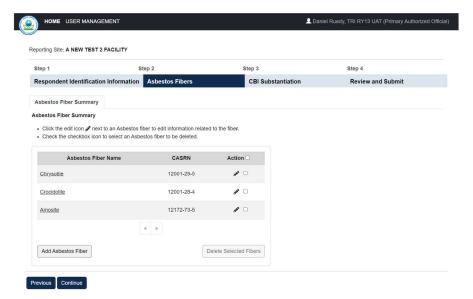
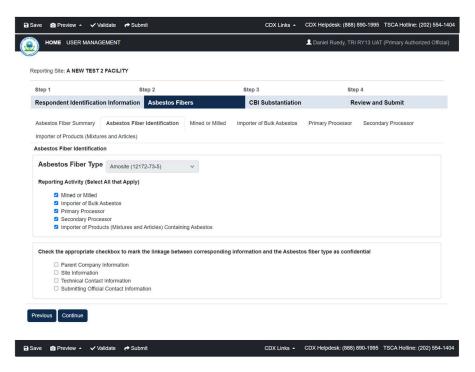
Introduction

These additional instructions explain how to claim data elements as CBI for which no CBI checkbox is available in the asbestos data reporting application. This document lists elements of the data reporting form and describes the method for claiming that element as CBI. Generally, CBI claims can be made by selecting a checkbox and providing substantiation, by selecting a radio button, or by entering "CBI" into a free text field and then including an attachment indicating which asbestos fiber(s) and element(s) the attachment supports, including the necessary substantiation information. The final page of this document describes what to include in such an attachment.

1. CBI Claims for Asbestos Fiber to Site Linkage

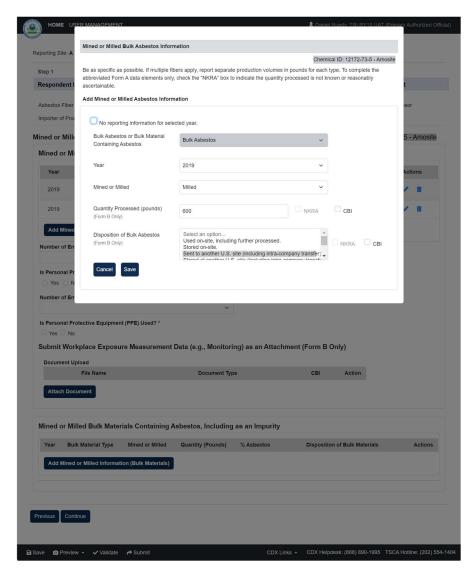


1.1 From the Asbestos Fiber Summary tab, add a new asbestos fiber or click the Edit icon to edit an existing asbestos fiber record.

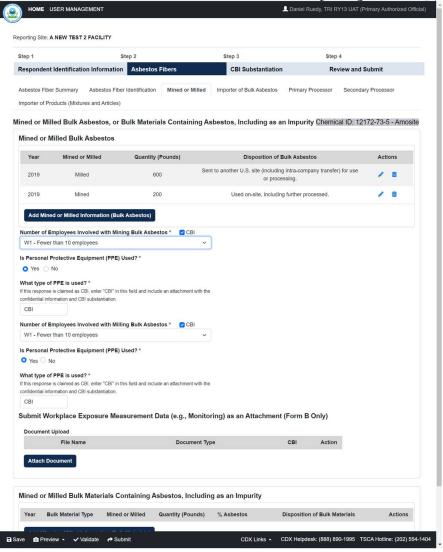


1.2 Check the appropriate checkbox(es) to mark the linkage between corresponding information (Parent Company Information, Site Information, Technical Contact Information, and Submitting Official Contact Information) and the Asbestos fiber type as CBI. Once activity reporting for all fibers is complete, you will be prompted to provide CBI substantiation in Step 3 of the application. Note that although North American Industry Classification System (NAICS) code is a data element in Site Information, NAICS cannot be claimed as CBI per 40 CFR 704.180(h)(1)(ii)(A).

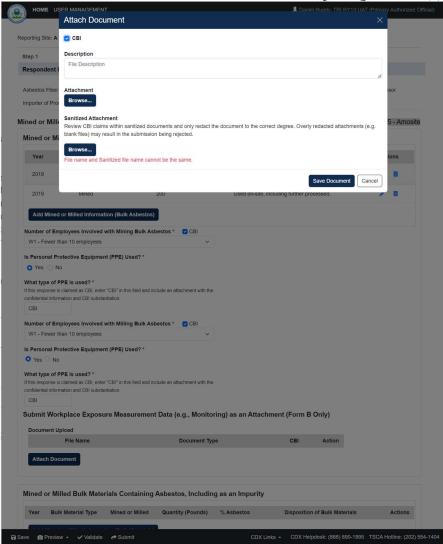




2.1 For Mined or Milled Bulk Asbestos, Quantity Processed and Disposition of Bulk Asbestos may be claimed as CBI by checking the appropriate checkbox(es). Note that data fields marked "Not Known or Reasonably Ascertainable" (NKRA) or left blank may not be claimed as CBI. Once activity reporting for all fibers is complete, you will be prompted to provide CBI substantiation for these data elements in Step 3 of the application.

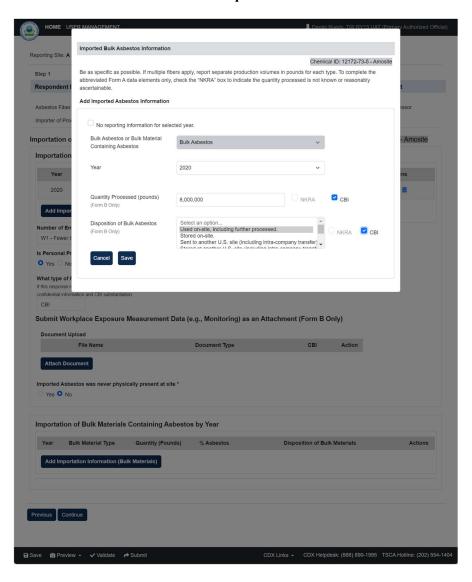


- 2.2 For the Mined or Milled activity, Number of Employees Involved with Mining Bulk Asbestos and Number of Employees Involved with Milling Bulk Asbestos may be claimed as CBI by checking the appropriate checkbox(es). Once activity reporting for all fibers is complete, you will be prompted to provide CBI substantiation for these data elements in Step 3 of the application.
- 2.3 To claim Type of PPE Used as CBI, enter "CBI" into the text field as shown and submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data."

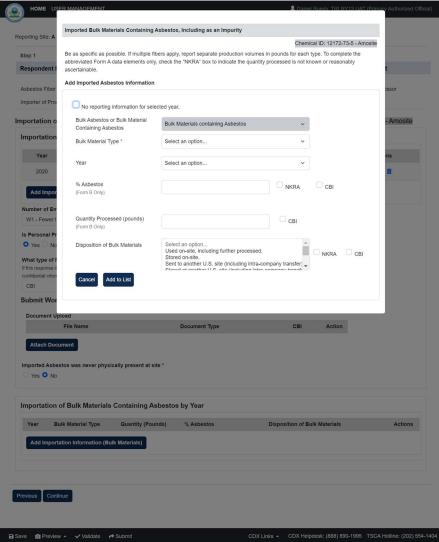


2.4 To identify the attached PPE information as CBI, check the CBI checkbox. You will be prompted to also include the information as a sanitized attachment. Click "Browse" to upload a file from your desktop. Note that each attachment must have a unique file name. Ensure that the file name(s) and any metadata associated with the file(s) do not unintentionally contain CBI. Click "Save Document" when finished.

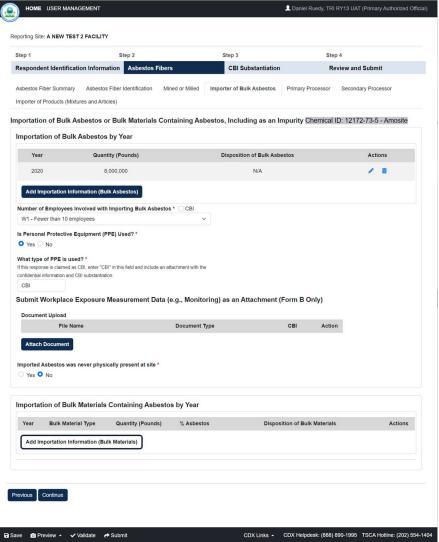
3. CBI Claims for the Imported Bulk Asbestos and Bulk Materials Containing Asbestos Activities



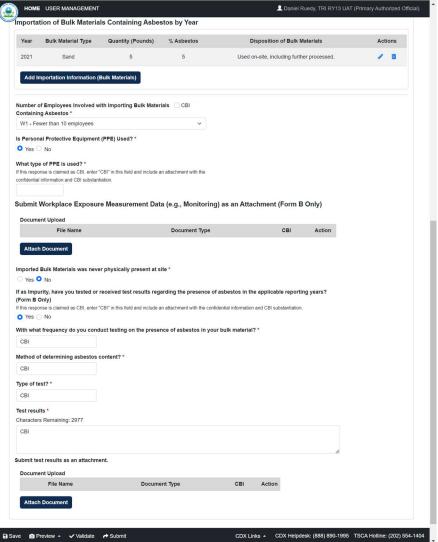
3.1 For Imported *Bulk* Asbestos,
 Quantity Processed and Disposition
 of Bulk Asbestos may be claimed as
 CBI by checking the appropriate
 checkbox(es). Note that data fields
 marked "Not Known or Reasonably
 Ascertainable" (NKRA) or left blank
 may not be claimed as CBI. Once
 activity reporting for all fibers is
 complete, you will be prompted to
 provide CBI substantiation for these
 data elements in Step 3 of the
 application.



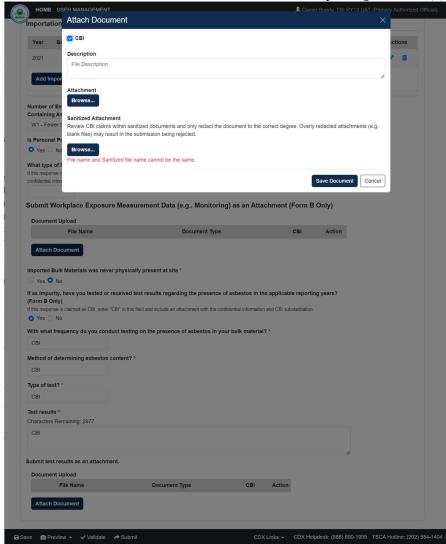
- 3.2 For Imported Bulk Materials *Containing* Asbestos, % Asbestos, Quantity Processed, and Disposition of Bulk Materials may be claimed as CBI by checking the appropriate checkbox(es). Once activity reporting for all fibers is complete, you will be prompted to provide CBI substantiation for these data elements in Step 3 of the application.
- 3.3 To claim Bulk Material Type as CBI, select "Other" from the pick list and enter "CBI" into the text field as shown. Submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data."



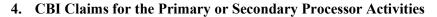
- 3.4 Number of Employees Involved with Importing Bulk Asbestos or Importing Bulk Materials
 Containing Asbestos may be claimed as CBI by checking the appropriate checkbox(es). Once activity reporting for all fibers is complete, you will be prompted to provide CBI substantiation for these data elements in Step 3 of the application.
- 3.5 To claim type of PPE used as CBI, enter "CBI" into the text field as shown and submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data."

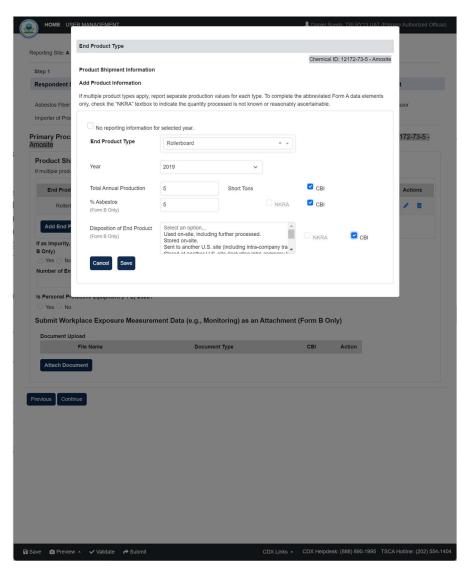


3.6 For the Importation of Bulk
Materials Containing Asbestos
activity, to claim as CBI data
elements associated with testing,
received test results, or how you
know the presence and amount of
asbestos if you have not tested or
received test results, enter "CBI" as
shown and submit the confidential
information as an attachment under
"Submit test results as an
attachment."

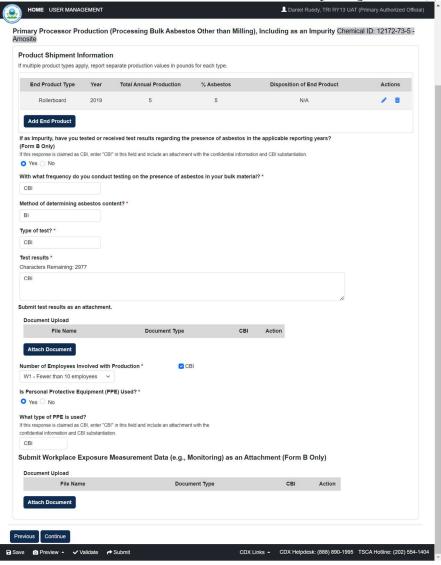


3.7 To identify the attached PPE and/or testing information as CBI, check the CBI checkbox. You will be prompted to also include the information as a sanitized attachment. Click "Browse" to upload file from your desktop. Note that each attachment must have a unique file name. Ensure that the file name(s) and any metadata associated with the file(s) do not unintentionally contain CBI. Click "Save Document" when finished.



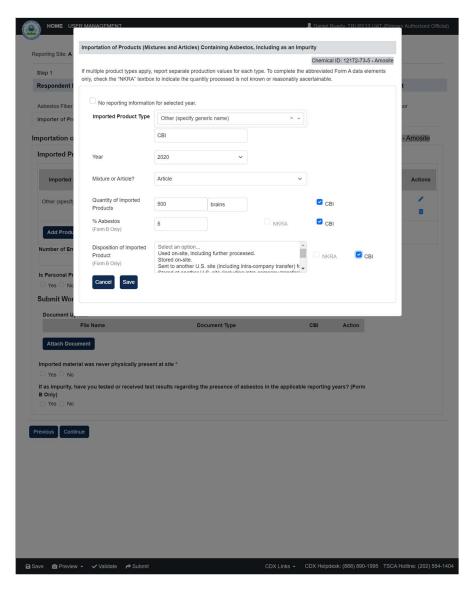


- 4.1 For Primary Processor or Secondary Processor End Product Type(s) Total Annual Production, % Asbestos, and Disposition of End Product may be claimed as CBI. Note that data fields marked "Not Known or Reasonably Ascertainable" (NKRA) or left blank may not be claimed as CBI. Once activity reporting for all fibers is complete, you will be prompted to provide CBI substantiation for these data elements in Step 3 of the application.
- 4.2 To claim End Product Type as CBI, select "Other (specify generic name)" from the pick list and enter "CBI" into the text field as shown. Submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data."

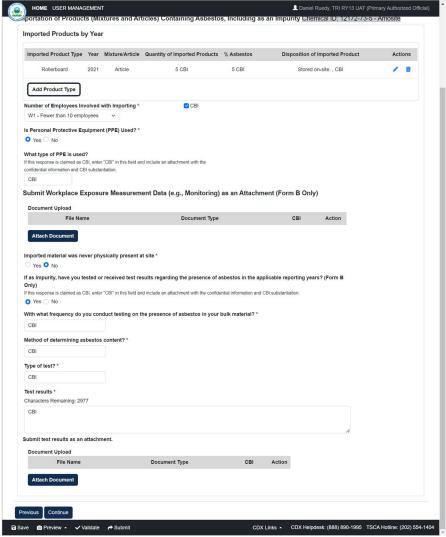


- 4.3 For Primary Processor or Secondary Processor activities, to claim Type of PPE Used or data elements associated with testing, received test results, or how you know the presence and amount of asbestos if you have not tested or received test results, enter "CBI" as shown and submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data" and "Submit test results as an attachment" as appropriate.
- 4.4 See <u>part 3.7</u> of these instructions for information on how to submit an attachment for a CBI claim.





- 5.1 For Imported Product Type(s),
 Quantity of Imported Products, %
 Asbestos, Quantity Processed, and
 Disposition of End Product may be
 claimed as CBI by checking the
 appropriate checkbox(es). Note that
 data fields marked "Not Known or
 Reasonably Ascertainable"
 (NKRA) or left blank may not be
 claimed as CBI. Once activity
 reporting for all fibers is complete,
 you will be prompted to provide
 CBI substantiation for these data
 elements in Step 3.
- 5.2 To claim Imported Product Type as CBI, select "Other (specify generic name)" from the pick list and enter "CBI" into the text field as shown. Submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data."



- 5.3 For the Importation of Products
 Containing Asbestos activity,
 Number of Employees Involved
 with Importing may be claimed as
 CBI by checking the appropriate
 checkbox. Once activity reporting
 for all fibers is complete, you will
 be prompted to provide CBI
 substantiation for these data
 elements in Step 3.
- 5.4 To claim data elements associated with PPE, testing, received test results, or how you know the presence and amount of asbestos if you have not tested or received test results, enter "CBI" as shown and submit the confidential information as an attachment under "Submit Workplace Exposure Measurement Data" and "Submit test results as an attachment" as appropriate.
- 5.5 See <u>part 3.7</u> of these instructions for information on how to submit an attachment for a CBI claim.

6. What to Include in Attachments for Each CBI Claim

Generally, CBI claims can be made by selecting a checkbox and providing substantiation. However, for certain fields, as described above, a CBI claim can be made by selecting a radio button or by entering "CBI" into a free text field and then, in both instances, including an attachment indicating which asbestos fiber and data element the substantiation in the attachment supports, including the necessary substantiation. Below, the necessary substantiation is listed. EPA recommends that you copy and paste this content into the attachment that you submit, responding to the prompts as provided. The substantiation attachment may include CBI claims, but you must also include a sanitized copy of the attachment (with all CBI information redacted).

At the top of the attachment, include the following information with the bracketed information being replaced by the details for your submission: [Year] – [Name of Fiber, Reporting Activity, and Data Element] – [Reported Data Claimed as CBI]

For each data element claimed as confidential, you must submit with your report detailed written answers to the following questions. Written answers may be claimed as CBI.

- 1. Please specifically explain what harm to the competitive position of your business would be likely to result from the release of the information claimed as confidential. How would that harm be substantial? Why is the substantial harm to your competitive position *likely* (i.e., probable) to be caused by release of the information rather than just possible? If you claimed multiple types of information to be confidential (e.g., site information, exposure information, environmental release information, etc.), explain how disclosure of each type of information would be likely to cause substantial harm to the competitive position of your business.
- 2. Has your business taken precautions to protect the confidentiality of the disclosed information? If yes, please explain and identify the specific measures, including but not limited to internal controls, that your business has taken to protect the information claimed as confidential. If the same or similar information was previously reported to EPA as non-confidential (such as in an earlier version of this submission), please explain the circumstances of that prior submission and reasons for believing the information is nonetheless still confidential.
- 3. A) Is any of the information claimed as confidential required to be publicly disclosed under any other Federal law? If yes, please explain.
 - B) Does any of the information claimed as confidential otherwise appear in any public documents, including (but not limited to) safety data sheets; advertising or promotional material; professional or trade publications; state, local, or Federal agency files; or any other media or publications available to the general public? If yes, please explain why the information should be treated as confidential. If this chemical is patented and the patent reveals the information you are claiming confidential, please explain your reasons for believing the information is nonetheless still confidential.
 - C) Does any of the information claimed as confidential appear in one or more patents or patent applications? If yes, please provide the associated patent number or patent application number (or numbers) and explain why the information should be treated as confidential.
- 4. Is the claim of confidentiality intended to last less than 10 years (see TSCA section 14(e)(1)(B))? If yes, please indicate the number of years (between 1 and 10 years) or the specific date after which the claim is withdrawn.
- 5. Has EPA, another federal agency, or court made any confidentiality determination regarding information associated with this chemical substance? If yes, please provide the circumstances associated with the prior determination, whether or not the information was found to be entitled to confidential treatment, the entity that made the decision, and the date of the determination.

Substantiation Opt-Out []

Please note that substantiation is generally required to assert a CBI claim for this information. If you are asserting that this information is exempt from the substantiation requirement according to TSCA section 14(c)(2), please note the specific exemption and provide a brief explanation. Pursuant to 40 CFR 704.180(h)(2)(iv), confidentiality claims are exempt from the requirement to substantiate the claim at the time of submission for the data elements required pursuant to <u>paragraphs</u> (e)(4)(iii)(B)(I), (iv)(B)(I), (v)(A), (v)(B)(2), (vi)(A), (vi)(B)(2), (vii)(A), and (vii)(B)(3) of 40 CFR 704.180. .

Substantiation Opt-Out Reason: