

Hydraulic Fracturing & TSCA: EPA's Surprising Move and Its Sweeping Implications

[Joseph J. Green](#)

February 24, 2012

In November 2011, the U.S. Environmental Protection Agency (EPA) partially granted Earthjustice's Section 21 petition under the Toxic Substances Control Act (TSCA). This act will force further disclosure of chemical substances and mixtures used in oil and gas hydraulic fracturing (fracking) operations, which surprised many because the EPA did not wait for the results of its fracking study before taking formal regulatory action.

This article discusses Earthjustice's TSCA petition and the rulemaking standards, EPA's partial grant of the request for fracking chemical data reporting, and some of the foreseeable problems the rulemaking promises to bring. It also argues that EPA should leave the regulation of the oil and gas sector, including fracking, with the states.