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Environmental Protections Threatened by Sequestration and Funding Cuts

Federal agencies have started feeling the impact of the across-the-board spending cuts, known as sequestration, that went into effect March 1. Plans to furlough employees and cut programs are underway at many of the agencies charged with issuing and enforcing public health and safety standards. For the U.S. Environmental Protection Agency (EPA), these additional funding cuts will further drain already decreasing resources and impair the agency's ability to protect our air, water, and health.

Sequestration will also cut domestic spending on things like education, national parks, air traffic control, and consumer safety protections. These arbitrary, across-the-board cuts were triggered by a

law Congress passed in 2011 requiring automatic cuts of about $1 trillion if the government could not agree on a plan to reduce the deficit by $4 trillion by March 1.

Bob Perciasepe, EPA's acting administrator, warned employees that despite EPA's internal efforts to cut spending, furloughs would be an inevitable effect of across-the-board budget cuts. He described the consequences for the public in a Feb. 6 letter to the chair of the Senate Appropriations Committee, writing that sequestration will force the agency to make cuts that "will directly undercut [EPA's] congressionally-mandated mission of ensuring Americans have clean air, clean water and clean land." The letter cited numerous potential impacts, including:

- Reduced air quality monitoring
- Reduced research and chemical risk assessment activities
- Limits on state and tribal assistance that would impede states' ability to ensure clean water and meet public health standards for drinking water
- An estimated $100 million loss in hazardous waste clean-up commitments and cost reimbursements to the government
- Reduced capacity to conduct compliance and enforcement activities, meaning 1,000 fewer inspections in FY 2013

Sequestration will also have a significant impact on states that receive grants and other assistance from EPA to run enforcement programs and perform inspections. The White House Council on Environmental Quality estimated that sequestration will require a $154 million reduction in federal funding for state environmental programs and warned that this will "severely undermine" environmental protections.

Environmental enforcement has already suffered from budget cuts in recent years. Congress cut EPA's budget by 18 percent between 2010 and 2012. The *National Journal* recently reported that these cuts have impaired the agency's clean-up efforts. For example, between 2010 and 2012, the volume of contaminants removed from U.S. waters fell by half. During the same period, the amount of hazardous waste removed from the environment decreased by 7.4 billion pounds.

The EPA is only one of the many agencies who fear sequestration will unduly limit needed resources and threaten agencies' ability to complete mission-critical work. According to the Congressional Budget Office (CBO), sequestration cuts will cost 750,000 jobs this year and reduce economic growth by 0.6 percent. Sequestration cuts over the next decade will reduce economic growth even further.

Instead of allowing these cuts to weaken public protections and the economy, Congress can repeal the sequester provision of the Budget Control Act of 2011. In light of the dramatic reductions sequestration holds for federal efforts to ensure clean air, clean water, safety from toxic and hazardous chemicals, and other safeguards, Congress should move forward with repeal.

Former Office of Information and Regulatory Affairs Administrator Paints Unrecognizably Rosy Picture of Rule Reviews

Cass Sunstein, former Office of Information and Regulatory Affairs (OIRA) Administrator, recently penned an article, "OIRA: Myths and Realities," which purports to explain what OIRA *really* does when it reviews proposed and final rules submitted by agencies under Executive Orders 12866 and 13563. Sunstein's claims differ greatly from what agencies and public interest advocates say happens behind closed doors at OIRA.

In the article, Sunstein claims that cost-benefit analysis plays only a limited role in OIRA rule reviews. Instead, according to Sunstein, OIRA is focused on "aggregating information" from other agencies. Although OIRA staff meet often with outside groups, who overwhelmingly represent regulated industries, Sunstein claims that these meetings have little influence on the outcome of the office's review.

This sounds reasonable, but is it true? The story Sunstein tells is fundamentally different from the anecdotal information we hear from worker, environmental, and consumer agencies and from public interest groups. It is at odds with the published views of former OIRA staffers. But, more importantly, we cannot verify Sunstein's theory of OIRA as the ultimate "good government" agency because the impact of the office's review on agency proposed and final rules is kept secret.

Some of Sunstein's more implausible claims are described below.

First, Sunstein claims that OIRA's predominant role is to "identify and aggregate views and perspectives of a wide range of sources both inside and outside the federal government." Sunstein claims much of OIRA's efforts are aimed at ensuring that the concerns of other agencies are addressed in proposed or final rules, but empirical evidence suggests otherwise.

A recent analysis of OIRA meeting records by the Center for Progressive Reform (CPR) found that the most frequent visitor to OIRA between 2001 and 2011 was the Office of Advocacy at the Small Business Administration. Under the Regulatory Flexibility Act, agencies are already required to take this office's views into account. A January report by the Center for Effective Government demonstrates that this office often simply parrots the views of Big Business that already dominate agency rulemaking and do not need a second, secret hearing at OIRA.

CPR found that other offices in the White House were the next most frequent attendees at OIRA meetings. The increased involvement of a variety of White House offices suggests increased political, not technical, review of rules at OIRA. Only two federal agencies, other than the agency whose rule was being reviewed, attended more than 20 meetings at OIRA during the decade between 2001-2011. Moreover, OIRA has not voluntarily disclosed any written communications from other agencies or the public (other than documents provided at meetings) since 2002.

The limited public record available belies Sunstein's claim that meetings at OIRA are aimed at reconciling the views of various federal agencies. Agencies with technical expertise on public health issues, such as the Centers for Disease Control and Prevention or the National Institutes of Health,

rarely participate in meetings at OIRA. Besides, federal agencies are free to voice their concerns about the rules of other agencies by filing public comments during rulemaking. If they do, other rulemaking participants can comment on their concerns. Secret meetings at OIRA deprive the public of the opportunity to participate in this conversation.

Second, Sunstein claims that OIRA's goal is to make sure that comments get heard. This claim, too, is hard to believe. Agencies already provide a forum for public comment, and courts require that agencies respond to significant comments they receive. So, there is no reason for OIRA to duplicate what is already happening at regulatory agencies. When OIRA delays publication of *proposed* rules, it prevents the public at large from commenting on what an agency proposes. And, when it delays final rules and provides a forum for off-the-record meetings, it creates a secret record that may be similar to, but not the same as, the public record at the agency.

Third, Sunstein claims that although OIRA has held hundreds of meetings with industry representatives who want to weaken standards and safeguards, these meetings are not important and rarely influence OIRA's views on proposed or final rules. This claim, too, is hard to believe. If meetings with OIRA have so little influence, why do so many industries seek such meetings? Sunstein claims OIRA staff are not biased in favor of industry, even though OIRA almost always weakens rules so they are more to industry's liking.

Finally, Sunstein claims that cost-benefit analysis plays only a limited role in OIRA review. Yet agencies spend months, and hundreds of thousands of dollars, preparing economic analyses and risk assessments that are hundreds of pages long. In this era of government austerity, it seems absurd that OIRA continues to require such detailed, complex analyses when they supposedly have little influence on OIRA review.

Each of Sunstein's claims is at odds with the public perception of OIRA's role in the regulatory process. None of his claims can be verified based on the public record. Although Sunstein claims that OIRA engages in a "high degree of transparency, the evidence tells another story. OIRA refuses to disclose the draft rules it receives from agencies, so stakeholders cannot determine what changes OIRA insists upon.

If Sunstein's claims are accurate, that OIRA is just a neutral arbiter between competing federal agency goals and not hostile to worker, environmental, and consumer safeguards, then OIRA should embrace more transparency. Increased disclosure could test Sunstein's claim that OIRA's objections to rules are technical and not political. It could demonstrate that despite hundreds of meetings with industry, OIRA doesn't weaken or delay rules to respond to business complaints. Without more transparency, Sunstein's claims about the office he ran will remain as impenetrable as the review process he oversaw.

Undoing Sequestration

Across-the-board federal spending cuts, called "sequestration," have begun. What can be done to undo this damaging budget policy?

Sequestration = Boiling Frogs

One of the primary barriers to fixing sequestration is that it is playing out much like the metaphor of a boiling frog. According to the metaphor, if a frog is placed in a pan of boiling water, it will quickly jump out. But if it is placed in a pan of water that is room temperature, and then only slowly heated to a boil, the frog will not notice the danger and will be slowly cooked to death.

Unfortunately, sequestration's rollout will be similar. Overall, the cuts will be quite draconian. According to the White House, sequestration will impose across-the-board cuts of five percent on most domestic programs excluding entitlements (Medicare is one exception, with cuts of two percent imposed on providers). Most defense spending will be subject to a 7.8 percent across-the-board cut. To make matters worse, the cuts will be compressed into a short, seven-month window, which means that for the rest of this year, there will be nine to 13 percent reductions in agency spending.

Moreover, most of the actual *reductions* will take place this year. Cuts in subsequent years will be achieved with spending caps that will hold the current cuts in place. The nature of this rollout means that the worst of it, including furloughs of government employees and cuts in important grant programs, will be felt this year. Over the next eight years, the cuts will seem like a continuation of the status quo. Because of this, if sequestration is not reversed this year, it is likely to remain in place for the full nine years. If the cuts and caps stay in place for a full nine years, they will produce a net cut of nearly $1 trillion for federal programs on top of the $1.5 trillion already imposed in earlier rounds of deficit negotiations.

Unfortunately, as in the case of the boiling frog, the cuts will only be felt gradually. The impact on federal employees, for example, is being slowly rolled out through agency furloughs that, in most cases, will not begin until April or later in the year. The impact on states, localities, and nonprofit organizations will be similarly delayed, with grant-related cuts most likely to be felt through reduced grant payments and/or smaller numbers of grants made later in the year.

As in the case of the slowly boiling frog, however, by the time the danger becomes apparent, it may be too late to do anything. The closer we get to the end of the federal fiscal year (September 30), the more likely it is that federal policymakers will become resigned to sequestration as a permanent fact of life.

How Did We Get Here? A Tale of Political Miscalculation

In late February, a controversy erupted in Washington over the origin of sequestration. Republicans have taken to blaming the president after publication of a book (*The Price of Politics*) by Bob Woodward at *The Washington Post*, who pointed out in both the book and a follow-up article in the *Post*, that the idea originated at the White House. While technically true, the White House was reacting to House Republicans who were threatening a default on the federal debt if significant spending cuts were not enacted. To avert the crisis, the White House proposed sequestration as a mechanism to force an agreement on a larger budget deal. Sequestration was never intended to be implemented.

This was the real miscalculation. The White House assumed that sequestration would be so bad that Congress would do whatever was necessary to avoid it. Democrats could not accept the domestic cuts, while Republicans could not accept the cuts in defense spending, so both would negotiate. This turned out to be false. Tea Party-backed Republicans appear willing to accept significant reductions in military spending in return for lower federal spending overall and no tax increases.

The administration's assumption that the threat of automatic cuts would be so dire that sequestration would never happen was the first miscalculation. The second miscalculation was the decision by the president to sign tax legislation in January that made 82 percent of the Bush-era tax cuts permanent while leaving sequestration unresolved (sequestration was delayed from January to March). This legislation gave congressional Republicans most of what they wanted (permanently lower taxes for the vast majority of households) and little incentive to negotiate further, especially when many are more concerned about being challenged from the right in a primary than they are about public opinion nationally.

The White House signed this legislation assuming that public outrage would force Republicans to the bargaining table. While some polling by the Pew Research Center/*USA Today* in February found that more Americans would blame congressional Republicans if sequestration occurred, another more recent poll from Gallup indicated that most Americans do not think they know enough yet to say whether sequestration cuts would be bad for the nation or for them personally. Thus, the sequestration battle may still be an inside-the-Beltway battle. The public needs a new frame for the budget debate.

Stopping Sequestration

So how do we stop these damaging cuts from happening? What can we do?

One partial answer is to work to ensure that any new flexibility offered is used to the maximum extent possible to redirect the cuts away from vulnerable investments, like education and early childhood programs, and toward corporate subsidies, like those for agribusiness. However, it is important to understand that the flexibility being offered to the president will be limited. According to news accounts, cuts will only be able to be redistributed within agencies (meaning that cuts to education programs, for instance, cannot be redistributed to business-related subsidies in the Department of Commerce). Moreover, any proposed changes will need to be approved by congressional appropriators in both parties, which means that only relatively uncontroversial changes will be possible. And moving the cuts around will do nothing to reverse further reductions over the following eight years, since those cuts will be imposed through lower spending caps overall.

The real solution to sequestration is legislation. Congress created sequestration and only Congress can truly fix it. One possible solution could be a "grand bargain" on a larger deficit reduction package in which new taxes are traded for cuts, reached between the White House and congressional Republicans, but this seems unlikely as long as both sides remain divided over new tax revenues. Another possibility is a spending cuts-only solution, with the cuts refocused on corporate welfare subsidies like those for agribusiness and excessive payments to drug companies in the Medicare program. Unfortunately, no one is currently offering that deal.

The third option is to cancel sequestration outright, with no corresponding tax increases or spending cuts. This option would remove sequestration as a bargaining chip in the ongoing budget negotiations, leaving the various players to negotiate separately over any long-term budget deal without sequestration being used as a point of leverage. At the moment, however, this option has only been put forward by the Congressional Progressive Caucus, including a bill (H.R. 900) introduced by Rep. John Conyers (D-MI). It has not yet been embraced by the Obama administration or most members of Congress. It may receive further consideration, however, if no progress is made on a larger budget deal and the impact of sequestration begins to be felt.

The Center for Effective Government, working with other organizations like the AFL-CIO, Campaign for America's Future, Economic Policy Institute, and the National Priorities Project, has begun circulating a joint sign-on letter calling for the repeal of sequestration. This letter is open to national, state, and local organizations, and we encourage you to circulate it widely. The economy is still in a fragile state, and pulling a trillion dollars in public spending out of circulation over the next nine years will slow job growth significantly.

Also visit Sequestration Central, our webpage that will be tracking the damaging impact of these cuts over time as they become known. Undoing sequestration will not be easy. But doing nothing ensures it will remain in place. We need to signal policymakers that these domestic programs are simply too important to lose. Join the call to stop sequestration.

After Four Years, Obama Delivers Policy Leadership on Transparency, but Agency Implementation Is Inconsistent

Four years ago, President Obama entered office offering an inspiring vision for a more open and participatory government. A new report by Center for Effective Government staff credits the Obama administration for using its first term to construct a policy foundation that could make that vision a reality. However, the actual implementation of open government policies within federal agencies has been inconsistent and sometimes weak.

Delivering on Open Government: The Obama Administration's Unfinished Legacy was released on March 10, the beginning of Sunshine Week. The report examines progress made during President Obama's first term in three areas: creating an environment within government that is supportive of transparency, improving public use of government information, and reducing the secrecy related to national security issues.

Improving the Accessibility and Reliability of Public Information

The administration's strongest performance was in its use of technology to make information more available to the public and more user-friendly. Officials encouraged agencies to use more social media, launched new websites, created mobile apps, and overhauled older online tools. More detailed information about federal spending was made available to the public. Agencies are now required to transition to electronic records management – although they have been given a long timeframe for the shift. Administration policy raised the bar for delivering information under the Freedom of

Information Act (FOIA). These were long overdue steps that will modernize how government communicates to and shares information with the public.

Creating an Environment that Supports Open Government

Despite policy guidance from the White House, the implementation of open government reforms at the agency level has been uneven, and few agencies appear to have embraced the practice of open government enthusiastically. Some agencies produced very vague open government plans for themselves. Many have not followed the White House's lead in making information about basic operations open to the public or even posting visitor logs. Several produced weak policies to protect the integrity of scientific information and the rights of government scientists to share their work. Protections for whistleblowers were strengthened, but the administration has also taken an aggressive approach to prosecuting leaks.

An example of the inconsistent implementation of open government goals is the mixed success agencies have had meeting FOIA deadlines for providing information in response to public requests. The 2009 Open Government Directive instructed agencies with a significant backlog of FOIA requests to reduce their backlogs by 10 percent each year. But of the 11 cabinet agencies with more than 500 backlogged requests in fiscal year 2009, only three met the 10 percent reduction goal each year: the Departments of Health and Human Services, the Interior, and the Treasury. Three other agencies met the goal in two years out of three, while the remaining five agencies met their goal in only one year. There was no year in which every agency met the assigned goal. At the end of 2012, nearly 60,000 backlogged requests remained in these 11 agencies – a total reduction of less than nine percent compared to FY 2009.

Agency Progress in Reducing FOIA Backlogs				
Agency	*FY 2010*	*FY 2011*	*FY 2012*	*Total*
Agency reduced FOIA backlogs by 10 percent in all three years				
Health and Human Services	Yes	Yes	Yes	3 / 3
Interior	Yes	Yes	Yes	3 / 3
Treasury	Yes	Yes	Yes	3 / 3
Agency reduced FOIA backlogs by 10 percent in two years out of three				
Defense	Yes	No	Yes	2 / 3
Homeland Security	Yes	No	Yes	2 / 3
Labor	Yes	No	Yes	2 / 3
Agency reduced FOIA backlogs by 10 percent in one year out of three				
Agriculture	Yes	No	No	1 / 3
Justice	No	Yes	No	1 / 3
State	No	Yes	No	1 / 3
Transportation	Yes	No	No	1 / 3
Veterans Affairs	No	No	Yes	1 / 3
Total agencies that reduced FOIA backlogs	**8 / 11**	**5 / 11**	**7 / 11**	

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National Security

The Obama administration's most glaring open government shortcomings involve national security secrecy. The administration has relied on state secrets or secret laws as heavily as the George W. Bush administration, to the disappointment of open government advocates and civil liberties defenders. Good policies were established on guidelines for declassifying documents, but without changing the *process* for declassifying documents or significantly increasing staff, it will take years to get through the time-consuming process of reviewing all classified documents. The new framework for controlled unclassified information (CUI) contains critical reforms but remains at an early stage of implementation.

Moving Forward for the Next Four Years

While the Obama administration deserves praise for the important work it has done to build a platform for open government in its first term, the job is unfinished.

To secure its legacy as "the most transparent administration in history," the Obama administration has three major tasks. First, the administration needs to redouble its efforts to ensure that existing transparency policies are fully implemented within agencies. Second, it must address a few significant gaps in its policy framework to ensure that claims of national security do not trump the imperative of democratic accountability. Third, the administration should work with transparency champions in

Congress to codify into law and further strengthen the open government policies initiated through executive actions.

To bolster the environment for open government, the administration should assign a senior official in the White House to oversee the implementation of open government policies – and ensure that official has the authority to get the job done. Likewise, agencies should develop implementation plans for key open government policies and assign a senior official the responsibility for seeing the plan through.

Congress could also play a more active role in supporting open government practices. Legislation should be passed to codify important reforms, such as the DATA Act and reforms of FOIA and declassification. Relevant committees should improve oversight of current open government policies and implementation.

To continue to improve the accessibility and reliability of public information, agencies should modernize their IT systems to create and manage information digitally, and the administration should establish near-term benchmark requirements for transitioning to electronic records. The White House should take an aggressive stand to improve agency compliance with FOIA and ensure the Justice Department's litigation stance actually supports transparency. It should establish minimum standards of disclosure for all agencies and ensure they adhere to a strong norm: proactive disclosure of public information.

To reduce inappropriate secrecy related to national security, the administration will need to intensify its review of agency classification guides and pursue policy and statutory reforms to streamline the declassification process. The administration's state secrets policy should be revised to require independent court reviews of secret evidence. The Justice Department should renounce the use of criminal prosecution for media leaks and protect the First Amendment rights of public employees. Finally, the administration should order an end to secret legal opinions and directives that are used to shield controversial decisions from oversight and legal challenge.

With a stepped-up effort at implementation in its second term, the Obama administration can deliver on the policy platform it built throughout its first term and truly realize the goal of being "the most transparent administration in history."

Take Action: Ask President Obama to renew his commitment to transparency.

Illinois Introduces Strongest Fracking Disclosure Bill in the Country

Illinois would have the strongest protective oversight rules on fracking in the country under legislation introduced on Feb. 21 in the General Assembly. The bill includes nearly all the key elements for an effective chemical disclosure policy identified in a previous Center for Effective Government report. The bill represents stronger model legislation for states that want to protect the public from the health and environmental risks of fracking.

Background

To date, Illinois has not had any significant oil or natural gas fracking. But over the past two years, companies have acquired leases to explore the New Albany Shale, which runs through southeastern and southern Illinois. According to the U.S. Geological Survey, this shale formation may hold 1 trillion to 8 trillion cubic feet of natural gas. (U.S. consumers use 22 trillion cubic feet of gas each year.)

Last year, the state Senate passed a bill, SB 3280, supported by the oil and gas industry and opposed by environmental groups that closely followed the language of model legislation recommended by the American Legislative Exchange Council (ALEC). ALEC is an influential conservative policy shop that drafts corporate-friendly model legislation and markets the bills to state policymakers. The ALEC bill failed to pass in the state House as some lawmakers introduced an amendment to try and change the bill into a one-year moratorium on fracking, which derailed the process.

After the session ended, legislators met with the state's attorney general, state agencies, business and industry leaders, and environmental groups to negotiate another bill. After months of negotiation, a bipartisan group introduced the Illinois' Hydraulic Fracturing Regulatory Act, or HB 2615, which lays out new and stronger approaches to ensure the disclosure of chemicals used in fracking.

Baseline Water Testing and Chemical Reporting

The Illinois bill would require companies to report all the chemicals they plan to use in fracking and to gather baseline water quality data, ***as part of the permit application process and prior to drilling***. These components, missing from most state rules on fracking, are essential to protecting water resources and the health of those living in the area and drinking the water.

To ensure the accuracy and completeness of the information reported, companies would be required to hire independent third parties (approved by the state) to conduct water quality testing near the well site. Companies would also be required to monitor the water quality for 30 months after gas harvesting is completed. The state must post the results of these tests on its public website, within seven days of receipt.

In addition to requiring reporting of chemicals planned to be used before drilling, the Illinois bill requires drillers to report detailed information on the chemicals actually used after the well is completed and is operating. The required information includes unique chemical identification numbers, concentrations and quantities, and total volume of water or the type and total volume of base fluid used (if not water). The bill also bans the use of diesel fuel (commonly found in fracking fluids) because it contains carcinogenic compounds.

Limiting Trade Secrets

Unlike most previous state oversight rules on chemical disclosure, the Illinois bill provides more stringent limits on the use of "trade secrets" exemptions, though it still allows companies to withhold chemical information under the loophole. Companies would be required to submit both redacted and un-redacted copies of trade secrets requests, along with a detailed explanation of why the information

is confidential. The state will review each trade secrets claim and, if approved, post redacted copies on its website. The legislation also stipulates that anyone can challenge companies' claims of trade secrets and seek to disclose the chemical information.

Furthermore, under the Illinois legislation, health professionals, such as emergency medical technicians, nurses, and doctors, would have access to the identity of chemicals in products – including trade secrets. The Illinois bill would allow health professionals to share that information with others as needed, including the affected patient, other health professionals involved in the patient's treatment, the patient's family, the Centers for Disease Control and Prevention, or other public health agencies. This is a significant improvement from prior state disclosure rules like those in Ohio and Pennsylvania, which prevented health professionals from sharing information.

Online Disclosure

The bill also requires the state to maintain a centralized online repository of all information related to fracking operations in the state, which would provide the public with easy access to information about operations in specific locations. Online disclosure helps citizens evaluate the potential risks and rewards of allowing natural gas harvesting in their communities.

The Illinois database would include: permit applications, up-to-date copies of the chemicals used in specific gas wells, water monitoring data, waste disposal, and any complaints or violations (including plain-language descriptions of all known risks to public health, life, property, and animals). Users will be able to search for well completion data by well name and location, dates of fracturing and drilling operations, operator, and chemical additives.

In addition to requiring information disclosure on the state's website, the bill also provides the public with an opportunity to participate during the permit application process and voice concerns – allowing the public to comment and request public hearings on permit applications and to appeal permit decisions. Companies will also be required to provide public notice in local newspapers of permit notices.

Reactions to the Bill

Remarkably, the bill received support from both industry representatives and several environmental groups. Illinois has the "opportunity to set a standard for the nation," stated Jim Watson, Executive Director of the Illinois Petroleum Council, an industry trade group, which supports the proposal, along with the Illinois Oil and Gas Association, Illinois Chamber of Commerce, and Illinois Manufacturing Association.

Many environmental groups, such as the Sierra Club and Natural Resources Defense Council (NRDC), came out in support of the bill, though they continue to demand a state moratorium on gas drilling until the public health risks of fracking can be fully evaluated and addressed. "Illinois citizens and our environment, at the moment, are virtually defenseless against the problems experienced in other states...That's why it is essential that Illinois move quickly to get the strongest possible safeguards in place to protect citizens and their water supplies," stated the Sierra Club's Illinois Chapter. "[W]ith

rules that would govern fracking currently speeding through the state legislature ... it was important to jump in to ensure that protections will be as strong as possible to protect communities," NRDC's Henry Henderson concluded.

Despite the bill's introduction, many local environmental groups and communities continue to call on the state to study the impact of fracking and evaluate best practices prior to allowing drilling; a two-year moratorium bill was introduced in the state's Senate earlier in February. The Illinois Coalition for a Moratorium on Fracking – whose members include Southern Illinoisans Against Fracturing Our Environment (SAFE) and MoveOn.org Illinois – is leading the moratorium effort and planning a lobbying day on March 12.

Conclusion

The Illinois bill represents an advance in state fracking disclosure legislation that could influence debates about gas drilling and extraction in other states and on federal lands. Only about 13 out of 30 states with active gas reserves have passed oversight laws or established rules that require even basic public disclosure about the chemicals used in fracking. In addition, the U.S. Department of the Interior's Bureau of Land Management is finalizing a proposed rule on fracking on federal public lands. The proposed rule was leaked to the public and is significantly weaker than the Illinois legislation. Illinois has created a new standard for disclosure, protection, and oversight of gas drilling.

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