



July 11, 2022

Via Electronic Filing

Jessica Barkas
Project Management and Operations Division
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Proposed Rule, Environmental Protection Agency; Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA), 87 Fed. Reg. 29078 (May 12, 2022); Docket No. EPA-HQ-OPPT-2021-0419

Dear Ms. Barkas:

The U.S. Chamber of Commerce (“the Chamber”) appreciates the opportunity to comment on the U.S. Environmental Protection Agency’s proposed rule titled, “Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA).” The Chamber recognizes the need for sharing certain information with regulators and the public. We also recognize the need to protect confidential information to support competitive markets and business investments.

The Chamber supports the efforts that EPA has made to make the confidential business information (CBI) requirements under TSCA easier to follow and understand. Consolidating the CBI requirements under one part of the regulations, in this case new Part 703, will help to reduce confusion due to the number of places where CBI is covered in the current regulatory structure.

Competitive markets rely, in part, upon the ability of companies to come up with solutions to emerging problems and to innovate by bringing new products to the marketplace. To support investment in these products, businesses rely upon the protection of information reported to regulatory agencies that is commercially sensitive. TSCA has acknowledged the balance needed to protect confidential business information (CBI) while ensuring regulators have the necessary information to perform regulatory compliance.

One of the business community’s concerns with the proposed rulemaking is the potential release of CBI to the public that would undermine current protections for sensitive business information. Companies other than the original manufacturer may be able to

inappropriately submit and waive protections of information regarding a particular chemical under the proposal. Combined with the new provisions that appear to limit the ability of a manufacturer to assert certain information should be protected, the rule appears to undermine a company's ability to assert the confidential nature of the information and to protect that information from being inappropriately released.

EPA's established electronic reporting platform does provide an important tool for companies to comply with TSCA requirements. However, the agency should provide redundant notifications to ensure companies receive notification of agency decisions. This is particularly important due to the time sensitive nature of the reporting requirements and the associated need to work through a company's hierarchy for decision-making as necessary. For this reason, redundant notifications by regular mail should also accompany any notification through EPA's electronic reporting platform.

We urge EPA to consider the potential impacts of changes to CBI procedures on the ability for businesses to innovate and invest in current and new chemistries.

Please let me know if you would like any additional information. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin J. Durbin". The signature is written in a cursive style with a large, stylized initial "M".

Martin J. Durbin
Senior Vice President, Policy
President, Global Energy Institute
U.S. Chamber of Commerce