

**From:** [Barkas, Jessica](mailto:Barkas.Jessica)  
**To:** [CRMA461@ECY.WA.GOV](mailto:CRMA461@ECY.WA.GOV); [topher.buck@dtsc.ca.gov](mailto:topher.buck@dtsc.ca.gov); [ltaneva@zendergroup.org](mailto:ltaneva@zendergroup.org); [Lynn Zender;](mailto:Lynn.Zender@isayles@zendergroup.org)  
[isayles@zendergroup.org](mailto:isayles@zendergroup.org); [shughes@ecos.org](mailto:shughes@ecos.org)  
**Subject:** comment solicitation for ICR renewal -- Access to TSCA CBI  
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Hello All:

I am contacting you to solicit your input on the renewal of the Information Collection Request (ICR) (see attached questions). This ICR under the Toxic Substance Control Act titled ““Access to TSCA Confidential Business Information under TSCA section 14(d)(4), (5), and (6),” identified by OMB Control No. 2070-0209. OMB requires federal agencies to consult with nine or fewer potential respondents prior to submitting the ICR renewal to OMB for review and approval. This consultation requirement is in addition to providing the public with 60 days to comment on the proposed collection activity. The notice announcing the ICR renewal and solicitation of comments was published in the **Federal Register** on June 10, 2025, ([90 FR 24399](https://www.federalregister.gov/documents/2025/06/10/2025-11439) ) See <http://www.regulations.gov/>, docket ID EPA-HQ-OPPT-2017-0652, and the ICR supporting statement for this renewal located is in that docket for additional information.

The Paperwork Reduction Act (PRA) requires that agencies receive Office of Management and Budget (OMB) clearance before requesting most types of information from the public. In order to receive OMB clearance, federal agencies prepare draft ICRs providing an overview of the information collection and estimates of the cost and time for the public to respond. The agencies consult with potential respondents and the public about the ICR and, where appropriate, incorporate comments received. The draft ICR is then sent to OMB for its review and approval. These ICRs are periodically renewed.

The TSCA amendments of June 22, 2016, known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act, expanded the categories of people to whom EPA may disclose TSCA confidential business information (CBI). The amendments authorize EPA to disclose TSCA CBI to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders, under certain conditions, including consistency with guidance that EPA is required to develop. Three guidance documents have been developed, corresponding to the new authorities in TSCA section 14(d)(4), (5), and (6).

The conditions for access vary under each of the new provisions, but generally include the following: requesters must show that they have a need for the information related to their employment, professional, or legal duties; recipients of TSCA CBI are prohibited from disclosing or permitting further disclosure of the information to individuals not authorized to receive it (physicians/nurses may disclose the information to their patient); and except in emergency situations EPA must notify the entity that made the CBI claim at least 15 days prior to disclosing the CBI. In addition, under these new provisions, requesters (except in some emergency situations) are required to sign an agreement and may be required to submit a statement of need to EPA.

In accordance with the requirements of TSCA section 14(c)(4)(B), the guidance documents cover the content and form of the agreements and statements required under each provision and include information on where and how to submit requests to EPA.

Please provide responses back to EPA by July 16, 2025.



**Consultation Questions for “Access to TSCA Confidential Business Information under TSCA section 14(d)(4), (5), and (6)”**

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**(1) Publicly Available Data**

- A. Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?
  
- B. If yes, where can you find the data?  
(Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they do not meet our data needs very well?)

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**(2) Frequency of Collection**

Can the Agency collect the information less frequently and still produce the same outcome?

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**(3) Clarity of Instructions**

- A. The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.
  
- B. Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do, and how to submit such data? If not, what suggestions do you have to clarify the instructions?
  
- C. Do you understand that you are required to maintain records?
  
- D. Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical, and easy to complete?

- E. Are there forms associated with this process? Do you use them? Are they clear, logical, and easy to complete?

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**(4) Electronic Reporting and Record keeping**

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so. One such reason is that, at the present time, the Agency is unable to ensure the security of CBI that might be transmitted over the Internet.

- A. What do you think about electronic alternatives to paper-based records and data submissions? Current electronic reporting alternatives include the use of web forms/XML based submissions via the Agency's Internet site?
- B. Are you keeping your records electronically? If yes, in what format?
- C. Would you be more inclined to submit CBI on diskette (CD or DVD) than on paper?
- D. What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

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**(5) Burden and Costs**

- \$ Are the labor rates accurate? **(Please see question 12 of the supporting statement)**
- \$ The Agency assumes there is no capital cost associated with this activity. Is that correct?
- A. Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR, *e.g.*, the ICR does not include estimated burden hours and costs for conducting studies, are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are

substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

B. Are there other costs that should be accounted for that may have been missed?