

CBI SUBSTANTIATION
8(e) submission Sanitized Version

Use of this form is recommended, but not required.

Technical Contact Name:	Removed
Technical Contact Phone Number:	Removed
Technical Contact Email:	Removed
Submitting Company Name:	Removed
Submission Number (if known):	Click or tap here to enter text.

Important: You are responsible for substantiating *each* data element claimed as CBI unless that item is exempt from the substantiation requirement according to TSCA section 14(c)(2). (With the exception of chemical identity information discussed in Section II, below, EPA does not believe that any of the section 14(c)(2) exemptions generally apply to information provided in this submission type.)

Where a substantiation explanation applies to more than one information type that you have claimed as CBI, you may substantiate them as a group. However, your substantiation must also clearly indicate which CBI claim(s) it is intended to cover.

40 CFR § 2.208 specifies the substantive criteria that are used to determine whether information is entitled to confidential treatment. Among these criteria is the substantial competitive harm(s) that would be caused by public disclosure of the information that you have claimed as CBI. Failure to sufficiently explain this harm in the substantiation for any data element claimed as CBI may result in a denial of the CBI claim for that data element.

I. APPLICABLE TO ANY CBI CLAIM

A. Please identify each information element being claimed as CBI and the likely substantial harm to your business’s competitive position if the information were publicly disclosed:

A.1: Are you are claiming “ Submitter Information ” as CBI? Please explain how public disclosure of this information is likely to cause substantial harm to your business’s competitive position.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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This 8(e) submission is primarily a notification of an endpoint with a new species, but may give a competitor information about toxicity that would otherwise remain CBI. Knowing the submitter name along with the sanitized chemical name would be enough to identify the product, and may be used to put a negative light on our product in a competitive sales situation.

A.2: Are you are claiming “ Technical Contact ” as CBI? Please explain how public disclosure of this information is likely to cause substantial harm to your business’s competitive position.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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For reasons similar to A.1, the Technical Contact is well known to work for the Submitter. If the Technical contact / contact information are public, it is the same as making the Submitter known. This knowledge, combined with the sanitized chemical name would be enough to identify the product, and may be used to put

a negative light on our product in a competitive sales situation.	
A.3 Are you are claiming other information as CBI? If so, please list the information type and explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
We claim the chemical name and CAS RN confidential for this 8(e) submission only.	
B. To the extent your business has disclosed any information to others (both internally and externally), what precautions has your business taken? Please identify the measures or internal controls your business has taken to protect the information claimed as confidential.	
Non-disclosure agreement required prior to access.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Access is limited to individuals with a need-to-know.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Information is physically secured (e.g. locked in room or cabinet) or electronically secured (encrypted, password protected, etc.).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other internal control measure(s). <i>(If yes please explain below.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
C. Does any of the information claimed as confidential appear in any public documents, including (but not limited to) safety data sheet, advertising or promotional material, professional or trade publication, or any other media or publications available to the public? <i>(If you answered yes, please explain why the information should be treated as confidential.)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Not in connection with this 8(e) submission. Of course, the chemical identification is known and is associated with the submitting company through SDS and product literature. No public document associates this 8(e) information to the Submitter, Technical Contact or substance.	
D. Does any of the information you are claiming as CBI contain (a) trade secret(s) ⁱ ? <i>(If you answered yes, please explain the reason for your belief and attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret(s).)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Click or tap here to enter text.	
E. Has this substance been issued a Unique Identifier (UID)? The current list of Unique Identifiers can be found here . If so, please provide below.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know
Click or tap here to enter text.	
F. Has the EPA, another federal agency, or court made any confidentiality determination regarding information associated with this substance? <i>(If you answered yes, please explain the outcome of that determination and provide a copy of the previous confidentiality determination or any other information that will assist in identifying the prior determination.)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Click or tap here to enter text.
G. If you assert a claim of confidentiality that is less than 10 years (see TSCA section 14(e)(1)(B) ⁱⁱ), then please indicate the number of years (between 1-10 years) or specific date on which the claim is withdrawn ⁱⁱⁱ .
We request a 10 year confidentiality period, ending on April 13, 2030
Additional comments:
Click or tap here to enter text.

II. APPLICABLE ONLY TO CHEMICAL IDENTITY CBI CLAIMS

Note: Section 14(c)(2) of TSCA provides that certain information in TSCA submissions is exempt from up-front substantiation requirements. If the substance that is the subject of your section 8(e) report has not been offered for commercial distribution in the United States, the following substantiation exemption may apply: "Information generally not subject to substantiation requirements . . . (G) Prior to the date on which a chemical substance is first offered for commercial distribution, the specific chemical identity of the chemical substance, including the chemical name, molecular formula, Chemical Abstracts Service number, and other information that would identify the specific chemical substance, if the specific chemical identity was claimed as confidential at the time it was submitted in a notice under section 2604 of this title."

A: Are you claiming a specific chemical identity as CBI? If not, you need not answer any further questions in this section. If so, please explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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This 8(e) chemical identity combined with the toxicity information would give a competitor specific information about the product that would otherwise remain unknown. Knowing the chemical identification along with tox information may be used to position our product in a negative light, even if the results have no impact on a particular specific use. This negative light would be a significant disadvantage in the event that another company and we were both competing for the same business with similar products

The submitting company is one of very few US suppliers of this substance. The chemical identity, if disclosed, could readily be connected to the company, and potentially used to position this product in a negative light.

We request chemical identity as CBI for this submission only.

B. Is the test substance a discreet chemical or part of a mixture/formulation?	<input checked="" type="checkbox"/> Discreet Chemical <input type="checkbox"/> Mixture or Formula
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C. Is the test substance an R&D chemical, a pesticide, or part of a pesticide product?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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D. What is the current TSCA Inventory status of the test substance?	<input checked="" type="checkbox"/> On the public TSCA Inventory <input type="checkbox"/> On the confidential TSCA Inventory <input type="checkbox"/> Not on the Inventory <input type="checkbox"/> Don't know
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E. When this chemical substance leaves the site of manufacture in any form, e.g., as product, effluent, emission, what measures are taken to guard against the discovery of its identity? When the chemical

substance leaves the site in a product that is available to the public or your competitors, can the chemical substance be identified by analysis of the product?	
The identification of this chemical substance during the course of ordinary production and business is not confidential. We claim the chemical identity in association with this 8(e) as CBI.	
F. Would disclosure of the specific chemical name release confidential process information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<i>(If you answered yes, please explain what process information would be released.)</i>	
Click or tap here to enter text.	
G. In the case of a mixture, would disclosure of the chemical name disclose a portion of the mixture comprised by any of the chemical substances in the mixture?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know
<i>(If you answered yes, please explain what information would be released.)</i>	
Click or tap here to enter text.	
Additional comments:	
Click or tap here to enter text.	

III.SUBSTANTIATION CERTIFICATION	
Do you wish to claim this substantiation as CBI?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>TSCA section 14(c) requires that persons asserting a CBI claim shall certify to the validity of the claims. By the marking of a yes, you are certifying to the truth of the below statements.</i>	
<p>I hereby certify to the best of my knowledge and belief that all information entered on this form is complete and accurate.</p> <p>I further certify that, pursuant to 15 U.S.C. § 2613(c), for all claims for confidentiality made with this submission, all information submitted to substantiate such claims is true and correct, and that it is true and correct that</p> <p>(i) My company has taken reasonable measures to protect the confidentiality of the information;</p> <p>(ii) I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;</p> <p>(iii) I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and</p> <p>(iv) I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.</p> <p>Any knowing and willful misrepresentation is subject to criminal penalty pursuant to 18 U.S.C. § 1001.</p>	

ⁱ “Trade secret” is defined as “a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1288 (D.C. Cir. 1983).

ii **TSCA section 14(e)(1)(B) states:**

(B) in the case of information other than information described in subsection (c)(2)—

(i) for a period of 10 years from the date on which the person asserts the claim with respect to the information submitted to the Administrator; or

(ii) if applicable before the expiration of such 10-year period, until such time as—

(I) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the information shall not be protected from disclosure under this section; or

(II) the Administrator becomes aware that the information does not qualify for protection from disclosure under this section, in which case the Administrator shall take any actions required under subsections (f) and (g).

iii Information with withdrawn CBI claims may be made available to the public without further notice.