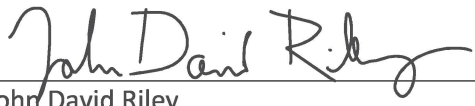


Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	July 24 – 25, 2024	
Media Program:	Toxic Substances Control Act (TSCA)	
Regulatory Program(s)	New and Existing Chemicals (NEC) Program, also known as “Core TSCA”	
Company Name:	ExxonMobil	
Facility Name:	ExxonMobil Baytown Complex	
Facility Physical Location:	5000 Bayway Drive	
(city, state, zip code)	Baytown, TX, 77520	
Mailing address:	Same	
(city, state, zip code)	Same	
County/Parish:	Harris County	
Facility Phone Number	(281) 834-1000	
Facility Contact:	Derek Morrison, P.E.	Baytown Waste Advisor
	254-545-3365	
FRS Number:	110000463178	
Identification/Permit Number:	N/A	
Media Identifier Number:	N/A	
NAICS:	Varies by program. This FRS number includes the codes 324110 – Petroleum refineries; 325110 – Petrochemical manufacturing; 325120 – Industrial gas manufacturing; and 325211 – Plastics material & resin manufacturing.	
SIC:	N/A	
Personnel participating in inspection:		
David Riley	US EPA Region 6	Inspector
Gloria Odusote	US EPA Headquarters	Inspector
Derek Morrison	ExxonMobil Baytown	Baytown Waste Advisor
Jeff Kovacs	ExxonMobil Baytown	Regional Affairs & Compliance Manager
Barbara Kellum	ExxonMobil Baytown	Environmental Section Supervisor
George Rizzo	ExxonMobil Baytown	Senior Counsel
Arend Schaap	ExxonMobil Baytown	Process Lead, Flexicoker Operation Team
Toby Cox	ExxonMobil Baytown - BTEC	Research Labs Process First Line Supervisor
Esmeralda Licia	ExxonMobil Baytown - BTEC	Lead for Advanced Recycling Lab
EPA Lead Inspector Signature/Date	 John David Riley	9/27/24 Date
Supervisor Signature/Date	H STUCKEY Digitally signed by H STUCKEY Date: 2024.09.27 10:55:57 -05'00' H. Troy Stuckey	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

The purpose of this inspection is to evaluate ExxonMobil Baytown Complex (ExxonMobil) of Baytown, Texas, for compliance with Sections 4, 5, 8, 12, and 13 of the Toxic Substances Control Act (TSCA), also referred to as the New and Existing Chemicals (NEC) program, or “Core TSCA”. These Sections are as follows:

- 4 – Testing of Chemical Substances and Mixtures
- 5 – Manufacturing and Processing Notices
- 8 – Reporting and Retention of Information
- 12 – Exports
- 13 – Entry into Customs Territory of the United States

The inspection was conducted pursuant to Section 11 of TSCA. The Core TSCA program is not state-delegated; therefore, inspections are conducted by the EPA. This is a “neutral scheme” inspection covering the calendar years 2019 to the present.

EPA initially reviewed online information from ExxonMobil concerning its advanced recycling process, in which plastic waste polymers are broken down into more basic chemical substances. These chemical substances are then used as raw materials in the manufacture of fuels, lubricants, plastics, and other products. After a review of additional information sources, the complex was selected for an inspection.

David Riley of the US EPA Region 6 Office initially called and emailed a public contact for the complex on June 13, 2024, and was directed to Derek Morrison, Baytown Waste Advisor for ExxonMobil. On June 19, Mr. Morrison confirmed July 24 and 25 for the inspection, beginning at 9:00am. On June 28, 2024, Mr. Riley emailed Mr. Morrison a signed Pre-Inspection Information Request Letter (PIRRL) containing a list of information that the company should submit for the EPA’s review [Appendix 1]. Some of the requested information (including plant layouts, Chemical Data Reporting information, and exports requiring Section 12(b) notification) was submitted through the EPA’s Central Data Exchange (CDX) on July 21, 2024.

INSPECTION ENTRY & OPENING CONFERENCE

EPA Inspectors David Riley and Gloria Odusote arrived at the facility at 9:05am on July 24, 2024. The inspectors were met by Mr. Morrison and escorted to a conference room to meet other ExxonMobil representatives. The inspectors presented their credentials and informed the representatives that the inspection would involve a review and discussion of the information requested in Appendix 1. At that time, Mr. Morrison signed the Notice of Inspection [Appendix 2]. The Confidential Business Information (CBI) Notice was discussed but was not immediately signed.

COMPANY HISTORY & FACILITY DESCRIPTION

ExxonMobil was incorporated in New Jersey in 1882. It is an American multinational oil and gas corporation, with a chemicals division that produces plastic, synthetic rubber, and other chemical products. ExxonMobil's principal business involves exploration for, and production of, crude oil and natural gas; and the manufacture, trade, transport, and sale of crude oil, natural gas, petroleum products, petrochemicals, and specialty products. ExxonMobil also investigates lower-emission business opportunities including carbon capture & storage, hydrogen, lower-emission fuels, and lithium, for which Exxon-Mobil's affiliates conduct supporting research. Many of ExxonMobil's divisions and affiliates include names such as ExxonMobil, Exxon, Esso, Mobil, or XTO.

ExxonMobil has U.S. locations in Joliet, IL; Baton Rouge, LA; Baytown, TX; Beaumont, TX; Corpus Christi, TX; and Mont Belvieu, TX. Exxon Mobil's Baytown complex is located on approximately 3,400 acres along the Houston Ship Channel, about 25 miles east of Houston. The complex consists of a refinery, chemical plant (manufacture of plastics & rubber), olefins plant (manufacture of ethylene), and a technology & engineering center ("BTEC") that conducts research on catalysts and polymers. The Baytown refinery began operating in 1920, and the Chemical Plant in 1940. The refinery has a capacity of over 500,000 barrels/day. The complex can produce approximately 4 million metric tons of ethylene/year, and approximately 800,000 metric tons of polypropylene/year. The complex has approximately 3,300 ExxonMobil employees, and approximately 4,000 contract personnel. The complex runs 24 hours/day, year-round.

ExxonMobil has approximately 62,000 employees, corporate-wide. The total corporate revenue for 2023 was approximately \$344.6 billion.

Section II – OBSERVATIONS

DAY 1 – JULY 24th

Discussion

Day 1 of the inspection began with an overview and discussion of ExxonMobil's advanced recycling facility, which has been operating in Baytown since December of 2022. Part of ExxonMobil's refining process is the flexicoker, which converts the residual long-chain hydrocarbons into low molecular weight hydrocarbons. ExxonMobil accepts certain post-consumer plastics, which the company regards as similar to its refinery residuals. The plastics are sorted, tested, and graded off-site, but ExxonMobil will occasionally perform its own testing. The post-consumer plastics are delivered to the complex via truck and are directed to the flexicoker, along with refinery residuals, with the post-consumer plastic being approximately 1% of the total feed, or 40 to 80 kilotons annually. As there is no oxygen present, the chemicals do not combust, and no catalyst is used. Once the process is complete, the resulting low molecular weight hydrocarbons can be directed to various product streams throughout the complex.

The group also discussed a Section 12(b) export notice submitted by ExxonMobil in 2023. The chemical substance in question was a sample from a BTEC study, sent outside the United States for analysis and testing. This was a one-time bench-scale study, and the sample was not used commercially.

The inspectors were taken on a vehicle tour of the complex. The group stopped at the flexicoker, where Ms. Odusote exited the vehicle to tour with facility representatives.

The afternoon of Day 1 was spent reviewing the items requested in the PIIRL, such as the company & facility history, import/export review process, and other company procedures for ensuring compliance with TSCA. ExxonMobil's corporate office has protocols for 8(d) [Health & Safety Data Reporting] and 8(e) [Substantial Risk Notifications]. Certificates of Analysis for chemical substances are also handled at the corporate level.

The review also included details on chemical data reporting (CDR), with a discussion of calculation methods involving flow meter logs. The facility will provide the EPA with an example of this method. To ExxonMobil's knowledge, there have been no CDR Form U revisions submitted.

Day 1 concluded at approximately 3:45pm.

DAY 2 – JULY 25th

Discussion

Day 2 of the inspection began at 9:25am with additional discussion of flow meter measurements. ExxonMobil will provide an example of flow meter diagrams and data tables. Substance streams and flow meters are chemical-specific, with very little switching. There is no mixing or blending of streams, as the desire is to isolate the various chemicals.

The inspectors were then guided on a tour of the BTEC; specifically, the Advanced Recycling Laboratory. The inspectors spoke with facility representatives about the different types of post-consumer plastics accepted by the complex, as well as documentation provided by suppliers. The lab performs testing on various materials, check specifications, and then send the material back to be "densified". The material then comes back to ExxonMobil in a pelletized form to be used in the flexicoker. The inspectors reviewed a sample SDS provided by a supplier.

FACILITY DOCUMENTATION

No documents were collected at the time of the inspection. ExxonMobil was still compiling some of the information requested in the inspection notification email and agreed to keep the inspectors informed of their progress.

Section III – AREAS OF CONCERN

The inspectors observed no specific areas of concern at the time. The EPA will further review information regarding the chemical identification of the flexicoker input and output, with regard to the combined post-consumer plastic plus refinery residuals. Facility representatives were very cooperative prior to and during the inspection.

CLOSING CONFERENCE

At 11:00am on July 25th, the inspectors conducted a closing conference with all present, indicating that the EPA would follow up with any questions, and that an inspection report would be finalized in approximately two months. The group discussed some modifications to the deliverables specified in the inspection notification email. The Notice of Proprietary/Confidential Business Information {Appendix 3} was signed by Mr. Morrison [Appendix 3]. The TSCA Notice of Inspection and TSCA CBI Notice were then copied by ExxonMobil, and the originals were returned to Mr. Riley. The inspectors exited the facility at 11:30am.

Section IV – FOLLOW UP

Mr. Morrison submitted additional documents via CDX on the following dates:

- August 16 – Procedures for TSCA compliance, flow meter diagram and example calculation.
- August 21 – Sample safety data sheet for supplier's post-consumer plastic, SDS for ExxonMobil polyethylene product containing post-consumer material, flexicoker flow diagram, TSCA compliance procedures.
- September 13 – Table of domestic shipments from the BTEC.

At the time of this report's finalization, the EPA is reviewing the entirety of ExxonMobil's submitted information in response to the PIIRL, in conjunction with past TSCA reports and other documentation received from the company.

Section V – LIST OF APPENDICES

Appendix 1 – Inspection Notification Email
Appendix 2 – Notice of Inspection
Appendix 3 – TSCA CBI Notice

Appendix 1
Pre-Inspection Information Request Letter
(with email)

Riley, David

From: Riley, David
Sent: Friday, June 28, 2024 8:50 AM
To: Morrison, Derek Wayne
Cc: Tilton, Connie G; Kellum, Barbara A; Odusote, Gloria
Subject: Core TSCA inspection of Exxon Mobil Baytown complex
Attachments: Exxon Mobil PIIRL jdr.pdf

[PLEASE REPLY TO CONFIRM RECEIPT]

Hello Derek –

Attached is a pre-inspection information request letter (PIIRL) detailing the items that will assist the Environmental Protection Agency in its review.

While it is helpful to have most of this information submitted in advance of the inspection, I realize that there are many elements to cover here, especially for a complex of this size. If you have any questions on this information or feel that Exxon Mobil will require additional time to compile and submit it, please contact me. We can then discuss which items can take priority for submission in advance of the inspection.

Again, thank you for your time, and I will see you at 9am on July 24th.

Sincerely,

David Riley
Inspector/Enforcement Officer
Core TSCA, EPCRA 313
US EPA Region 6 (ECDST)
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

Phone: (214) 665-7298
e-mail: riley.david@epa.gov



REGION 6

DALLAS, TX 75270

June 28, 2024

ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

Derek Morrison, P.E.
ExxonMobil Baytown Complex
2800 Decker Drive
Baytown, TX 77520
derek.w.morrison@exxonmobil.com

RE: Toxic Substances Control Act (TSCA) Inspection scheduled for ExxonMobil Baytown Complex

Dear Mr. Morrison,

This Pre-Inspection Information Request Letter (PIIRL) memorializes communications you had with John David Riley of the United States Environmental Protection Agency's (EPA) Region 6 office on June 13th through 19th, 2024. As discussed at that time, Mr. Riley and Gloria Odusote, both inspectors with the EPA, will conduct an inspection of the ExxonMobil Baytown Complex, which includes the Baytown Refinery, Chemical Plant, Olefins Plant, and Technology and Engineering Complex at 2800 Decker Drive and 3525 Decker Drive, commencing on July 24th, 2024, at 9:00 am, and extending through July 25th.

The inspection will be conducted pursuant to Section 11(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. Section 2610(a) to evaluate compliance with TSCA Sections 4, 5, 6, 8, 12 and 13. Among the specific issues to be addressed are:

- Premanufacture Notices (PMNs) submitted by the facilities, or requests for exemption from the PMN review process, including Low Volume Exemptions (LVEs), Test Marketing Exemptions (TMEs), Low Release and Low Exposure Exemptions (LoREX), and Polymer Exemptions (PEs).
- Notice of Commencements (NOCs), Bonafide Intent to Manufacture Letters, and Significant New Use Notices (SNUNs) submitted by the facilities and any associated TSCA Section 5(e) or (f) Orders issued by the EPA.
- Research and development activities and procedures in effect at the facilities, specifically as related to compliance with the requirements of a TSCA Research and Development (R&D) Exemption.

- Records maintained by the facilities pursuant to TSCA Sections 8(a), (c), (d) and (e), including the 2020 Chemical Data Reporting (CDR) Rule report.
- Facility and/or Corporate Headquarters' operations and practices developed to ensure compliance with TSCA Sections 4, 5, 6, 8, 12 and 13.
- Manufacturing and process flow diagrams for each chemical substance that is manufactured at the facilities.

To expedite the inspection process and assist us in understanding your compliance status, please ensure items requested prior to the inspection are provided in advance. Please prepare the additional requested items and have them available at the time of the inspection. The requested information should be provided as one or more electronic files in a form that allows EPA to readily retrieve and utilize the information using commercially available software, accompanied by an index that identifies the file software and version, file name(s), size(s), and date(s) of creation. Information should be submitted as a combination of portable document format (pdf) searchable (*i.e.*, using optical character recognition (OCR)) files and spreadsheet files should be submitted in comma separated value (CSV) format. These electronic files must be submitted via EPA's [Central Data Exchange \(CDX\)](#) Program Service titled "CSPP: Submissions for Chemical Safety and Pesticide Programs" under its drop-down "TSCA Enforcement and Compliance Communications" application. For more information about registering for CDX view FAQs "Where can I get a copy of the CSPP CDX Registration Guide?" Click [here](#) to download a copy of the CSPP CDX Registration Guide.

TSCA CBI Claims

Under Section 14(a) of TSCA, 15 U.S.C. § 2613(a), submitters may claim information submitted to the EPA under TSCA as CBI. TSCA CBI claims must be asserted and **substantiated** concurrently with the submission of the information, except for those types of information exempt under TSCA Section 14(c)(2). There are several procedural requirements that must be followed when asserting CBI claims in TSCA submissions. The authorized official submitting TSCA CBI claims must make several assertions as well as certify that information submitted to substantiate a TSCA CBI claim is true and correct, as required by Sections 14(c)(1)(B) and 14(c)(5) of TSCA, 15 U.S.C. § 2613(c)(1)(B) and (c)(5), and 40 C.F.R. § 2.208. The certification statement in CDX will satisfy these requirements. If a specific chemical identity is claimed as TSCA CBI, a structurally descriptive generic name must be provided. General guidance for what to include in TSCA CBI substantiations, including several sample substantiation templates, are available here: <https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations#substantiationtemplates>.

If some or all information provided in response to this PIIRL is claimed to be TSCA CBI, please follow the directions below to ensure that the security and confidentiality of the information is maintained:

- Complete the certification statement that is incorporated into CDX.
- If you are unable to provide the identity of the chemical substances or mixtures because your suppliers or customers have a CBI claim on the products that were purchased domestically, imported or exported, please submit the suppliers/customers name and address for that product with your response to this PIIRL.

- A second copy of any documents claimed as CBI must be provided with CBI claims redacted to include only that information that you are NOT claiming as CBI.

The EPA developed an information sheet entitled "U.S. EPA Small Business Resources" to help applicable small businesses understand federal and state environmental laws and rights under the Small Business Regulatory Enforcement Fairness Act. The information sheet can be found on the internet at: <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

If you have any questions concerning the inspection, please contact me at 214-665-7298 or riley.david@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "John David Riley". The signature is written in a cursive, flowing style.

John David Riley
Inspector/Enforcement Officer
US EPA Region 6 (ECADST)
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

Enclosure

ENCLOSURE

The following information is requested for the last five calendar years from the date of this inspection letter, unless otherwise specified. The information should be made available at the time of the inspection unless indicated to be submitted prior to the inspection.

Requested Information

Item #1: Provide by July 15th.

General Company Information. Provide information on the following for the inspection:

- Brief company history of ownership and business.
- Corporate structure (including foreign and domestic parent companies).
- Listing of all U.S. facilities owned by the company, including subsidiaries, and their locations.
- Number of employees on the facility and corporate level.
- Shifts per workday, hours of operation, days per week.
- Gross annual sales on the facility and corporate level for the last two complete years or accounting cycles (note the fiscal cycle) rounded to at least three significant figures.
- Identifying information for the facility and U.S. parent company, including data universal numbering system (DUNS) number.
- Importer of Record ID for all sites that import into the U.S. that are owned by the U.S. parent company.
- Scope of business, main North American Industry Classification System (NAICS) codes under which the site operates, and main industries that the company and site supply.
- Facility and/or corporate policies developed to ensure compliance with TSCA Sections 4, 5, 6, 8, 12, and 13. Section 6 policies relevant to PCB compliance are not requested at this time.
- Facility Permit IDs, including RCRA Hazardous Waste, TRI, NPDES, CAA, Air Emissions Inventory (EIS) .
- Site map of the facility

Item #2: Provide by July 15th.

Process Flow Diagrams. Provide existing diagrams and the following information for chemicals subject to TSCA Section 5 regulations (i.e. LVEs, SNURs, 5(e) Orders, etc):

- Manufacturing and processing flow diagrams for substances manufactured at the facility, listing each raw material input and the resulting products (by Chemical Abstracts Service Registry Number (CASRN) or EPA Accession Number) for each step between the particular raw material and the commercial product, including intermediates, byproducts, and catalysts, that are part of the commercial production but are not intended for sale or distribution.
- Indicate all steps including on-site use, marketing, transfer, recycling, and waste disposal.

Item #3: Provide by July 15th

Prepare a spreadsheet of chemical substances that were manufactured (including those imported), any intermediates both non-isolated and isolated, pyrolysis oils, and any and all manufactured precursors for products by the facility for the current calendar year and the past 5 calendar years. If a chemical

substance is a hydrate under the definition of *mixture* pursuant to 40 C.F.R. § 710.3, please include Chemical Abstracts Service Registry Number (CASRN) of both the hydrate and the anhydrous forms of the chemical substance. The spreadsheet should include the following information:

1. CASRN or the EPA Accession Number;
2. Chemical substance name;
3. Dates of manufacture, including import;
4. Quantity manufactured per batch, including quantity imported per shipment and shipment number;
5. Whether the chemical substance is Manufactured or Imported, or both;
6. Indicate if the chemical is a byproduct, an impurity, or a non-isolated intermediate, and isolated intermediate, and a general description of use. If the chemical is identified as a byproduct or an intermediate, indicate in the process diagrams (Item 1) how it is produced;
7. HTS Code used if imported; and
8. Indicate if an R&D Exemption (R) or Polymer Exemption (PE) has been claimed.

Please organize your response to Item #3 in a spreadsheet in tabular format:

CASRN or EPA Accession #	Product Name	Date of Manufacture (including import) [Use a separate row for each manufacture]	Quantity Manufactured per batch/Imported per shipment (in lbs)	Manufacture (M), Import (I), or Both (B)	Product use	If imported, provide HTS code	R&D (R)/Polymer (PE)

Item #4: Provide by July 15th.

Prepare a spreadsheet of the raw materials (including mixtures) acquired from domestic suppliers that were used or processed by the facility for the current calendar year and the past 5 calendar years. The spreadsheet should include the following information:

1. CASRN or the EPA Accession Number; and
2. The supplier's name and address.

Please organize your response to Item #4 in a spreadsheet in tabular format:

CASRN or EPA Accession #	Product Name	Amount received in CY 2023	Supplier's name	Supplier's address	Is the substance received for R&D purposes? (Y/N)

Item #5: Provide by July 15th.

Prepare a spreadsheet of chemical substances and the components of each mixture of the products that were exported from the United States by the facility for the current calendar year and the past 5 calendar years. List each unique CASRN only once and only if the chemical substance makes up one percent or greater of the volume of the product. The spreadsheet should include the following information:

1. CASRN or the EPA accession number for each chemical substance;
2. Export date;
3. Final destination (foreign country);
4. Section 12(b) export notice status, see 40 C.F.R. Part 707 Subpart D and <https://www.epa.gov/tsca-import-export-requirements/chemicals-subject-tsca-section-12b-export-notification-0>.

Please organize your response to Item #5 in a spreadsheet in tabular format:

CASRN or EPA Accession #	Export date	Final destination	Section 12(b) notice submitted? (Y/N or NA)

Item 6: Provide by July 15th.

Documentation Pursuant to TSCA Sections 5 and 6. Provide the following documents and information:

- TSCA Section 5(a)
 - List of PMNs and SNUNs submitted by your company or transferred to your company;
 - List of NOCs submitted by your company; and
 - Records documenting compliance with any Significant New Use Rules. Please refer to 40 C.F.R. § 721.125 to ensure submission to EPA of all required information.
- TSCA Section 5(e)/(f)
 - Records demonstrating compliance with TSCA Section 5(e)/(f) Orders.
- TSCA Section 5(h)
 - Research and development activities and procedures in effect at the facility, specifically as related to compliance with the requirements of a TSCA R&D Exemption. See recordkeeping requirements in 40 C.F.R. § 720.78;
 - Documentation of prudent laboratory practices and of the notification and evaluation of risks, where appropriate; and
 - Operating manuals or written procedures that are used by laboratory personnel to manage chemicals with unknown hazards.
 - Prepare a spreadsheet of chemical substances that the facility manufactured, processed or used under the TSCA R&D exemption for the current calendar year and the past 5 calendar years in tabular format. The list should include the following information for each chemical substance/component on an annual basis:
 - i. CASRN or the EPA accession number for each chemical substance;
 - ii. Names and addresses of those who received the R&D chemical;
 - iii. Amount distributed per shipment to each addressee; and

- iv. Make available a copy of the Safety Data Sheet, shipping label and any written notice provided to the customers for each R&D chemical.

Please organize your response to Item #6 in a spreadsheet in tabular format:

CASRN or EPA Accession #	Name of Recipient	Recipient's Address	Quantity per shipment (in lbs)	SDS, shipping label and/or written notices provided (Y/N)

- TSCA Section 6
 - Records demonstrating compliance with Section 6 rules. Please refer to 40 C.F.R. Part 751 to ensure submission to EPA of all required information.

Item #7:

Provide a narrative description of all of the types of sampling and analysis performed by Exxon Mobil at the Baytown Area, including product and emissions analysis.

Item #8:

Documentation Pursuant to TSCA Sections 4 and 8. Provide the following documents and information:

- Provide the certificate of analysis from a representative lot for each manufactured product that is used in commerce.
- TSCA Section 4
 - Letters of intent to conduct testing and proof of data submittal, or requests for exemption from testing, for chemicals manufactured or used at the facility that are subject to an active TSCA Section 4 final test rule, Consent Agreement and/or test order.
- TSCA Sections 8(a) and 8(b)
 - Recordkeeping and reporting under Section 8(a) and (b) including those for CDR;
 - For CDR, provide a Copy of Record of the 2020 Chemical Data Reporting submittal filed by or on behalf of each facility and a sample calculation of the volumes reported to 2020 CDR, including facility sources used.
- TSCA Sections 8(c), 8(d), and 8(e)
 - Documentation of allegations subject to TSCA Section 8(c) recordkeeping. Provide OSHA Injury & Illness Recordkeeping Forms 300, 300A, and 301;
 - A list of 8(d) health and safety studies submitted to EPA and copies of any known health and safety information that were not submitted to EPA. Section 8(d) as explained in 40 C.F.R. § 716.3 includes any health and safety study of any effect of a chemical substance or mixture on health or the environment or on both, including but not limited to:
 - Epidemiological or clinical studies;
 - Studies of occupational exposure;
 - In vivo and in vitro toxicological studies; and
 - Ecotoxicological studies. See: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/data-development-and-information-collection-assess-risks#studies>.

- TSCA Section 8(e) substantial risk information not known to EPA or previously submitted to EPA by your company. The TSCA Section 8(e) information includes among other items: toxicity or exposure data, full reports, summarized results, limited studies (e.g., range-finding studies), preliminary results, and draft reports that constitute sufficient evidence for Section 8(e) reporting.

Appendix 2

Notice of Inspection



United States
ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Notice of Inspection
Office of Enforcement and Compliance Assurance

1. Investigation Identification			3. Facility Name
Date 7/24/24	Inspection Number 1	Daily Seq. Number 1081	Exxon Mobil Baytown complex
2. Inspector's Address David Riley 1201 Elm Street Dallan Tx 75270			4. Facility Address 5000 Bayway Dr. Baytown Tx 77520

For Internal EPA Use. Copies may be provided to the recipient as acknowledgment of this notice.

Reason for Inspection

Under the authority of Section 11 of the Toxic Substances Control Act

For the purpose of inspecting (including taking samples, photographs, statements and other inspection activities) an establishment, facility or other premises in which chemical substances or mixtures, articles containing same are manufactured, processed, stored or held before or after their distribution in commerce (including records, files, papers, processes, control and facilities) and any conveyances being used to transport chemical substance, mixtures or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls and facilities) bearing on whether the requirements of the Act are applicable to the chemical substances, mixtures or articles, within, or associated with, such premise or conveyance have been complied with.

☐ In addition, this inspection extends to (check appropriate blocks):

☐ A. Financial Data

☐ D. Personnel Data

☐ B. Sales Data

☐ E. Research Data

☐ C. Pricing Data

The nature and extent of inspection of such data specified in A through E above is as follows:

--	--

Inspector's Signature 	Recipient's Signature
Name John David Riley	Name Derek Morrison
Title Inspector	Title Sr. ENVIRONMENTAL ADVISOR
Date 7/24/24	Date 7/24/24

Appendix 3

TSCA CBI Notice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Notice for Toxic Substances Control Act (TSCA) Inspections

NOTICE REGARDING PROPRIETARY/CONFIDENTIAL BUSINESS INFORMATION (CBI) SUBMITTED TO OR COLLECTED BY EPA IN CONNECTION WITH INSPECTIONS AND OTHER COMPLIANCE MONITORING

For information submitted to or obtained by the U.S. Environmental Protection Agency (EPA or Agency) during or after an inspection (or other compliance monitoring), regulated entities (e.g., businesses, facilities, etc.) may assert a confidentiality claim on information that it believes is a trade secret or as privileged or confidential commercial or financial information, which is protected under Exemption 4 of the Freedom of Information Act (FOIA) at 5 U.S.C. § 552(b)(4). This type of information is commonly referred to as CBI or proprietary business information (PBI). For consistency purposes, the term CBI will be used within this document. Under section 14 of TSCA, regulated entities (e.g., businesses, facilities, etc.) have a right to claim certain information submitted to the EPA in connection with an inspection (or other compliance monitoring) as CBI. 15 U.S.C. § 2613. This document provides instructions for asserting a CBI claim, under TSCA, on the business information that you provided to EPA during or after its inspection based on the time limitations defined below.

EPA is giving you this Notice so that you have the opportunity to request confidential treatment of your business information in order to ensure that EPA properly handles your business' CBI claims. If your business believes that any information that EPA will be viewing or collecting during the inspection of your business may be CBI, EPA requests that a representative of your business who has the authority to claim that information as CBI, read, fill out and sign this Notice. You must read and follow all instructions for properly giving EPA notice of your CBI claim. If you have questions about this Notice, you or a representative of your business with the authority to assert the CBI claim may request clarification from the EPA inspector or call the contact name that the inspector will give you with this Notice. EPA has also created a Questions and Answers document for this Notice that you may find helpful and is available at: <https://www.epa.gov/compliance/cbi-notice-information-collected-during-epa-inspections-or-other-compliance-monitoring>

If a CBI claim does not accompany the information submitted to EPA, or is not submitted within 10 calendar days following an inspection, as described in Paragraph (A)(1)(b), below, then the Agency may make the information available to the public without further notice. For example, the Agency may make inspection reports available to the public, including through this website at <https://echo.epa.gov>. Also, EPA may be required by law to release the information to the public.¹ For example, the FOIA requires the disclosure of Agency records that have been requested by a FOIA request unless that information falls within a FOIA exemption. However, EPA does not release information claimed as CBI to the public in response to a FOIA request. In addition, EPA is required under section 14 of TSCA to routinely review (and approve or deny) all but some exceptional CBI claims for chemical identity, and a representative subset, comprising at least 25 percent, of other types of TSCA CBI claims. 15 U.S.C. § 2613(g). Information that you claim as CBI in accordance with TSCA section 14 will be held as such until the CBI claim is withdrawn, expires, or is denied by EPA, in accordance with TSCA section 14 and 40 C.F.R. Part 2, Subpart B.

¹ Information covered by a CBI claim will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 C.F.R. Part 2, Subpart B

(A) Procedures to claim confidential treatment for information provided to EPA.

(1) You may assert a CBI claim covering part or all of the information submitted to or obtained by EPA: (a) at the time of the inspection; (b) within 10-calendar days² following the inspection for information submitted to or obtained by EPA during the inspection; or (c) at the time of submittal, if you submit information requested before or after the inspection.

(2) If you fail to assert a CBI claim before an inspection, during an inspection, or within the 10-calendar day period following the inspection, the information may be made available to the public by EPA without further notice to the business.

(3) EPA's CBI regulations are at 40 C.F.R. Part 2, Subpart B (sections 2.201-2.311). See <https://www.ecfr.gov>.

(B) Method and time of asserting business confidentiality claim.

(1) Under TSCA section 14(c), you are required to substantiate each CBI claim (with some exceptions, described in TSCA section 14(c)(2)), provide certain certification statements, and, for CBI claims concerning chemical identity, provide a structurally descriptive generic name. All of this information must be provided at the time the information claimed as CBI is submitted to EPA. More information on how to assert a claim under TSCA may be found at <https://www.epa.gov/tsca-cbi>.

(2) A business that is submitting information to EPA may assert a business confidentiality claim by highlighting, bracketing, boxing, or circling the information claimed as CBI, and marking the page or document with language such as *trade secret*, *proprietary*, *company confidential*, *PBI*, or *CBI*. You may also provide a "sanitized" or non-confidential version of the document, with all CBI removed to facilitate identification and handling of CBI by EPA.³ If your business requests confidential treatment only until a certain date or until a certain event happens, then please indicate this at the time your business makes its CBI claim.

The Notice includes a box (page 4) that you or the inspector may use to list and generally describe the CBI claims; add an attachment if more space is needed.

(3) For documents that EPA inspectors collect or copy during the inspection, a representative of the facility should provide a general description of information that is claimed as CBI in those documents when provided to the inspector. Substantiation, certification, and generic name(s) (when applicable) may be provided to EPA following the inspection, but must be received by EPA within 10 calendar days after the inspection. Similarly, assertions that photos taken by EPA include or may include CBI should be made at the time of the inspection by a representative of the facility. Such assertions should generally describe what is considered CBI by the business, for example, specific equipment or processes. Substantiation of these CBI claims must be provided within 10 calendar days following the inspection. CBI claims to documents and photos taken or collected during the inspection that are not substantiated within this 10-calendar day timeframe or are otherwise not complete according to TSCA section 14(c), will be considered by EPA to have been withdrawn. Substantiation should be directed to the address for the EPA inspector identified on the sheet attached to this notice.

² The 10-calendar day period begins on the day after an inspection concludes. For example, if the inspection of your business commenced on Monday and concluded on Tuesday, the 10-calendar day period begins on Wednesday. If the 10-calendar day period ends on a weekend day or a holiday your claim must be postmarked, or EPA contacted by telephone by the next business day. In certain instances EPA may find it necessary to disclose the information obtained during the inspection and not claimed as CBI before the 10-calendar day period expires, and as such, EPA may provide the affected business less than 10-calendar days following an inspection to assert a CBI claim.

³ You should indicate, but not black out, white out or remove, all CBI in the documents you submit to EPA so that the CBI remains visible for EPA to read. Only marking the document or page as confidential or the like is not sufficient to assert a proper CBI claim. In addition to submitting the document with legible CBI, you may also submit a copy of the document with the CBI blacked out or removed, but you may not submit only a document with the CBI blacked out or removed (a "sanitized copy."). EPA treats the sanitized copy as a publicly available document.

(C) *Substantiation of business confidentiality claim.*

Unless the information is exempt from the substantiation requirement under TSCA section 14(c)(2), substantiation must be provided with TSCA CBI claims at the time they are asserted and submitted to the agency (but note the 10-calendar day period discussed in paragraph (B) for materials collected during an inspection). EPA has developed several submission type-specific and general templates that may be used to provide substantiation (use of the templates is recommended, but not required) and has provided additional guidance on what to include in a substantiation on the EPA TSCA CBI webpage: <https://www.epa.gov/tsca-cbi>. The questions included in 40 C.F.R. § 2.204(e)(4) and the substantive criteria at 40 C.F.R. § 2.208 may also serve as a useful guide to what to include in a TSCA CBI substantiation.

(D) *Certain information not entitled to confidential treatment.*

Information that is publicly available at the time of inspection, or that is required to be disclosed to the public by law, is not entitled to confidential treatment and should not be claimed as CBI. While this is not a comprehensive list, the following types of information generally are not protected as CBI: information that is publicly available; information that was submitted to a federal, tribal, state or local government that was not claimed as CBI; information prohibited by law as CBI, such as effluent data, emissions data, or health and safety data in health and safety studies (see, e.g., TSCA section 14(b)). If a business makes a claim on any such information, EPA may make a determination under 40 C.F.R. § 2.204(d)(2) that the information is clearly not entitled to confidential treatment. See Attachment A, Questions and Answers about this Notice, for some examples of what is and is not entitled to confidential treatment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
PROPRIETARY/CONFIDENTIAL BUSINESS INFORMATION NOTICE
FOR TSCA INSPECTIONS

Facility: Exxon Mobil Baytown Complex	
Facility Address: 5000 Bayway Dr., Baytown, Tx 77520	
Facility Representative with authority to make a CBI claim (print name & title): DEREK MORRISON SR ENVIRONMENTAL ADVISOR	Inspection Number: 1 of 1
	Date: 7/24-25/24
	Signature: 
	Phone/email: 254-545-3365 derek.w.morrison@exxonmobil.com

EPA Inspector (print): John David Riley	Date: 7/24-25/24
Address: [mailing or courier address appropriate for inspector and/or inspector's Document Control Officer] 1201 Elm St., Suite 500 Dallas, TX 75270	Phone: 214-665-7298
	Email: riley.david@epa.gov

☒	I have received this Notice and DO NOT make any CBI claim on the documents and information I have provided to EPA at this time.
<i>I understand that, within 10-calendar days of the date of this inspection, if I determine that any of the documents and information I provided to EPA are CBI, I may send a written notice to the EPA inspector (address and email listed above) identifying the specific information I wish to claim as CBI.</i>	
<i>I further understand that if no CBI claim was made at the time of the inspection or within the 10-calendar day period following this inspection, the information may be made available to the public by EPA without further notice to the business. See 40 C.F.R. 2.203.</i>	

☐	I have received this Notice and DO make a CBI claim regarding the documents and information listed below that I have provided to EPA.
<i>I hereby certify to the best of my knowledge and belief that all information entered on this form is complete and accurate.</i>	
<i>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</i>	
<i>i. My business has taken reasonable measures to protect the confidentiality of the information;</i>	
<i>ii. I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;</i>	
<i>iii. I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my business; and</i>	
<i>iv. I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.</i>	
<i>Any knowing and willful materially false, fictitious, or fraudulent statement or representation is subject to criminal penalty pursuant to 18 U.S.C. § 1001.</i>	

Part B of this Notice explained how to identify information claimed as CBI. You or the inspector may use this box to list and generally describe any CBI claims. For clarity, please be as specific as possible.

Example: Internal layout of facility.

No physical documents provided DM

JDR 8/25/24