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Will Fracking Recipes Remain Secret?

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Wyoming was first in the nation with requiring oilfield service companies to submit the ingredients in fracking fluids to a governmental agency – the Wyoming Oil and Gas Conservation Commission (Commission). In the interest of promoting continued improvements and research into the fluids, and reflecting the millions of dollars spent in research and development of the fluids, however, the law provided that upon request of the company, and the receipt of appropriate substantiating information, the identify of ingredients would be kept confidential.

In November 2011, the Powder River Basin Resource Council, Wyoming Outdoor Council, Earthworks and Center for Effective Government (Petitioners) made public record requests for ingredients that had been given confidential treatment by the Commission. Those requests were denied, and the Commission's decision was appealed to the Seventh Judicial District Court in Natrona County Wyoming. The District Court upheld the Commission's decision, finding the ingredients to be protected and not subject to disclosure.

Earlier this year, the Petitioners appealed the District Court's decision to the Wyoming Supreme Court. The case has been fully briefed and is set for oral argument on November 20, 2013. The fracking recipe case is the third case set for oral argument in a session beginning at 9:00 am MDT. The [briefs](#) are publicly available on the website of the Wyoming Supreme Court. Listen to the oral argument [streamed live](#) to get the best insight into how this issue will be determined.

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