

U.S. Environmental Protection Agency

Information Collection Request

Title: Emergency Planning and Community Right-to-Know Act (EPCRA) Trade Secret Claims

OMB Control Number: 2050-0078

EPA ICR Number: 1428.13

Abstract: This information collection request (ICR) is for the trade secret claims submitted under section 322 *Trade Secrets* of the Emergency Planning and Community Right-to-Know Act (EPCRA), which is also known as Title III of the Superfund Amendments and Reauthorization Act (SARA Title III) [[42 U.S.C 11042](#)], as codified [in 40 CFR part 350](#). EPA published the original trade secret regulations on July 29, 1988 [[53 FR 28772](#)] and published technical amendments on November 14, 2003 [[68 FR 64720](#)]. This ICR renews the trade secret collection activity previously approved under OMB Control No. 2050-0078, which has an expiration date of June 30, 2026.

Section 322 *Trade Secrets* allows facilities to make claims of trade secrecy for chemicals which are required to be reported under specific provisions of EPCRA sections 303 (Emergency Planning Notification), 311 and 312 (Hazardous Chemical Inventory Reporting), and 313 (Toxics Release Inventory Reporting). These trade secrecy provisions require that facilities submit (1) a Sanitized Trade Secrecy Form with the notification or report to the implementing agencies for the EPCRA section you are submitting for, and (2) a Trade Secret Substantiation Package to the U.S. EPA. These submissions are required for each notice and annual report for which trade secret claims are made, and must be submitted at the same time the compliance reports are submitted.

For more information see: *EPCRA Trade Secret Substantiation Regulatory Overview and Form Instructions* in the docket for this ICR.

The Waste and Chemical Implementation Division (WCID) in the Office of Resource Conservation and Recovery (ORCR) and the Toxic Release Inventory Regulatory, Analysis, & Policy Branch (TRAPB) in the Office of Chemical Safety and Pollution Prevention (OCSPP) manage trade secret information submitted to EPA. Trade secret claims are stored in secured locations to ensure confidentiality.

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

This collection is authorized under section 322 of EPCRA [42 USC 11042]. Congressional intent was to balance industry's concern for the protection of legitimate trade secrets with the

community's right-to-know the chemical identities and affiliated hazards. Congress established procedures for companies to assert claims and for the EPA to review the sufficiency of the claims to prevent invalid and frivolous claims.

For more information see: *ECPRA Trade Secret Substantiation Regulatory Overview and Form Instructions* in the docket for this ICR.

2. PRACTICAL UTILITY/USERS OF THE DATA

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The data collected are used only by WCID and the OCSPP to: (1) review trade secret claims as required by section 322(d), to determine whether the data submitted are sufficient to support a finding that the specific chemical identity withheld is a trade secret; (2) ensure that claims for all withheld chemical identities are complete, in accordance with the requirements of sections 322(a)(1) and (2), and; (3) evaluate claims for frivolousness and the attendant assessment of penalties stipulated in section 325(d)(1).

3. USE OF TECHNOLOGY

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

This collection of information does not involve the use of technology, because the programs do not have funding to develop and maintain a secure platform capable of providing legal electronic signatures for these voluntary submissions.

4. EFFORTS TO IDENTIFY DUPLICATION

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information required for trade secret claims is not duplicated by any other collection, because this collection is specific to the requirements of the EPCRA statute.

Unlike other statutes which allow confidentiality claims, the EPCRA provisions: (1) only allow trade secret claims for specific chemical identities; (2) only allow the claims for narrowly defined circumstances; and (3) require that the substantiation package be submitted to the EPA simultaneously with the EPCRA compliance report submission to the implementing agency.

5. MINIMIZING BURDEN ON SMALL ENTITIES

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The EPCRA provisions inherently minimize the burden for small entities: sections 311 and 312 (hazardous chemical inventory reporting) have reporting thresholds below which facilities are not required to report, and section 313 (toxics release inventory reporting) applies only to facilities with 10 or more full-time employees.

The trade secret provisions are only applicable to the facilities which are required to submit reports per:

Public Law section	Name of requirement	40 CFR citation	42 USC citation
Section 303	Emergency Planning Notifications	§§ 355.20(a)&(c)	§§ 11003(d)(2)&(3)
Section 311	Safety Data Sheets or the List of Hazardous Chemicals	§§ 370.30 to .33	§ 11021
Section 312	Emergency and Hazardous Chemical Inventory Form	§§ 370.40 to .45	§ 11022
Section 313	Toxics Release Inventory (TRI) Form	§ 372	§ 11023

To the extent that small entities are required to report under the above EPCRA sections, the trade secret provisions are equally applicable to facilities of all sizes. However, these provision are entirely voluntary and this collection exists because facilities find that it is in their benefit to request secrecy. This request for secrecy must be substantiated to ensure that the statute's requirements for emergency planning and the community's right-to-know are maintained. Further, facilities only need to provide the information that they find necessary to substantiate their claims.

6. EFFECTS OF LESS FREQUENT COLLECTION

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The Agency is unable to modify the frequency of this ICR's submission, because the use of this ICR is entirely voluntary and only applicable to the facilities which are required to submit compliance reports under specific provisions of the statute. The statute sets the reporting frequency for each of these compliance reports, and directs that facilities may withhold specific chemical information from these reports if they submit a complete substantiation package in accordance with 42 USC 11042(a)(2)(A).

7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection does not create special circumstances requiring justification under 5 CFR 1320.5.

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

The EPA notified the public of this ICR renewal through the *Federal Register* notice published on December 11, 2025 [[90 FR 57462](#)], as required by the Paperwork Reduction Act [44 U.S.C. 3501 et seq.]. EPA received two comments during the 60-day comment period:

- One commenter supported the ICR because it maintains transparency and emergency preparedness while allowing limited protection of legitimate trade secrets. This commenter also requested that the Agency ensure that companies don't abuse trade secret claims and hide information that the public should know. [[EPA-HQ-SFUND-2006-0361-0032](#)]
- The other commenter opposed the ICR and stated that businesses should not be allowed to claim trade secrets for emergency planning and community right-to-know requirements because these facilities may be attempting to hide their use of very dangerous materials. This commenter requested that it be mandatory that facilities disclose the chemical's class of hazard and how/why it is hazardous. [[EPA-HQ-SFUND-2006-00361-0033](#)]

The Agency agrees with both of the commenters that it is necessary to ensure that the emergency planning and community right-to-know mandates of the statute are upheld during the trade secrecy process. To ensure this, the Agency's EPCRA trade secret regulations are in accordance with the statute's mandates, which allow any person who is required to report EPCRA Extremely Hazardous Substances (EHSs), hazardous chemicals, or toxic chemicals under the EPCRA Sections 303, 311, 312, and 313 to only withhold from their public submittals the specific chemical identity [[42 USC 11042\(a\)\(1\)](#)] and to instead provide a generic class or category for the chemical that is structurally descriptive of the chemical and unique to every other chemical being submitted. All other information, including the requirements to provide the hazard categories on the annual EPCRA 312 hazardous chemical inventory forms remain intact. For these reasons, the Agency disagrees with the opposing commenter's statement that facilities may use these provisions to hide the chemical hazard at their facilities.

8b. Consultations

Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

To update the burden estimate from the previous ICR authorization [EPA ICR Number: 1428.12, Expiration date: June 30, 2026], the EPA contacted (by email and phone) eight facilities which submitted (between one and 20) trade secret substantiation packages for section 312 or 313 since the last ICR authorization. These facilities are in the following sectors: chemical and petrochemical manufacturing, textile manufacturing, dyes and additives, and fuel production. One facility responded to the request for burden estimates for this ICR renewal, indicating that they spend 20 hours to complete the form [EPA ICR Number: 1428.13]. Due to the low number of responses, EPA is also considering previous burden statements provided by facilities during previous renewals of this ICR.

In the 2009 ICR renewal of this ICR [EPA ICR Number 1428.07, Expiration date: November 30, 2012], EPA estimated that the labor burden per claim based on consultation with facilities:

- 25% of substantiation submissions are estimated to be made by first-time submitters. These first-time submitters spend an estimated 22 hours per claim for one-time costs associated with rule familiarization, chemical selection, and preparation of facility identification information. These first-time submitters typically spend more time preparing their substantiation packages than those who have previously made substantiation claims.
- All facilities are estimated incur 4 hours of labor burden to prepare the trade secret substantiation package and mail the report to EPA. This is equivalent to an overall average of 9.5 hours per claim ($0.25 \times 22 \text{ hours} + 4 \text{ hours} = 9.5 \text{ hours per claim}$).

In subsequent ICR renewals, EPA has consulted with facilities regarding the burden estimate and has received lower burden estimates.¹

To be conservative in the estimate, EPA has therefore maintained the burden estimate of 9.5 hours per claim for each subsequent ICR renewal. However, given the single response and consistently lower estimates for all prior renewals since 2009, EPA will maintain the assumption of an average burden of 9.5 hours per claim for this ICR renewal.

¹ EPA ICR Number 1428.09, Expiration date: December 31, 2015 (consultations estimated 7.4 – 8.0 hours)
EPA ICR Number 1428.10, Expiration date: November 30, 2018 (consultations estimated 2.0 – 5.0 hours)
EPA ICR Number 1428.11, Expiration date: April 30, 2022 (consultations estimated 2.0 – 5.0 hours)
EPA ICR Number 1428.12, Expiration date: June 30, 2026 (consultations estimated 9 minutes to 4.0 hours)

EPA contacted the following facilities:

United Color Manufacturing
Philadelphia, Pennsylvania

Monolith Olive Creek
Hallam, Nebraska

Duraflow LLC
Tewksbury, Massachusetts

Freeport McMoran
Bagdag, Arizona

Arkema Inc.
Axis, Alabama

American Acryl LP
Seabrook, Texas

Damping Technologies Inc.
Mishawaka, Indiana

Lubrizol Corp
Deer Park, Texas

9. PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

The Agency does not provide payments or gifts to respondents as part of this collection.

10. PROVISIONS FOR PROTECTION OF INFORMATION

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Form Assurances: The EPA has created Part 1 and Part 2 for the Trade Secret Form. Part 1 is clearly marked "Sanitized Claim Information – Not Confidential" and Part 2 uses red and bold color indicators and is clearly marked "Unsanitized Claim Information – Contains Confidential Information." The questions on the 2 parts of the form differ only for question 1.3, with Part 1 now only containing question "1.3.a. Generic Class or Category" and Part 2 only now only containing questions "1.3.b.i. CAS Registration Number" and "1.3.b.ii. Specific Chemical Identity".

Handling and Storage Assurances: The EPCRA trade secret substantiation packages submitted to the EPA for sections 303, 311, and 312 are handled and stored in accordance with the *Manual for Physical Handling, Security, and Protection of Files Containing Trade Secret Claims Submitted under Sections 303, 311, and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA)* (February 2016).

The EPCRA trade secret substantiation packages submitted to the EPA for section 311 are handled and stored in accordance with the *Trade Secret Manual for TRIPS Data Processing Center* (September 2014).

In accordance with these manuals, the EPA CDX Reporting Center receives and processes the EPCRA trade secret substantiation packages. The contracted staff at the Reporting Center staff

have been assigned various duties (e.g., cataloging information of the facilities that submitted trade secrets and affixing a trade secret label on the packages) associated with EPCRA trade secret packages received at the center. Trade secret packages are stored in a Trade Secret-CBI-OCA secure room temporarily. These packages are sent to EPA periodically for secure onsite storage. EPA maintains the trade secret files in locked cabinets that are within locked rooms. Electronic logs of the packages are maintained in Excel on a secure laptop. The Excel file is annually provided to the EPA on a CD. The EPA stores this CD with the hard copies.

Handling and viewing documents that contain EPCRA trade secret claims is permitted only by persons who have obtained formal clearance to access the information based on a work-related need to engage in these activities. Additionally, the Agency places a cover sheet before the substantiation package and marks the document as EPCRA confidential.

Statute and Regulatory Assurances: Regarding the release of the information submitted to the U.S. EPA under the Trade Secrecy provisions, the EPA is required to act in accordance with the EPCRA statute and the Freedom of Information Act.

Regarding the Freedom of Information Act Regulations at [40 CFR part 2](#):

- No trade secrecy or business confidentiality claims other than those allowed in 40 CFR part 350, Subpart A Trade Secrecy Claims are permitted for information collected under EPCRA sections 303(d)(2) and (d)(3), 311, 312, and 313.
- Except as provided at 40 CFR 2.209 *Confidentiality of Business Information - Disclosure in specific circumstances* [[40 CFR 350.25](#)], request for access to chemical identities withheld as trade secret under this regulation is solely through this regulation and procedures hereunder, not through EPA's Freedom of Information Act procedures set forth at 40 CFR part 2.
- Request for access to information other than chemical identity submitted to EPA under this regulation is through EPA's Freedom of Information Act regulations.

Regarding the EPCRA Regulations at 40 CFR part 350:

- EPA shall release trade secrecy claims, substantiations, supplemental substantiations, and additional information to any state requesting access, if the request is made in writing by the governor or tribal chief executive officer and the state agrees to safeguard the information with procedures equivalent to those which EPA uses to safeguard the information. The governor or chief may then only disclose such information to that state's employees [[40 CFR 350.19](#)].
- EPA may disclose trade secret and confidential business information to other officers, employees, or authorized representatives of the United States concerned with carrying out the EPCRA provisions, notwithstanding the fact that the information might otherwise be entitled to trade secret or confidential treatment under this part. Such authority may only be authorized in accordance with [40 CFR 350.23\(b\)](#).
- The process for how EPA may release a chemical identity determined to be non-trade

secret is codified at [40 CFR 350.18](#).

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no sensitive questions in this information collection.

12. RESPONDENT BURDEN HOURS AND LABOR COSTS

Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
 - If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
 - Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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12.a. RESPONDENTS/NAICS CODES

Sections 303, 311, and 312 claims can be submitted by manufacturing and non-manufacturing sectors. Section 313 claims are submitted by facilities in covered sectors that trigger TRI reporting thresholds. Sectors covered by Section 313 include: metal mining; coal mining; manufacturers; electric utilities (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce); commercial hazardous waste treatment (limited to facilities regulated under the RCRA Subtitle C, 42 U.S.C. section 6921 et seq.); chemical and allied products-wholesale; petroleum bulk terminals and plants (also known as stations)-wholesale; and, solvent recovery services (limited to facilities primarily engaged in solvents recovery services on a contract or fee basis). To determine whether your sector is covered by section 313, you should carefully examine the applicability criteria in 40 CFR part 372.

EPA has required use of North American Industry Classification System (NAICS) codes since the TRI Reporting Year (RY) 2006. See Appendix a for a crosswalk table of TRI-covered SIC (Standard Industrial Classification) and NAICS codes.

12.b. INFORMATION REQUESTED

The trade secret form is based on the requirements of 42 USC 11042.

This form contains seven questions which are required to substantiate claim per 42 USC 11042(b), and collects information that is required to identify the facility, and the report and chemical for which the trade secret claim is made, to include:

- EPCRA Reporting Section
- Reporting Year
- Identity of the chemical being claimed as trade secret
- The name, address, and Dun and Bradstreet Number of the petitioner.

The trade secret forms and instructions may be found at: www.epa.gov/epcra/epcra-trade-secret-forms-and-instructions.

A complete substantiation package includes Part 1 – the sanitized form with any attachments and Part 2 – the unsanitized form with any attachments.

12.c. RESPONDENT ACTIVITIES AND FREQUENCY

Respondents are required to complete both Part 1 (Sanitized Form) and Part 2 (Unsanitized Form) of the trade secret form, and to include a copy of the compliance report for which they are claiming trade secrecy. This is the substantiation package, which must be mailed to EPA at the same time as the EPCRA compliance report is submitted to the implementing agency for that statute section. These elements are the minimum needed to successfully identify and begin the review of a trade secret claim.

- Section 303 claims are required to be substantiated 60-days after the chemical is present at the facility (and 30-days after any significant changes to the previously submitted information, if these changes require transmission of the chemical identity) with the required notifications to the SERC and LEPC.
- Section 312 claims are required annually with the report due by March 1st.
- Section 313 claims are required annually with the compliance report due on July 1st.

For the compliance reports, facilities must withhold the specific chemical identity being claimed as a trade secret and to mark that the form is claim trade secrecy.

12.d. RESPONDENT BURDEN HOURS AND LABOR COSTS**Estimated Number of Trade Secret Claims**

Costs for respondents for the upcoming three-year period are based on the actual number of trade secret claims received during RYs 2023 through 2024. The reporting year corresponds to the calendar year. Trade secret claims must be submitted along with EPCRA reports e.g., the deadline for submitting claims under section 312 for RY23 was March 1, 2022, which is the deadline for submitting the section 312 Tier II form, and the deadline for RY23 for section 313 TRI trade secret claims was July 1, 2022, which was the deadline for submitting TRI Reporting Form. Although the section 312 report is submitted to the SERC, LEPC and the local fire department, trade secret claims, with substantiation, must be submitted to EPA. The TRI report under section 313 (Form R) is submitted to EPA as well as the trade secret claims under section 313.

Table 1 presents the numbers of submissions indicating trade secret claims for EPCRA sections 312 and 313 for RYs 2023 and 2024. No claims were submitted under sections 303(d)(2) and (d)(3). Table 2 presents the number of claims that EPA expects facilities to file during the three-year renewal ICR period of RY25 through RY27, which EPA assumes will be the average of the previous two years' submissions. EPA estimates 739 total claims, on average, per year for RY25 through RY27.

Table 1. Trade Secret Claims Received RY23 to RY24

Number of Claims Submitted:			
SARA Section	RY23	RY24	Total
303(d)(2) and (d)(3)	0	0	0
311/312*	799	655	1,454
313**	12	12	24
Total	811	667	1,478
Number of Facilities Submitting Claims:			
SARA Section	RY23	RY24	Total
303(d)(2) and (d)(3)	0	0	0
311/312*	47	45	92
313**	8	9	17
Total	55	54	109

Table 2. Estimated Trade Secret Claims RY25 to RY27

Number of Claims Submitted:				
SARA Section	RY25	RY26	RY27	Total
303(d)(2) and (d)(3)	0	0	0	0
311/312	727	727	727	2,181
313	12	12	12	36
Total	739	739	739	2,217
Number of Facilities Submitting Claims				
SARA Section	RY25	RY26	RY27	Total
303(d)(2) and (d)(3)	0	0	0	0
311/312	46	46	46	138
313	9	9	9	26
Total	55	55	55	164

Prepare Trade Secret Substantiation

The time required to complete the substantiation process for each chemical will vary with the complexity of the situation, the number of chemicals that a facility seeks to claim as trade secret, and the amount of detail that a facility includes in each answer.

As described above, for this ICR renewal, EPA maintains the estimate of 9.5 hours used in previous ICR renewals to avoid underestimating the burden. For each claim, EPA assumes that the management personnel will spend 3.0 hours to prepare answers to each question in the substantiation form, technical personnel will spend 6.0 hours to review the claim and substantiation, and the clerical staff will spend 0.5 hours to make copies and mail the package to EPA.

EPA estimates costs to respondents on an annual basis by multiplying the respondent burden estimates for each labor category by the corresponding labor rate for that category. EPA updated labor rates from the previous ICR using employer costs for employee compensation tables from the Bureau of Labor Statistics (BLS), June 2025.² EPA then multiplied unit costs for each respondent or activity by the number of respondents or activities performed on an annual basis to yield a total cost for each information collection activity.

Updated hourly respondent labor costs for manufacturing facility respondents are \$86.04 for managerial staff, \$72.79 for technical staff, and \$36.78 for clerical staff, including wages and benefits. The cost for submitting a package for one claim is estimated to be \$713.25.

EPA estimates that 739 trade secret claims (see Table 2) will be submitted annually under sections 311, 312 and 313 during the three-year period covered by this ICR. The estimated

² Table 4. Private industry workers by occupational and industry group - 2025 Q02 Results, <https://www.bls.gov/news.release/ecec.t04.htm>. Labor rates are based on the Manufacturing industry, with management labor based on *Management, business, and financial* occupations, technical labor based on *Professional and related* occupations, and clerical labor based on *Office and administrative support* occupations.

burden for the 739 claims is 7,021 hours at a cost of \$527,092 annually (or 21,062 hours at a cost of \$1,581,275 for three years).

Petition and Review

EPA expects no petitions under any of the sections of EPCRA during the period covered by this ICR. EPA has received only two petitions as of 1990. Therefore, we do not expect any respondent burden associated with this activity.

13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no respondent capital or O&M costs associated with this information collection.

14. AGENCY COSTS

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

14.a. AGENCY ACTIVITIES AND FREQUENCY

EPA performs the following activities under EPCRA section 322:

- Process and store the trade secret data;
- Review trade secret claims for completeness, sufficiency, and frivolousness;
- Respond to requests for confidential information from state governors and non-confidential information from the public;
- Respond to petitions from the public for disclosure of chemical identities claimed as trade secret; and,
- Prepare adverse health and environmental effects data for relevant chemical identities claimed as trade secret.

The collection of trade secret claims occurs when respondents send their claim submissions to EPA. The sanitized versions of the EPCRA report and the substantiation package are stored so they are easily accessible by the public. Data reported on the sanitized version of an EPCRA section 313 report are entered in the Toxics Release Inventory Processing System (TRIPS) database. The unsanitized versions of the EPCRA report and the substantiation are handled, labeled and stored in a manner protective of their confidentiality.

The unsanitized trade secret versions of these documents are reviewed to determine the sufficiency, validity, and frivolousness of the claims. Both the sanitized and unsanitized documents are used to review the generic chemical class or category name in light of the specific chemical identity claimed as trade secret to ensure the appropriateness of the generic description. For section 313 claims, both chemical descriptions are reviewed and used to develop adverse health and environmental effects data that are representative of the characteristics of the specific chemical identity withheld, and protective of the trade secret chemical identity.

There are two methods by which EPA may initiate a review of a trade secret claim, either self-initiated or due to public petitions. The public petition process applies only to a chemical identity that a facility claims as a trade secret, and not to other information a facility has claimed as a trade secret contained in a substantiation. EPA has 30 days after receiving a petition to determine whether the assertions on a facility's substantiation form, if true, would form a sufficient basis for a trade secret claim. If the substantiation form meets the sufficiency criteria, EPA will notify the submitter that it has 30 days to submit supplemental material supporting the truth of the assertions made in the substantiation. If the claim does not meet the sufficiency criteria, EPA will notify the submitter that the claim will be denied. The facility may appeal to the Office of General Counsel or submit a statement of good cause to amend the substantiation. EPA will then accept or reject the statement, allowing or disallowing the submission of additional information. Finally, based on all the information a facility has submitted, EPA will determine whether the claim warrants trade secret protection.

EPA-initiated reviews are conducted following the same steps involved in the public petition process and may result in an Agency decision regarding the sufficiency of the trade secret claims. However, EPA-initiated reviews may be less formal and culminate in the withdrawal of a claim by a facility prior to the issuance of a formal Agency decision on the merits of the claim. The less formal reviews usually involve claims that are determined incomplete upon EPA review or are complete claims that EPA finds demonstrate obvious problems or weaknesses. In the circumstance of an incomplete package (no substantiation form), the Agency issues an NDC (Notice of Data Change). In those instances when a complete but deficient package is submitted, the Agency issues a notice of insufficiency which the facility can appeal to EPA's Office of General Counsel.

14.b. AGENCY LABOR COST

Costs to the government are based on estimates of future claims activity for the upcoming three-year period, as summarized above in Table 2.

EPA incurs expenses to process and store each trade secret claim submission. These activities include affixing document control number labels and trade secret cover sheets, processing basic information about the claims, checking for completeness, and storing the submissions. EPA must store all trade secret submissions and be prepared to respond to public petitions for disclosure of the subject chemical identities. Both fixed and variable costs are estimated. Labor costs to the federal government for processing trade secret claims, the petition and review processes are explained in this section, and non-labor costs are explained in the subsequent section 14c.

Processing Trade Secret Claims

EPA incurs expenses to process each trade secret claim submission. For sections 311 and 312, EPA estimated costs supporting inventory of new claims; and storage, retrieval, and logging the claims on a database, to be approximately \$11,740 annually, or \$35,220 for the three-year ICR renewal period. This is an increase of approximately 6.7 percent from the previous ICR renewal based on adjusting the prior 2022 estimates to 2025 dollars using the Bureau of Economic Analysis' GDP deflator.³ Variable costs associated with processing section 313 claims are estimated to be approximately \$1,438 annually, or \$4,313 for the three-year renewal period. This is also approximately a 6.7 percent increase from the previous ICR estimate due to the adjustment to 2025 dollars.

³ EPA adjusted the 2022 estimates to 2025 dollars using the GDP deflator, as released by the Bureau of Economic Analysis (National Income and Product Accounts, Table 1.1.9). U.S. Bureau of Economic Analysis (BEA). (2025). Table 1.1.9. *Implicit Price Deflators for Gross Domestic Product*. July 30, 2025. (U.S. BEA, 2025). <https://www.bea.gov/data/prices-inflation/gdp-price-deflator>

Petition/Claim Review

EPA will also incur costs by responding to petitions filed by the public requesting the Agency's review of specific claims and resulting from EPA-initiated review of claims.

Only two petitions have been filed over the history of the program: the first petition in 1989 pertained to one claim, and the second in 1990 pertained to 10 claims asserted by one facility. No new petitions have been received by the Agency since 1990, and EPA is assuming no petitions will be submitted during this three-year ICR renewal period.

In the previous ICR, the Agency based its estimates of future burden and costs for complex claim reviews on data pertaining to actual claim reviews conducted under section 313, which were estimated to be five per year. However, no high level, complex reviews were performed in the previous three-year ICR period. After completing several ICR renewals with estimates of three high-level Agency claim reviews per year, when in fact no complex reviews occurred, this ICR renewal is reducing the expected number to one complex review per year. The average burden per complex review is estimated at 37 hours, and the average cost per review is estimated to be \$2,423 (all costs are labor at fully-loaded GS-13, Step 5, for Washington, DC for 2025). The annual burden for one complex review is thus estimated to be 37 hours, and the total annual cost is estimated to be \$2,423. For the three-year period, the total burden is estimated to be 111 hours, and the cost, \$7,268. The Agency has not initiated reviews of claims made under section 312.

Under section 322(g), EPA has the responsibility to provide trade secret information to states that request such information. However, EPA has not received any requests, so this ICR does not estimate costs or burdens. The Agency does not have adequate experience on which to base an estimate.

14.c. AGENCY NON-LABOR COSTS

Storage of Trade Secret Claims

EPA must store all trade secret submissions and be prepared to respond to public petitions for disclosure of the subject chemical identities. EPA incurs fixed costs for maintenance and operation of the existing storage and filing system for trade secret claims. Fixed costs for sections 311 and 312 claims for the three-year period (RY18 through RY20) covered by the expiring ICR were previously estimated to be \$1,734 per year or \$5,202 for the three-year ICR period. EPA retains these estimates for this renewal ICR but adjusts them to 2025 dollars using the BEA's GDP price deflator. Adjusted to 2025 dollars, the annual cost is estimated to be \$1,851 and \$5,552 for the three-year ICR period.

Fixed costs for storage space for section 313 claims were previously estimated to be \$36,616 per year or \$109,848 for the three-year ICR period. Adjusted to 2025 dollars, EPA estimates annual costs for this renewal of \$39,079 and three-year total costs of \$117,238. These costs include process management, security reviews and access controls. The large increase from the

previous ICR estimate is attributed to a new requirement to outsource security, and a new requirement to conduct monthly security audits. These security costs are not shared with any other EPA program and therefore are fully attributable to the EPCRA trade secret claims.

14.d. AGENCY TOTAL COSTS

Total EPA costs for processing and storing trade secret submissions, including complex claim review costs, are estimated to be \$56,530 per year or a total of \$169,591 for the three-year period covered by this ICR. EPA costs are summarized in Table 3.

Table 3. Total Agency Costs

Cost Type	Burden Activity	EPCRA Section	Annual Costs	Three-Year Costs
Labor	Processing Trade Secret Claims	311, 312	\$11,740	\$35,220
Labor	Processing Trade Secret Claims	313	\$1,438	\$4,313
Labor	Complex Claim Reviews	313	\$2,423	\$7,268
Labor	Complex Claim Reviews			
O&M	Storage of Claims	311, 312	\$1,851	\$5,552
O&M	Storage of Claims	313	\$39,079	\$117,238
Totals:			\$56,530	\$169,591

15. CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

This ICR renewal estimates a total respondent burden of 7,021 hours annually, which is an increase of 4,332 hours compared to the previous ICR. The actual number of claims submitted in RY 2023 and RY 2024 is higher than the number of claims submitted during the prior ICR period. In addition, overall labor rates increased due to EPA updating these values from 2020 to 2025 labor rates. EPA's assumed labor burden per facility – 9.5 hours – is unchanged from the previous ICR.

16. PUBLICATION OF DATA

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The Agency does not intend to publish information gathered through this information collection.

17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

BURDEN STATEMENT

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.5 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-SFUND-2006-0316, which is available for online viewing at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information about the EPA's public docket, Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Docket Center is 202-566-1744.

Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-SFUND-2006-0361 and OMB Control Number 2050-0078 in any correspondence.

APPENDIX A

TRI SIC-NAICS Crosswalk

The following table provides a crosswalk from TRI-covered Standard Industrial Classification (SIC) codes to TRI-covered NAICS codes. For a complete list of TRI-covered NAICS codes that includes certain industry exceptions and limitations, please refer to the EPA TRI website at <http://www.epa.gov/tri/lawsandregs/naic/ncodes.htm>.

TRI SIC-NAICS Crosswalk

INDUSTRY	SIC	NAICS
Coal Mining	1221, 1222, 1231	212111, 212112, 212113
Metal Mining	10 ^a	212221, 212222, 212230, 212299
Electric Utilities	4911, 4931, 4939	221111, 221112, 221113, 221118, 221121, 221122, 221330*
Food	20	311 ^b , 111998*
Beverage and Tobacco Products	20, 21	312 ^c
Textiles	22	313 ^d
Textiles Products	22	314 ^e
Apparel and Accessories	23	315 ^f
Leather and Allied Products	31	316
Wood Products	24	321, 113310
Paper	26	322
Printing and Publishing	27	323 ^g , 511110, 511120, 511130, 511140*, 511191, 511199, 512230*, 512250*, 519130*
Petroleum and Coal Products	29	324
Chemicals	28	325 ^h , 211130*
Plastics and Rubber	30	326 ⁱ
Stone, Clay, Glass and Cement	32	327 ^j , 212324*, 212325*, 212393*, 212399*
Primary Metals	33	331

ICR EPCRA Trade Secret Claims

Fabricated Metal Products	34	332
Machinery	35	333
Computers	35	334 ^k
Electronic Products	36, 38	335 ^l
Transportation Equipment	37	336, 488390*, 541713*, 811490
Furniture	25	337 ^m
Miscellaneous Manufacturing	39	339 ⁿ
Chemical Wholesalers	5169	424690, 425110*, 425120*
Petroleum Bulk Terminals	5171	424710
Hazardous Waste	4953	562211*, 562212*, 562213*, 562219*, 562920*
Solvent Recovery	7389	562112*

* --> With limitations

a --> Does not include SIC 1011, 1081, 1094

b --> Does not include NAICS 311811; Exemptions exist for NAICS 311119, 311330, 311340, 311611, 311612

c --> Exemptions exist for NAICS 312112, 312229

d --> Exemptions exist for NAICS 313311, 313312

e --> Exemptions exist for NAICS 314121, 314129, 314999

f --> Exemptions exist for NAICS 315222, 315223, 315233.

g --> Exemptions exist for NAICS 323114.

h --> Exemptions exist for NAICS 325998.

i --> Does not include NAICS 326212.

j --> Exemptions exist for NAICS 327112.

k --> Does not include NAICS 334611; Exemptions exist for NAICS 334612

l --> Exemptions exist for NAICS 335312

m --> Exemptions exist for NAICS 337110, 337121, 337122.

n --> Does not include NAICS 339111, 339116; Exemptions exist for NAICS 339113, 339115