

HOUSE BILL REPORT

SB 5145

As Passed House - Amended:

April 17, 2019

Title: An act relating to the use of hydraulic fracturing in the exploration for and production of oil and natural gas.

Brief Description: Concerning the use of hydraulic fracturing in the exploration for and production of oil and natural gas.

Sponsors: Senators Salomon, Nguyen, Dhingra, Rolfes, Frockt, Hunt, Billig, Darneille, Palumbo, Kuderer, Saldaña and Van De Wege.

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/13/19, 4/3/19 [DPA].

Floor Activity:

Passed House - Amended: 4/17/19, 61-37.

Brief Summary of Bill (As Amended by House)

- Prohibits the use of hydraulic fracturing in the exploration for, and production of, oil and natural gas.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chapman, Fitzgibbon, Lekanoff, Pettigrew, Ramos and Springer.

Minority Report: Do not pass. Signed by 6 members: Representatives Dent, Assistant Ranking Minority Member; Dye, Kretz, Orcutt, Schmick and Walsh.

Staff: Robert Hatfield (786-7117).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Hydraulic fracturing is an oil and gas well development process that typically involves injecting water, sand, and chemicals under high pressure into a bedrock formation via the well. This process is intended to create new fractures in the rock as well as increase the size, extent, and connectivity of existing fractures. Hydraulic fracturing is a well-stimulation technique used commonly in low-permeability rocks like tight sandstone, shale, and some coal beds to increase oil and/or gas flow to a well from petroleum-bearing rock formations.

Summary of Amended Bill:

The use of hydraulic fracturing in the exploration for, and production of, oil and natural gas is prohibited. The prohibition does not ban the use of hydraulic fracturing for other purposes.

"Hydraulic fracturing" is defined as the process of pumping fluid into or under the surface of the ground in order to create fractures in rock for the purpose of the production or recovery of oil or natural gas.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is a ban on the use of fracking for oil and natural gas; it would not ban the use of fracking for water. Three other states have banned fracking. There is a concern about the competition for water; fracking uses a large volume of water, and there is already strong competition for water, including for salmon, farming, and drinking water. This bill would ensure that Washington does not compound its water problems. There is also a concern about the fluids that are circulated down into the water table by fracking. There is no guarantee that fracking fluid does not make its way to the water table. It is important to examine the issue through the lens of climate change; with a shrinking water supply, it is important to put energy toward renewable resources.

Fracking consumes a great deal of freshwater. Fracking risks surface and groundwater contamination. The risk and uncertainty of fracking dictate that prudence and caution are appropriate. It makes sense to enact a prohibition now, while there is no established fracking industry in Washington.

One research compendium has over 1,300 studies on the harms of hydraulic fracturing. There are multiple types of threats from fracking, including air and water pollution, radioactive releases, and threats to agriculture and the climate system. Communities near fracking sites have higher rates of asthma and premature births. Fracking also harms workers, such as through the production of elevated levels of benzene. Silicosis is also an issue. Fracking leaks methane, which is a potent greenhouse gas. No amount of regulation can mitigate the multiple risks of fracking. One should ask oneself if one would like to live in a community where fracking is occurring.

An earlier report by the Environmental Protection Agency (EPA) may have indicated that fracking did not pollute water, but that was an earlier, outdated report. Substantial evidence shows that fracking and wastewater disposal inherently threaten groundwater and pollute drinking water. The oil and gas sector is the only United States industry permitted to inject known hazardous chemicals into or near drinking water aquifers. One study shows that fracking fluids spills are common. No safe method exists for dealing with the millions of gallons of toxic wastewater generated by fracking. The practice of injecting fluid into wells causes earthquakes. It is important to not disregard this bill because fracking is currently uneconomical in Washington; a couple of decades ago, nobody thought that tar sands would be developed, but now the tar sands are actively producing.

(Opposed) Fracking is proven to be safe. Water supplies for drinking water are protected. Fracking has been in use for over 65 years without adverse environmental consequences. Regulations are in place that protect the drinking water supply. The injection of fracking fluid is limited by the EPA. The EPA has found no evidence that fracking contaminates water. Fracking does not use excessive water. The actual amount of water used in fracking varies from region to region. Drinking water is not used for fracking.

It is ironic that this bill is being presented, given that Washington's unfavorable geology and the well-regulated production of hydrocarbon elsewhere make it very unlikely that fracking will ever occur in Washington. The prospect of any petroleum exploration taking place in Washington is virtually nil.

Persons Testifying: (In support) Senator Salomon, prime sponsor; Elyette Weinstein, Washington League of Women Voters; Elizabeth Burton, Faith Action Climate Team; and Lynn FitzHugh, One Sustainable Planet.

(Opposed) Dan Kirschner, Northwest Gas Association; and Jessica Spiegel, Western States Petroleum Association.

Persons Signed In To Testify But Not Testifying: None.