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Request for Contractor Access to TSCA CBI

Comment On: EPA-HQ-OPPT-2017-0318-0018
Agency Information Collection Activities; Proposals, Submissions, and Approvals: Request for Contractor Access to Toxic Substances Control Act (TSCA) Confidential Business Information (CBI)

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General Comment

Notice Title:

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Request for Contractor Access to TSCA Confidential Business Information (CBI)

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Comment:

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed renewal of EPA's information collection request regarding contractor access to Confidential Business Information (CBI) under the Toxic Substances Control Act (TSCA).

As EPA continues to rely on external expertise to fulfill its mandate, I support the rigorous vetting and safeguarding of CBI. However, I urge the Agency to take proactive steps to ensure that this information-sharing framework does not inadvertently limit environmental transparency—particularly regarding emissions data that may affect greenhouse gas (GHG) emissions such as carbon dioxide (CO₂).

Specifically:

Transparency of CO₂-Related Data: While CBI protections are necessary to preserve legitimate business interests, EPA should avoid overbroad redactions that prevent the public or policymakers from accessing

critical information about CO₂ emissions from regulated chemicals or industrial processes.

Public Right to Know and Climate Impacts: Many chemicals regulated under TSCA are produced or used in processes that release CO₂ or other GHGs. The public has a right to understand the climate implications of such substances, especially as the 2009 Endangerment Finding affirms EPA's obligation to address GHGs under the Clean Air Act.

Balancing Confidentiality and Climate Accountability: The information collection and contractor access procedures should include clear guidance distinguishing between trade secrets and environmental risk data. EPA should affirm that CO₂ emission characteristics—such as production intensity, energy requirements, or lifecycle emissions—are not eligible for confidential treatment unless disclosure would truly harm competitive positioning.

Contractor Qualifications and Climate Expertise: When evaluating contractor eligibility for access to CBI, EPA should consider whether the contractor brings climate science or GHG policy expertise to their work. This is particularly relevant for chemicals or industries with large carbon footprints or future regulatory relevance under climate-related programs.

I encourage EPA to revise or clarify its CBI procedures to ensure that climate-relevant data is available to the public where appropriate, and that contractor access supports—not hinders—the agency's ability to address systemic environmental risks like CO₂ emissions.

Thank you for your consideration.

Sincerely,
A Concerned Citizen
Submitted Anonymously
Date: August 5, 2025