

From:
To:
Cc:
Subject:
Date:
Attachments:

Dear

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 **“Confidential Business Information Claims under the Toxic Substances Control Act (TSCA),”** identified by OMB Control No. 2070-0223. 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 February 25, 2026 ([91 FR 9250](#)) (FRL-13210-01-OCSP). See <http://www.regulations.gov>, docket ID EPA-HQ-OPPT-2025-3955, and the ICR supporting statement for this renewal located 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.

Under this ICR, EPA is renewing the information collection concerning the assertion and maintenance of claims of business confidentiality (also known as Confidential Business Information or “CBI”) under the Toxic Substances Control Act (TSCA), 15 U.S.C. §2601, et seq. The Frank R. Lautenberg Chemical Safety for the 21st Century Act, Pub. L. 114–182 referred to in this Notice as “Lautenberg”), made significant amendments to TSCA including new provisions governing the assertion of CBI claims and requirements concerning Agency review and treatment of confidentiality claims. Among the changes to TSCA are new provisions on EPA review, submitter maintenance, time limitations for CBI claims, and an option to extend confidentiality claims for up to 10 additional years. 40 CFR 703 specifies Agency procedures for reviewing and communicating with TSCA submitters about confidentiality claims, including requirements for submitters to maintain contact information, procedures EPA will use to provide notices to submitters concerning their claims, and the manner in which EPA will notify submitters concerning the impending expiration of certain claims.

Please provide responses back by EPA by March 13, 2026.

Let me know if you have any questions.

Thanks,

Jessica

><(((*> ><(((*> ><(((*> ><(((*> ><(((*> ><(((*> ><(((*>

Jessica A. Barkas, Attorney-Advisor for
Chemical Information, Prioritization, and TRI Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: 202-250-8880

<*))>< <*))>< <*))>< <*))>< <*))>< <*))>< <*))><

Consultation Questions for Confidential Business Information Claims under the Toxic Substances Control Act (TSCA)

(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?)

(2) Frequency of Collection

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

(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?

(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. Are you keeping your records electronically? If yes, in what format?

Although the Agency does not offer an electronic reporting option because of CBI-related security concerns at this time,

- B. Would you be more inclined to submit CBI on diskette (CD or DVD) than on paper?

- C. What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

(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?