

MedChi

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TO: The Honorable Kumar P. Barve, Chair
Members, House Environment and Transportation Committee
The Honorable Clarence K. Lam

FROM: Pamela Metz Kasemeyer
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DATE: March 11, 2015

RE: **SUPPORT WITH AMENDMENT** – House Bill 952 – *Public Health – Hydraulic Fracturing Chemicals – Information and Fund*

The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, supports House Bill 952 with amendment.

Hydraulic fracturing or “fracking,” as it is commonly called, is a drilling technique that expands or creates new fractures in rock by injecting fluids of a mixture of water, chemicals, sand, or other substances, often under pressure, into or underneath the surface of rock for purposes that include well drilling and exploration or production of natural gas. Fracking is not currently being conducted in Maryland. However, Maryland’s Marcellus Shale Safe Drilling Initiative has issued recommendations for a regulatory structure that could authorize fracking in the State.

The objective of the study’s recommendations are to ensure that, should Maryland issue permits for fracking, the regulatory structure for those permits reflect the maximum requirements necessary for protecting the environment and public health of the State, while also incorporating transparency and public accountability. Despite the State’s efforts to create a stringent and accountable regulatory structure for fracking, MedChi remains concerned, based on the evidence from fracking operations in other states, that this practice will present serious health risks to Maryland’s residents as a result of exposure to the dangerous chemicals released into the environment as a result of the fracking process. For that reason, MedChi strongly supports the passage of House Bill 952, which establishes a number of critical requirements and resources designed to protect and respond to the negative health impacts associated with fracking.

House Bill 952 requires an applicant for a permit to submit to the Department of Health and Mental Hygiene (DHMH) information relating to each chemical constituent that will be used in the hydraulic fracturing of the well, including specified information about each chemical. The applicant must also report the location of the portion of the well in which the hydraulic fracturing will take place, the anticipated extent of the fractures or other modifications to the shale or underground geologic formation, specific health and safety data relating to the chemicals that will be used and information on chemical changes or reactions that may occur as a result of the hydraulic fracturing of the well.

DHMH must provide access to the chemical information collected under the bill to the Maryland Poison Center, specified public health professionals, and upon request of a health care provider who suspects a patient may have an illness or injury caused by a chemical used in hydraulic fracturing. A health care provider is authorized to share the information with the patient and any other health professional involved in the treatment of the patient, and with the U.S. Centers for Disease Control and Prevention, or other governmental public health agency.

The bill also establishes a Hydraulic Fracturing Chemical Education and Impact Fund, administered by DHMH, to address the potential health risks associated with chemicals used in hydraulic fracturing. The fund is to be used for providing financial assistance to a person that has an illness or injury caused by a chemical used in fracking, and to finance the development of an educational program which will educate health care providers on the potential health risks associated with chemicals used in hydraulic fracturing. Revenues for the fund will come from the fracking industry through fees and penalties established under the bill.

MedChi believes it is critical that health professionals have access to the detailed chemical information related to any fracking operation that may be permitted in Maryland. Such information is essential to providing health care services appropriately tailored to the exposure that an individual may have experienced. The public health impact of chemical exposure that has resulted in other states has been well-documented and MedChi believes passage of House Bill 952 will ensure that Maryland residents will not suffer the significant health consequences that have been associated with fracking and exposure to the chemicals utilized in the process. MedChi also applauds the sponsor for the creation of the fund to ensure that those negatively impacted will have access to financial assistance and to educate the physician community on the dangers of fracking.

MedChi would suggest an amendment to the legislation that is necessary to ensure that the chemical information gathered through this initiative can be utilized for the intended objectives. Based on the experience in other states, there is concern that mining companies will require the execution of agreements to limit disclosure of chemical information obtained in exchange for the release of the information – essentially a “gag” clause agreement. Such agreements completely undermine the objectives of this legislation. Language should be added to the reporting section of the bill that clearly prohibits mining companies from placing any conditions on their obligation to release the required information, or in the use of the information by health care practitioners and public health professionals who are entitled access to it under the legislation.

With its amendment noted, MedChi urges a favorable report on House Bill 952. Its passage will provide important public health protections against the environmental health risks posed by fracking, and will help ensure physicians are able to appropriately respond to and treat the health needs of Maryland residents exposed to the deadly chemicals utilized in the fracking process.

For more information call:

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