



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 24 2008

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Brigid D. Klein
Vice President & General Counsel
Consumer Speciality Products Associaton
900 17th Street, NW, Suite 300
Washington, DC 20006

Re: Extension request

Dear Ms. Klein:

This letter responds to your letter dated March 13, 2008, requesting additional time for submitting ingredient and other information on air freshener products to the U.S. Environmental Protection Agency (EPA). Your letter requested an additional 60 days in order to provide time for assembling the information from the seven air freshener manufacturers, resolve issues with fragrance manufacturers, handle TSCA confidential business information claims, and provide the quality of information that will be responsive to EPA and satisfy concerns raised by the petitioners. While EPA recognizes that a request for some additional time is reasonable, more than 90 days have already elapsed since EPA's original request. We believe an extension of 45 additional days should be sufficient. The deadline is, accordingly, extended to May 15, 2008.

In addition, your letter paraphrased EPA's views about the potential for certain kinds of information to receive protection as TSCA CBI. To avoid any potential confusion, EPA's Office of General Counsel provided the following summary of EPA's views with respect to the CBI issues discussed at the meeting:

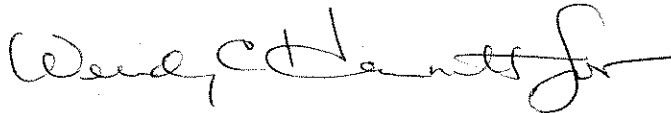
- With respect to the standard for determining whether information that is voluntarily submitted is entitled to protection as confidential business information, courts that apply the Critical Mass doctrine of the D.C. Circuit use a different standard for voluntarily submitted information, one that is easier to meet than the standard for involuntarily submitted information, to determine whether information is entitled to protection from disclosure in response to a FOIA request. EPA's Office of General Counsel follows the D.C. Circuit and it uses the voluntary standard, if applicable, when it issues final confidentiality determinations.

- Some information that is voluntarily submitted might later be deemed not voluntary. It may be deemed not voluntary if, after submission, it is subsequently “relied upon to avoid some requirement or condition of the Act or incorporated into a submission in order to satisfy some requirement or condition of the Act or of regulations which implement the Act.” 40 CFR 2.306(b).
- Information submitted in an aggregate format *may* be eligible for CBI protection.
- Product ingredient information, such as the annual volume, product percentage and usage information, *may* be eligible for CBI protection.

Finally, EPA emphasizes that all submitted information identified as confidential business information will be handled as such, unless and until a determination is made to the contrary.

Thank you for your continued effort to provide EPA with the air freshener product information. Your efforts, and those of the manufacturers, are greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles M. Auer".

Charles M. Auer, Director
Office of Pollution Prevention and Toxics