

Chemical CBI Substantiation Questions 1

CBI SUBSTANTIATION QUESTIONS

Chemical Identification (2.A.1)

1. What harmful effects to your competitive position, if any, do you think would result from the identity of the chemical substance being disclosed in connection with reporting under the CDR? How could a competitor use such information? Would the effects of disclosure be substantial? What is the causal relationship between the disclosure and the harmful effects?

updated

2. How long confidential treatment should be given? Until a specified date, the occurrence of a specific event, or permanently? Why?

updated

3. Has the chemical substance been patented? If so, have you granted licenses to others with respect to the patent as it applies to the chemical substance? If the chemical substance has been patented, and therefore disclosed through the patent, why should it be treated as confidential?

updated

Chemical CBI Substantiation Questions 2

4. Has the identity of the chemical substance been kept confidential to the extent that your competitors do not know it is being manufactured or imported for a commercial purpose by anyone?

updated

5. Is the fact that the chemical substance is being manufactured (including imported) for a commercial purpose available to the public, for example, in technical journals, libraries, or State, local, or Federal public files?

updated

6. What measures have you taken to prevent undesired disclosure of the fact that the chemical substance is being manufactured (including imported) for a commercial purpose?

updated

Chemical CBI Substantiation Questions 3

7. To what extent has the fact that this chemical substance is manufactured (including imported) for commercial purposes been revealed to others? What precautions have been taken regarding these disclosures? Have there been public disclosures or disclosures to competitors?

updated

8. Does this particular chemical substance leave the site of manufacture (including import) in any form (e.g., as product effluent, emission)? If so, what measures have been taken to guard against the discovery of its identity?

updated

9. If the chemical substance leaves the site in a product that is available to the public or your competitors can the substance be identified by analysis of the product?

updated

Chemical CBI Substantiation Questions 4

10. For what purpose do you manufacture (including import) the substance?

updated

11. Has EPA, another Federal agency, or any Federal court made any pertinent confidentiality determinations regarding this chemical substance? If so, please attach copies of such determinations.

updated

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Site Identification Substantiation Questions

CBI SUBSTANTIATION QUESTIONS

Site Identification (2.B.2)

1. Has site information been linked with a chemical identity in any other Federal, state, or local reporting scheme? For example, is the chemical identity linked to a site in a filing under the EPCRA section 311, namely, through a Material Safety Data Sheet (MSDS)? If so, identify such schemes. Was the linkage claimed as confidential in any of these instances?

2. What harmful effect, if any, to your competitive position do you think would result from disclosure of the identity of the site and the chemical substance? How could a competitor use such information? Would the effects of disclosure be substantial? What is the causal relationship between the disclosure and the harmful effects?

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Processing and Use Substantiation Questions

CBI SUBSTANTIATION QUESTIONS

Type of Processing or Use (3.A.1)

1. Is the identified use of this chemical publicly known? For example, is information on the use available in advertisements or other marketing materials, professional journals or other similar materials, or in non-confidential mandatory or voluntary government filings or publications? Has your company ever provided use information on the chemical that was not claimed as confidential?

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2. What harmful effect, if any, to your competitive position do you think would result from the information reported as required by 711.12(c) (4) and the chemical substance being disclosed in connection with reporting under this part? How could a competitor use such information? Would the effects of disclosure be substantial? What is the causal relationship between the disclosure and the substantial harmful effects?

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