list of all chemical additives used during the treatment specified by general type; (2) the specific trade name and supplier of each chemical additive; (3) the specific identity of each chemical constituent intentionally added to the primary carrier fluid and its associated CAS number; (4) the maximum concentration of each chemical constituent within the chemical additive expressed as a percent by mass for each constituent; and (5) the maximum concentration of each chemical constituent listed expressed as percent by mass of the total volume of hydraulic fracturing fluids utilized.	If the specific identity and CAS number of a chemical constituent are claimed to be a trade secret under 29 CFR § 1910.1200(i), may withhold the information by making a trade secret claim and providing the chemical family name.

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		<p>Permittee shall submit to the agency a copy of the service company hydraulic fracturing records with detail as to each fluid stage pumped, including actual volume by fluid stage, proppant rate or concentration, actual chemical additive name, type, concentration, or rate, and amounts.</p>	
Mississippi	Mississippi Oil and Gas Board Statewide Rules and Regulations Rule 26	<p>Before commencing hydraulic fracturing, operator must file a duly executed Form 2 indicating the nature of the hydraulic fracturing procedure proposed to be conducted.</p> <p>After completion, operator shall provide a completion report including: (1) the types and volumes of hydraulic fracturing fluids and proppants used for each stage of the hydraulic fracturing treatment expressed in gallons; (2) a list of all additives used specified by general type; (3) trade name and supplier of each additive; and (4) a list of chemical ingredients that are subject to MSDS requirements and their associated CAS numbers. For chemical ingredients subject to MSDS requirements, must provide: (1) maximum ingredient concentrations within the additive expressed as a percent by mass for each chemical ingredient; and (2) maximum concentration of each chemical ingredient expressed as a percent by mass of the total volume of the hydraulic fracturing fluid. Operator may meet these disclosure requirements by providing a statement saying that the required information has been provided via FracFocus.</p>	May withhold trade secret information and instead disclose chemical family associated with the ingredient and include a statement that a claim of trade secret protection has been made by an entity entitled to make such claim.

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Montana	Mont. Admin. R. § 36.22.608	The application for a permit to drill must include the: (1) estimated total volume of treatment to be used, (2) trade name or generic name of the principal components or chemicals, (3) estimated volume of the principal components (viscosifiers, acids or gelling agents), (4) estimated weight or volume of inert substances such as proppants, and (5) maximum anticipated treating pressure or a written description of the well construction specifications demonstrating that the well is appropriately constructed for the proposed HF treatment.	Mont. Admin. R. § 36.22.1016 provides that an owner/operator may withhold trade secret chemical identities and instead identify trade secret chemicals by chemical family name. Trade secret information must be disclosed to the board or staff if necessary to respond to a spill or release of the trade secret product. Board members, staff or any third party receiving trade secret information on behalf of the board may be required to execute a nondisclosure agreement. The Administrator's office has indicated that non-MSDS constituents need not be tied to additives and that the reporting requirements do not extend to chemicals that are not intentionally added.
	Mont. Admin. R. § 36.22.1015	Owner/operator must submit the following HF-specific information via completion report: (1) a description of the stimulation fluid identified by additive type, (2) the chemical ingredient name and the CAS number for each ingredient of the additive used, and (3) the rate or concentration for each additive. The administrator may waive all or a portion of the required disclosures if the owner/operator posts the required information to FracFocus.	
Nebraska	Oil & Gas Code Ch. 3 §§ 043, 044	Operator must post on FracFocus all the elements made viewable by the FracFocus website.	Trade secret information does not need to be disclosed to the agency.
Nevada	NAC 555.728	Prior to commencement of hydraulic fracturing operator shall (1) ensure that each chemical used is identified on the website maintained by the Division as a chemical which is approved by the Division for use in hydraulic fracturing, and identify each additive the operator intends to use.	Operator may submit a request to the Division to protect from disclosure any information which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information. The Administrator shall, after consulting with the operator, determine whether to protect the information from disclosure.
		Operator shall report to FracFocus (1) the identity of each additive used, and (2) the identity, CAS number and maximum concentration of each chemical intentionally added to the base fluid.	

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New Mexico	New Mexico Admin. Code 19.15.16.18	Operators must signify on form C-105 or C-103 whether the well has been hydraulically fractured. For a hydraulically fractured well, operator shall complete and file an HF disclosure form (which is comparable to the FracFocus form) within 45 days after completion of the well. The disclosure form does not require disclosure beyond the MSDS level.	Reporting or disclosure of proprietary, trade secret, or confidential business information is not required.
North Carolina	15A NCAC 05H .1702-.1704	<p>Permittee shall submit to the Department a complete list of all base fluids and additives to be used in well stimulation activities, including the trade or common name of each chemical subject to the Safety Data Sheet, the CAS number, the range of anticipated concentrations in the mixture for each chemical, and the purpose each chemical or mixture will serve.</p> <p>Permittee shall upload all well stimulation data (unless claimed as a trade secret) to FracFocus and submit a Chemical Disclosure Report to the Department, which shall include (1) the trade name or common name and CAS number of each chemical used in the well stimulation operation, (2) the trade or common name, supplier and intended use of each additive, (3) identification of each chemical and additive that is subject to the requirements of 29 C.F.R. § 1910.1200, (4) the actual or maximum concentration of each chemical and additive, (5) the overall well stimulation mixture, and (6) the chemical classification for each chemical and additive.</p>	If any person asserts any information is entitled to be protected as confidential, the requesting party must make a showing to the Commission. In addition, the requesting party shall request a certification from the State Geologist that the hydraulic fracturing fluid complies with all state and federal laws, rules and regulations.
North Dakota	N.D. Admin. Code § 43-02.-03-27.1	The owner, operator, or service company must post on the FracFocus Chemical Disclosure Registry all elements made viewable by the FracFocus website.	The rules do not require the submission of trade secret or confidential business information.

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Ohio	Ohio Rev. Code § 1509.10	Requires submission of a well completion record that includes the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid or substance with a brief description of the purpose for which the additive is used. In addition, must include a list of all chemicals, not including information that is designated as a trade secret, intentionally added to all products, fluids, or substances and include each chemical's corresponding CAS number and the maximum concentration of each chemical. Chemicals that occur incidentally or in trade amounts are not required to be reported. Owners may submit the information on a form to the agency or through FracFocus.	<p>The fluid disclosure provisions also apply to fluids used in drilling a well to the depth where surface casing is set and fluids used to restimulate or newly complete a well.</p> <p>A property owner, an adjacent property owner, or any person or agency having an interest that is or may be adversely affected by a product, fluid or substance or by a chemical component in a product, fluid, or substance may commence a civil action challenging the claim to entitlement to trade secret protection.</p>
Oklahoma	Okla. Admin. Code § 165:10-3-10	Operator required to submit to FracFocus or the Commission HF disclosure information, including total volume of base fluid used in HF; the trade name, supplier, and general purpose of each chemical additive; and for each ingredient used in any chemical additive, the identity, CAS number, and maximum concentration as the percent by mass in the HF fluid as a whole.	<p>If certain chemical information is entitled to trade secret protection under the Uniform Trade Secrets Act, the submission to FracFocus may note the proprietary nature of that chemical information instead of disclosing the protected information.</p> <p>Person asserting trade secret claim must provide the chemical family name or similar descriptor, and the Commission may require a written explanation in support of the claim.</p>
Pennsylvania	Pa. Statutes Title 58 § 3222, 25 Pa. Code § 78.122	Operator shall file a completion report with PADEP containing the stimulation record including: (1) a descriptive list of the chemical additives in the stimulation fluids; (2) the trade name, vendor, and brief descriptor of the intended use or function of each chemical additive in the stimulation fluid; (3) a list of the chemicals intentionally added to the stimulation fluid, by name and CAS number; (4) the maximum concentration in percent by mass of each chemical intentionally added to the stimulation fluid; and (5) the total volume of the base fluid.	Operator may designate specific portions as containing a trade secret or confidential proprietary information, and PADEP shall prevent disclosure of the trade secret or confidential proprietary information to the extent permitted by the Pennsylvania Right-to-Know law or other applicable state law.

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	Pa. Statutes Title 58 § 3222.1	In addition, the operator shall complete a FracFocus registry form and post the form on FracFocus, in accordance with regulations to be promulgated by PADEP, in a format that does not link chemicals to their respective hydraulic fracturing additive. Service providers and vendors are required to provide the operator with the information necessary to complete the registry form.	If the vendor, service provider or operator claims that the specific identity of a hydraulic fracturing additive, chemical, concentration, or any combination thereof, are a trade secret or confidential proprietary information, the operator of the well must indicate that on the form and the vendor, service provider or operator shall submit a signed written statement that the record contains a trade secret or confidential proprietary information. If a chemical is a trade secret, the registry disclosure form shall include the chemical family or similar description. A vendor, service company or operator shall not be required to disclose trade secrets or confidential proprietary information on FracFocus.
South Dakota	Admin. R. S.D. § 74:12:02:19	The following information regarding the hydraulic fracturing fluid composition is required to be posted on FracFocus: trade name, supplier, purpose, intentionally added ingredients, chemical abstract number, maximum ingredient concentration in additive, and maximum ingredient concentration in HF fluid.	Trade secret information is not required to be disclosed to FracFocus.
Tennessee	Tenn. Comp. R. & Regs. § 0400-53-01.03	For hydraulic fractures using greater than 200,000 gallons of water-based liquids, must disclose on FracFocus: (1) each hydraulic fracturing additive and the trade name, vendor, and a brief descriptor of the intended use of function; (2) each chemical intentionally added to the base fluid; (3) the maximum concentration, in percent by mass, of each chemical intentionally added to the base fluid; (4) the CAS number for each chemical intentionally added to the base fluid, if applicable. For chemicals that are claimed to be a trade secret, must provide the chemical family or other similar descriptor.	Vendors, service companies, and operators are not required to disclose trade secrets.

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Texas	16 Tex. Admin. Code § 3.29	The supplier or the service company must provide to the operator of the well: (1) each additive used in the hydraulic fracturing fluid and the trade name, supplier, and a brief description of the intended use or function of each additive in the hydraulic fracturing treatment; (2) each chemical ingredient subject to OSHA requirements for Material Safety Data Sheets; (3) the actual or maximum concentration of each such chemical ingredient by mass; (4) all other chemical ingredients that were intentionally included in, and used for the purpose of creating, hydraulic fracturing treatment(s) for the well; (5) the CAS number for each chemical ingredient, if applicable; and (6) a supplemental list of all chemicals and respective CAS number not subject to MSDS requirements intentionally used. The operator must complete the FracFocus form with the above information.	<p>The identity of specific constituent or concentration information claimed to be a trade secret can be withheld from disclosure.</p> <p>Supplier or service company must provide a written statement that the specific identify and/or CAS number or amount of any additive or chemical ingredient is claimed to be entitled to protection as trade secret information.</p>
Utah	Utah Admin. Code § 649-3-39	The amount and type of chemicals used in a hydraulic fracturing operation shall be reported to FracFocus.	
Virginia	4 VAC 25-150-365	Operator shall complete and upload the Chemical Disclosure Registry form, including (i) each additive used in the HF treatment, (ii) each chemical ingredient used that is subject to the requirements of 29 C.F.R. § 1910.1200(g)(2), (iii) the actual or maximum concentration of each such chemical ingredient in percent by mass, (iv) the CAS number for each subject ingredient, (v) a supplemental list of all chemicals not subject to 29 C.F.R. §1910.1200(g)(2), that were intentionally included in the HF treatment, their respective CAS numbers and proportions thereof.	All information shall be available to the public unless the department determines that information claimed to be a trade secret is entitled to such protection. Note: DMME has recently announced that it will not approve trade secret protection for HF chemicals.

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West Virginia	35 CSR §§ 8-5.6, 8-10.1	Operator must submit a water management plan and list the anticipated chemical additives, including CAS numbers. Upon well completion, the operator shall provide on FracFocus and to the agency a listing of the additives actually used in the fracturing or stimulating of the well, including the specific trade name, supplier and purpose. Must also list each chemical of each additive intentionally added to the base fluid, along with CAS number if applicable, and maximum concentration in the additive and maximum concentration as added to the base fluid expressed as a mass percent.	Trade secret information is not required to be submitted to the agency.
Wyoming	WOGCC rules, Ch. 3, §§ 8(c)(iv), 10	Requires a permit application to contain a "Description of the anticipated completion and stimulation program, including the base stimulation fluid and its source, the main chemical additives and proposed concentrations to be mixed, identified by additive type." Additional update required when there is a "change in the well stimulation service company, a change in fluid type or chemistry, or a major change in the drilling/completion/recompletion plan."	Owner/operator/service company must submit a request "justifying and documenting the nature and extent of the proprietary information" at the time the proprietary information is submitted to the Oil and Gas Supervisor. Upon approval by the Supervisor, protection is afforded as per "WYO. STAT. ANN. § 15-4-203(d) (v) of the Wyoming Public Records Act for the following records: 'trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person.'"
	WOGCC rules, Ch. 3, § 45(d)	Requires additional disclosure of stimulation prior to permit issuance. Specific requirements include: "(i) Stimulation fluid identified by additive type . . . (ii) The chemical compound name and Chemical Abstracts Service (CAS) number . . . (iii) The proposed rate or concentration for each additive." The Supervisor also "retains discretion to request . . . the formulary disclosure for the chemical compounds used in the well stimulation(s)." The exercise of this discretion will be dictated by the particular incident or accident in question.	

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	WOGCC rules, Ch. 3, § 45(h)	Requires certain disclosures after stimulation, including: "(i) actual total well stimulation treatment volume pumped; (ii) Detail as to each fluid stage pumped, including actual volume by fluid stage, proppant rate or concentration, actual chemical additive name, type, concentration or rate, and amounts."	