

3745-100-13

Trade secret claims.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (FF) of rule 3745-100-01 of the Administrative Code titled "Referenced materials."]

The owner or operator of a facility subject to the reporting requirements that claims a trade secret shall conform to ~~paragraphs (A) to (D) of this rule.~~ [the following:](#)

(A) A submitter making a trade secrecy claim under this rule shall submit to entities other than ~~U.S. EPA~~[USEPA](#) (e.g. for example, the Ohio EPA, local emergency planning committee and local fire department) only the sanitized or public copy of the submission and substantiation.

(B) Method of asserting claims of trade secrecy for information submitted under section 313 of the act.

(1) Submitters may claim as trade secret the specific chemical identity, including the chemical name and other specific identification, of any chemical subject to reporting under section 313.

(2) To make a claim, the submitter shall submit to ~~U.S. EPA~~[USEPA](#) the following:

(a) An unsanitized copy of the toxic release inventory form under section 313 of the act with the information claimed as trade secret clearly identified. To do this, the submitter shall check the box on the form indicating that the chemical identity is being claimed as a trade secret. The submitter shall enter the generic class or category that is structurally descriptive of the chemical, as specified in paragraph (C) of this rule.

(b) A sanitized copy of the toxic release inventory form. This copy shall be identical to the document in paragraph (B)(1)(a) of this rule, except that the submitter shall delete the chemical identity claimed as a trade secret. This copy shall also be submitted to the state official or officials designated to receive this information.

(c) A sanitized and unsanitized substantiation in accordance with 40 CFR 350.7 for every chemical identity claimed as trade secret.

(3) If the submitter wishes to claim information in the substantiation as trade secret or business confidential, the submitter shall do so in accordance with 40 CFR 350.7(d).

- (4) Section 313 claims shall be sent to the address specified in 40 CFR 350.16.
- (C) Method of choosing a generic class or category for section 313 of the act. A facility owner or operator claiming a chemical identity as a trade secret should choose a generic class or category for the chemical that is structurally descriptive of the chemical.
- (D) If a specific chemical identity is submitted under Title III to U.S. EPA, or to a state emergency response commission, designated state agency, local emergency planning committee or local fire department, without asserting a trade secret claim, the chemical identity shall be considered to have been voluntarily disclosed and not a trade secret.