



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

TRANSMITTED VIA EMAIL
RETURN RECEIPT REQUESTED

Puneet Bhatnagar
Gujarat Fluorochemicals Americas LLC
1212 Corporate Dr., Suite-540
Irving, TX 75038-2502
puneet@gflamericas.com

Re: Clean Air Act Information Request for Gujarat Fluorochemicals Americas LLC

Dear Mr. Bhatnagar:

The United States Environmental Protection Agency ("EPA") hereby requires Gujarat Fluorochemicals Americas LLC ("Gujarat" or "you") to provide certain information, pursuant to its authority under Section 114 of the Clean Air Act ("CAA"), 42 U.S.C. § 7414, to determine its compliance with the American Innovation and Manufacturing Act of 2020 ("AIM Act"), 42 U.S.C. § 7675, as well as the regulations promulgated thereunder at 40 C.F.R. Part 84 ("HFC Allocation Regulations").

The AIM Act provides that Sections 113 and 114 of the CAA, 42 U.S.C. §§ 7413 and 7414, apply to the AIM Act and any regulation promulgated thereunder "as though this section were expressly included in title VI of that Act." See 42 U.S.C. § 7675(k)(1)(C).

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who is subject to the CAA (including certain importers or exporters) to provide certain information, including information to evaluate that person's compliance with the CAA, 42 U.S.C. § 7401 et seq., and the regulations promulgated thereunder, establish and maintain records, make reports, install and use monitors, sample emissions (in accord with the procedures and methods that the Administrator shall prescribe) and provide such other information as may reasonably be required for the purpose of, among other things, determining whether any person is in violation of the CAA. This authority has been delegated to the undersigned official. You are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to Requests 1 – 17 by no later than **August 5, 2024**. Information Request. Instructions and definitions are provided in Enclosure 1 and the information requested is specified in Enclosure 2.

You are required to attach a properly executed Statement of Certification (see Enclosure 3) with your response to this Information Request. The statement must be signed and dated. You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information is a violation of the CAA and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this Information Request pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a); 3) initiation of a civil action pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b); and/or 4) initiation of any other action authorized under the CAA. In addition, knowingly providing false information in response to this Information Request may be actionable under Section 113(c) of the CAA, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 & 1341. The information you provide may be used by the EPA in administrative, civil, and/or criminal proceedings.

Under Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and pursuant to the regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you may assert a business confidentiality claim on any information you provide in response to this Information Request, in accord with the Confidentiality of Business Information (“CBI”) regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emission data, as defined at 40 C.F.R. § 2.301(a)(2), or to information required to be reported under 40 C.F.R. Part 98 where the Agency has already made a confidentiality determination or emission data determination¹ under 40 C.F.R. § 2.301(d). You must specify the page, paragraph, and sentence or line and numeral when identifying the information subject to your CBI claim. Enclosure 4 of this Information Request specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim. See 40 C.F.R. § 2.203(a), 41 Fed. Reg. 36,907.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B). Without making a determination that your business or organization is a small business, the EPA is providing you with this Small Business Resources Information Sheet which provides important information that may assist small businesses in identifying and complying with environmental requirements: <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

Please submit the requested information electronically to Ethan Thompson, U.S. Environmental Protection Agency, at thompson.ethan@epa.gov and please CC Nathan Dancher at dancher.nathan@epa.gov. Please note that the EPA server will not allow attachments over 20 MB and will not accept documents saved in a .zip file. Alternatively, Gujarat may want to

¹ See 76 Fed. Reg. 30782 (May 26, 2011), 76 Fed. Reg. 73886 (Nov. 29, 2011), 81 Fed. Reg. 89188 (Dec. 9, 2016), 77 Fed. Reg. 48072 (Aug. 13, 2012), 78 Fed. Reg. 71904 (Nov. 29, 2013).

provide documents in response to this Information Request through a secure file sharing site. Please let the EPA know your preference for electronic document submittal.

If you have any questions regarding this Information Request, please contact Ethan Thompson by email at thompson.ethan@epa.gov or by phone at (202) 564-3027 or contact Nathan Dancher at dancher.nathan@epa.gov or (202) 564-0346.

Sincerely,

MARK
PALERMO

 Digitally signed by MARK
PALERMO
Date: 2024.07.03 12:17:10
-04'00'

Mark J. Palermo, Chief
Vehicle and Engine Enforcement Branch

Enclosures: 1) Instructions and Definitions
2) Information Request
3) Statement of Certification
4) Confidential Business Information Assertion

cc (by email): Amelie Isin, isin.amelie@epa.gov
Ethan Thompson, thompson.ethan@epa.gov
Nathan Dancher, dancher.nathan@epa.gov

ENCLOSURE 1

A. Instructions

1. This Information Request is a continuing request. You are required to submit all such material within 10 calendar days of discovery in the event you learn that you possess responsive information not yet produced, or if you gain possession, custody, or control of responsive information after initially responding to this Information Request.
2. Where you have previously submitted information to the EPA that is also the subject of these requests, re-submit the information in accordance with these Instructions. Identify the information that was previously provided, the date on which it was provided, how the information was provided (e.g., electronically, mail), and the person or office at the EPA to whom it was provided.
3. Provide a separate narrative response to each request and subpart set forth in the Information Request. Provide copies of all Documents supporting your responses to this Information Request. If you have no responsive information or Documents pertaining to a particular request, submit an affirmative statement and explanation.
4. Precede each answer with the number of the request to which it corresponds and at the end of each answer identify the Person(s) (including name, title, and a description of job duties) who provided information that was used or considered in responding to that request, as well as each Person (including name, title, and a description of job duties) who was consulted in the preparation of that response.
5. Indicate on each Document produced in response to this Information Request, or in some other reasonable manner, the number of the request to which it corresponds. If a Document is responsive to more than one request, this must be so indicated and only one copy of the Document needs to be provided.
6. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner and the basis for the number provided (*e.g.*, estimated, measured or engineering judgment).
7. Where Documents or information necessary for a response are neither in Your possession nor available to You, indicate in Your response why such Documents or information are not available or in Your possession and identify any source that either possesses or is likely to possess such Documents or information.
8. Narrative Documents should be provided in searchable electronic Portable Document Format (PDF) or in Word.
9. Documents scanned from paper should be produced in legible copies.

10. For electronically stored information, including but not limited to computer files or disks, produced in response to this Information Request:
 - a. Provide detailed instructions sufficient to enable the federal government to access and retrieve the data contained in each such file or disk.
 - b. If you maintain responsive information in a commercially available software format for spreadsheets, presentations, photographs, etc. (e.g., Microsoft Excel), then:
 - i. Files should be delivered in their unlocked native format.
 - ii. Native files should be collected using a method that preserves all of the files' metadata, folder location and generates a "hash" value for verification that an exact copy of the file was collected.
 - iii. Files should be organized on the media in folders by component and custodian.
 - c. If you maintain responsive information in an enterprise database or archiving system, the system must be made available to the government for inspection including any manuals, field lists, data dictionaries, indices, etc. for the government to use to formulate methods for identifying and extracting responsive information into a usable form. Information identified as responsive within the system must be extracted in a forensically sound manner and provided with documentation of the procedures used to identify and extract the responsive information from the system.
 - d. Do not de-duplicate the production without prior notice to and consultation with the EPA.
 - e. Ensure that all submissions of electronic data are free of computer viruses and that all passwords protecting files or media are removed or provided with the media.

B. Definitions

All terms used in this Information Request, whether capitalized or lower case, will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 et seq., the AIM Act, 42 U.S.C. § 7675, implementing regulations, including 40 C.F.R. Parts 82, 84 or 98, or in this

Enclosure 1, in which case the aforementioned definitions shall prevail.²

Company means Gujarat Fluorochemicals Americas LLC and includes any predecessors, successors, parent company, subsidiaries, assignees, joint ventures, whether wholly or partially owned, or other business affiliations.

Consolidated Net Worth means,

- a. with respect to any corporation, limited liability company, limited company or other similar entity, all shareholders' equity in such Person and its subsidiaries, determined on a consolidated basis in accordance with Generally Accepted Accounting Principles (GAAP) or International Financial Reporting Standards (IFRS), as applicable (including the value of all assets properly classified as intangible assets under GAAP or IFRS), as set forth on such Person's most recently available consolidated balance sheet (which shall be as of a date not more than one hundred eighty (180) days prior to the date of determination);
- b. with respect to any limited partnership that is a private equity fund, venture capital fund or similar entity, (i) the aggregate partners' equity in such Person, determined in accordance with GAAP or IFRS, as applicable, plus (ii) the aggregate amount of all unfunded or uncalled capital commitments of the partners in such Person (including in the form of shareholder loan commitments to such Person) determined in accordance with such Person's limited partnership agreement or equivalent constituent documents that can be called upon to satisfy obligations of such Person, in each case, determined as of the most recently ended calendar quarter; or
- c. with respect to any individual, the (i) aggregate fair market value of all of the assets owned by such individual (including the value of any assets held jointly or in common with any other Person) minus (ii) the aggregate liabilities of such individual, as of the most recently available date.

Commonly Owned means a Person that is related to another Person by a shared individual owner or owners, where there is at least a single individual that owns thirty percent (30%) or more of each company, or Persons with direct family relationships (parent or sibling).

² For terms used throughout Enclosure 2, including "bulk," "import," and "regulated substance," You should reference the definitions contained in 40 C.F.R. § 84.3, which can be accessed here:

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-84/subpart-A/section-84.3>. The EPA has clarified that shipments into a Foreign Trade Zone, or FTZ, are considered "imports" within the AIM Act regulations. See Final Rule, page 55133, available here: <https://www.federalregister.gov/documents/2021/10/05/2021-21030/phasedown-of-hydrofluorocarbons-establishing-the-allowance-allocation-and-trading-program-under-the->

Control means (i) the ownership of fifty percent (50%) or more of the direct or indirect equity interest in another Person, or (ii) the power, whether by contract, equity ownership or otherwise, to direct or cause the direction of the policies or management of another Person.

Document and the plural form thereof means all written, recorded, or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this action. The term “Document” shall include, but is not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (emails), whether drafted, received, or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, in Your possession, custody, or control or to which You have or have had access.

Parent Company means a Person that has a majority, *i.e.* at least fifty percent (50%), stake in another Person.

Person or its plural or any synonym thereof, is intended to and shall embrace and include any individual, partnership, corporation, company, association, government agency (whether federal, state, local or any agency of the government of a foreign country), or any other entity, and includes Company.

Sibling Company means a Person that is related to another Person by a shared corporation with majority ownership.

Software means any tangible or non-tangible machine-readable code, information, or instructions.

Subsidiary means a company that is majority, *i.e.* at least fifty percent, owned by another Person.

We, us, and our means the delegate of the Administrator of the Environmental Protection Agency.

You and/or Your means Company and all its agents, servants, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, contractors, and others who are in possession, custody, or control (actual or constructive) of relevant information that is otherwise available to You, or may have obtained information for or on Your behalf.

ENCLOSURE 2

Information Request

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information from January 1, 2022, through the date of this Information Request, unless directed otherwise:

1. List all Commonly Owned Persons affiliated with the Company that are subject to 40 C.F.R. Part 84 and list the applicable subparts of the regulations.
2. Provide an organizational chart showing the relationship of Company to all Commonly Owned Persons.
3. Provide a list of the ultimate Parent Company or parent entities of the Company.
4. Provide a copy of Company's or any Commonly Owned Person's certificate of good standing, articles of incorporation, by-laws, and partnership or membership agreements, as applicable.
5. Provide a list of Gujarat Fluorochemicals Americas LLC employees who are or have been (since 2022) also employed by Commonly Owned Persons of the Company.
6. Provide a list of all Persons that have a direct or indirect beneficial interest in Company (other than (i) owners of publicly traded securities and (ii) limited partners in managed fund entities).
7. Provide the number of employees, Consolidated Net Worth, and gross annual revenue for 2022, 2023, and 2024 of (i) Gujarat Fluorochemicals Americas LLC and (ii) its ultimate Parent Company.
8. For each bulk regulated substance under 40 C.F.R. Part 84 that the Company has imported, transformed, exported, destroyed, repackaged, sold, distributed, or offered for sale or distribution, since January 1, 2022,³ provide the following information in the enclosed organized electronic spreadsheet:
 - a. Chemical formula;
 - b. Common name;
 - c. Chemical name (*e.g.*, HFC-125, HFC-143a, etc.) or blend name (*e.g.*, R-404A);

³ Your list must include the heels of any bulk HFCs that You have produced, imported, conferred, transformed, transferred, used as a process agent, destroyed, reclaimed, repackaged, recycled, sold, distributed, or offered for sale or distribution, since January 1, 2022. See 40 C.F.R. § 84.3.

- d. Chemical Abstracts Service (CAS) number;
- e. American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) designation of the regulated substance or blend;
- f. If a blend, the percentage by mass of each regulated substance in the blend;
- g. Brand under which the regulated substance is sold and/or marketed;
- h. Serial number of the container;
- i. Number and type of containers (e.g., ISO tanks, individual cylinders, drums, small cans) holding the regulated substance;
- j. Exchange value;⁴
- k. If the HFC is covered by an allowance, identify the allowance type (production, consumption, or application-specific), the allowance certification identification number, and/or the QR code shown on the container label, if available;
- l. If the HFC is covered by an application-specific allowance, identify the specific application for the allowance and the intended application in which the HFC will be used;
- m. Date and amount (in kg) produced;
- n. Date and amount (in kg) imported;
- o. Date and amount (in kg) transformed;
- p. Date and amount (in kg) used as a process agent;
- q. Date and amount (in kg) destroyed and method of destruction;
- r. Date and amount (in kg) reclaimed;
- s. Date and amount (in kg) repackaged;
- t. Date and amount (in kg) recycled;
- u. Date and amount (in kg) sold;

⁴ For more information on Exchange Values as well as a list of Exchange Values for regulated substances and common blends see <https://www.epa.gov/system/files/documents/2021-11/hfc-allocation-rule-ev-fact-sheet.pdf>.

- v. Date and amount (in kg) distributed;
- w. Date and amount (in kg) offered for sale;
- x. Date and amount (in kg) offered for distribution;
- y. Name and address of the company that produced the regulated substance;
- z. Name and address of the company to which you conferred the regulated substance;
- aa. Name and address of the company to which you transferred the regulated substance;
- bb. Name and address of the company to which you sold the regulated substance;
- cc. Name and address of the company to which you distributed the regulated substance;
- dd. If the regulated substance was imported⁵ into the U.S.:
 - ii. The U.S. Department of Homeland Security's Bureau of Customs and Border Protection (Customs) entry number;
 - iii. Date of import;
 - iv. Port of import;
 - v. Declared Value;
 - vi. Importer of Record number;
 - vii. Harmonized Tariff System code;
 - viii. Country from which the regulated substance was imported;
 - ix. Whether the regulated substance was imported for transformation in containers designed to hold 100 pounds or less of regulated substances;
 - x. Whether the regulated substance was imported for destruction in containers designed to hold 100 pounds or less of regulated substances; and

⁵ See "importer" definition at 40 CFR 84.3, [https://www.ecfr.gov/current/title-40/part-84#p-84.3\(Importer\)](https://www.ecfr.gov/current/title-40/part-84#p-84.3(Importer)).

- xi. Whether the regulated substance was claimed as a transshipment.
 - ee. Whether the regulated substance was exported, and if so, the date of export, the amount of regulated substance (in kg) exported, and the country to which the regulated substance was exported;
 - ff. Any exemption under 40 C.F.R. § 84.23(b)(4);
 - gg. Whether the container was modified after import; and
 - hh. Amount (in kg) of the regulated substance in your possession as of the date of this Information Request.
9. Provide the following documents for each import identified in response to Request 8:
- a. Customs Entry Form 3461 or 7501;
 - b. Any EPA petitions, non-objection notices, or other documents obtained under 40 C.F.R. §§ 84.25(a), 84.25(b), or 84.31(c)(3); and
 - c. The invoice, packing list, bill of lading, and other shipping documents.
10. If any items identified in response to Request 8 were destroyed, provide supporting documentation and proof of compliance with 40 C.F.R. § 84.31(f).
11. If any items identified in response to Request 8 were repackaged, provide a description of the repackaging, including: who did the repackaging, when it was done, and the nature of the repackaging.
12. If any items identified in response to Request 8 were sold, provide supporting documentation and copies of the sales documents (e.g., invoices, receipts).
13. If any items identified in response to Request 8 were exported, provide supporting documentation and proof of compliance with 40 C.F.R. § 84.31(d).
14. If you listed an exemption in response to Request 8. ff, provide a justification for the exemption.
15. If any containers identified in response to Request 8 were modified after import, describe the modification, including: who made the modification, when the modification was made, and the nature of the modification.
16. For any item identified in response to Request 8 that the Company claims is covered by

an allowance, provide documentation supporting this claim for each allowance, including copies of all notifications and reports that Company submitted to the EPA, and any correspondence between Company and the manufacturer or supplier pertaining to compliance under 40 C.F.R. Part 84.

17. Provide any documents describing the Company's compliance assurance processes or procedures to ensure compliance with 40 C.F.R. Part 84.

ENCLOSURE 3

Statement of Certification

I certify that I am fully authorized by Gujarat Fluorochemicals Americas LLC to provide the above information on its behalf to EPA. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

(Signature)

(Printed Name)

(Title)

(Date)

ENCLOSURE 4

Confidential Business Information

You may assert a business confidentiality claim covering some portion of the information you provide in response to this Information Request for any business information you believe may be entitled to confidential treatment under section 114(c) of the CAA, 42 U.S.C. § 7414(c); Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4); and 40 C.F.R. Part 2, Subpart B. Under section 114(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Exemption 4 under FOIA protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential[.]” 5 U.S.C. § 552(b)(4). Under 40 C.F.R. Part 2, Subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

However, your business confidentiality claims are limited by any confidentiality or emission data determinations the Agency has made through rulemaking for information required to be reported to the Agency under Part 98. In accordance with 40 C.F.R. Section 2.301(d), the general CBI rules at 40 C.F.R. Sections 2.201 through 2.215 do not apply to any information found to be emission data or not otherwise entitled to confidential treatment through rulemaking. *See* 76 Fed. Reg. 30782 (May 26, 2011), 76 Fed. Reg. 73886 (Nov. 29, 2011), 81 Fed. Reg. 89188 (Dec. 9, 2016), 77 Fed. Reg. 48072 (Aug. 13, 2012), 78 Fed. Reg. 71904 (Nov. 29, 2013). If you claim any information already determined to be emission data or not otherwise entitled to confidential treatment through rulemaking, the information may be released without further notice to you in accordance with 40 C.F.R. Section 2.301(d).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the CAA, 42 U.S.C. § 7414(c), 40 C.F.R. Part 2, Subpart B, and Exemption 4 under FOIA. **If a business confidentiality claim does not accompany the information submitted to EPA, then EPA may make the information available to the public without further notice to you. *See* 40 C.F.R. § 2.203(c).**

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Information Request. Allegedly confidential portions of otherwise non-confidential information should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. Please be specific by page (including Bates Stamp, if applicable), paragraph, and sentence when identifying the information subject to your claim. Where your claim does not include all information on a page, please place brackets around, or otherwise designate, the text that you claim to be CBI. Please note that if a page, document, group or class of documents claimed by

you to be CBI contains information which EPA determines is not CBI, your CBI claim regarding that page, document, group, or class of documents may be denied. All confidentiality claims are subject to EPA verification. If EPA reviews your CBI claim(s), EPA may send notice to your business and ask you to submit additional information to substantiate the CBI claim(s). See 40 C.F.R. § 2.204(e).

In making its final confidentiality determination, the EPA will consider the relevant substantive criteria in its CBI regulations, under 40 C.F.R. § 2.208(a)-(d), as well as the *U.S. Supreme Court's decision in Food Marketing Institute v. Argus Leader Media (Argus)*, 139 S. Ct. 2356 (2019), which evaluated the definition of "confidential" as used in Exemption 4 under FOIA. In the *Argus* decision, the Court held that at least where "[1] commercial or financial information is both customarily and actually treated as private by its owner and [2] provided to the government under an assurance of privacy, the information is 'confidential' within the meaning of Exemption 4." *Argus*, 139 S. Ct. at 2366. The definition of "trade secret" under FOIA is limited to "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." *Pub. Citizen Health Research Grp. v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). This definition requires that there be a "direct relationship" between the information at issue and the production process. *Id.*

For each item or class of information that you claim as CBI, please answer the following questions, giving as much detail as possible. EPA will use your responses to these questions to determine whether the information has been shown to be entitled to confidential treatment:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

By submitting this information, you are consenting to a limited release of any confidential business information to EPA interns and contractors pursuant to 40 C.F.R. § 2.209(f). The EPA's interns and contractors are required to sign confidentiality agreements as a requirement of their participation in EPA related matters.