

EXHIBIT A



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

06 April 2020

Office of Chemical Safety
and Pollution Prevention

**THIS LETTER MAY CONTAIN INFORMATION CLAIMED AS CONFIDENTIAL
BUSINESS INFORMATION (CBI) AND SHOULD BE HANDLED IN ACCORDANCE
WITH APPROPRIATE CBI PROCEDURES**

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Andrew Cullen
BURGESS PIGMENT COMPANY
P.O. BOX 349 525 Beck Blvd.
SANDERSVILLE, Georgia 31082

CDR-2016-05175

Dear Andrew Cullen:

Subject: Certain specific chemical identities included in Chemical Data Reporting Rule (CDR) filings--ineligibility for confidential treatment under the Toxic Substances Control Act (TSCA). Updating of the TSCA Inventory to reflect specific chemical substance identity.

This letter concerns your company's CDR submission with case number CDR-2016-05175, which asserted a confidentiality claim for the specific chemical identities of one or more chemical substances reported pursuant to the TSCA CDR Rule (40 C.F.R. § 711). The specific chemical substances are identified in the attachment to this letter. The U.S. Environmental Protection Agency (EPA or Agency) has found that these specific chemical identities are not entitled to confidential treatment.

EPA is aware that another entity is no longer treating the specific chemical identity of these chemical substances on the TSCA Inventory as confidential^[1]. Therefore, EPA finds that the

confidentiality of the information is no longer protected, and that the specific chemical identities and TSCA Inventory status of the chemical substances are reasonably obtainable by the general public.

Consequently, EPA finds that the identified chemical identities are no longer eligible for confidential treatment, and EPA intends to disclose the specific identities on the public portion of the TSCA Inventory. *See* 40 C.F.R. §§ 2.208(a)-(c). In accordance with 40 C.F.R. §§ 2.306(d) and 2.204(d)(2), I have determined that the specific chemical identities of the referenced chemical substances are clearly not entitled to confidential treatment under section 14 of TSCA. *See* 15 U.S.C. § 2613. This letter constitutes EPA's final determination concerning these business confidentiality claims.

Subject to TSCA section 14(g)(2)(B), your company has 30 calendar days from its receipt of this determination to commence an action in federal court under TSCA section 14(g)(2)(D)(i) to obtain judicial review of any adverse determination and to restrain disclosure of information determined by EPA not to be entitled to confidential treatment. At the end of those 30 days, EPA intends to make available to the public any information found not entitled to confidential treatment and for which you have not sought judicial review, in accordance with the terms above, without further notice to you.

If you have any questions, please contact Mr. Scott Sherlock, (202) 564-8257 and Sherlock.Scott@epa.gov; or Ms. Jessica Barkas, (202) 250-8880 and Barkas.Jessica@epa.gov.

Sincerely,

Pamela Myrick

Director, Information Management Division

Office of Pollution Prevention and Toxics

Office of Chemical Safety and Pollution Prevention

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460-0001

Attachments

Cc: Office of General Counsel, General Law Office

[\[1\]](#) Reasons why a CDR chemical identity confidential business information (CBI) claim asserted on or after 6/22/16 is denied:

- a) There were inconsistent CBI claims made in CDR filings and at least one entity did not claim the chemical identity as CBI; or
- b) Not a single entity submitted a Notice of Activity form A submission reasserting a chemical identity CBI claim when the chemical was listed as CBI on the Exemption List for the TSCA Inventory Active-Inactive rule; or
- c) One or more entities submitted a Notice of Activity form A or form B submission on a particular chemical identity and at least one entity did not claim the chemical identity as CBI.

Accession Number

[REDACTED]

[REDACTED]