

EXHIBIT F



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

24 April 2025

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**

Jeremy Andrews
Burgess Pigment Company
P.O. Box 349
Sandersville, Georgia- 31082

RE: Final Confidentiality Determination Case No. CDR-2024-04155

Dear Jeremy Andrews,

This letter constitutes the United States Environmental Protection Agency's (EPA or Agency) final confidentiality determination on the confidential business information (CBI) claims contained in the above-referenced submission, and for which the submitting company, Burgess Pigment Company (the Company), has asserted a claim for protection from disclosure in accordance with section 14(c) of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (TSCA), 15 U.S.C. § 2613(c). Under TSCA section 14(g), 15 U.S.C. § 2613(g), EPA must, with limited exceptions, review all such claims for protection on chemical identity and a "representative subset, comprising of at least 25 percent, of all other claims or requests for protection from disclosure under this section." Consequently, EPA has reviewed the Company's claims for protection from disclosure.

The attached respective Decision Table indicates whether each reviewed CBI claim is approved, denied, and/or exempt from review under TSCA section 14(c)(2). If any claim is denied confidential treatment, the information may be made publicly available in accordance with the last paragraph of this determination.

Requirements for Confidential Treatment

Unless otherwise specified, section 14(a) of TSCA, 15 U.S.C. § 2613(a), applies Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4), as the basis for determining whether business information submitted under TSCA is entitled to confidential treatment. Exemption 4 protects from disclosure "trade secrets and commercial or financial information obtained from a person [that is] and privileged or confidential" (such information is commonly referred to as confidential business information or "CBI"). 5 U.S.C. § 552(b)(4). Thus, any person seeking protection for information submitted under TSCA must demonstrate to the Agency that the information qualifies as either (1) a trade secret or (2) "confidential" for the purposes of FOIA Exemption 4 and meets the specific requirements of section 14 of TSCA.

Information Entitled to Confidential Treatment

Upon consideration of the Company's claims for protection, substantiation of those claims, and the recommendation provided by the Office of Pollution Prevention and Toxics, the Agency has found the requirements for confidential treatment under TSCA section 14(a) are met with respect to the following information claimed as CBI.¹ See **Decision Table, Appendix A, Information Entitled to Confidential Treatment**. For each claim, the Agency confirmed that the underlying information constitutes CBI within the meaning of FOIA Exemption 4 and TSCA. For any claim in Appendix A, the Company adequately demonstrated that the information is "commercial or financial information obtained from a person" and is "confidential" within the meaning of Exemption 4. See *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). The Company also has met the requirements of TSCA section 14 for these claims. Therefore, the Agency finds that the CBI claims in **Appendix A** are entitled to confidential treatment.

Information found to be entitled to confidential treatment is protected from disclosure for a period of 10 years from the date EPA received the complete submission or until an interceding event undermines the claim(s).² See 15 U.S.C. § 2613(e)(1)(B). If **Appendix A** is blank, no claims made in the Company's submission were approved.

Information Exempted from Substantiation and Review

All CBI claims that EPA confirmed to be exempt from substantiation under TSCA section 14(c)(2), and TSCA section 14(g) review are listed in **Decision Table, Appendix B, Exempt TSCA CBI Claims**. Under TSCA section 14(c)(2), this information is protected from disclosure until the Company withdraws the claim(s), or until the Agency becomes aware that the information no longer qualifies for protection from disclosure under TSCA section 14(a) and takes any action required under TSCA section 14(f). See 15 U.S.C. § 2613(e)(1)(A). If **Appendix B** is blank, no claims made in the Company's submission were exempt from substantiation under TSCA section 14(c)(2).

Information Not Entitled to Confidential Treatment

Upon consideration of the Company's claims for protection, substantiation of those claims (or lack thereof), and the recommendation by the Office of Pollution Prevention and Toxics, EPA has determined that the requirements for confidential treatment under TSCA section 14(a) are not met with respect to the claims listed in **Decision Table, Appendix C: Information Not Entitled to Confidential Treatment**. Within the Decision Table, EPA provides a specific reason why each CBI claim is not entitled to confidential treatment. Further explanation is located after the Decision Table. Based on the reason(s) expressed in the Decision Table, the Agency has determined that the information is not protected from disclosure under TSCA section 14(a). If **Appendix C** is blank, no claims made in the Company's submission were denied.

Conclusion

This constitutes the final EPA determination concerning the claims for confidentiality listed in the Decision Table. For the reasons explained in the attached Decision Table, the CBI claim(s), if any, in **Appendix A** are entitled to confidential treatment under section 14(a) of TSCA. The CBI claim(s), if any, in **Appendix B** are exempt from review under TSCA sections 14(c)(2) and 14(g)(1)(A). The CBI claim(s), if any, in **Appendix C** are not entitled to confidential treatment and may be made publicly available.

For the CBI claims determined not to be entitled to confidential treatment, subject to TSCA section 14(g)(2)(B), the company submitter 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 found not 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 the Company have not sought judicial review, in accordance with the terms, above, without further notice to the Company. Even if an action to restrain disclosure is commenced in Federal court, EPA may make the information publicly available in a manner that is consistent with 40 C.F.R. Part 2, Subpart B.

Should you have any further questions concerning this matter, please contact Kathryn Napier at napier.kathryn@epa.gov.

Sincerely,

/s/

Casey Pickell

TSCA CBI Team Coordinator

General Law Office

Office of General Counsel

Section in Submission	Data Element	Specific Claim	Final Determination	Reason
APPENDIX A: Approved TSCA CBI Claim(s)				
Chemical Identification	Chemical Name	Acc# [REDACTED]	Approved	
APPENDIX B: Exempt TSCA CBI Claim(s)				
Manufacturing Information	Domestically Manufactured	Domestically Manufactured	Exempt	
Manufacturing Information	Domestically Manufactured	Domestically Manufactured	Exempt	
Manufacturing Information	Domestically Manufactured	Domestically Manufactured	Exempt	
Manufacturing Information	Prior Volume Claims	Non-Principal Production Volume	Exempt	
Manufacturing Information	Prior Volume Claims	Non-Principal Production Volume	Exempt	
Manufacturing Information	Prior Volume Claims	Non-Principal Production Volume	Exempt	
APPENDIX C: Denied TSCA CBI Claims				
Chemical Identification	Chemical Name	Acc# [REDACTED]	Denied	ChemID is publicly available or is pending public release. EPA previously denied for another filing ? CDR-2020-00314

Further Explanation for Information Not Entitled to Confidential Treatment

EPA previously denied for another company or filing: During its review of the claims, OPPT determined that confidential treatment of the chemical identity listed in **Appendix C** was denied for another company or another filing. Therefore, the information does not fall within the scope of Exemption 4 of the FOIA, which does not afford confidential treatment to information that is, or has been, reasonably obtainable by a third party without the submitter's consent. See 40 C.F.R. § 2.208.

¹The Company may have stated that the information is protected as a trade secret. If I find the information qualifies as CBI, I will not address the trade secret claim(s) at this time. However, if the information does not qualify as CBI, I will review the merits of the trade secret claim(s).

²Please note that the expiration date for any CBI claim on a specific chemical identity of a chemical substance may be earlier than the date expressed in this determination because EPA determines the expiration date for each chemical substance from the earliest submission for which a CBI claim for specific chemical identity of that chemical substance has been approved. Please refer to the TSCA unique identifier list which is periodically updated to determine the exact expiration date for the CBI claim for the specific chemical identity of a particular chemical substance.