

Fast Facts: The CLEANER Act

Congressmen Matt Cartwright and Jared Huffman introduce legislation ensure hazardous waste is disposed of properly.

Issue: A Hazardous Exemption

The Resource Conservation and Recovery Act (RCRA) of 1976 requires the safe disposal of solid waste and hazardous materials. In 1980, RCRA was amended to exempt waste from the production and development of oil and natural gas (E&P waste) and geothermal waste. In 1988, the EPA issued a regulatory determination further exempting these wastes from RCRA's most stringent safety requirements. This left the task of regulating disposal of these wastes to states, with mixed results. [Recent reports](#) show the extent of the problem and highlight the potentially fatal consequences.



Problem: Industry Waste Endangers Public Health and the Environment



The regulatory determination was issued before the use of fracking, which uses particularly toxic materials, had become commonplace. Yet fracking remains exempt from RCRA's Subtitle C standards for safe disposal of hazardous waste. This means less scrutiny on the industry's waste disposal practices, posing unnecessary risk to public health and the environment.

Exempted E&P waste includes: drilling fluids and cuttings, produced water, used hydraulic fracturing fluids, rigwash, workover wastes, tank bottom sludge, glycol-based dehydration wastes, amine-containing sweetening wastes, hydrocarbon-bearing soil, and many other individual waste products.

In its 1988 Regulatory Determination, EPA admitted that E&P wastes contain toxic substances that endanger both human health and the environment and cause cancer. Despite noting that the benzene, phenanthrene, lead, arsenic, barium, antimony, fluoride, and uranium found in E&P wastes are of major concern and present at "levels that exceed 100 times EPA's health based standards"¹, oil and gas companies are currently excused from requirements to dispose of them safely. Widespread evidence suggests public exposure to these toxins through air, soil, and local water sources.

Simple Solution: Hold Producers to the Same Standard as Other Industries

Regardless of which industry produces these harmful substances as waste, no one wants them in their drinking water. Fortunately, there is a simple solution: we must act today to eliminate this dangerous exemption. The CLEANER Act eliminates this 33 year old loophole to account changing technology and economic realities and protects public health and the environment from irreparable harm.



¹ Regulatory Determination for Oil and Gas and Geothermal Exploration, Development and Production Wastes, 53 Fed. Reg. at 25448.