
Appendix A. Trade Secret Submissions

A.1 Instructions for Trade Secret Submissions

For any TRI-listed chemical whose identity is claimed as trade secret, two versions of the substantiation form as prescribed in 40 CFR Part 350, published July 29, 1988, in the *Federal Register* ([53 FR 28772](#)), as well as two versions of the TRI reporting form, must be submitted to EPA. Trade secret reporting must be submitted on paper.

The current substantiation form is available at: <https://www.epa.gov/epcra/epcra-trade-secret-forms-and-instructions>. One set of forms, the “unsanitized” version, must provide the actual identity of the TRI-listed chemical. The other set of forms, i.e., the “sanitized” version, must provide a generic class or category for the chemical that is structurally descriptive of the TRI-listed chemical. If EPA deems the trade secret substantiation form valid, only the sanitized set of forms will be made available to the public.

Paper submissions must be sent to both EPA (to the address provided below, under the “Where to send your trade secret submission” heading) and to the state or the designated official of an Indian tribe, in accordance with the trade secret reporting requirements. If a reporting form is not received by both EPA and the state (or the designated official of an Indian tribe), during the required time period, the submitter is considered out of compliance and subject to enforcement action. Facilities submitting paper forms must use the corresponding reporting year’s forms. These reporting forms can be found in GuideME:

https://guideme.epa.gov/ords/guideme_ext/f?p=guideme:rfi-home.

E-mailed submissions are not accepted.

EPA will not consider any trade secret claims that are submitted with incomplete Form R or Form A reports. Provided reporting thresholds are exceeded, companies must file an accurate and complete Form R or Form A report for each TRI-listed chemical by July 1 each year. Because trade secret claims must be submitted on paper and not through TRI-MEweb, facilities are advised to take caution to ensure each

section of the Form R or Form A is complete and that all calculations are accurate before mailing their trade secret claim submissions. Please ensure ample time to submit the required trade secret package to avoid late submissions. Inaccurate calculations and inaccurate trade secret packages will be considered incomplete and not timely. Failure to timely submit the aforementioned required information will result in noncompliance. Noncompliance with the reporting requirements of EPCRA Section 313 may lead to civil and administrative penalties under EPCRA 325.

Form R Reporting

EPA requests that the TRI-listed chemical, chemical category, or generic name also be indicated in the box marked “Toxic Chemical, Category, or Generic Name” in the upper right-hand corner on all pages of a Form R. While this box is not a required data element, providing this information will help in preparing a complete Form R report.

Form A Reporting

When making a trade secret claim on a Form A report, EPA requires that a facility submit a unique Form A for each TRI-listed chemical meeting the conditions of the alternate threshold. Facilities may assert a trade secret claim for a chemical identity on the Form A as on the Form R. Reports submitted on a per-chemical basis protect against the disclosure of trade secrets. Form As with trade secret claims, like Form Rs with similar claims, will be handled separately upon receipt to protect against disclosure.

All Submissions

A complete trade secret substantiation package for a TRI-listed chemical must include the following:

- A completed unsanitized version of a Form R or Form A that specifies the TRI-listed chemical identity (staple the pages together); and
- A sanitized version of a completed Form R or Form A on which the TRI-listed chemical identity items (Part II, Sections 1.1 and 1.2) have been left blank but a generic, structurally-descriptive chemical name has

- been supplied (Part II, Section 1.3) (staple the pages together); and
- An unsanitized version of a completed trade secret substantiation form (staple the pages together); and
- A sanitized version of a completed trade secret substantiation form (staple the pages together).

Securely fasten all four reports together.

Some states or tribes also require submission of both sanitized and unsanitized reports for TRI-listed chemicals whose identities are claimed as a trade secret. Others only require a sanitized version. Submitting an unsanitized version of the TRI reporting form to a state agency or Indian tribe that does not require unsanitized forms may jeopardize the trade secret status of a TRI-listed chemical. Facilities may identify an individual state or tribe's submission requirements by contacting the appropriate state- or tribe-designated TRI contact. TRI state and tribal contacts may also be found on EPA's TRI Program webpage:

- TRI State Contacts:
<https://www.epa.gov/toxics-release-inventory-tri-program/tri-state-contacts>
- TRI Tribal Contacts:
<https://www.epa.gov/toxics-release-inventory-tri-program/tri-tribal-contacts>

Where to send the trade secret submission

Please send only trade secret submissions to EPA at the address below. Send trade secret submissions by *regular, certified, or overnight mail* (e.g., Fed Ex, UPS) to:

Attention: EPCRA Substantiation Packages
CGI Federal, Inc.
c/o EPA Reporting Center
12601 Fair Lakes Circle
Fairfax, VA 22033

Facilities may also be required to submit a trade secret claim to their state or tribe. Facilities should contact the appropriate state- or tribe-designated TRI contact to confirm any additional requirements.

Revising or withdrawing trade secret submissions

Revisions and withdrawals must be performed using paper forms.

A.2 Supplemental Form R and Form A Instructions

The sections below are supplemental instructions, in addition to Chapters C. *Part I. Facility Identification Information* and D. *Part II. Chemical-Specific Information* of the Reporting Forms and Instructions (RFI), for completing paper forms submitted with a trade secret submission.

Part I. Facility Identification Information

Section 2. Trade Secret Information

2.1 Claiming the TRI-listed chemical identified on Page 2 as a trade secret

The specific identity of the TRI-listed chemical being reported in Part II, Section 1, may be designated as a trade secret. When making a trade secret claim, mark “yes” and proceed to Section 2.2. Only check “yes” if the facility manufactures, processes, or otherwise uses the TRI-listed chemical whose identity is a trade secret. If “no,” is checked, the non-trade secret form data must be submitted electronically using TRI-MEweb.

When making a trade secret claim on a Form A submission, submit a unique Form A for each TRI-listed chemical meeting the conditions of the alternate threshold.

2.2 Specifying the copy as sanitized or unsanitized

Answer this question only after the rest of the report is completed. Check “sanitized” if this copy of the report is the public version that does not contain the TRI-listed chemical identity but does contain a generic name that is structurally descriptive in its place, and if the TRI-listed chemical identity is claimed trade secret in Part I, Section 2.1. Otherwise, check “unsanitized.”

4.1 Facility Name, Location, TRI Facility Identification Number and Tribal Country Name

Facilities filing a trade secret paper form should leave the BIA field blank if the facility is not located within tribal boundaries.

Location information for a facility that has previously submitted data to EPA.

Enter the TRIFID in Part I, Section 4.1.

Location information for a facility that has previously submitted data to EPA, but has changed physical location.

If a facility has moved, do not enter the previously assigned TRIFID; enter “New Facility”. If filing a separate Form R or A for each establishment at the facility, use the same “New Facility” field for each establishment. If it is uncertain whether a TRIFID has been assigned to a new facility location, look up the address or facility name at: <https://www.epa.gov/enviro>.

Location information for a facility that has changed ownership but has not changed physical location.

The TRIFID is always associated with the physical location of a facility. If a new facility unit moves to that location, it should use the existing TRIFID. Establishments of a facility (for facilities that report by part) that report separately should use the TRIFID of the primary facility.

Location reporting to TRI for the first time.

If preparing a paper TRI reporting form for the first time for a facility's location that has never reported to TRI in previous years, enter “New Facility” in the space on the paper reporting form designated for the TRI Facility Identification number (TRIFID).

Part II. Chemical Identification Information

Section 1. TRI-Listed Chemical Identity (Form R & A)

1.1 CAS Registry Number

Report the CAS Registry Number (CASRN) or category code on the unsanitized Form R or A and unsanitized substantiation form. The EPCRA Section 313 chemicals and chemical categories subject to reporting are available at: 40 CFR 372.65, <https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals> and https://guideme.epa.gov/ords/guideme_ext/f?p=guideme:chemical-list-basic-search

Do not include the CASRN or category code on your sanitized Form R or A, or sanitized substantiation form.

1.2 TRI-Listed Chemical or Chemical Category Name

Report the specific TRI-listed chemical identity on the unsanitized Form R or A and unsanitized substantiation form. Enter the name of the TRI-listed chemical or chemical category exactly as it appears at: 40 CFR 372.65, <https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals> and https://guideme.epa.gov/ords/guideme_ext/f?p=guideme:chemical-list-basic-search. If the chemical name is followed by a synonym in parentheses, report the chemical by the name that directly follows the CAS number (i.e., not the synonym).

Do not list the name of a chemical that does not appear at: 40 CFR 372.65, <https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals> and https://guideme.epa.gov/ords/guideme_ext/f?p=guideme:chemical-list-basic-search, such as individual members of an EPCRA Section 313 chemical category. For example, if silver chloride is used, **do not** report silver chloride as its CASRN. Report this chemical as “silver compounds” with its category code, N740.

Do not report the name of the TRI-listed chemical on the sanitized Form R or A, or sanitized substantiation form. Include a generic name that is structurally descriptive in Part II, Section 1.3 of the sanitized Form R or A.

1.3 Generic Chemical Name

Section 1.3 is used only when claiming the specific TRI-listed chemical identity as a trade secret.

Enter a generic chemical name that is descriptive of the chemical structure. Limit the generic name to 70 characters (e.g., numbers, letters, spaces, punctuation) or fewer. Do not enter mixture names in Section 1.3.

In-house plant codes and other substitute names that are not structurally descriptive of the TRI-listed chemical identity being withheld as a trade secret are not acceptable as a generic name. The generic name must appear on both sanitized and unsanitized Form Rs and As, and the name must be the same as that used on the substantiation forms.

Section 5. Quantity of the TRI-Listed Chemical Entering Each Environmental Medium On-site (Form R)

5.3 Discharges to Receiving Streams or Water Bodies

Enter the receiving stream(s) and water body or bodies in Column A in the three spaces provided on Page 2 of the Form R. If the TRI-listed chemical is discharged to more than three streams or water bodies, photocopy Page 2 of Form R as many times as necessary and then number the boxes consecutively for each stream or water body. At the bottom of Page 2 are instructions for indicating the total number of Page 2s being submitted as part of the Form R as well as the sequence of those pages.

Section 6. Transfer(s) of the TRI-Listed Chemical in Wastes to Off-Site Locations (Form R)

Number the boxes for reporting the information for each sequential POTW or other off-site location in Sections 6.1 and 6.2. In the upper left-hand corner of each box, the section number is either 6.1.[] or 6.2.[]. This section is only required for facilities filing paper trade secret TRI reporting forms; TRI-MEweb does this task automatically for the reporting facility.

If a facility is reporting a transfer of the TRI-listed chemical to one or more off-site locations or POTWs, number the boxes in Section 6.1 as 6.1.1, 6.1.2, etc. If

the TRI-listed chemical is transferred to more than one POTW, photocopy Page 3 of Form R as many times as necessary and then number the boxes consecutively for each POTW (e.g., 6.1.2, 6.1.3, etc.). At the bottom of each page 3 that is submitted, indicate the total number of pages numbered “3” that you are submitting as part of Form R, as well the sequence of those pages. For example, if a facility transfers the reported TRI-listed chemical in wastewaters to two POTWs, photocopy Page 3 once, indicate at the bottom of each Page 3 that there are a total of two pages numbered “3” and then indicate the first and second Page 3. The box for the first POTW on the first Page 3 should be numbered 6.1.1 and while the box for second POTW on the second Page 3 should be numbered 6.1.2.

If a facility is reporting a transfer of the TRI-listed chemical to one or more other off-site locations, number the boxes in section 6.2 as 6.2.1, 6.2.2, etc. If a facility transfers the TRI-listed chemical to more than two other off-site locations, photocopy Page 4 of Form R as many times as necessary and then number the boxes consecutively for each off-site location. At the bottom of Page 4 are instructions for indicating the total number of Page 4s a facility is submitting as part of the Form R as well as the sequence of those pages. For example, your facility transfers the reported TRI-listed chemical to three other off-site locations. You should photocopy page 4 once, indicate at the bottom of Section 6.2 on each Page 4 that there are a total of two Page 4s and then indicate the first and second Page 4. The boxes for the two off-site locations on the first Page 4 would be numbered 6.2.1 and 6.2.2, while the box for the third off-site location on the second Page 4 should be numbered 6.2.3. Please note that section 6.2 starts on Page 3 and continues on Page 4.

Section 7. On-Site Waste Treatment, Energy Recovery, and Recycling Methods (Form R)

Section 7A: On-Site Waste Treatment Methods and Efficiency

Facilities using more than eight sequential waste treatment methods on a single general waste stream should continue listing the methods in the next row and re-number appropriately those waste treatment

method code boxes used to continue the sequence. For example, if the general waste stream in box 7A.1a had nine treatment methods applied to it, the ninth method would be indicated in the first method box for row 7A.2a. The number “1” would be crossed out, and a “9” would be inserted.

Section 8. Source Reduction and Waste Management (Form R)

8.10 Did Your Facility Engage in Any Newly Implemented Source Reduction Activities for This Chemical During the Reporting Year?

Instructions on how to report source reduction activities on a paper Form R are provided below.

If Your Facility Implemented Source Reduction Activities. Source reduction activity codes must be entered in the first column of Sections 8.10.1 through 8.10.4. Next, indicate any methods to identify the reported source reduction activity using the T-codes provided in *Chapter D. Part II, Section 8.10 a-c*.

If a facility has fewer than four source reduction codes in Section 8.10, enter “NA” in the first column of the first unused row to indicate the termination of the sequence. If all four rows are used, there is no need to terminate the sequence.

If Your Facility Did Not Implement Source Reduction Activities. If a facility did not implement any new source reduction activity for the reported TRI-listed chemical, check the “NA” box in Section 8.10 and, if possible, provide details about any barriers to source reduction implementation in Section 8.11.

8.11 Optional Pollution Prevention Information

Using the free text box in Section 8.11, optionally provide more detail about activities a facility undertook to reduce releases of the TRI-listed chemical, including source reduction, waste management methods such as recycling, energy recovery, and treatment, or other pollution control measures.

**Section 9. Miscellaneous Information
(Form R)**

**9.1 Miscellaneous, Optional, and
Additional Information on the Form R**

Using the free text box in Section 9.1, optionally provide additional information about any section of the Form R submission.

Do not submit information considered to be Confidential Business Information (CBI) or otherwise protected on the Form R.

**9.2 Optional Pollution Prevention and
Additional Information for This Toxic
Chemical on the Form A Certification
Statement**

Using the free text box in Section 9.2 of the Form A Certification Statement, optionally provide additional information about pollution prevention or other topics for each toxic chemical or mixture component included on the Form A.

Do not submit information considered to be CBI or otherwise protected on the Form A.