Submitted Electronically to www.Regulations.gov, Docket ID EPA-HQ-OPPT-2025-3955

April 27, 2026

Katherine Sleasman
Office of Mission Critical Operations
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-0001

Re: Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA)

Dear Ms. Sleasman,

The Vinyl Institute (VI)[1] appreciates the opportunity to submit comments on the U.S. Environmental Protection Agency's (EPA or the Agency) proposed renewal of the Information Collection Request (ICR) for Confidential Business Information Claims under the Toxic Substances Control Act (TSCA).[2] VI members are impacted by the ICR as the recipients of several Section 4 Test Orders. VI has formed and managed Test Order Consortia to assist participating member companies to properly and timely respond to EPA's requests. As such, VI has direct experience with the time and resource burdens associated with identifying and submitting confidential business information (CBI) to EPA. Based on VI's experience, EPA has significantly underestimated these burdens.

As discussed in the following sections, VI believes there are several aspects of the ICR that can be improved to better account for the time and resource cost of asserting and submitting CBI claims under TSCA.

(1) EPA Fails to Capture the Full Scope and Burden of CBI Identification and Assertion Activities

In Table 2 of the Supporting Statement for the ICR renewal,[3] EPA outlines the estimated burden associated with: (1) compliance determinations; (2) withdrawing confidentiality claims, amending public copy, and extending CBI claims; and (3) re-substantiation. As an initial matter,

[1] The Vinyl Institute (VI), established in 1982, represents the leading producers of vinyl resins and monomers, and ingredient and additive producers for vinyl compounds. The VI serves as the collective voice for the vinyl industry. More information can be found at www.vinylinfo.org.

[2] *Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA)*, 91 Fed. Reg. 9250 (Feb. 25, 2026).

[3] Document ID EPA-HQ-OPPT-2025-3955-0014 at 9.

EPA asserts that, under (1) above, there is no burden or cost associated with "determining whether a firm has asserted or will assert claims for confidentiality in a submission to EPA under TSCA."[4] This is simply incorrect. Considering the vast amount of data that is submitted in response to a Section 4 Test Order and whether any of that information should be claimed as CBI can be time consuming in its own right. Indeed, EPA has just published a list of expiring CBI claims, implicitly recognizing the challenges of tracking and the resources needed to verify past CBI submissions.[5] For VI, when such information is flagged for potential submission as CBI, a final determination is often not reached until after consultation of consortium members or, in some cases, legal counsel. Again, this process requires time and is not simply "known," as EPA's statement suggests.

Once CBI information is identified, there is additional time associated with claiming that information as CBI and providing the appropriate substantiation. The CBI assertion process is overlooked entirely in EPA's summation of CBI-related activities. The assertion of CBI claims requires submitters not only to identify the CBI information but also to craft responses to numerous substantiation questions posed for each respective CBI claim and generate redacted copies of the submission. Even where CBI submitters can begin with an internal template, submitters must still spend time to adapt language to meet the facts of the information and submission at hand. The redaction process, on the other hand, cannot be similarly streamlined as submitters must review and identify CBI information independently for each CBI submission. The time cost of asserting CBI claims must be addressed in the ICR.

EPA also appears to have neglected to count the burden associated with EPA's activities under Section 6 of TSCA. EPA must necessarily gather significant information from the public as part of its efforts to identify conditions of use and understand exposure. This information may be gathered in comments, direct correspondence, and meeting materials. Information that is submitted during prioritization, risk evaluation, and risk management actions can include confidential formulation information, confidential manufacturing process information, confidential economic and financial data, personally identifiable information, and much more. In addition, as part of the assessment of risk evaluation fees, EPA must collect production volume information, which is highly confidential. For the most recent such submissions, CDX did not collect substantiations at the time of submission, resulting in additional burden when submitters had to respond to EPA letters after the initial filing. EPA must update its ICR estimates to reflect the burden of identifying CBI, substantiating the CBI claim (or asserting a substantiation exemption), and preparing genericized submissions under Section 6.

(2) EPA Does Not Consider the Burden Associated with CDX Submissions

As noted in the Supporting Statement for the ICR renewal, TSCA CBI requires electronic submission through EPA's Central Data Exchange (CDX).[6] However, EPA's estimation of burden does not consider the amount of time required to properly navigate and submit a CBI-

[4] *Id*. at 8.

[5] *See* "CBI Claim Expiration," available at: https://www.epa.gov/tsca-cbi/cbi-claim-expiration.

[6] Document ID EPA-HQ-OPPT-2025-3955-0014 at 4-5.

containing document via CDX. The time spent "developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information," is among the actions considered to constitute a "burden" under the Paperwork Reduction Act regulations,[7] and thus, should be considered among the other CBI-related activities in the ICR.

Moreover, the exclusion of the time associated with making CDX submissions results in a gross underestimation of the time required to submit CBI to the Agency. The submission of documents through CDX is relatively time consuming as a general matter. VI estimates that submitting a non-CBI document to the correct CDX portal takes a submitter approximately 15 – 20 minutes. Submission of a CBI-containing document, on the other hand, takes at least twice as long. In VI's experience, it takes a submitter approximately 30 – 45 minutes per document to successfully navigate through and address each of the CBI substantiation prompts and upload redacted and unredacted documents to the system. Where multiple CBI-containing documents must be submitted or, in VI's case, where the submission process must be undertaken for multiple consortia, the total time and resource cost on submitters can grow exponentially. Indeed, the CDX submission process alone can easily exceed the Agency's total per-firm activity level burden of 0.950 hours (57 minutes).[8]

In addition, as the Agency is no doubt aware, CDX often experiences operational difficulties that may lead to submission failures or system downtime. When such an error occurs, submitters often spend additional time troubleshooting with the CDX Help Desk and/or the TSCA Hotline or coordinating with Agency staff on a submittal workaround. Although unpredictable, system errors also add to the considerable amount of time expended on making CDX submissions. The ICR should account for this additional time based on the CDX Help Desk and TSCA Hotline records of CBI submission-related inquiries.

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We thank the EPA for its consideration of these comments. Please do not hesitate to contact me for more information or if any questions arise.

Respectfully submitted,

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[7] 5 C.F.R. § 1320.3(b).

[8] *Id*. EPA estimates 0.700 total hours associated with withdrawing confidentiality claims, amending public copy, and, extending claims and 0.250 total hours associated with re-substantiation.