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

AUG 27 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Kathleen Nolan
Catskill Mountainkeeper
P.O. Box 1000
47B Main Street
Livingston Manor, NY 12758

Dear Ms. Nolan:

Thank you for your letter of November 20, 2017, requesting disclosure of "the confidential identities of 41 chemicals designed for use in oil and gas drilling and hydraulic fracturing that EPA identified as potentially harmful under the New Chemicals program between 2003 and 2014." As the Acting Principal Deputy Assistant Administrator of the Office of Chemical Safety and Pollution Prevention, I was asked to reply to your letter.

Your letter raises questions relating to new chemicals risk assessments and the disclosure of information, including specific chemical identity, that has been claimed as Confidential Business Information (CBI) by submitters of premanufacture notices under section 14 of TSCA, as amended.

TSCA section 14(d)(3) provides for disclosure of CBI to the public if EPA determines that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment. To disclose the confidential identities of the chemical substances as you requested, EPA would have to determine that the substances present an unreasonable risk, and that disclosure is necessary to prevent that unreasonable risk. The 41 chemicals referenced in your letter were all reviewed under EPA's New Chemicals Program, and EPA did not make a "presents unreasonable risk" determination for any of these chemicals. While our reviews identified some potential hazards associated with these chemical substances, EPA's assessments also indicated that, under the intended conditions of use, exposures would be adequately controlled to prevent any unreasonable risk. Accordingly, EPA is not making the confidential identities of these substances publicly available under section 14(d)(3).

I want to assure you that the Agency is committed to achieving full implementation of the statute's requirements to protect human health and the environment and making information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or Greg Schweer, Chief of the New Chemicals Management Branch at Schweer.greg@epa.gov or (202)564-8469.

Sincerely,

Charlotte Bertrand

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator