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| **CBI SUBSTANTIATION**  ***For PMN, SNUN, TMEA, LVE, and LOREX filings***  Use of this form is recommended, but not required.  Choose an item. |

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| **Technical Contact Name:** |  |
| **Technical Contact Phone Number:** |  |
| **Technical Contact Email Address:** |  |
| **Submitting Company Name** |  |
| **Submission Number (if known):** |  |

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| ***Important****: You are responsible for substantiating* ***each*** *information element you claim as CBI, including any additional claim(s) made in any attachment to your submission, unless that item/information is exempt from the substantiation requirement according to TSCA section 14(c)(2), 15 U.S.C. § 2613(c)(2). This template identifies the information that EPA considers to generally be exempt in this submission type. EPA expects that it will generally deny non-exempt CBI claims that are not substantiated, so recommends that the submitter carefully review the TSCA submission to assure that the substantiation addresses all CBI claims that require substantiation. The substantiation must also clearly indicate which CBI claim(s) it is intended to cover. In this template, similar information elements have been grouped together to permit substantiation of multiple such elements at one time.*  *EPA expects that some types of CBI claims will be more difficult to support than others or are in some cases restricted by TSCA or its implementing regulations. Health and safety studies and information from such studies, with limited exceptions, may not be withheld by EPA as confidential (see TSCA section 14(b), 15 U.S.C. § 2613(b)). TSCA and its implementing regulations recognize that the following information may be claimed as CBI: (1)* [*Processes*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=374002a6bd61f65e84e35a8d7e78e18b&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90) *used in the* [*manufacture*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=8257e04bc6aa55312f997ab36bf5e306&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90) *or processing of a* [*chemical substance*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6e3bfd09fa06c2c29dfdf4cab4b5579e&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90) *or* [*mixture*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e56e28810cce326bcc167fa9e4abf17c&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90)*; (2) In the case of a* [*mixture*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e56e28810cce326bcc167fa9e4abf17c&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90)*, the portion of the* [*mixture*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e56e28810cce326bcc167fa9e4abf17c&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90) *comprised by any of the* [*chemical substances*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6e3bfd09fa06c2c29dfdf4cab4b5579e&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90) *in the* [*mixture*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e56e28810cce326bcc167fa9e4abf17c&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90)*; and (3) Information which is not in any way related to the effects of a substance on human health or the environment, such as the name of the submitting company, cost or other financial data,* [*product*](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=11ecd7b3cb98db003deeb02beb79a470&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:720:Subpart:E:720.90) *development or marketing plans, and advertising plans.*  *Overly broad CBI claims, such as indicated in blank or largely blank public versions of a health and safety study, may also cause the Section 5 filing to be declared deficient. Safety Data Sheets (SDSs) contain health and safety information--CBI claims in SDSs should be limited to information unrelated to the effects of a substance on human health or the environment. When creating sanitized versions of attachments, redact only the information claimed as CBI--* ***REDACTION INDICATES A CBI CLAIM SO REDACTED INFORMATION MUST BE SUBSTANTIATED, unless exempt***  *40 CFR § 703.7(f) 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 information claimed as CBI may result in a denial of the CBI claim for that information. For more information, please visit:* [*https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations*](https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations)*.*  *The second column (CBI Claim) on this substantiation document is intended to be used to indicate that a CBI claim has been made for the corresponding information in the PMN submission. Please verify that the information you indicate is claimed as CBI on this substantiation document is in fact claimed as CBI in the PMN form and/or attachments. This template cannot be used to assert a CBI claim that is not asserted in the PMN submission.*  *Instructions for using this template:*   1. *A complete substantiation includes both the questions in Part A (competitive harm) and the questions in Part B (additional questions).* 2. *The template has been updated to clarify how substantiation should be provided for CBI claims made in attachments.  Many CBI claims made in attachments are also made in the relevant submission form. As you are providing substantiation for claims made in the form, you should indicate (using the far righthand column in Part A) whether a claim has been made for the same information in an attachment, and where. For any claims noted in this column in Parts A.I or A.II, you will not need to provide duplicate substantiation in Part A.III.* 3. *Part A.III is for substantiating CBI claims in that were not substantiated in Part A.I or A.II.  In the CBI claim column the submitter should indicate whether there are additional CBI claims in the attachments that were not identified and substantiated in Part A.I or A.II. The substantiation column should list each such additional claim, where it is located in the attachment, and include a description of the competitive harm anticipated if that data were to be disclosed. An example of a claim likely not previously identified and substantiated would be the name of a laboratory that conducted a health and safety study submitted with a PMN.  The substantiation must be included in the box provided for such substantiations.* |

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| 1. **COMPETITIVE HARM QUESTIONS** | | | |
| **Part I Section A**  **Submitter Identification** | **CBI Claim** | **Substantiation**  *Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business.* | **Is this information claimed in an attachment?**  *If so, please list the name of the attachment(s) as noted in the List of Attachments (Part III, PMN Page 12, form 17)* |
| Signature and Date of Authorized Official  (Page 2) |  | Click or tap here to enter text. |  |
| Signature and Date of Agent  (Page 2) |  |
| Person Submitting Notice (Part I Section A.1.a) |  |
| Agent  (Part I Section A.1.b) |  |
| Joint Submitter  (Part I Section A.1.c) |  | Click or tap here to enter text. |  |
| Technical Contact  (Part I Section A.2) |  | Click or tap here to enter text. |  |
| Pre-notice Communication (PC)  (Part I Section A.3) |  | Click or tap here to enter text. |  |
| Previously Submitted Exemption Application (Part I Section A.4) |  |
| Previously Submitted Bona Fide (Part I Section A.5) |  |
| **Part I Section B  Chemical Identity Information** | **CBI Claim** | **Substantiation**  Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | **Is this information claimed in an attachment?**  *If so, please list the name of the attachment(s) as noted in the List of Attachments (Part III, PMN Page 12, form 17)* |
| Chemical Class  (Part I Section B.1.a) |  | Click or tap here to enter text. |  |
| Chemical Name  (Part I Section B.1.b) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Molecular Formula  (Part I Section B.1.d) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Chemical Structure Diagram for Class I  (Part I Section B.1.e) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Precursor Substances Class II (Part I Section B.1.e.1) |  | Exempt – No substantiation required for this specific information claim |  |
| Reaction or Process for Class II  (Part I Section B.1.e.2) |  | Exempt – No substantiation required for this specific information claim |  |
| Range of Composition and Typical Composition for Class II  (Part I Section B.1.e.3) |  | Exempt – No substantiation required for this specific information claim |  |
| Polymer Information  (Part I Section B.2.a) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Monomer or Other Reactant Specific Chemical Name  (Part I Section B.2.b.1) |  | Exempt – No substantiation required for this specific information claim |  |
| Monomer or Other Reactant Specific Chemical Name Typical Composition  (Part I Section B.2.b.3) |  | Exempt – No substantiation required for this specific information claim |  |
| Monomer or Other Reactant Specific Chemical Name Include in Identity  (Part I Section B.2.b.4) |  | Exempt – No substantiation required for this specific information claim |  |
| Monomer or Other Reactant Specific Chemical Name Max Residual  (Part I Section B.2.b.6) |  | Exempt – No substantiation required for this specific information claim |  |
| Current Chemical Abstracts (CA) Name and Number for Polymer  (Part I Section B.2.d) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Chemical Structure Diagram (Part I Section B.2.e) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Impurities  (Part I Section B.3) |  | Exempt – No substantiation required for this specific information claim |  |
| Synonyms  (Part I Section B.4) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Trade Identification  (Part I Section B.5) |  | Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific information. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. |  |
| Click or tap here to enter text, if applicable. |
| Byproducts  (Part I Section B.7) |  | Exempt – No substantiation required for this specific information claim |  |
| **Part I Section C. Production, Import and Use Information** | **CBI Claim** | **Substantiation**  Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | **Is this information claimed in an attachment?**  *If so, please list the name of the attachment(s) as noted in the List of Attachments (Part III, PMN Page 12, form 17)* |
| Production Volume  (Part I Section C.1) |  | Exempt – No substantiation required for this specific information claim |  |
| Category of Use  (Part I Section C.2.a.1) |  | Exempt – No substantiation required for this specific information claim |  |
| Use Production  (Part I Section C.2.a.4) |  | Exempt – No substantiation required for this specific information claim |  |
| % in Formulation  (Part I Section C.2.a.6) |  | Exempt – No substantiation required for this specific information claim |  |
| % of Substance Expected Per Use  (Part I Section C.2.a.8) |  | Exempt – No substantiation required for this specific information claim |  |

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| **Part II Section A**  **Industrial Sites Controlled by the Submitter** | **CBI Claim** | **Substantiation**  Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | **Is this information claimed in an attachment?**  *If so, please list the name of the attachment(s) as noted in the List of Attachments (Part III, PMN Page 12, form 17)* |
| Site Identity  (Part II Section A.1.a) |  | Click or tap here to enter text. |  |
| Number of Sites  (Part II Section A.1.a) |  | Click or tap here to enter text. |  |
| Site Operations  (Part II Section A.1.b) |  | Click or tap here to enter text. |  |
| Amount and Duration  (Part II Section A.1.c) |  | Exempt – No substantiation required for this specific information claim |  |
| Process Description  (Part II Section A.1.d) |  | Exempt – No substantiation required for this specific information claim |  |
| Worker Activity  (Part II Section A.2.1) |  | Click or tap here to enter text. |  |
| Physical Form(s) & % New Substance  (Part II Section A.2.5) |  | Click or tap here to enter text. |  |
| # of Workers Exposed  (Part II Section A.2.8) |  | Click or tap here to enter text. |  |
| Maximum Duration  (Part II Section A.2.10-11) |  | Click or tap here to enter text. |  |
| Release Number and Amount of New Substance Released  (Part II Section A.3.1-2) |  | Click or tap here to enter text. |  |
| Medium of Release and Control Technology and Efficiency  (Part II Section A.3.4-5) |  |
| Destinations of Releases to Water  (Part II Section A.3.7) |  |
| **Part II Section B**  **Industrial Sites Controlled by Others** | **CBI Claim** | **Substantiation**  Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | **Is this information claimed in an attachment?**  *If so, please list the name of the attachment(s) as noted in the List of Attachments (Part III, PMN Page 12, form 17)* |
| Operation Description (Part II Section B.1) |  | Exempt – No substantiation required for this specific information claim |  |
| Letter of Activity and # of Workers Exposed  (Part II Section B.2.1-2) |  | Click or tap here to enter text. |  |
| Duration of Exposure  (Part II Section B.2.4) |  | Click or tap here to enter text. |  |
| Protective Equipment/Engineering Controls/Physical Form/ % New Substance/% in Formulation  (Part II Section B.2.6-7) |  | Click or tap here to enter text. |  |
| Release Number and Amount of New Substance Released  (Part II Section B.2.9-10) |  |
| Media of Release & Control Technology  (Part II Section B.2.12) |  |
| Byproducts  (Part II Section B.2.14) |  |
| **Additional Information** | **CBI Claim** | **Substantiation**  Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | **Are information elements found solely in these documents claimed as CBI in an attachment?**  *If so, please list the name of the attachment(s) as noted in the List of Attachments (Part III, PMN Page 12, form 17)* |
| Pollution Prevention Information  (PMN page 11, Form page 16) |  | Click or tap here to enter text. |  |
| Physical and Chemical Properties Worksheet (PMN page 13, Form page 18) |  | Click or tap here to enter text. |  |
| Other information elements claimed as CBI |  | Click or tap here to enter text. |  |

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| **Part III. Attachments.** | **CBI Claim** | **Substantiation**  Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. Be sure to identify and substantiate any additional claims made in attachments that are not covered above**. Please note that most health and safety information in attachments cannot be withheld as CBI and should not be redacted from sanitized versions of attachments.**  If a claim is covered above, then identify where. If it is not substantiated above, then provide substantiation here. **REDACTIONS INDICATE CBI CLAIMS SO ALL REDACTED INFORMATION MUST BE SUBSTANTIATED (unless exempt from the substantiation requirement).** |
| Additional CBI claims made in any attachment that are not covered above. |  | Click or tap here to enter text. |

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| 1. **ADDITIONAL QUESTIONS** | | | | | |
| I. Has your business taken precautions to protect the confidentiality of the disclosed information? If yes, please explain and identify the specific measures, including but not limited to internal controls, that your business has taken to protect the information claimed as confidential. If the same or similar information was previously reported to EPA as non-confidential (such as in an earlier version of this submission), please explain the circumstances of that prior submission and reasons for believing the information is nonetheless still confidential. | | | | | |
| 1. Non-disclosure agreement required prior to access. | | | | Yes  No | |
| 1. Access is limited to individuals with a need-to-know. | | | | Yes  No | |
| 1. Information is physically secured (e.g. locked in room or cabinet) or electronically secured (encrypted, password protected, etc.). | | | | Yes  No | |
| 1. Other internal control measure(s). *(If yes please explain below.)* | | | | Yes  No | |
| Click or tap here to enter text. | | | | | |
| II. Does any of the information claimed as confidential otherwise appear in any public documents, including (but not limited to) safety data sheets; advertising or promotional material; professional or trade publications; State, local, or Federal agency files; or any other media or publications available to the general public? If yes, please explain why the information should be treated as confidential. If this chemical is patented and the patent reveals the information you are claiming confidential, please explain your reasons for believing the information is nonetheless still confidential. | | | | Yes  No | |
| Click or tap here to enter text. | | | | | |
| * + 1. Is any of the information claimed as confidential required to be publicly disclosed under any other Federal law? If yes, please explain. | | | | Yes  No | |
| Click or tap here to enter text. | | | | | |
| * + 1. Is the claim of confidentiality intended to last less than 10 years (see TSCA section 14(e)(1)(B))? If yes, please indicate the number of years (between 1 and 10 years) or the specific date after which the claim is withdrawn. | | | | | |
| Click or tap here to enter text. | | | | | |
| * + 1. Has EPA, another Federal agency, or court made any confidentiality determination regarding information associated with this chemical substance? If yes, please provide the circumstances associated with the prior determination, whether or not the information was found to be entitled to confidential treatment, the entity that made the decision, and the date of the determination. | | | | Yes  No | |
| Click or tap here to enter text. | | | | | |
| VI. (*Applicable only to SNUNs or to requests to modify a granted LVE or LOREX submission AND only if chemical identity is claimed as confidential.*) | | | | | |
| A: Is this chemical substance publicly known (including by your competitors) to be in U.S. commerce? If yes, please explain why the specific chemical identity should still be afforded confidential status (e.g., the chemical substance is publicly known only as being distributed in commerce for research and development purposes, but no other information about the current commercial distribution of the chemical substance in the United States is publicly available). If no, please complete the certification statement:  I certify that on the date referenced I searched the internet for the chemical substance identity (i.e., by both chemical substance name and CASRN). I did not find a reference to this chemical substance and have no knowledge of public information that would indicate that the chemical is being manufactured or imported by anyone for a commercial purpose in the United States. [provide date]. | Yes  No | | | |
| Click or tap here to enter text. | | | | |
| B. Does this specific chemical substance leave the site of manufacture (including import) in any form, e.g., as a product, effluent, emission? If yes, please explain what measures have been taken to guard against the discovery of its identity. | | Yes  No | | |
| Click or tap here to enter text. | | | | |
| C. If the chemical substance leaves the site in a form that is available to the public or your competitors, can the chemical identity be readily discovered by analysis of the substance (e.g., product, effluent, emission), in light of existing technologies and any costs, difficulties, or limitations associated with such technologies? Please explain why or why not. | |  | | |
| Click or tap here to enter text. | | | | |
| D. Would disclosure of the specific chemical identity release confidential process information? If yes, please explain. | | | Yes  No | |
| Click or tap here to enter text. | | | | |
| **Additional comments:** | | | | |
| Click or tap here to enter text. | | | | |

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| 1. **SUBSTANTIATION CERTIFICATION** |

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| **Do you wish to claim this substantiation as CBI?** |  |
| *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.* | Yes  No |
| I hereby certify to the best of my knowledge and belief that all information entered on this form is complete and accurate.    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:   1. My company has taken reasonable measures to protect the confidentiality of the information; 2. I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law; 3. 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 4. I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.   Any knowing and willful misrepresentation is subject to criminal penalty pursuant to 18 U.S.C. § 1001. | |