

(h) Is information of the kind under Part V.(b)(1) and (c) concerning a non-United States site provided the person who obtains the information does not have reason to believe that there is a substantial likelihood that the contamination will cause environmental contamination, of a nature that would be reportable under Part V. (b)(1) and (c), to occur in an area in the United States.

VIII. Information First Received By a Person Prior to the Effective Date of TSCA

Any substantial risk information possessed by a person prior to January 1, 1977, of which he is aware after that date should be reported within 60 days of publication of this policy statement. The Agency considers that a person is aware of:

(a) Any information reviewed after January 1, 1971, including not only written reports, memoranda and other documents examined after January 1, 1971, but also information referred to in discussions and conferences in which the person participated after January 7, 1977;

(b) Any information the contents of which a person has been alerted to by date received after January 1, 1977, including any information concerning a chemical for which the person is presently assessing health and environmental effects;

(c) Any other information of which the person has actual knowledge.

IX. Reporting Requirements

Notices should be delivered to the Document Processing Center (7407M), (Attn: TSCA Section 8(e) Coordinator), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001

A notice should:

(a) Be sent by certified mail, or in any other way permitting verification of its receipt by the Agency.

(b) State that it is being submitted in accordance with section 8(e).

(c) Contain the job title, name, address, telephone number, and signature of the person reporting and the name and address of the manufacturing, processing, or distribution establishment with which the person is associated.

(d) Identify the chemical substance or mixture (including, if known, the Chemical Abstract Service (CAS) Registry Number).

(e) Summarize the adverse effect(s) or risk(s) being reported, describing the nature and the extent of the effect(s) or risk(s) involved.

(f) Contain the specific source of the information together with a summary and the source of any available supporting technical data.

For emergency incidents of environmental contamination (see Part V.(c)), a person should report the incident to the Administrator or the National Response Center by telephone as soon as he/she has knowledge of the incident. The report should contain as much of the information specified by paragraphs (c) through (f) of this part as possible. If any new substantial risk information concerning the incident and reportable under TSCA section 8(e) is obtained, supplementary reporting by the person is required. A twenty-four hour emergency telephone number is:

The National Response Center, (800) 424-8802 or (202) 267-2675 in the Washington, DC metropolitan area.

Region I (Maine, Rhode Island, Connecticut, Vermont, Massachusetts, New Hampshire), (617) 223-7265.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), (201) 548-8730.

Region III (Pennsylvania, West Virginia, Virginia, Maryland, Delaware, District of Columbia), (215) 814-3255.

Region IV (Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida), (404) 562-8700.

Region V (Wisconsin, Illinois, Indiana, Michigan, Ohio, Minnesota), (312) 353-2318.

Region VI (New Mexico, Texas, Oklahoma, Arkansas, Louisiana), (214) 655-6428.

Region VII (Nebraska, Iowa, Missouri, Kansas), (913) 281-0991.

Region VIII (Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota), (800) 227-8917.

Region IX (California, Nevada, Arizona, Hawaii, Guam), (415) 972-4400.

Region X (Washington, Oregon, Idaho, Alaska), (206) 553-1263.

X. Confidentiality Claims

(a) EPA may release to the public health and safety data claimed confidential, including information submitted in a notice of substantial risk under section 8 (e) of TSCA. EPA will disclose any information claimed confidential only to the extent, and by means of the procedures, set forth in 40 CFR part 2 (41 FR 36902, September 1, 1976)

(b) If no claim accompanies the notice at the time it is submitted to EPA, the notice will be placed in an open file to be available to the public without further notice to the submitter.

(c) To assert a claim of confidentiality for information contained in a notice,

the submitter must submit two copies of the notice.

(1) The first copy should be complete and unedited, clearly reflecting what specific information is being claimed confidential. This should be done on each page by placing brackets around the specific information in question together with a label such as "confidential," "proprietary," or "trade secret."

(2) The second copy should be identical to the first copy, but with all bracketed information blanked out within the brackets.

(3) Information within the first confidential copy of the notice will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR part 2. The second copy will be placed in an open file to be available to the public

(d) Any person submitting a notice containing information for which they are asserting a confidentiality claim should send the notice in a double envelope.

(1) The outside envelope should bear the same address outlined in Part IX. of this policy statement.

(2) The inside envelope should be clearly marked "To be opened only by the OPPT Document Control Officer."

(e) The submitter should substantiate any CBI claims by answering substantiation questions according to the instructions located in the TSCA section 8(e) website: <http://www.epa.gov/opptintr/tsca8e/doc/cbi.htm>

XI. Failure to Report Information

Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under section 8(e). Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Pursuant to section 17, the Government may seek judicial relief to compel submittal of section 8(e) information and to otherwise restrain any violation of section 8(e).

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 15, 2003.

Stephen L. Johnson,
*Assistant Administrator for Prevention,
Pesticides, and Toxic Substances.*

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