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| **CBI SUBSTANTIATION**  ***12(b) export notification***  Use of this form is recommended, but not required. | |
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| **Technical Contact Name:** | Click or tap here to enter text. |
| **Technical Contact Phone Number:** | Click or tap here to enter text. |
| **Technical Contact Email:** | Click or tap here to enter text. |
| **Submitting Company Name:** | Click or tap here to enter text. |
| **Submission Number (if known):** | Click or tap here to enter text. |
| ***Important****: You are responsible for substantiating* ***each*** *data element claimed as CBI unless that item is exempt from the substantiation requirement according to TSCA section 14(c)(2).  (EPA does not believe that any of the section 14(c)(2) exemptions generally apply to information provided in this submission type.)*  *40 CFR § 707.67specifies the data elements that are required in a 12(b) notice.*  *40 CFR § 703.7(f) specifies the substantive criteria that are used to determine whether information is entitled to confidential treatment. Among these criteria is: The business has demonstrated a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the business that would be caused by public disclosure of the information claimed as CBI. Failure to sufficiently explain this harm in the substantiation for any data element claimed as CBI may result in a denial of the CBI claim for that data element.*  *NOTE: EPA maintains a list of substances subject to 12(b) reporting requirements.[[1]](#footnote-1) This list is intended to assist with 12(b) compliance, and identifies each substance using non-confidential identifiers (e.g., by generic name, accession number, and/or PMN number for substances that are on the confidential portion of the TSCA Inventory). You may identify the chemical in your 12(b) submission in the same manner as it is identified on the 12(b) list****. If you use the 12(b) list identifying information, reporting a confidential specific chemical identity in your 12(b) submission is unnecessary. Using the 12(b) list identifying information thereby eliminates the need to make and substantiate CBI claims for chemical identity in such 12(b) submissions.*** | |

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| 1. **APPLICABLE TO ANY CBI CLAIM** | | |
| * + 1. Please identify each information element being claimed as CBI and the likely substantial harm to your business’s competitive position if the information were publicly disclosed: | | |
| A.1 Are you claiming **exporter name and address** as CBI?  If so, please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | | Yes No |
| Click or tap here to enter text. | | |
| A.2 Are you claiming **export date** as CBI?  If so, please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | | Yes No |
| Click or tap here to enter text. | | |
| A.3 Are you claiming **importing country** as CBI?  If so, please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | | Yes No |
| Click or tap here to enter text. | | |
| A.4 Are you are claiming other information as CBI?  If so, please list the information type and specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | | Yes No |
| Click or tap here to enter text. | | |
| * + 1. Has your business taken precautions to protect the confidentiality of the disclosed information? If yes, please explain and identify the specific measures, including but not limited to internal controls, that your business has taken to protect the information claimed as confidential. If the same or similar information was previously reported to EPA as non-confidential (such as in an earlier version of this submission), please explain the circumstances of that prior submission and reasons for believing the information is nonetheless still confidential. | | |
| Non-disclosure agreement required prior to access. | Yes No | |
| Access is limited to individuals with a need-to-know. | Yes No | |
| Information is physically secured (e.g. locked in room or cabinet) or electronically secured (encrypted, password protected, etc.). | Yes No | |
| Other internal control measure(s). *(If yes please explain below.).* | Yes No | |
| Click or tap here to enter text. | | |
| * + 1. Is any of the information claimed as confidential required to be publicly disclosed under any other Federal law? If yes, please explain. | |  |
| Click or tap here to enter text. | | |
| * + 1. Does any of the information claimed as confidential otherwise appear in any public documents, including (but not limited to) safety data sheets; advertising or promotional material; professional or trade publications; State, local, or Federal agency files; or any other media or publications available to the general public? If yes, please explain why the information should be treated as confidential. If this chemical is patented and the patent reveals the information you are claiming confidential, please explain your reasons for believing the information is nonetheless still confidential. | |  |
| Click or tap here to enter text. | | |
| * + 1. Is the claim of confidentiality intended to last less than 10 years (see TSCA section 14(e)(1)(B))? If yes, please indicate the number of years (between 1 and 10 years) or the specific date after which the claim is withdrawn. | |  |
| Click or tap here to enter text**.** | | |
| * + 1. Has EPA, another Federal agency, or court made any confidentiality determination regarding information associated with this chemical substance? If yes, please provide the circumstances associated with the prior determination, whether or not the information was found to be entitled to confidential treatment, the entity that made the decision, and the date of the determination. | |  |
| Click or tap here to enter text**.** | | |
| **Additional comments:** | | |
| Click or tap here to enter text. | | |

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| **II. APPLICABLE ONLY TO CHEMICAL IDENTITY CBI CLAIMS (but see *NOTE*, above)** | | | | | |
| 1. Are you claiming a **specific chemical identity** as CBI? If not, you need not answer any further questions in this section. If so, please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position likely (i.e.,probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g.,site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business. | | | |  | |
| Click or tap here to enter text**.** | | | | | |
| B: Is this chemical substance publicly known (including by your competitors) to be in U.S. commerce? If yes, please explain why the specific chemical identity should still be afforded confidential status (e.g., the chemical substance is publicly known only as being distributed in commerce for research and development purposes, but no other information about the current commercial distribution of the chemical substance in the United States is publicly available). If no, please complete the certification statement:  I certify that on the date referenced I searched the internet for the chemical substance identity (i.e., by both chemical substance name and CASRN). I did not find a reference to this chemical substance and have no knowledge of public information that would indicate that the chemical is being manufactured or imported by anyone for a commercial purpose in the United States. [provide date]. | Yes  No | | | |
| Click or tap here to enter text. | | | | |
| C. Does this specific chemical substance leave the site of manufacture (including import) in any form, e.g., as a product, effluent, emission? If yes, please explain what measures have been taken to guard against the discovery of its identity. | | Yes  No | | |
| Click or tap here to enter text. | | | | |
| D. If the chemical substance leaves the site in a form that is available to the public or your competitors, can the chemical identity be readily discovered by analysis of the substance (e.g., product, effluent, emission), in light of existing technologies and any costs, difficulties, or limitations associated with such technologies? Please explain why or why not. | |  | | |
| Click or tap here to enter text. | | | | |
| E. Would disclosure of the specific chemical identity release confidential process information? If yes, please explain. | | | Yes  No | |
| Click or tap here to enter text. | | | | |
| **Additional comments:** | | | | |
| Click or tap here to enter text. | | | | |

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| 1. **SUBSTANTIATION CERTIFICATION** |

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| **Do you wish to claim this substantiation as CBI?** |  |
| *TSCA section 14(c) requires that persons asserting a CBI claim shall certify to the validity of the claims. By the marking of a yes, you are certifying to the truth of the below statements.* | Yes  No |
| I hereby certify to the best of my knowledge and belief that all information entered on this form is complete and accurate.    I further certify that, pursuant to 15 U.S.C. § 2613(c), for all claims for confidentiality made with this submission, all information submitted to substantiate such claims is true and correct, and that it is true and correct that   1. My company has taken reasonable measures to protect the confidentiality of the information; 2. I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law; 3. I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and 4. I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.   Any knowing and willful misrepresentation is subject to criminal penalty pursuant to 18 U.S.C. § 1001. | |

1. Current list available here: <https://www.epa.gov/tsca-import-export-requirements/chemicals-subject-tsca-section-12b-export-notification-requirements> [↑](#footnote-ref-1)