



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN - 4 2010

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Jennifer Abril  
Executive Director  
Fragrance Materials Association  
The Roberts Group  
1620 I Street, N.W.  
Suite 925  
Washington, D.C. 20006

Dear Ms. Abril:

At the Global Chemical Regulations Conference in Baltimore on March 30, 2010, I urged the chemical industry to reduce the voluminous claims of confidential business information (CBI) the industry has made for materials submitted to EPA under the Toxic Substances Control Act (TSCA).

Industry has a responsibility to increase the transparency of the information it submits to this Agency and in my comments, I made two specific requests. First, I asked that claims of CBI in future filings be strictly limited and made only when absolutely necessary. Second, I asked that company officials review the filings they previously made with the Agency and withdraw any CBI claims that are unwarranted and/or unnecessary, including CBI claims that might once have been appropriate but are no longer needed.

We have been working with industry representatives to address the issue of CBI claims since last year, and I have been pleased with the general support by industry for greater transparency for chemical data. It is important now for industry to move forward in conjunction with the Agency in making more information on chemicals available to the American people.

To that end, I am asking you to encourage your association's membership to take the following actions:

1. Review older files containing CBI claims that have been submitted to the Agency under TSCA and identify any materials that should not be considered confidential;
2. Notify the Agency about declassifications. For instructions on the declassification process, visit the dedicated webpage at <http://www.epa.gov/oppt/tsca8e/pubs/declassification-cbi.html>; and
3. Strictly limit CBI claims in any future TSCA filings with the Agency.

At this point, the Agency is focused primarily on CBI claims for materials relating to inventory status (e.g., TSCA section 5- related notices of commencement), health and safety studies and data on chemicals in commerce (e.g., TSCA sections 4, 8(d) and 8(e) filings) and the Inventory Update Rule (as well as other TSCA section 8(a) filings). We intend to address CBI claims for other materials in the future, however. So I ask you also to encourage your membership to review all of their other filings with the Agency for all purposes under TSCA as well and notify us of any materials that should be declassified. EPA intends to address unwarranted and/or outdated CBI claims with the goal of increasing the amount of information available to the American public. Related to this, EPA has initiated an outreach process providing the Agency's position on what are, and are not, appropriate CBI claims for chemical identity in health and safety studies submitted under TSCA. This was the intent of the Federal Register notices on January 21, 2010 (75 FR 3462), and May 27, 2010 (75 FR 29754).

In addition to contacting your association, we also will also be communicating directly with companies that have been most active in asserting CBI claims over the years.

Thank you for your assistance with this very important effort. I look forward to working with you and your members in the months ahead to modernize the federal chemicals management program and improve transparency for data on chemicals under TSCA. For further information or assistance, please contact Jeff Santacroce at 202-564-2818 or at [santacroce.jeffrey@epa.gov](mailto:santacroce.jeffrey@epa.gov)

Sincerely,



Stephen A. Owens  
Assistant Administrator

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**EPA Note:**

This letter was also sent to the following organizations:

American Chemistry Council  
American Coatings Association  
American Petroleum Institute  
Consumer Specialty Products Association  
National Association of Chemical Distributors  
National Petrochemical & Refiners Association  
The Soap and Detergent Association  
Society of Chemical Manufacturers and Affiliates  
Society of the Plastics Industry, Inc.