

The BREATHE Act (H.R. 1154)

Representatives Polis, Cartwright, & Holt

Background

- America's energy and economic future requires exploration for oil and natural gas, but this development can and should be done responsibly with the environment and the public's health in mind.
- Even though fracking is becoming more prevalent and is taking place close to homes and schools, oil and gas operators are still exempt from the basic protections afforded by the Clean Air Act.
- The BREATHE Act presents a balanced approach that recognizes both the importance of energy and the importance of protecting our health and quality of life is appropriate.

What does the BREATHE Act do?

- **It closes the oil and gas industry's loophole to the Clean Air Act's aggregation requirement**

Oil and gas operators are exempt from the aggregation requirement in section 112(n) of the Clean Air Act. Under the aggregation requirement, small air pollution sources that cumulatively release as much air pollution as major sources are required to curb pollution by installing the *maximum achievable control* technology. The aggregation requirement is intended to protect the public from small air pollution sources that might individually seem harmless but cumulatively account for releasing large volumes of toxic substances into the air. The oil and gas industry does not have to aggregate its small air pollution sources even though the production, processing, storage, and transmission of oil and natural gas can release greenhouse gases and air pollutants. The BREATHE Act holds oil and gas operators accountable for their impact on our nation's air quality by striking paragraph 4 of section 112(n)—the industry's loophole to the Clean Air Act's aggregation provision.

- **It adds hydrogen sulfide to the Clean Air Act's Federal List of Hazardous Air Pollutants**

The Clean Air Act completely exempts hydrogen sulfide from the Federal List of Hazardous Air Pollutants even though hydrogen sulfide has been associated with a range of health issues such as nausea, vomiting, headaches, and irritation of the eyes, nose, or throat. Hydrogen sulfide may be released from well heads, pumps, piping, separation devices, storage tanks, and flaring. In fact, 15 to 25 percent of all natural gas wells in the U.S. emit hydrogen sulfide even though control technologies are readily available to curb hydrogen sulfide emissions. The BREATHE Act ensures that the industry takes measures to avoid the release of hydrogen sulfide into our communities by adding hydrogen sulfide to the list of Hazardous Air Pollutants and by listing oil and gas wells as a major source of hydrogen sulfide.

Supporting Organizations

- ✓ The American Public Health Association
- ✓ Physicians for Social Responsibility
- ✓ Natural Resources Defense Council
- ✓ Earthjustice
- ✓ Earthworks
- ✓ Alliance of Nurses for Healthy Environments
- ✓ League of Conservation Voters
- ✓ Sierra Club