



VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 3, 2019

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RE: Notice of Intent to File Suit Challenging EPA's Past and Ongoing Violations of Requirements to Disclose Information under TSCA and its Implementing Regulations and to Compel EPA to Perform Nondiscretionary Acts to Remedy Those Violations

Administrator Wheeler:

This is a notice of intent to sue the Environmental Protection Agency ("EPA") under the citizen suit provisions of Section 20(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2619(a), for EPA's repeated and ongoing failures to comply with TSCA's nondiscretionary mandates to disclose to the public information about new chemical substances reviewed by EPA.

This notice is being submitted on behalf of the following parties: Environmental Defense Fund, Center for Environmental Health, Environmental Health Strategy Center, Natural Resources Defense Council, Sierra Club, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial Service Workers International Union, AFL-CIO/CLC (collectively the "Listed Parties").

Under Section 5 of TSCA, 15 U.S.C. § 2604, before a chemical manufacturer can begin manufacture of a new chemical substance, it must generally submit to EPA an application on which EPA must render a determination. The manufacturer must generally submit a premanufacture notice ("PMN"), or the manufacturer may submit an application for an exemption including, as relevant here, an application under the test marketing exemption ("TME"). *See generally id.*

Section 2604 and EPA's implementing regulations mandate that EPA disclose certain information regarding the submission and review of new chemical applications under the PMN and TME provisions. For PMNs, EPA must quickly notify the public of its receipt of the PMN

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(i.e., within five business days of receipt) by publishing a notice in the Federal Register, and then must make the PMN and supporting documentation submitted with the PMN available for examination by interested members of the public. *Id.* § 2604(d). As EPA has recognized, “[t]hese provisions indicate that Congress intended informed citizen involvement in review of new chemical substances....Public participation cannot be effective unless meaningful information is made available to interested persons.” Premanufacture Notification; Premanufacture Notice Requirements and Review Procedures, 48 Fed. Reg. 21,722, 21,737 (May 13, 1983). Additionally, for applications for a test marketing exemption, EPA must immediately notify the public of receipt of an application in order to allow the public to comment. 15 U.S.C. § 2604(h)(1),(6).

Despite the unambiguous language of the statutory provisions and EPA’s implementing regulations, EPA routinely fails to disclose the information as mandated by TSCA. Accordingly, EPA has violated and is in ongoing violation of its statutory and regulatory disclosure obligations, and this suit would seek to restrain those violations under the citizen suit provision of TSCA, 15 U.S.C. § 2619(a)(1); and compel EPA to comply with its nondiscretionary duties to disclose such information under 15 U.S.C. § 2619(a)(2).

These violations and failures impede the ability of the Listed Parties, and other members of the public, to be meaningfully informed of and able to participate in EPA’s review of new chemicals. EPA must immediately cease further violations of TSCA’s information disclosure requirements for new chemicals and disclose to the Listed Parties the information to which they are legally entitled in the mandated time frames.

I. EPA fails to publish notice of receipt of a PMN within five days of receipt of the PMN and EPA fails to include all information required in the notice.

TSCA mandates that: “not later than five days (excluding Saturdays, Sundays and legal holidays) after the date of the receipt of a notice under subsection (a) or of information under subsection (b), the Administrator shall publish in the Federal Register a notice which—

- (A) identifies the chemical substance for which notice or information has been received;
- (B) lists the uses of such substance identified in the notice; and
- (C) in the case of the receipt of information under subsection (b), describes the nature of the tests performed on such substance and any information which was developed pursuant to subsection (b) or a rule, order, or consent agreement under [section 4].”

15 U.S.C. § 2604(d)(2) (emphasis added).

Thus, when a person submits a PMN for a chemical substance pursuant to 15 U.S.C. § 2604(a), EPA “shall” publish notice of receipt of the PMN in the Federal Register within five business days and the notice of receipt “shall...describe[]” certain tests submitted with the PMN. *Id.* § 2604(d)(2). Yet, EPA routinely violates and is in ongoing violation of both requirements.

A. EPA does not timely publish notice of receipt

EPA has a nondiscretionary duty to publish notice of receipt of the PMN in the Federal Register within five business days.

Despite the nondiscretionary duty established by § 2604(d)(2), EPA has failed to publish the required notice of receipt for any PMN submitted to the agency since June 30, 2019. Thus, EPA has failed to publish the required notice of receipt for the PMNs listed in Table A1, which appear in a status table on EPA's website,¹ as well as any other PMN received between July 1 and August 23, 2019, that EPA has not identified in that status table.

Moreover, even for those PMNs for which EPA eventually published notice of receipt in the Federal Register, it failed to do so within five business days as mandated by § 2604(d)(2). *See, e.g.*, Table A2. Instead, EPA publishes in the Federal Register a monthly notice listing all PMNs received in a given month, but this batch notice is invariably published months after receipt of the PMNs contained therein and is, therefore, untimely under § 2604(d)(2). For example, for the PMNs received at least since the start of 2018, EPA never once complied with the five-day requirement for publishing notice of a receipt of a PMN in the Federal Register, as reflected below:

Month in which PMN was Received	Date on which Notice of Receipt was Published in the Federal Register
January 2018	May 24, 2018 (83 Fed. Reg. 24,110)
February 2018	June 5, 2018 (83 Fed. Reg. 26,052)
March 2018	June 28, 2018 (83 Fed. Reg. 30,438)
April 2018	July 23, 2018 (83 Fed. Reg. 34,843)
May 2018	August 14, 2018 (83 Fed. Reg. 40,278)
June 2018	October 12, 2018 (83 Fed. Reg. 51,680)
July 2018	October 22, 2018 (83 Fed. Reg. 53,241)
August 2018	March 12, 2019 (84 Fed. Reg. 8860)
September 2018	March 21, 2019 (84 Fed. Reg. 10,499)
October 2018	April 4, 2019 (84 Fed. Reg. 13,287)
November 2018	April 10, 2019 (84 Fed. Reg. 14,360)
December 2018	April 10, 2019 (84 Fed. Reg. 14,368)

¹ *See* EPA, Premanufacture Notices (PMNs) and Significant New Use Notices (SNUNs) Table ("EPA PMN Table") (available at <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/premanufacture-notices-pmn-and>) (last accessed September 2, 2019). Currently, this table does not show any PMNs that EPA may have received after August 20, 2019. *Id.*

January 2019	April 10, 2019 (84 Fed. Reg. 14,365)
February 2019	May 8, 2019 (84 Fed. Reg. 20,122)
March 2019	June 20, 2019 (84 Fed. Reg. 28,799)
April 2019	July 5, 2019 (84 Fed. Reg. 32,161)
May 2019	July 9, 2019 (84 Fed. Reg. 32,732)
June 2019	August 12, 2019 (84 Fed. Reg. 39,835)
July 2019	Not Yet Published
August 2019	Not Yet Published

Although EPA invites 30 days to comment on these Federal Register notices when they are ultimately published, the delay in publication and lack of information prevents the public from providing meaningful input on PMN applications. For instance, EPA sometimes publishes notices of receipt after making a determination on the chemical, rendering the public wholly unable to participate in EPA's review of the PMN. Even where EPA publishes notice of receipt before making a determination on the PMN, the delay is so great that the public has insufficient time to meaningfully participate.

The failures by EPA to comply with the notice requirements of 15 U.S.C. § 2604(d)(2) for the PMNs contained in Table A2 constitute violations of TSCA, within the meaning of 15 U.S.C. § 2619(a)(1). The failures by EPA to comply with the notice requirements of 15 U.S.C. § 2604(d)(2) for the PMNs contained in Tables A1 constitute violations of TSCA, within the meaning of 15 U.S.C. § 2619(a)(1); and a failure of "the Administrator to perform any act or duty under this chapter which is not discretionary," 15 U.S.C. § 2619(a)(2). Together, these repeated violations over several years establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duty established by 15 U.S.C. § 2604(d)(2).

B. When EPA untimely publishes notice in the Federal Register, the notice is substantively incomplete

EPA has a nondiscretionary duty to list and describe enumerated types of test data in the notice of receipt that it publishes in the Federal Register.

A PMN submitter must include in the PMN "all test data in the submitter's possession or control" relating to the health and environmental effects of the new chemical. 40 C.F.R. § 720.50(a) (describing the test data that must be submitted); *see also* 15 U.S.C. § 2604(d)(1)(B). In the notice of receipt for the PMN in the Federal Register, EPA must publish "a list" of all such test data submitted with the PMN. 40 C.F.R. § 720.70(b)(3). In addition, for information submitted with the PMN pursuant to § 2604(b), the notice of receipt must also "describe[] the nature of the tests performed...and any information which was developed." 15 U.S.C. § 2604(d)(2)(C).

However, when EPA belatedly publishes notice of receipt of a PMN in the Federal Register, EPA does not publish a list or descriptions of the test data submitted with the PMN, despite the fact that the PMN must include such test data to the extent it exists. *See* 40 C.F.R. § 720.50(a) (a PMN “must contain all test data in the submitter’s possession or control”). For each of the PMNs listed in Table B, the notice of receipt that EPA published in the Federal Register failed to include a list or description of any test data submitted with the PMN despite the fact that the PMN included such test data. EPA should have listed all the test data submitted under § 720.70(b)(3) and EPA should have described the test data submitted under § 2604(b). 15 U.S.C. § 2604(d)(2)(C).² And for those PMNs in Table A1 for which EPA has yet to publish in the Federal Register a notice of receipt, it has necessarily failed to publish the required list or description of test data submitted with the PMNs.

The failures by EPA to comply with the notice requirements of 15 U.S.C. § 2604(d)(2)(C) and 40 C.F.R. § 720.70(b)(3) for the PMNs contained in Tables B and A1: (1) constitute a violation of TSCA or a rule promulgated under § 2604 within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “the Administrator to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. § 2604(d)(2)(C) and 40 C.F.R. § 720.70(b)(3).

II. EPA fails to publish notice of receipt of an application for a test marketing exemption as required by TSCA

TSCA mandates that “[i]mmediately upon receipt of an application” for a test marketing exemption “[EPA] shall publish in the Federal Register notice of the receipt of such application.” 15 U.S.C. § 2604(h)(6) (emphasis added); *see also* 40 C.F.R. § 720.38(c) (“after EPA receives an application for exemption under this section, the Agency will file with the Office of the Federal Register a notice containing a summary of the information provided in the application, to the extent it has not been claimed confidential.”) (emphasis added). TSCA also mandates that “[EPA] shall give interested persons an opportunity to comment upon any such application and shall, within 45 days of its receipt, either approve or deny the application.” 15 U.S.C. § 2604(h)(6) (emphasis added). “[EPA] shall publish in the Federal Register notice of the approval or denial of such an application.” *Id.* (emphasis added).

² Subsection (b) requires that persons submit information required pursuant to section 4, and it permits persons to submit information “which the person submitting the information believes shows that” the new chemical substance “will not present an unreasonable risk of injury to health or the environment.” 15 U.S.C. § 2604(b)(2)(B). It is likely that a significant amount of the information submitted with PMNs fits this latter definition because PMN submitters are generally seeking to establish that the chemical substance is not likely to present an unreasonable risk to human health or the environment. Nonetheless, the notices of receipt of PMNs do not identify which submitted information meets this standard. Given the available information, we allege that EPA has violated the duty under § 2604(d)(2)(C) to describe information with respect to PMNs identified in Table B.

For each of the applications for test marketing exemptions listed in Table C, EPA did not “immediately” publish the notice of receipt of the application as required by 15 U.S.C. § 2604(h)(6). Nor did EPA summarize the information provided in the application as required by § 720.38(c). EPA also did not inform the public of the receipt of the test marketing exemption application until after the 45-day period for making a determination on the application had expired, depriving interested persons of the opportunity to comment on the application that is required by 15 U.S.C. § 2604(h)(6). Finally, EPA also failed to publish in the Federal Register the decision it reached on the test marketing application.

These failures by EPA to comply with 15 U.S.C. § 2604(h)(6) and 40 C.F.R. § 720.38(c): (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “the Administrator to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. § 2604(h)(6) and 40 C.F.R. § 720.38(c).

III. EPA fails to make the PMNs publicly available for examination by interested persons

TSCA mandates that a PMN “shall be made available...for examination by interested persons,” subject to limited protections against the release of confidential information under § 2613. 15 U.S.C. § 2604(d)(1) (emphasis added). To do so, EPA’s implementing regulations require that EPA place “[a]ll information submitted with a [PMN], including any health and safety study and other supporting documentation” in a “public file for that [PMN].” 40 C.F.R. § 720.95; *see also id.* § 720.3(kk) (defining “[s]upport documents [to] mean[] material and information submitted to EPA in support of a TSCA section 5 notice, including but not limited to, correspondence,” (emphasis added)). Then, EPA must make the PMN’s public file publicly available by request from the EPA Docket Center and by placing it online. 40 C.F.R. §§ 700.17(b)(1),(2), 720.95.

Because EPA has previously not made the public files available online (as explained in Part IV), the Listed Parties have collectively requested from the Docket Center over 200 PMN public files which they were interested in examining. *See* Table D (identifying many public files requested by the parties).³ For many of the PMNs identified in Table D, EPA failed to comply with its nondiscretionary duty to make the PMNs, and all information submitted with the PMNs, available for examination by the Listed Parties in at least five respects:

- (1) EPA failed to include all submitted versions of the PMN application in the public files it provided to the Listed Parties;
- (2) EPA failed to include numerous health and safety studies that are part of the PMN application in the public files it provided to the Listed Parties;
- (3) EPA failed to include safety data sheets submitted with the PMN application in the public files it provided to the Listed Parties;

³ To simplify this Notice, the Listed Parties only discuss some of the public files that they have requested from EPA.

- (4) EPA failed to include documents that substantiate claims that documents in the public files contain confidential information; and
- (5) EPA failed to include correspondence supporting the PMN application in the public files it provided to the Listed Parties.

These failures to comply with EPA's nondiscretionary duties under TSCA impede the public's ability to understand and participate in the review of PMNs as intended by Congress.

A. EPA fails to make all versions of the PMN available for examination by interested persons

EPA has a nondiscretionary duty to include in public files all submitted versions of the PMN and supporting documents.

EPA allows a PMN submitter to amend the PMN or supporting documentation during the period in which EPA is reviewing the PMN.⁴ PMN submitters often submit multiple versions of the PMN for the new chemical substance. Given EPA's nondiscretionary duty to make every PMN and all supporting documentation available for public examination, EPA must provide to interested parties a public file containing every version of the PMN. 40 C.F.R. § 720.95; *see also* 40 C.F.R. § 720.40 (describing contents of a PMN).

Yet, when the Listed Parties requested from EPA's Docket Center public files for the PMNs identified in Table E, EPA provided incomplete public files that contained fewer versions of the PMN and its supporting documentation than appear to have been submitted.⁵ Thus, EPA failed to make available for examination all versions of the PMN or supporting documents, as required by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

Additionally, for the PMNs identified in Table F, EPA provided the Listed Parties a public file containing only a single version of the PMN. To the extent that multiple versions of the PMN were submitted, which the Listed Parties are unable to ascertain given that the PMNs are in EPA's possession, EPA has failed to make available for examination by interested persons all versions of the PMN or supporting documents as required by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

These failures by EPA to comply with 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95: (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of "the Administrator to perform any act or duty

⁴ *See e.g.*, Certain New Chemical Substances; Receipt and Status Information for September 2018, 84 Fed. Reg. 10,499, 10,501 (Mar. 21, 2019) (noting that EPA may receive "amendments to previous [PMN] submissions").

⁵ The existence of multiple versions in EPA's possession is evident either from the notice of receipt untimely published in the Federal Register or from the public file itself, which expressly refers to other versions that are nevertheless omitted. *See, e.g.*, 84 Fed. Reg. at 10,501 (identifying PMNs where EPA received multiple "versions" of a PMN for several new chemical substances). It is also evident when the PMN in the public file received has a submitted date that differs from the submitted date in the corresponding Federal Register notice(s).

under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

B. EPA fails to make health and safety studies available for examination by interested persons

EPA has a nondiscretionary duty to include in public files health and safety studies submitted with a PMN.

A PMN “must ... include any test data in the [PMN submitter’s] possession or control, and descriptions of other data which are known to or reasonably ascertainable by the [PMN submitter] and which concern the health and environmental effects of the new chemical substance.” 40 C.F.R. § 720.40(d)(1); *also id.* § 720.50 (describing in detail the information regarding health and safety of the new chemical substance that must be included in the PMN). Such test data, relating to the health and environmental effects of the new chemical, is a health and safety study (or is information derived from health and safety studies). *See* 15 U.S.C. § 2602(8) (defining “health and safety study”); *also* 40 C.F.R. § 720.3(k) (providing a more detailed, but equally expansive, definition of “health and safety study”).⁶ As health and safety

⁶ Each of the studies listed in Table G unambiguously meets TSCA’s expansive definition of the term “health and safety study,” which includes “any study of any effect of a chemical substance or mixture on health or the environment or on both, including underlying information and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this chapter.” 15 U.S.C. § 2602(8); *also* 40 C.F.R. § 720.3(k) (providing a more detailed, but equally expansive, definition of “health and safety study”).

EPA’s regulations further state: “Health and safety study or study means any study of any effect of a chemical substance or mixture on health or the environment or on both, including underlying data and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological, or other studies of a chemical substance or mixture, and any test performed under the Act. Chemical identity is always part of a health and safety study.

(1) Not only is information which arises as a result of a formal, disciplined study included, but other information relating to the effects of a chemical substance or mixture on health or the environment is also included. Any data that bear on the effects of a chemical substance on health or the environment would be included.

(2) Examples include:

(i) Long- and short-term tests of mutagenicity, carcinogenicity, or teratogenicity; data on behavioral disorders; dermatotoxicity; pharmacological effects; mammalian absorption,

studies submitted to EPA by the PMN submitter are a component of the PMN, they must be made available for public examination pursuant to 15 U.S.C. § 2604(d)(1) and 40 C.F.R. §§ 720.90, 720.95.

In addition, health and safety studies, and “any information” contained therein, are generally not confidential and thus not protected from disclosure in response to a public file request. *See* 15 U.S.C. § 2613(b)(2) (TSCA’s confidentiality protection “does not prohibit the disclosure of ... any health and safety study which is submitted under this Act with respect to . . . any chemical substance or mixture . . . for which notification is required under section 2604...; and any information reported to, or otherwise obtained by, [EPA] from a health and safety study (emphases added). Only in two, narrowly defined circumstances can discrete information contained within a health and safety study be protected from disclosure. EPA is not authorized to disclose discrete “information” in a health and safety study that discloses: (1) “processes used in the manufacturing or processing of a chemical substance or mixture;” or (2) “in the case of a mixture, the portion of the mixture comprised by any of the chemical substances in the mixture.” 15 U.S.C. § 2613(b)(2); *see also* 40 C.F.R. § 720.90(a) (mandating disclosure of health and safety information unless otherwise protected).

Nevertheless, in response to the Listed Parties’ requests for PMN public files, EPA routinely provides public files in which health and safety studies are redacted in a manner that violates TSCA’s unambiguous mandate to make such studies available for examination by interested persons. For example, EPA often provides health and safety studies that are redacted

distribution, metabolism, and excretion; cumulative, additive, and synergistic effects; acute, subchronic, and chronic effects; and structure/activity analyses.

(ii) Tests for ecological or other environmental effects on invertebrates, fish, or other animals, and plants, including: Acute toxicity tests, chronic toxicity tests, critical life stage tests, behavioral tests, algal growth tests, seed germination tests, plant growth or damage tests, microbial function tests, bioconcentration or bioaccumulation tests, and model ecosystem (microcosm) studies.

(iii) Assessments of human and environmental exposure, including workplace exposure, and impacts of a particular chemical substance or mixture on the environment, including surveys, tests, and studies of: Biological, photochemical, and chemical degradation; air, water, and soil transport; biomagnification and bioconcentration; and chemical and physical properties, e.g., boiling point, vapor pressure, evaporation rates from soil and water, octanol/water partition coefficient, and water solubility.

(iv) Monitoring data, when they have been aggregated and analyzed to measure the exposure of humans or the environment to a chemical substance or mixture.

(v) Any assessments of risk to health and the environment resulting from the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance.” 40 C.F.R. § 720.3(k).

in their entirety, which can never be justified by the limited exceptions in § 2613(b)(2). Moreover, even in those cases where EPA partially redacts a health and safety study, the redactions encompass material that on the face of the document cannot be justified by the limited exceptions in § 2613(b)(2).

This denial of information on potential health impacts of the new chemical impedes the public's ability to understand and meaningfully participate in EPA's decision-making process. *See e.g. Am. Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 237 (D.C. Cir. 2008) (it is "a fairly obvious proposition that studies upon which an agency relies...must be made available...in order to afford interested persons meaningful notice and an opportunity for comment").

Even if EPA did not have a mandatory duty to proactively make these studies available under § 2604(d)(1) and § 2613(b)(2) (which it does), EPA also violates its mandatory duties to reject such confidentiality claims and disclose the studies under § 2613. Under § 2613(f)(2)(B), EPA must review the confidentiality claims supporting the redactions of health and safety studies because EPA "has a reasonable basis to believe that the information does not qualify for protection from disclosure under this section." 15 U.S.C. § 2613(f)(2)(B); *see also infra* Part VI. As health and safety studies do not qualify for protection under § 2613(b)(2), EPA "shall" review and reject these confidentiality claims under § 2613(f)(2)(B). Failure to reject these confidentiality claims also violates § 2613(e)(1)(B)(ii)(II), which mandates that EPA cease protecting information once "the Administrator becomes aware that the information does not qualify for protection from disclosure."

In the PMN public files EPA has provided in response to the Listed Parties' requests, EPA has improperly redacted information from hundreds of health and safety studies listed in Table G, including 147 such studies which were redacted or withheld in their entirety. These failures by EPA to comply with 15 U.S.C. §§ 2604(d)(1), 2613(b)(2), (e)(1)(B)(ii)(II), (f)(2)(B) and 40 C.F.R. §§ 720.90, 720.95 : (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of "the Administrator to perform any act or duty under this chapter which is not discretionary," 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. §§ 2604(d)(1), 2613(b)(2), (e)(1)(B)(ii)(II), (f)(2)(B) and 40 C.F.R. §§ 720.90, 720.95.

In addition to what is listed in Table G, there may be other public files that contain improperly redacted information from health and safety studies, but that the Listed Parties have been unable to identify. For the PMNs identified in Table D, EPA may have provided public files to the Listed Parties that failed to include health and safety studies that were submitted. In those circumstances, EPA failed to comply with 15 U.S.C. §§ 2604(d)(1), 2613(b)(2), (e)(1)(B)(ii)(II), (f)(2)(B) and 40 C.F.R. §§ 720.90, 720.95. To the extent they occurred, these additional failures (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of "the Administrator to perform any act or duty under this chapter which is not discretionary," 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the

nondiscretionary duties established by 15 U.S.C. §§ 2604(d)(1), 2613(b)(2), (e)(1)(B)(ii)(II), (f)(2)(B) and 40 C.F.R. §§ 720.90, 720.95.

C. EPA fails to make safety data sheets available for examination by interested persons

EPA has a nondiscretionary duty to include in the public files safety data sheets submitted with a PMN because safety data sheets: (1) do not meet the requirements for confidentiality established in § 2613(c)(1)(B); and (2) contain information from health and safety studies that cannot be withheld as confidential.

Pursuant to the Occupational Safety and Health Act, the manufacturer of a new chemical substance must develop a safety data sheet for the chemical if the chemical poses any "physical hazard" or "health hazard." *See* 29 C.F.R. § 1910.1200(c), (g). The safety data sheet must then be widely distributed, going to any "employer," meaning any person who operates a "business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor." *Id.* § 1910.1200(c), (g). In turn, these employers must make the safety data sheet readily accessible to all employees and to the employees' designated representatives, such as a union agent. *Id.* § 1910.1200(g)(8), (11). And the Emergency Planning and Community Right-to-Know Act requires "any facility which is required to prepare or have available a material safety data sheet" to submit those safety data sheets or the hazard information contained within them to the appropriate local emergency planning committee, the State emergency response commission, and the fire department. 42 U.S.C. § 11021(a). In turn, those safety data sheets or the relevant information from them must be "made available to the general public." *Id.* § 11044(a).

Given the wide distribution of safety data sheets, safety data sheets *per se* cannot satisfy the requirements for confidentiality under TSCA. A submitter cannot reasonably claim that it has "taken reasonable measures to protect the confidentiality" of the safety data sheet, 15 U.S.C. § 2613(c)(1)(B)(i), given that the safety data sheet must be shared with all companies that use, distribute, or process the chemical, all employees of said companies, and any designated representatives of said employees. 29 C.F.R. § 1910.1200(g). Given the breadth of individuals to whom the safety data sheet must be disclosed, the submitter also cannot reasonably certify that the safety data sheet "is not required to be disclosed or otherwise made available to the public under any other Federal law." 15 U.S.C. § 2613(c)(1)(B)(ii). Accordingly, because such information "is required to be made public under [another] provision of Federal law" EPA must disclose it as part of the public file. *Id.* § 2613(d)(8).

These safety data sheets also include information from health and safety studies, e.g., toxicological, ecotoxicological, or exposure information, 29 C.F.R. § 1900.1200(g)(2), which cannot be withheld under 15 U.S.C. § 2613(b)(2).

For the PMNs in Table H, EPA unlawfully redacted the safety data sheet, in whole or in part, from the public files made available for examination by the Listed Parties. These failures by EPA to comply with 15 U.S.C. §§ 2604(d)(1), 2613(c)(1)(B)(i), (ii), (d)(8), (e)(1)(B)(ii)(II), and

40 C.F.R. §§ 720.90, 720.95⁷ (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “the Administrator to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. §§ 2604(d)(1), 2613(c)(1)(B)(i), (ii), (d)(8), (e)(1)(B)(ii)(II) and 40 C.F.R. §§ 720.90, 720.95.

D. EPA fails to make substantiation documents available for examination by interested persons

EPA has a nondiscretionary duty to include in the public files substantiation documents associated with a PMN.

A PMN submitter who claims that a PMN or supporting information contains confidential information that is protected from disclosure under TSCA must generally substantiate that claim by contemporaneously submitting certain information to EPA.⁸ 15 U.S.C. § 2613(c)(3); 40 C.F.R. § 2.204(e) (describing the information that must be submitted); 82 Fed. Reg. 6522, 6522 (Jan. 19, 2017) (“EPA has determined that [15 U.S.C. § 2613(c)(3)] requires an affected business to substantiate all TSCA CBI claims...at the time the affected business submits the claimed information to EPA.”). If the PMN submitter claims that information in this substantiation document is itself protected as confidential under § 2613, the PMN submitter must provide “a sanitized copy” of the substantiation document, which EPA must place in the public file. 40 C.F.R. § 720.80(b)(2).

These substantiation documents constitute “information submitted with a [PMN],” which EPA must make available for examination in the public file for the PMN. 40 C.F.R. § 720.95.

Despite EPA’s mandatory duty to make substantiation documents available for examination, EPA has repeatedly failed to provide such documents in the public files EPA makes available to the Listed Parties. A significant portion of the public files requested by the Listed Parties in Table D that contained redactions of purportedly confidential information lacked substantiation documents. Table I identifies those PMNs where the PMN or supporting information contains redactions claiming confidential treatment for certain information but the public file lacks a substantiation document.

To the extent these public files contain claims for confidentiality for information that is not exempt from substantiation under § 2613(c)(2), these failures by EPA to comply with 15 U.S.C. § 2604(d)(1) and 40 C.F.R. §§ 720.80, 720.95: (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “the Administrator to perform any act or duty under this chapter which is not

⁷ To the extent these safety data sheets also contain health and safety information, EPA also fails to comply with 15 U.S.C. §§ 2604(d)(1), 2613(b)(2), (d)(7),(8), (f)(2)(B) and 40 C.F.R. §§ 720.50, 716.55(a)(1), 720.90, 720.95.

⁸ Certain express categories of information are exempted from this substantiation requirement. 15 U.S.C. § 2613(c)(2).

discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. §§ 720.80, 720.95.

E. EPA fails to make all correspondence related to PMNs available for examination by interested persons

EPA has a nondiscretionary duty to include in the public files all correspondence related to the PMN.

Given EPA’s nondiscretionary duty to make every PMN and all supporting documentation, including correspondence, available for public examination, EPA must provide all correspondence related to the PMN in the public file produced to interested parties. 40 C.F.R. § 720.40(d)(1); *Id.* § 720.95.

Yet, when the Listed Parties requested public files from EPA’s Docket Center, EPA regularly provided incomplete public files that did not include correspondence between the PMN submitter and EPA. To the extent such correspondence exists for the PMNs identified in Table J, a fact the Listed Parties cannot conclusively ascertain given that the full PMN files are solely in EPA’s possession, EPA failed to make available any correspondence when it provided public files to the Listed Parties, as required by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

These failures by EPA to comply with 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95: (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “the Administrator to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

IV. EPA systematically violates its duty to make PMNs and supporting information available online.

EPA must make PMNs and supporting information available for examination by interested persons, and to do so EPA’s implementing regulations require that EPA provide these materials online.

Section 2604(d)(1) requires that the PMN and supporting information “shall be made available . . . for examination by interested persons.” 15 U.S.C. § 2604(d)(1), (b)(3); *also* 40 C.F.R. § 720.95 (mandating that “[a]ll information submitted with a notice, including any . . . supporting documentation, will become part of the public file for that notice.”). Those “[p]ublicly available docket materials are available at the address[] in § 700.17(b)(1). . . .” *Id.* Section 700.17(b)(1) states that “[p]ublicly available docket materials are available in the electronic docket at <http://www.regulations.gov>.” *Id.* § 700.17(b)(1). Thus, complete public files must be publicly available in electronic dockets at [regulations.gov](http://www.regulations.gov) under § 720.95.

EPA has violated this duty with respect to every recent PMN, and EPA has violated this duty with respect to each and every PMN cited in Table D. Neither complete PMNs nor their complete public files are available on regulations.gov.

These violations occurred when EPA received the PMNs and failed to place them and their supporting information online in electronic dockets, and the violations continue to occur to the present day because EPA has still not placed these PMNs online.

These failures by EPA to comply with 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95: (1) constitute a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “[EPA] to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

V. EPA does not make and publish determinations on at least 25 percent of the confidentiality claims received with PMN submissions.

EPA must review a representative subset comprising at least 25 percent of the confidentiality claims received with PMN submissions (except for those falling under § 2613(c)(2) and for claims for specific chemical identity)⁹ and EPA must make its determinations on those claims publicly available, but it appears that EPA systematically fails to review these confidentiality claims, and EPA has not made a single such determination public.

Except for confidentiality claims made under § 2613(c)(2), EPA has an affirmative obligation to review a representative subset comprising at least 25 percent of all other confidentiality claims (hereafter non-exempted confidentiality claims) within 90 days of receipt. *See* 15 U.S.C. § 2613(g)(1)(A), (C). Specifically, § 2613(g) is titled “duties of [EPA]” and § 2613(g)(1)(A) provides that “[e]xcept for claims regarding information described in subsection (c)(2), [EPA] shall, subject to subparagraph (C), not later than 90 days after the receipt of a claim . . . review and approve, approve in part and deny in part, or deny the claim or request.” 15 U.S.C. § 2613(g)(1)(A) (emphasis added). Subparagraph (C) requires, as relevant here, that EPA “review a representative subset, comprising at least 25 percent,” of confidentiality claims. *Id.* § 2613(g)(1)(C)(ii). Thus, EPA should be reviewing at least 25 percent of non-exempted confidentiality claims received with PMN submissions to comply with the requirement that EPA review a “representative subset” of non-exempted confidentiality claims received. *Id.* § 2613(g)(1)(C)(ii).

EPA has acknowledged the obligation to review at least 25 percent of the non-exempted confidentiality claims received. *See* EPA, Confidential Business Information under TSCA, <https://www.epa.gov/tsc-cbi/epa-review-and-determination-cbi-claims-under-tsc> (last visited

⁹ Under § 2613(g), EPA must review all claims for confidentiality for specific chemical identity, except those identified in subsection (c)(2)(G). *See* 15 U.S.C. § 2613(g)(1)(A), (C)(i). To simplify the discussion of the confidentiality claims at issue here, we do not further discuss EPA’s obligations to review confidentiality claims for specific chemical identity in this Notice.

September 2, 2019). “In satisfying the obligation to review a representative subset of 25 percent of non-specific chemical identity CBI claims, EPA reviews every fourth submission received that contains non-specific chemical identity CBI claims.” *Id.* EPA’s review is supposed to assess whether all procedural and substantive requirements for a confidentiality claim are met. *See id.* EPA states that it evaluates “submissions with CBI claims to ensure that procedural requirements for making a claim are met. These requirements include:

- the required certification statements;
- information claimed as CBI is clearly identified;
- substantiation of CBI claims for information that is not exempt from substantiation under section 14(c)(2); and
- sanitized copy provided where needed.”

Id. EPA states that it then considers whether the confidentiality claim meets the requirements of § 2613 after considering a business’s claim and substantiation, any previous determinations which are pertinent, and other materials as appropriate. *Id.*

EPA must then make a “determination” on those claims, *id.* § 2613(g)(1), and make those confidentiality determinations available to the public pursuant to § 2625(j)(1), which provides that EPA “shall make available to the public—all . . . determinations, findings, . . . and orders of [EPA] under this title.” 15 U.S.C. § 2625(j)(1). Even if EPA contended that these were not determinations (despite the fact that the statute expressly labels them determinations in § 2613(g)(1)), these final decisions on confidentiality claims would be “findings” and “orders” of the agency under the plain meaning of those terms. Regardless of which label is applied to EPA’s determinations on confidentiality claims, they must be made publicly available under § 2625(j)(1).

Under the law, EPA should have published determinations for at least 25 percent of the non-exempted confidentiality claims made with PMNs and their supporting documentation submitted more than 90 days ago. The vast majority of PMNs we have reviewed contained confidentiality claims (188 of 204 public files), and based on our review, almost all of those PMNs include some confidentiality claims for information that is not exempted by § 2613(c)(2) from substantiation and EPA review. EPA received over 1,000 PMNs between the Lautenberg Act’s passage and 90 days ago, and EPA should have reviewed at least 25 percent of the confidentiality claims made with those PMNs.

Despite these duties and based on available evidence, EPA does not appear to have completed a review of and made a determination on any of the confidentiality claims made with these submissions, much less 25 percent of those claims. EPA has not published a single determination on a single confidentiality claim made in the PMNs and their supporting documentation. Since EPA must make its determinations publicly available, the lack of such public determinations establishes that EPA is violating either its duty to review and make the determination under § 2613(g) or to publish the determination under § 2625(j), or both. Further evidence of this failure is that it does not appear that any company has challenged a denial of a confidentiality claim as provided for in 15 U.S.C. § 2613(g)(2)(D). These violations occurred

when EPA failed to make a determination within 90 days of receiving the relevant confidentiality claim.

These failures by EPA to comply with 15 U.S.C. §§ 2613(g), 2625(j): (1) constitute a violation of TSCA, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “[EPA] to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. §§ 2613(g), 2625(j).

VI. Even where EPA has a reasonable basis to believe the information does not qualify for protection, EPA does not review confidentiality claims.

With respect to the submissions described below, EPA also violates its mandatory duty under § 2613(f)(2)(B) to review confidentiality claims where “[EPA] has a reasonable basis to believe that the information does not qualify for protection from disclosure under this section.” 15 U.S.C. § 2613(f)(2)(B). The confidentiality claims in the categories discussed below are deficient in ways that create a reasonable basis to believe that the information does not qualify for confidentiality under TSCA § 2613. Therefore, EPA “shall” review these confidentiality claims under § 2613(f)(2)(B). *Id.* That review should end in a determination on the confidentiality claim, *id.* § 2613(g)(1), which EPA must publish, *id.* § 2625(j).

But EPA has not published a single determination regarding these claims, and since EPA should make its determinations publicly available, the lack of such determinations establishes that EPA is violating either its duty to perform the review and make the determination under § 2613(f)(2)(B) or to publish the determination under § 2625(j), or both. The upshot is that EPA persists in withholding this information from the public despite the flaws with these confidentiality claims.

These violations occurred no later than when EPA withheld the information despite having a reasonable basis to believe that the information does not qualify for protection from disclosure. The violations may have occurred earlier, though we cannot identify the precise dates of earlier violations given the opaque nature of EPA’s processing of confidentiality claims. The violations continue to the present day because EPA continues to withhold this information.

A. EPA unlawfully allows confidentiality claims without the required substantiation documents.

As previously described in Part III.D, EPA has provided numerous public files containing non-exempted confidentiality claims and no substantiation documents. *See* Table I. To the extent persons are submitting non-exempted confidentiality claims without providing substantiations, the confidentiality claims fail to meet the requirement that persons must substantiate a claim when submitting the information for which the claim is made. 15 U.S.C. § 2613(c)(3); 82 Fed. Reg. at 6522. Accordingly, EPA should deny claims for confidentiality when submitters fail to substantiate those claims at the time the information is submitted. EPA itself has described that substantiation is a necessary procedural requirement for any non-exempted claim. EPA,

Confidential Business Information Under TSCA, <https://www.epa.gov/tsca-cbi/epa-review-and-determination-cbi-claims-under-tsca> (last visited September 2, 2019).

Based on our review of PMNs in Table I, many include confidentiality claims for information that clearly does not fall within the exemptions of § 2613(c)(2). To the extent that submitters failed to assert that the confidentiality claims were exempt under § 2613(c)(2), EPA should have rejected such non-exempted confidentiality claims at the outset because they do not include the substantiation required by § 2613(c)(3). Even where EPA failed to reject such claims, because these claims lack substantiation, EPA had no basis for upholding the confidentiality claims when reviewing the claims under § 2613(g)(1) and should have rejected the claims as invalid. Even if EPA were not required to reject the claims on this basis at the outset, the absence of the substantiation creates “a reasonable basis to believe that the information does not qualify for protection from disclosure under this section.” 15 U.S.C. § 2613(f)(2)(B). As a matter of law, an unsubstantiated non-exempt claim does not qualify for protection, and in addition, the failure to substantiate the claim raises the adverse inference that the relevant evidence would undermine the claim for confidentiality. *See, e.g., Int’l Union, United Auto., etc. v. NLRB*, 459 F.2d 1329, 1336 (D.C. Cir. 1972) (explaining that under adverse inference rule “when a party has relevant evidence within his control which he fails to produce, that failure gives rise to an inference that the evidence is unfavorable to him”).

For the PMNs identified in Table I, to the extent persons are submitting non-exempted confidentiality claims without providing substantiations, EPA failed to reject claims lacking the necessary substantiation, and where it reviewed such claims, failed to make the required determinations publicly available, or both. These failures by EPA to comply with 15 U.S.C. §§ 2613(c), (e)(1)(B)(ii)(II), (f)(2)(B), (g)(1), 2625(j): (1) constitute a violation of TSCA within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “the Administrator to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. §§ 2613(c), (e)(1)(B)(ii)(II), (f)(2)(B), (g)(1), 2625(j).

B. EPA allows persons to rely on § 2613(c)(2) exemptions for information that does not fall within those exceptions.

EPA has also violated its duty to review claims as required by § 2613(f)(2)(B) by allowing persons to rely on § 2613(c)(2) exemptions when they are clearly inapplicable. If EPA were reviewing confidentiality claims as required by law, EPA would reject these confidentiality claims for the failure to substantiate claims falling outside 15 U.S.C. § 2613(c)(2).

Submitters often rely on the § 2613(c)(2) exemptions from substantiation when these exemptions are obviously inapplicable given the nature of the information claimed as confidential. *See* Table K. Where a submitter’s confidentiality claim facially does not fall under one of the § 2613(c)(2) exemptions, EPA has a mandatory obligation to review the claim under § 2613(f)(2)(B), require the submitter to reassert and substantiate the claim, and deny the claim if it does not meet the relevant requirements for protection. 15 U.S.C. § 2613(f).

With respect to all of the PMNs in Table K, EPA has violated its duties to review confidentiality claims and deny them when they do not meet the requirements for confidentiality, because these PMNs all claim exemptions under § 2613(c)(2) for information and entire documents that clearly do not fall within the cited exemption. EPA failed to make publicly available a determination denying the claim, demonstrating that EPA did not deny the claim or failed to publish the determination, or both. EPA has likely violated these duties with respect to many more PMNs, but because both the associated substantiations and underlying documents are heavily redacted, we cannot always assess whether a submitter has claimed an exemption under § 2613(c)(2) or whether there is a reasonable basis for allowing a submitter to claim an exemption under § 2613(c)(2).

These failures by EPA to comply with 15 U.S.C. §§ 2613(f)(2)(B), 2613(c)(2), (e)(1)(B)(ii)(II), 2625(j): (1) constitute a violation of TSCA within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “[EPA] to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. §§ 2613(f)(2)(B), (c)(2), (e)(1)(B)(ii)(II), 2625(j).

C. EPA fails to deny confidentiality claims seeking indefinite protection when § 2613(e) provides that information is only protected for disclosure for ten years absent an exception under § 2613(c)(2) or an extension.

EPA also fails to deny confidentiality claims that request indefinite nondisclosure in violation of § 2613(e), which provides that EPA shall only protect information for a period of ten years (except for claims under § 2613(c)(2) or upon the granting of a later request for extension of the confidentiality claim). *See* 15 U.S.C. § 2613(e)(1)(B). Section 2613(e)(1)(B) provides that (except for information under § 2613(c)(2)), EPA shall protect the confidential information only “for a period of 10 years from the date on which the person asserts” the confidentiality claim. *Id.*

Where EPA receives claims requesting indefinite protection from disclosure, when the statute expressly limits such claims to ten years, EPA has a reasonable basis to believe that the information does not qualify for indefinite protection and must review the claim pursuant to 15 U.S.C. § 2613(f)(2)(B).

For the PMNs in Table L, for which EPA received claims unlawfully requesting indefinite protection from disclosure, EPA failed to make publicly available a determination denying the claim, demonstrating that EPA did not deny the claims, failed to publish the determination, or both. The fact that EPA has remained silent in response to so many illegal requests for indefinite nondisclosure indicates that EPA is not reviewing the confidentiality claims at all, in violation of its obligations under § 2613(f)(2)(B).

These failures by EPA to comply with 15 U.S.C. §§ 2613(f)(2)(B), 2613(e)(1)(B), 2625(j): (1) constitute a violation of TSCA within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute a failure of “[EPA] to perform any act or duty under this chapter which is not discretionary,” 15 U.S.C. § 2619(a)(2); and (3) establish that EPA has a pattern or practice of

violating the requirements of, and failing to comply with the nondiscretionary duties established by 15 U.S.C. §§ 2613(f)(2)(B), (e)(1)(B), 2625(j).

VII. Listed Parties and Counsel

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Sincerely,

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TABLES OF VIOLATIONS

Table A1: PMNs for which EPA has not published notice of receipt in the Federal Register

PMN Case No.	Date on which PMN was received by EPA ¹	Date of Violation ²
P-19-0099	June 18, 2019	June 26, 2019
P-19-0111	July 1, 2019	July 9, 2019
P-19-0121	July 11, 2019	July 19, 2019
P-19-0122	June 28, 2019	July 8, 2019
P-19-0123	June 28, 2019	July 8, 2019
P-19-0124	June 28, 2019	July 8, 2019
P-19-0125	June 28, 2019	July 8, 2019
P-19-0126	June 28, 2019	July 8, 2019
P-19-0127	June 28, 2019	July 8, 2019
P-19-0128	June 28, 2019	July 8, 2019
P-19-0129	June 28, 2019	July 8, 2019
P-19-0130	July 8, 2019	July 16, 2019
P-19-0131	July 17, 2019	July 25, 2019
P-19-0132	July 15, 2019	July 23, 2019
P-19-0133	July 18, 2019	July 26, 2019
P-19-0136	July 23, 2019	July 31, 2019
P-19-0138	July 25, 2019	August 2, 2019
P-19-0139	July 26, 2019	August 5, 2019
P-19-0140	July 29, 2019	August 6, 2019
P-19-0142	July 31, 2019	August 8, 2019
P-19-0143	August 20, 2019	August 28, 2019
P-19-0144	August 5, 2019	August 13, 2019
P-19-0145	August 15, 2019	August 23, 2019
P-19-0146	August 13, 2019	August 21, 2019
P-19-0147	August 16, 2019	August 26, 2019

¹ The Listed Parties based the date of receipt based on the "Received Date" listed in the EPA PMN Table, See Notice of Intent, 2 n.1, which may not accurately reflect the date on which EPA first received the PMN.

² In turn, the date of violation is five business days from the Received Date, listed in the EPA PMN Table.

Table A2: PMNs for which EPA untimely published notice of receipt in the Federal Register

PMN Case No.	Date on which EPA received the PMN ³	Date of Violation (5 business days after Received Date) ⁴	Date of Publication of Notice of Receipt in the Federal Register	No. of Days Publication was Delayed
P-14-0314	February 7, 2014	February 17, 2014	September 16, 2014	211
P-14-0482	April 2, 2014	April 10, 2014	September 16, 2014	159
P-15-0726	September 4, 2015	September 14, 2015	November 13, 2015	60
P-16-0192	January 24, 2016	February 1, 2016	March 16, 2016	44
P-16-0281	March 30, 2016	April 7, 2016	May 2, 2016	25
P-16-0292	April 5, 2016	April 13, 2016	June 2, 2016	50
P-16-0301	April 6, 2016	April 14, 2016	June 2, 2016	49
P-16-0302	April 6, 2016	April 14, 2016	June 2, 2016	49
P-16-0303	April 6, 2016	April 14, 2016	June 2, 2016	49
P-16-0340	April 26, 2016	May 4, 2016	June 2, 2016	29
P-16-0341	April 27, 2016	May 5, 2016	June 2, 2016	28
P-16-0343	April 27, 2016	May 5, 2016	June 2, 2016	28
P-16-0344	April 27, 2016	May 5, 2016	June 2, 2016	28
P-16-0345	April 28, 2016	May 6, 2016	June 2, 2016	27
P-16-0348	May 7, 2016	May 16, 2016	July 12, 2016	57
P-16-0349	May 11, 2016	May 19, 2016	July 12, 2016	54
P-16-0351	May 2, 2016	May 10, 2016	July 12, 2016	63
P-16-0354	May 5, 2016	May 13, 2016	July 12, 2016	60
P-16-0355	May 5, 2016	May 13, 2016	July 12, 2016	60
P-16-0366	May 11, 2016	May 19, 2016	July 12, 2016	54
P-16-0373	May 13, 2016	May 23, 2016	July 12, 2016	50
P-16-0380	May 18, 2016	May 26, 2016	July 12, 2016	47
P-16-0381	May 18, 2016	May 26, 2016	July 12, 2016	47
P-16-0382	May 18, 2016	May 26, 2016	July 12, 2016	47
P-16-0383	May 18, 2016	May 26, 2016	July 12, 2016	47
P-16-0384	May 18, 2016	May 26, 2016	July 12, 2016	47
P-16-0385	May 18, 2016	May 26, 2016	July 12, 2016	47
P-16-0391	May 23, 2016	May 31, 2016	July 12, 2016	42
P-16-0392	May 25, 2016	June 2, 2016	July 12, 2016	40
P-16-0400	June 6, 2016	June 14, 2016	July 29, 2016	45
P-16-0401	June 22, 2016	June 30, 2016	October 27, 2016	119
P-16-0403	June 15, 2016	June 23, 2016	July 29, 2016	36
P-16-0415	June 17, 2016	June 27, 2016	July 29, 2016	32
P-16-0422	June 21, 2016	June 29, 2016	July 29, 2016	30
P-16-0426	June 22, 2016	June 30, 2016	October 27, 2016	119
P-16-0446	June 24, 2016	July 4, 2016	July 29, 2016	25
P-16-0459	July 14, 2016	July 22, 2016	August 24, 2016	33
P-16-0466	July 11, 2016	July 19, 2016	August 24, 2016	36
P-16-0483	July 18, 2016	July 26, 2016	August 24, 2016	29
P-16-0484	July 18, 2016	July 26, 2016	August 24, 2016	29
P-16-0492	July 27, 2016	August 4, 2016	August 24, 2016	20
P-16-0509	August 5, 2016	August 15, 2016	November 10, 2016	87
P-16-0510	August 5, 2016	August 15, 2016	November 10, 2016	87
P-16-0512	August 9, 2016	August 17, 2016	November 10, 2016	85
P-16-0515	August 9, 2016	August 17, 2016	November 10, 2016	85
P-16-0518	August 12, 2016	August 22, 2016	November 10, 2016	80
P-16-0519	August 12, 2016	August 22, 2016	November 10, 2016	80
P-16-0532	August 25, 2016	September 2, 2016	November 10, 2016	69
P-16-0538	August 26, 2016	September 5, 2016	November 10, 2016	66
P-16-0545	September 2, 2016	September 12, 2016	November 10, 2016	59
P-16-0575	September 15, 2016	September 23, 2016	November 10, 2016	48
P-16-0578	October 21, 2016	October 31, 2016	November 28, 2016	28
P-16-0580	September 19, 2016	September 27, 2016	November 10, 2016	44
P-16-0581	September 19, 2016	September 27, 2016	November 10, 2016	44
P-16-0587	September 22, 2016	September 30, 2016	November 10, 2016	41
P-16-0588	September 22, 2016	September 30, 2016	November 10, 2016	41
P-16-0592	January 23, 2017	January 31, 2017	March 16, 2017	44
P-17-0008	November 2, 2016	November 10, 2016	December 16, 2016	36
P-17-0009	October 13, 2016	October 21, 2016	November 28, 2016	38
P-17-0014	February 20, 2017	February 28, 2017	May 11, 2017	72
P-17-0016	October 27, 2016	November 4, 2016	November 28, 2016	24

Table A2: PMNs for which EPA untimely published notice of receipt in the Federal Register

PMN Case No.	Date on which EPA received the PMN ³	Date of Violation (5 business days after Received Date) ⁴	Date of Publication of Notice of Receipt in the Federal Register	No. of Days Publication was Delayed
P-17-0017	October 27, 2016	November 4, 2016	November 28, 2016	24
P-17-0018	October 27, 2016	November 4, 2016	November 28, 2016	24
P-17-0019	October 27, 2016	November 4, 2016	November 28, 2016	24
P-17-0020	October 27, 2016	November 4, 2016	November 28, 2016	24
P-17-0021	October 27, 2016	November 4, 2016	November 28, 2016	24
P-17-0024	October 26, 2016	November 3, 2016	November 28, 2016	25
P-17-0025	October 26, 2016	November 3, 2016	November 28, 2016	25
P-17-0112	November 16, 2016	November 24, 2016	December 16, 2016	22
P-17-0115	November 16, 2016	November 24, 2016	December 16, 2016	22
P-17-0117	November 17, 2016	November 25, 2016	December 16, 2016	21
P-17-0118	November 17, 2016	November 25, 2016	December 16, 2016	21
P-17-0121	November 8, 2016	November 16, 2016	December 16, 2016	30
P-17-0144	November 18, 2016	November 28, 2016	December 16, 2016	18
P-17-0152	November 28, 2016	December 6, 2016	December 16, 2016	10
P-17-0157	November 29, 2016	December 7, 2016	December 16, 2016	9
P-17-0158	November 30, 2016	December 8, 2016	December 16, 2016	8
P-17-0160	September 13, 2017	September 21, 2017	December 4, 2017	74
P-17-0161	September 13, 2017	September 21, 2017	December 4, 2017	74
P-17-0185	December 20, 2016	December 28, 2016	March 10, 2017	72
P-17-0190	December 26, 2016	January 3, 2017	March 10, 2017	66
P-17-0191	June 19, 2017	June 27, 2017	September 27, 2017	92
P-17-0194	January 4, 2017	January 12, 2017	March 16, 2017	63
P-17-0207	January 23, 2017	January 31, 2017	March 16, 2017	44
P-17-0214	January 16, 2017	January 24, 2017	March 16, 2017	51
P-17-0215	January 16, 2017	January 24, 2017	March 16, 2017	51
P-17-0219	January 27, 2017	February 6, 2017	March 16, 2017	38
P-17-0220	January 25, 2017	February 2, 2017	March 16, 2017	42
P-17-0227	February 1, 2017	February 9, 2017	May 11, 2017	91
P-17-0237	February 23, 2017	March 3, 2017	May 11, 2017	69
P-17-0238	February 23, 2017	March 3, 2017	May 11, 2017	69
P-17-0239	June 5, 2017	June 13, 2017	September 27, 2017	106
P-17-0245	March 2, 2017	March 10, 2017	June 6, 2017	88
P-17-0245	February 28, 2017	March 8, 2017	June 8, 2017	92
P-17-0246	February 28, 2017	March 8, 2017	May 11, 2017	64
P-17-0249	March 3, 2017	March 13, 2017	June 8, 2017	87
P-17-0255	March 14, 2017	March 22, 2017	June 8, 2017	78
P-17-0256	March 14, 2017	March 22, 2017	June 8, 2017	78
P-17-0264	March 22, 2017	March 30, 2017	June 8, 2017	70
P-17-0266	March 22, 2017	March 30, 2017	June 8, 2017	70
P-17-0267	April 6, 2017	April 14, 2017	July 7, 2017	84
P-17-0281	April 21, 2017	May 1, 2017	July 7, 2017	67
P-17-0282	June 8, 2017	June 16, 2017	September 27, 2017	103
P-17-0293	April 24, 2017	May 2, 2017	July 7, 2017	66
P-17-0300	May 4, 2017	May 12, 2017	September 6, 2017	117
P-17-0320	July 28, 2017	August 7, 2017	September 27, 2017	51
P-17-0332	June 19, 2017	June 27, 2017	September 27, 2017	92
P-17-0336	June 27, 2017	July 5, 2017	September 27, 2017	84
P-17-0337	June 27, 2017	July 5, 2017	September 27, 2017	84
P-17-0338	June 27, 2017	July 5, 2017	September 27, 2017	84
P-17-0380	August 24, 2017	September 1, 2017	October 23, 2017	52
P-17-0381	August 24, 2017	September 1, 2017	October 23, 2017	52
P-17-0382	August 24, 2017	September 1, 2017	October 23, 2017	52
P-17-0390	September 6, 2017	September 14, 2017	December 4, 2017	81
P-17-0400	October 25, 2017	November 2, 2017	January 2, 2018	61
P-18-0002	October 2, 2017	October 10, 2017	January 2, 2018	84
P-18-0007	October 4, 2017	October 12, 2017	January 2, 2018	82
P-18-0008	October 4, 2017	October 12, 2017	January 2, 2018	82
P-18-0020	October 16, 2017	October 24, 2017	January 2, 2018	70
P-18-0021	October 17, 2017	October 25, 2017	January 2, 2018	69
P-18-0024	December 12, 2017	December 20, 2017	May 22, 2018	153
P-18-0025	October 17, 2017	October 25, 2017	January 2, 2018	69

Table A2: PMNs for which EPA untimely published notice of receipt in the Federal Register

PMN Case No.	Date on which EPA received the PMN ³	Date of Violation (5 business days after Received Date) ⁴	Date of Publication of Notice of Receipt in the Federal Register	No. of Days Publication was Delayed
P-18-0026	October 23, 2017	October 31, 2017	January 2, 2018	63
P-18-0030	October 23, 2017	October 31, 2017	January 2, 2018	63
P-18-0032	October 27, 2017	November 6, 2017	January 2, 2018	57
P-18-0041	November 6, 2017	November 14, 2017	May 22, 2018	189
P-18-0042	November 6, 2017	November 14, 2017	May 22, 2018	189
P-18-0044	November 7, 2017	November 15, 2017	May 22, 2018	188
P-18-0045	November 7, 2017	November 15, 2017	May 22, 2018	188
P-18-0048	November 13, 2017	November 21, 2017	May 22, 2018	182
P-18-0052	November 20, 2017	November 28, 2017	May 22, 2018	175
P-18-0053	November 20, 2017	November 28, 2017	May 22, 2018	175
P-18-0054	November 20, 2017	November 28, 2017	May 22, 2018	175
P-18-0064	November 20, 2017	November 28, 2017	May 22, 2018	175
P-18-0068	December 13, 2017	December 21, 2017	May 22, 2018	152
P-18-0070	January 4, 2018	January 12, 2018	May 24, 2018	132
P-18-0073	December 21, 2017	December 29, 2017	May 22, 2018	144
P-18-0077	December 27, 2017	January 4, 2018	May 22, 2018	138
P-18-0078	December 27, 2017	January 4, 2018	May 22, 2018	138
P-18-0083	January 3, 2018	January 11, 2018	May 24, 2018	133
P-18-0085	January 8, 2018	January 16, 2018	May 24, 2018	128
P-18-0100	January 26, 2018	February 5, 2018	May 24, 2018	108
P-18-0101	January 30, 2018	February 7, 2018	May 24, 2018	106
P-18-0102	January 26, 2018	February 5, 2018	May 24, 2018	108
P-18-0106	February 8, 2018	February 16, 2018	June 5, 2018	109
P-18-0107	February 6, 2018	February 14, 2018	June 5, 2018	111
P-18-0114	February 19, 2018	February 27, 2018	June 5, 2018	98
P-18-0116	February 27, 2018	March 7, 2018	June 5, 2018	90
P-18-0118	February 26, 2018	March 6, 2018	June 5, 2018	91
P-18-0119	February 26, 2018	March 6, 2018	June 5, 2018	91
P-18-0122	March 1, 2018	March 9, 2018	June 28, 2018	111
P-18-0132	March 20, 2018	March 28, 2018	June 28, 2018	92
P-18-0136	April 9, 2018	April 17, 2018	July 23, 2018	97
P-18-0137	March 23, 2018	April 2, 2018	June 28, 2018	87
P-18-0146	April 13, 2018	April 23, 2018	July 23, 2018	91
P-18-0147	April 4, 2018	April 12, 2018	July 23, 2018	102
P-18-0150	April 13, 2018	April 23, 2018	July 23, 2018	91
P-18-0152	April 20, 2018	April 30, 2018	July 23, 2018	84
P-18-0154	April 25, 2018	May 3, 2018	July 23, 2018	81
P-18-0157	April 27, 2018	May 7, 2018	July 23, 2018	77
P-18-0159	April 27, 2018	May 7, 2018	July 23, 2018	77
P-18-0162	May 8, 2018	May 16, 2018	August 14, 2018	90
P-18-0169	May 7, 2018	May 15, 2018	August 14, 2018	91
P-18-0174	May 9, 2018	May 17, 2018	August 14, 2018	89
P-18-0179	May 16, 2018	May 24, 2018	August 14, 2018	82
P-18-0180	May 16, 2018	May 24, 2018	August 14, 2018	82
P-18-0181	May 16, 2018	May 24, 2018	August 14, 2018	82
P-18-0212	June 14, 2018	June 22, 2018	October 12, 2018	112
P-18-0219	June 21, 2018	June 29, 2018	October 12, 2018	105
P-18-0221	June 21, 2018	June 29, 2018	October 12, 2018	105
P-18-0222	June 22, 2018	July 2, 2018	October 12, 2018	102
P-18-0224	June 27, 2018	July 5, 2018	October 22, 2018	109
P-18-0225	June 27, 2018	July 5, 2018	October 22, 2018	109
P-18-0227	June 29, 2018	July 9, 2018	October 12, 2018	95
P-18-0229	August 30, 2018	September 7, 2018	March 12, 2019	186
P-18-0230	June 29, 2018	July 9, 2018	October 12, 2018	95
P-18-0231	June 29, 2018	July 9, 2018	October 12, 2018	95
P-18-0233	July 6, 2018	July 16, 2018	October 22, 2018	98
P-18-0237	July 19, 2018	July 27, 2018	October 22, 2018	87
P-18-0238	July 16, 2018	July 24, 2018	October 22, 2018	90
P-18-0261	July 26, 2018	August 3, 2018	October 22, 2018	80
P-18-0272	August 7, 2018	August 15, 2018	March 12, 2019	209
P-18-0274	August 21, 2018	August 29, 2018	March 12, 2019	195

Table A2: PMNs for which EPA untimely published notice of receipt in the Federal Register

PMN Case No.	Date on which EPA received the PMN ³	Date of Violation (5 business days after Received Date) ⁴	Date of Publication of Notice of Receipt in the Federal Register	No. of Days Publication was Delayed
P-18-0275	August 21, 2018	August 29, 2018	March 12, 2019	195
P-18-0277	August 28, 2018	September 5, 2018	March 12, 2019	188
P-18-0278	August 16, 2018	August 24, 2018	March 12, 2019	200
P-18-0279	August 16, 2018	August 24, 2018	March 12, 2019	200
P-18-0280	August 17, 2018	August 27, 2018	March 12, 2019	197
P-18-0282	August 24, 2018	September 3, 2018	March 12, 2019	190
P-18-0284	August 27, 2018	September 4, 2018	March 12, 2019	189
P-18-0286	August 27, 2018	September 4, 2018	March 12, 2019	189
P-18-0292	August 29, 2018	September 6, 2018	March 12, 2019	187
P-18-0307	September 14, 2018	September 24, 2018	March 21, 2019	178
P-18-0319	September 20, 2018	September 28, 2018	March 21, 2019	174
P-18-0324	September 25, 2018	October 3, 2018	March 21, 2019	169
P-18-0377	November 16, 2018	November 26, 2018	April 10, 2019	135
P-18-0379	September 28, 2018	October 8, 2018	March 21, 2019	164
P-18-0385	November 14, 2018	November 22, 2018	April 10, 2019	139
P-19-0001	October 1, 2018	October 9, 2018	April 4, 2019	177
P-19-0002	October 10, 2018	October 18, 2018	April 4, 2019	168
P-19-0003	October 19, 2018	October 29, 2018	April 4, 2019	157
P-19-0006	October 9, 2018	October 17, 2018	April 4, 2019	169
P-19-0007	October 16, 2018	October 24, 2018	April 4, 2019	162
P-19-0008	October 22, 2018	October 30, 2018	April 4, 2019	156
P-19-0010	October 29, 2018	November 6, 2018	April 4, 2019	149
P-19-0012	November 8, 2018	November 16, 2018	April 10, 2019	145
P-19-0013	November 15, 2018	November 23, 2018	April 10, 2019	138
P-19-0014	November 5, 2018	November 13, 2018	April 10, 2019	148
P-19-0015	November 15, 2018	November 23, 2018	April 10, 2019	138
P-19-0016	November 15, 2018	November 23, 2018	April 10, 2019	138
P-19-0017	November 15, 2018	November 23, 2018	April 10, 2019	138
P-19-0018	November 15, 2018	November 23, 2018	April 10, 2019	138
P-19-0019	November 8, 2018	November 16, 2018	April 10, 2019	145
P-19-0020	November 8, 2018	November 16, 2018	April 10, 2019	145
P-19-0021	November 9, 2018	November 19, 2018	April 10, 2019	142
P-19-0022	November 9, 2018	November 19, 2018	April 10, 2019	142
P-19-0023	November 16, 2018	November 26, 2018	April 10, 2019	135
P-19-0025	November 19, 2018	November 27, 2018	April 10, 2019	134
P-19-0026	November 27, 2018	December 5, 2018	April 10, 2019	126
P-19-0027	November 28, 2018	December 6, 2018	April 10, 2019	125
P-19-0035	December 10, 2018	December 18, 2018	April 10, 2019	113
P-19-0037	December 11, 2018	December 19, 2018	April 10, 2019	112

³ The Listed Parties based the date of receipt based on the "Received Date" listed in the EPA PMN Table, see Notice of Intent, 2 n.1, which may not accurately reflect the date on which EPA first received the PMN.

⁴ In turn, the date of violation is five business days from the Received Date, listed in the EPA PMN Table.

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-14-0314	79 Fed. Reg. 55450	Physical properties, toxicity study, 3 oral toxicity studies, reproduction toxicity, risk analysis, 2 environmental studies	September 16, 2014
P-16-0192	81 Fed. Reg. 14106	Hazard description, water solubility, OECD SIDS package	March 16, 2016
P-16-0302	81 Fed. Reg. 35351	Health and safety study	June 2, 2016
P-16-0303	81 Fed. Reg. 35351	Physical properties, risk analysis, waste stream	June 2, 2016
P-16-0341	81 Fed. Reg. 35351	Biodegradation, 2 toxicity screening, acute toxicity	June 2, 2016
P-16-0345	81 Fed. Reg. 35351	Exposure concerns	June 2, 2016
P-16-0349	81 Fed. Reg. 45148	Physical properties, water solubility, stability in acid, oral toxicity, skin irritation, eye irritation, skin sensitization, ames test, acute immobilization, biodegradation, Sustainable Futures summary	July 12, 2016
P-16-0366	81 Fed. Reg. 45148	Risk analysis, waste stream	July 12, 2016
P-16-0373	81 Fed. Reg. 45148	Physical properties, toxicology summary, acute oral toxicity, 7-day oral toxicity, 28-day oral toxicity, skin irritation, eye irritation, skin sensitization, mutagenicity, chromosomal aberration, biodegradation, bioconcentration, acute fish toxicity, algal growth	July 12, 2016
P-16-0380-385	81 Fed. Reg. 45148	Hazard information, Sustainable Futures summary	July 12, 2016
p-16-0392	81 Fed. Reg. 45148	Sustainable Futures summary	July 12, 2016
P-16-0400	81 Fed. Reg. 49976	Environmental hazard review, human hazard assessment, Sustainable Futures summary	July 29, 2016
P-16-0401	81 Fed. Reg. 74784	Physical properties	October 27, 2016
P-16-0403	81 Fed. Reg. 49976	Risk analysis	July 29, 2016

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-16-0426	81 Fed. Reg. 74784	Physical properties, Sustainable Futures summary, acute dermal lethality, eye irritation, dermal irritation, 28-day repeat dose study	October 27, 2016
P-16-0466	81 Fed. Reg. 57903	Pollution prevention	August 24, 2016
P-16-0483	81 Fed. Reg. 57903	Melting point, explosive properties, oxidizing properties, flammability, self-ignition, octanol/water coefficient, water solubility, skin irritation, algae toxicity, fish toxicity, biodegradation, acute oral toxicity, daphnia toxicity, reverse mutation, 2 oral toxicity, skin sensitization, eye irritation, chromosomal aberration	August 24, 2016
P-16-0509	81 Fed. Reg. 79013	Mutagenicity, melting point, density, pollution prevention	November 10, 2016
P-16-0518-519	81 Fed. Reg. 45148	Acute dermal, acute eye irritation, acute oral toxicity, algae growth, ames test, chicken eye test	November 10, 2016
P-16-0532	81 Fed. Reg. 79013	Human health safety assessment, environmental safety assessment, repeated dose oral toxicity	November 10, 2016
P-16-0538	81 Fed. Reg. 79013	Toxic potential, biodegradability, acute oral toxicity, skin irritation, mutagenic potential	November 10, 2016
P-16-0575	81 Fed. Reg. 79020	Risk assessment	November 10, 2016
P-16-0578	81 Fed. Reg. 85556	Physical properties, EFAST, oncologic, Sustainable Futures summary	November 28, 2016
P-16-0581	81 Fed. Reg. 79020	Risk assessment, biodegradation, worker exposures	November 10, 2016
P-17-0115	81 Fed. Reg. 91162	Toxicology summary	December 16, 2016
P-17-0117-118	81 Fed. Reg. 91162	2 ChemSTEERs, EPIsuite, ECOSAR, Oncologic, Tox-fate	December 16, 2016
P-17-0121	81 Fed. Reg. 91162	Toxicology evaluation	December 16, 2016

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-17-0152	81 Fed. Reg. 91162	3 acute ecotoxicity, biodegradation, sustainable Futures summary, ChemSTEER report, 9 EFAST reports, Oncologic	December 16, 2016
P-17-0157	81 Fed. Reg. 91162	Risk analysis	December 16, 2016
P-17-0160-161	82 Fed. Reg. 42088	Oncologic, Sustainable Futures summary, ChemSTEER, EFAST	December 4, 2017
P-17-0182	Not in Federal Register	Risk analysis	Unknown
P-17-0185	82 Fed. Reg. 13339	Pollution prevention	March 10, 2017
P-17-0190	82 Fed. Reg. 13339	ChemSTEER, EFAST, oncologic, Sustianable Futures summary	March 10, 2017
P-17-0194	82 Fed. Reg. 13992	Biodegradation, toxicity to worms, toxicity to fish, mutagenicity	March 16, 2017
P-17-0219	82 Fed. Reg. 13992	2 toxicity studies	March 16, 2017
P-17-0227	82 Fed. Reg. 21996	Pollution prevention	May 11, 2017
P-17-0237-238	81 Fed. Reg. 85556	EPISuite	May 11, 2017
P-17-0249	82 Fed. Reg. 26681	Acute toxicity, humic acid, water extractability	June 8, 2017
P-17-0256	82 Fed. Reg. 26681	Algal growth test, acute toxicity to fish, acute immobility to daphnia	June 8, 2017
P-17-0266	82 Fed. Reg. 26681	Physical properties, algae growth, fish toxicity, respiration inhibition, fish' toxicity, 2 daphnia immobilization, 2 biodegradation, 2 repeat dose toxicity, developmental toxicity, acute oral toxicity, ames test, eye irritation, sensitization, acute dermal irritation	June 8, 2017

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-17-0267	82 Fed. Reg. 31598	13 week Inhalation toxicity study, 14 day inhalation toxicity in rats, 1H NMR, 28 day Inhalation Toxicity Study, 28-day oral toxicity study, Acute Cardiac Sensitization Study, Acute inhalation Toxicity in Rats, Acute Toxicity of Daphnia Manga, Algae growth inhibition test, Ames test, An acute study, Approximate Lethal Concentration (ALC), Inhalation Screening, Bacterial Reverse Mutation Assay, Biodegradation test, Chromosome aberration study, Fish Acute Toxicity, Flammability summary, IRER report, Log Kow, MIR, Repeat dose toxicity, Solubility test results, Spectral data, Toxicity Data Summary and NOAEC justification, Vapor pressure data	July 7, 2017
P-17-0281	82 Fed. Reg. 31598	Physical properties	July 7, 2017
P-17-0300	82 Fed. Reg. 42088	Biodegradability, 48h Acute Tox Daphnia Magna, Activated Sludge Respiration Inhibition, Oral Toxicity Rat, Dermal Irritation, Eye Irritation	September 6, 2017
P-17-0336	82 Fed. Reg. 45015	Dermal irritation, acute oral toxicity, air monitoring, air monitoring summary, 2 acute inhalation, 2 dermal irritation	September 27, 2017
P-17-0380-381	82 Fed. Reg. 49016	Octanol-water coefficient, risk analysis, acute oral toxicity, humic acid, water extractability	October 23, 2017

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-17-0382	82 Fed. Reg. 49016	28-day oral toxicity, acute dermal toxicity, eye irritation, oral toxicity, acute toxicity to earthworm, acute toxicity to fish, algae growth, ames test, skin sensitization, biodegradation, chromosomal aberration, acute daphnia toxicity, acute fish toxicity, mouse lymphoma, skin corrosion, skin irritation, inhibition of respiration, physical properties, reproductive screening in rats, skin irritation	October 23, 2017
P-17-0390	82 Fed. Reg. 57253	Ames test, eye irritation, skin irritation, skin sensitization, bioconcentration	December 4, 2017
P-17-0400	83 Fed. Reg. 116	GPC report, Mutagenicity Test by using microorganisms	January 2, 2018
P-18-0002	83 Fed. Reg. 116	Boiling point, relative density, partition, water solubility, surface tension, auto-ignition, thermal stability, 4 biodegradation, 3 acute toxicity daphnia, 2 algae, acute oral toxicity, skin irritation, eye irritation, mammalian micronucleus test, reverse mutation, oral toxicity, maximization test	January 2, 2018
P-18-0007-8	82 Fed. Reg. 45015	2 ECOSARs	January 2, 2018
P-18-0025	83 Fed. Reg. 116	Physical properties, acute oral toxicity, algae growth, biodegradability, daphnia acute toxicity, mutagenic activity, acute toxicity to earthworm, acute toxicity to fish, biodegradation, engineering report	January 2, 2018
P-18-0026	83 Fed. Reg. 116	Oral toxicity, skin sensitization	January 2, 2018

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-18-0045	83 Fed. Reg. 23671	Density, flashpoint, saponification, pour point, viscosity, method for water, water solubility	May 22, 2018
P-18-0052	83 Fed. Reg. 23671	Ames test	May 22, 2018
P-18-0053	83 Fed. Reg. 23671	Ames test	May 22, 2018
P-18-0064	83 Fed. Reg. 23671	Combined Repeated Dose Toxicity Study, Density and vapor pressure	May 22, 2018
P-18-0068	83 Fed. Reg. 23666	Inhalation exposure	May 22, 2018
P-18-0077	84 Fed. Reg. 23666	Acute oral toxicity, 28-day repeat study, read across, hydrolysis study, octanol/water coefficient, water solubility, density, vapour pressure, accelerated stability, final stability, ECOSAR, K10WIN, EPISuite, ChemSTEER, environmental, aquatic toxicity, uterine effects	May 22, 2018
P-18-0083	83 Fed. Reg. 24110	Water solubility, 4 algae growth, 2 acute toxicity in fish, 3 acute immobilization, 2 biodegradation, 2 algae growth inhibition, environmental safety, Sustainable Futures summary, human safety assessment, partition coefficient	May 24, 2018
P-18-0106	83 Fed. Reg. 26052	Combined Repeated Dose Toxicity Study, Density and vapor pressure	June 5, 2018
P-18-0107	83 Fed. Reg. 26052	Data report	June 5, 2018
P-18-0132	83 Fed. Reg. 30438	EPISuite, ECOSAR, toxicity data, ames test, environmental release, worker exposure, health assessment, air sampling, point of departure	June 28, 2018

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-18-0136	83 Fed. Reg. 34843	Acute daphnia toxicity, acute dermal toxicity, eye irritancy, skin irritation, acute fish toxicity, acute oral toxicity, algal growth inhibition, biodegradability, in vivo mouse, mutagenicity, skin sensitization	July 23, 2018
P-18-0137	83 Fed. Reg. 30438	human health assessment, acute oral toxicity, acute dermal toxicity, 4 28-day oral toxicity studies, acute dermal, acute eye irritation, reverse mutation, chromosomal aberration, 2 mammalian chromosome tests, mammalian micronucleus, sensitization, 3 prenatal developmental toxicity, acute fish toxicity, acute daphnia toxicity, algae growth, biodegradability, activated sludge	June 28, 2018
P-18-0150	83 Fed. Reg. 34843	Acute Inhalation Toxicity , AMES test, Local Lymph Node Assay , Acute Oral Toxicity, Bovine Corneal Opacity and Permeability test, HET-CAM, In vitro Eye Irritation, In vitro Skin Irritation, In vitro Skin Corrosion, Algae Growth Inhibition test, Daphnia Immobilization test, Ready Biodegradation, Activated sludge test	July 23, 2018

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-18-0152	83 Fed. Reg. 34843	Risk assessment, 5 EPISuite reports, 4 data summaries, analog hazard data, QSAR, 2 acute dermal, eye irritation, acute oral, reverse mutation, ASRIT, acute trout, Sustainable Futures summary, chronic daphnia, skin corrosion, reverse mutation, eye irritation, skin irritation, acute dermal, acute oral, acute inhalation, 3 unnamed studies, 3 CHEMSTEER, ECETOC, GENECC	July 23, 2018
P-18-0154	83 Fed. Reg. 34843	NCO titration method, NCO titration	July 23, 2018
P-18-0157	83 Fed. Reg. 34843	Spectra	July 23, 2018
P-18-0159	83 Fed. Reg. 34843	Spectra	July 23, 2018
P-18-0219	83 Fed. Reg. 51680	Occupational exposure, worker exposure	October 12, 2018
P-18-0227	83 Fed. Reg. 51680	EPISuite	October 12, 2018
P-18-0230	83 Fed. Reg. 51680	Vapour pressure, water solubility, partition coefficient, flammability, biodegradation, acute immobilization, algae growth, acute oral toxicity, skin irritation, eye irritation, ames test	October 12, 2018
P-18-0233	83 Fed. Reg. 53241	Water solubility, Sustainable Futures summary	October 22, 2018
P-18-0274	84 Fed. Reg. 8860	Acute Oral Toxicity, ADME Study, Bacterial reverse mutation assay, In Vitro Eye Irritation, In Vitro Skin Irritation, Incinerator Information, Skin Sensitization	March 12, 2019
P-18-0275	84 Fed. Reg. 8860	Incinerator information	March 12, 2019
P-18-0280	84 Fed. Reg. 8860	Acute Daphnia, Acute Oral, Hypersensitivity Test, In Vitro Skin	March 12, 2019

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-18-0286	84 Fed. Reg. 8860	Acute Dermal Toxicity, Acute Inhalation Toxicity, Acute Oral Toxicity, Dermal Sensitization Study, Exposure Information, Eye Irritation Study, Skin Irritation Study	March 12, 2019
P-18-0307	84 Fed. Reg. 10499	Physical properties, acid base stability, acute oral toxicity, reverse mutation, Sustainable Futures summary, EFAST, ChemSTEER, water solubility	March 21, 2019
P-18-0319	84 Fed. Reg. 10499	Toxicology and ecotoxicology assessment, 7 EPISuite reports	March 21, 2019
P-18-0324	84 Fed. Reg. 10499	Risk assessment, surface tension	March 21, 2019
P-18-0377	84 Fed. Reg. 14360	Water solubility, octanol/water coefficient	April 10, 2019
P-18-0385	84 Fed. Reg. 14360	Biodegradation, algae report, daphnia report	April 10, 2019
P-19-0006	84 Fed. Reg. 13287	Risk analysis	April 4, 2019
P-19-0013	84 Fed. Reg. 14360	2 worker exposure, 1 environmental release	April 10, 2019
P-19-0014	84 Fed. Reg. 14360	2 worker exposure, 1 environmental release	April 10, 2019
P-19-0015	84 Fed. Reg. 14360	2 worker exposure, 1 environmental release	April 10, 2019
P-19-0016	84 Fed. Reg. 14360	2 worker exposure, 1 environmental release	April 10, 2019
P-19-0017	84 Fed. Reg. 14360	2 worker exposure, 1 environmental release	April 10, 2019
P-19-0018	84 Fed. Reg. 14360	Worker exposure, environmental release	April 10, 2019
P-19-0019	84 Fed. Reg. 14360	Toxicology summary	April 10, 2019

Table B : PMNs for which the notice of receipt did not list or describe test data

PMN Case No.	Federal Register Notice failing to list data submitted	Data submitted in public file which should be listed or described in Federal Register notice	Date of Violation (date of publication)
P-19-0020	84 Fed. Reg. 14360	LogKow, water solubility, vapor pressure, autoignition, Sustainable Futures summary, read across, acute algae, acute daphnia, acute fish, ready biodegradation, acute oral, acute dermal, skin irritation, 2 skin sensitization, 28-day repeat oral toxicity, gene repro, microsome reverse mutation, chromosomal aberration, micronucleus test	April 10, 2019

Table C: Test Marketing Exemptions⁵

Test Marketing Exemption Case No.	Date of application receipt	Date that Receipt was Published in Federal Register	Date of Final EPA Determination which are never published in Federal Register
T-17-0002	November 17, 2016	None Yet	January 17, 2017
T-17-0003	April 5, 2017	July 7, 2017	May 19, 2017
T-17-0004	April 5, 2017	July 7, 2017	May 19, 2017
T-17-0005	April 5, 2017	July 7, 2017	May 19, 2017
T-17-0006	April 5, 2017	July 7, 2017	May 19, 2017
T-17-0007	April 5, 2017	July 7, 2017	May 19, 2017
T-17-0008	April 5, 2017	July 7, 2017	May 19, 2017
T-17-0009	April 13, 2017	July 7, 2017	May 27, 2017
T-17-0010	April 13, 2017	July 7, 2017	May 27, 2017
T-17-0011	April 13, 2017	July 7, 2017	May 27, 2017
T-17-0012	April 19, 2017	July 7, 2017	June 2, 2017
T-17-0013	April 19, 2017	July 7, 2017	June 2, 2017
T-18-0001	November 16, 2017	May 22, 2018 (83 Fed. Reg. 23,671)	February 1, 2018
T-18-0002	January 30, 2018	May 24, 2018 (83 Fed. Reg. 24,110)	May 5, 2018
T-18-0003A	July 16, 2018	October 22, 2018 (83 Fed. Reg. 53,241)	September 6, 2018
T-19-0001	October 17, 2018	None yet	Unknown

⁵ Information about Test Marketing Exemption Applications, including Case Numbers, Date of Application Receipt, and the Date of EPA's Final Determination can be found at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/exemptions-table>.

**Table D: PMN Public Files Received and Analyzed by the Listed Parties
(through April 2019)**

PMN Case No.	Date on which Public File was made available
P-14-0314	December 26, 2017
P-15-0726	July 30, 2018
P-16-0192	October 10, 2018
P-16-0281	December 26, 2017
P-16-0292	December 26, 2017
P-16-0301	December 26, 2017
P-16-0302	December 26, 2017
P-16-0303	December 26, 2017
P-16-0340	December 26, 2017
P-16-0341	June 21, 2018
P-16-0343	December 26, 2017
P-16-0344	December 26, 2017
P-16-0345	June 21, 2018
P-16-0348	December 26, 2017
P-16-0349	June 21, 2018
P-16-0351	December 26, 2017
P-16-0354	June 21, 2018
P-16-0355	June 21, 2018
P-16-0366	December 26, 2017
P-16-0373	December 26, 2017
P-16-0380	October 10, 2018
P-16-0381	October 10, 2018
P-16-0382	October 10, 2018
P-16-0383	October 10, 2018
P-16-0384	October 10, 2018
P-16-0385	October 10, 2018
P-16-0391	December 26, 2017
P-16-0392	December 26, 2017
P-16-0400	March 28, 2019
P-16-0401	December 26, 2017
P-16-0403	December 26, 2017
P-16-0415	April 24, 2018
P-16-0426	December 26, 2017
P-16-0459	December 26, 2017
P-16-0466	December 26, 2017
P-16-0483	October 10, 2018
P-16-0484	October 10, 2018
P-16-0492	December 26, 2017
P-16-0508	December 26, 2017
P-16-0509	June 21, 2018
P-16-0510	June 21, 2018
P-16-0512	June 21, 2018
P-16-0515	December 26, 2017
P-16-0518	December 26, 2017

**Table D: PMN Public Files Received and Analyzed by the Listed Parties
(through April 2019)**

PMN Case No.	Date on which Public File was made available
P-16-0519	December 26, 2017
P-16-0532	June 21, 2018
P-16-0538	June 21, 2018
P-16-0545	December 26, 2017
P-16-0575	October 10, 2018
P-16-0578	December 26, 2017
P-16-0580	December 26, 2017
P-16-0581	October 10, 2018
P-16-0587	December 26, 2017
P-16-0588	December 26, 2017
P-16-0592	December 26, 2017
P-17-0008	December 26, 2017
P-17-0009	December 26, 2017
P-17-0014	December 26, 2017
P-17-0016	December 26, 2017
P-17-0017	December 26, 2017
P-17-0018	December 26, 2017
P-17-0019	December 26, 2017
P-17-0020	December 26, 2017
P-17-0021	December 26, 2017
P-17-0024	December 26, 2017
P-17-0025	December 26, 2017
P-17-0112	December 26, 2017
P-17-0115	June 21, 2018
P-17-0117	December 26, 2017
P-17-0118	December 26, 2017
P-17-0119	June 21, 2018
P-17-0121	June 21, 2018
P-17-0144	December 26, 2017
P-17-0152	June 21, 2018
P-17-0157	June 21, 2018
P-17-0158	December 26, 2017
P-17-0160	December 26, 2017
P-17-0161	December 26, 2017
P-17-0182	December 26, 2017
P-17-0185	December 26, 2017
P-17-0190	December 26, 2017
P-17-0194	December 26, 2017
P-17-0207	December 26, 2017
P-17-0214	December 26, 2017
P-17-0215	December 26, 2017
P-17-0219	December 26, 2017
P-17-0227	December 26, 2017
P-17-0237	December 26, 2017

**Table D: PMN Public Files Received and Analyzed by the Listed Parties
(through April 2019)**

PMN Case No.	Date on which Public File was made available
P-17-0238	December 26, 2017
P-17-0245	April 26, 2019
P-17-0246	December 26, 2017
P-17-0249	July 30, 2018
P-17-0255	December 26, 2017
P-17-0256	December 26, 2017
P-17-0264	December 26, 2017
P-17-0266	December 26, 2017
P-17-0267	April 26, 2019
P-17-0281	March 1, 2019
P-17-0282	April 26, 2019
P-17-0293	December 26, 2017
P-17-0300	April 26, 2019
P-17-0320	April 26, 2019
P-17-0332	October 2, 2018
P-17-0336	July 30, 2018
P-17-0337	July 30, 2018
P-17-0338	July 30, 2018
P-17-0380	July 30, 2018
P-17-0381	July 30, 2018
P-17-0382	December 6, 2018
P-17-0390	December 26, 2017
P-17-0400	April 26, 2019
P-18-0002	April 24, 2018
P-18-0007	March 1, 2019
P-18-0008	March 1, 2019
P-18-0020	March 28, 2019
P-18-0021	April 24, 2018
P-18-0024	November 20, 2018
P-18-0025	November 20, 2018
P-18-0026	January 2, 2018
P-18-0030	November 20, 2018
P-18-0032	January 2, 2018
P-18-0041	November 8, 2018
P-18-0042	April 26, 2019
P-18-0044	April 24, 2018
P-18-0045	April 24, 2018
P-18-0052	April 26, 2019
P-18-0053	April 26, 2019
P-18-0054	October 10, 2018
P-18-0064	April 26, 2019
P-18-0068	March 1, 2019
P-18-0070	October 10, 2018
P-18-0077	April 15, 2019

**Table D: PMN Public Files Received and Analyzed by the Listed Parties
(through April 2019)**

PMN Case No.	Date on which Public File was made available
P-18-0078	December 6, 2018
P-18-0083	April 24, 2018
P-18-0100	October 10, 2018
P-18-0102	October 10, 2018
P-18-0106	April 26, 2019
P-18-0107	April 15, 2019
P-18-0114	April 26, 2019
P-18-0116	October 10, 2018
P-18-0118	April 15, 2019
P-18-0119	April 15, 2019
P-18-0132	April 15, 2019
P-18-0136	December 6, 2018
P-18-0137	September 19, 2018
P-18-0146	April 26, 2019
P-18-0147	March 28, 2019
P-18-0150	April 26, 2019
P-18-0152	March 28, 2019
P-18-0154	April 26, 2019
P-18-0157	April 26, 2019
P-18-0159	April 26, 2019
P-18-0169	April 15, 2019
P-18-0212	March 1, 2019
P-18-0219	March 1, 2019
P-18-0221	March 28, 2019
P-18-0224	December 5, 2018
P-18-0225	December 5, 2018
P-18-0227	October 10, 2018
P-18-0230	October 2, 2018
P-18-0231	October 10, 2018
P-18-0233	November 20, 2018
P-18-0237	April 26, 2019
P-18-0238	March 28, 2019
P-18-0261	December 6, 2018
P-18-0272	April 15, 2019
P-18-0274	April 26, 2019
P-18-0275	April 26, 2019
P-18-0277	April 15, 2019
P-18-0278	April 22, 2019
P-18-0279	December 6, 2018
P-18-0280	April 26, 2019
P-18-0282	April 26, 2019
P-18-0284	April 22, 2019
P-18-0286	April 26, 2019
P-18-0292	April 26, 2019

**Table D: PMN Public Files Received and Analyzed by the Listed Parties
(through April 2019)**

PMN Case No.	Date on which Public File was made available
P-18-0307	April 22, 2019
P-18-0319	February 28, 2019
P-18-0324	March 28, 2019
P-18-0377	February 28, 2019
P-18-0379	April 15, 2019
P-18-0385	February 28, 2019
P-19-0001	February 28, 2019
P-19-0002	April 15, 2019
P-19-0006	March 28, 2019
P-19-0007	April 15, 2019
P-19-0008	March 28, 2019
P-19-0012	February 28, 2019
P-19-0013	February 28, 2019
P-19-0014	February 28, 2019
P-19-0015	February 28, 2019
P-19-0016	February 28, 2019
P-19-0017	February 28, 2019
P-19-0018	February 28, 2019
P-19-0019	February 28, 2019
P-19-0020	February 28, 2019
P-19-0021	February 28, 2019
P-19-0022	February 28, 2019
P-19-0023	February 28, 2019
P-19-0025	February 28, 2019
P-19-0025	April 15, 2019
P-19-0026	February 28, 2019
P-19-0026	April 22, 2019
P-19-0027	February 28, 2019

**Table E - PMNs with public files containing fewer versions of the PMN
than appear to have been submitted**

PMN Case No.	Date of Violation (Public file receipt date)⁶
P-14-0314	December 26, 2017
P-15-0726	July 30, 2018
P-16-0281	December 26, 2017
P-16-0303	December 26, 2017
P-16-0345	June 21, 2018
P-16-0380-385	October 10, 2018
P-16-0426	December 26, 2017
P-16-0459	December 26, 2017
P-16-0466	December 26, 2017
P-16-0483	October 10, 2018
P-16-0484	October 10, 2018
P-16-0492	December 26, 2017
P-16-0509	June 21, 2018
P-16-0512	June 21, 2018
p-16-0515	December 26, 2017
P-16-0538	June 21, 2018
P-16-0545	December 26, 2017
P-16-0575	October 10, 2018
P-16-0578	December 26, 2017
P-16-0581	October 10, 2018
P-16-0587	December 26, 2017
P-17-0008	December 26, 2017
P-17-0009	December 26, 2017
P-17-0016-21	December 26, 2017
P-17-0024-25	December 26, 2017
P-17-0115	June 21, 2018
P-17-0117-118	December 26, 2017
P-17-0119	June 21, 2018
P-17-0121	June 21, 2018
P-17-0152	June 21, 2018
P-17-0157	June 21, 2018
P-17-0158	December 26, 2017
P-17-0185	December 26, 2017
P-17-0190	December 26, 2017
P-17-0207	December 26, 2017
P-17-0214	December 26, 2017
P-17-0215	December 26, 2017
P-17-0219	December 26, 2017
P-17-0227	December 26, 2017
P-17-0237/238	December 26, 2017
P-17-0245	April 26, 2019
P-17-0246	December 26, 2017
P-17-0249	July 30, 2018
P-17-0255	December 26, 2017

**Table E - PMNs with public files containing fewer versions of the PMN
than appear to have been submitted**

PMN Case No.	Date of Violation (Public file receipt date)⁶
P-17-0256	December 26, 2017
P-17-0264	December 26, 2017
P-17-0267	April 26, 2019
P-17-0281	March 1, 2019
P-17-0282	April 26, 2019
P-17-0320	April 26, 2019
P-17-0336-338	July 30, 2018
P-17-0380-381	July 30, 2018
P-17-0382	December 6, 2018
P-17-0400	April 26, 2019
P-18-0041	November 8, 2018
P-18-0042	April 26, 2019
P-18-0052	April 26, 2019
P-18-0053	April 26, 2019
P-18-0064	April 26, 2019
P-18-0070	October 10, 2018
P-18-0078	December 6, 2018
P-18-0100	October 10, 2018
P-18-0102	October 10, 2018
P-18-0106	April 26, 2019
P-18-0114	April 26, 2019
P-18-0136	December 6, 2018
P-18-0137	September 19, 2018
P-18-0152	March 28, 2019
P-18-0154	April 26, 2019
P-18-0157	April 26, 2019
P-18-0169	April 15, 2019
P-18-0219	March 1, 2019
P-18-0224	December 5, 2018
P-18-0227	October 10, 2018
P-18-0237	April 26, 2019
P-18-0274	April 26, 2019
P-18-0275	April 26, 2019
P-18-0277	April 15, 2019
P-18-0278	April 22, 2019
P-18-0282	April 26, 2019
P-18-0284	April 22, 2019
P-18-0292	April 26, 2019
P-18-0324	March 28, 2019
P-18-0377	February 28, 2019
P-18-0385	February 28, 2019
P-19-0001	February 28, 2019
P-19-0002	April 15, 2019
P-19-0012	February 28, 2019

**Table E - PMNs with public files containing fewer versions of the PMN
than appear to have been submitted**

PMN Case No.	Date of Violation (Public file receipt date)⁶
P-19-0013	February 28, 2019
P-19-0014	February 28, 2019
P-19-0015	February 28, 2019
P-19-0016	February 28, 2019
P-19-0017	February 28, 2019
P-19-0018	February 28, 2019

⁶ The date of violation is no later than the date on which EPA responded to the public file request by making the public file available to the requestor.

Table F - PMNs where we do not know the number of versions, but EPA has provided us with only one version

PMN Case No.	Date of Violation (Public file receipt date) ⁷
P-16-0341	June 21, 2018
P-16-0343	December 26, 2017
P-16-0344	December 26, 2017
P-16-0348	December 26, 2017
P-16-0349	June 21, 2018
P-16-0354	June 21, 2018
P-16-0355	June 21, 2018
P-16-0366	December 26, 2017
P-16-0373	December 26, 2017
P-16-0391	December 26, 2017
P-16-0400	March 28, 2019
P-16-0401	December 26, 2017
P-16-0403	December 26, 2017
P-16-0415	April 24, 2018
P-16-0518	December 26, 2017
P-16-0519	December 26, 2017
P-16-0532	June 21, 2018
P-16-0588	December 26, 2017
P-16-0592	December 26, 2017
P-17-0112	December 26, 2017
P-17-0144	December 26, 2017
P-17-0160	December 26, 2017
P-17-0161	December 26, 2017
P-17-0194	December 26, 2017
P-17-0300	April 26, 2019
P-18-0002	April 24, 2018
P-18-0021	April 24, 2018
P-18-0024	November 20, 2018
P-18-0025	November 20, 2018
P-18-0030	November 20, 2018
P-18-0044	April 24, 2018
P-18-0045	April 24, 2018
P-18-0054	October 10, 2018
P-18-0146	April 26, 2019
P-18-0150	April 26, 2019
P-18-0159	April 26, 2019
P-18-0280	April 26, 2019
P-18-0286	April 26, 2019

⁷ The date of violation is no later than the date on which EPA responded to the public file request by making the public file available to the requestor.

Table G: PMN Public Files with Redacted/Missing Health and Safety Studies

PMN Case No.	Health and safety studies that should appear in public files but are either not provided or excessively redacted	Date of Violation (Public file receipt date)
P-14-0314	Physical properties, toxicity study, 3 oral toxicity studies, reproduction toxicity, risk analysis, 2 environmental studies	December 26, 2017
P-16-0192	Summary hazard description	October 10, 2018
P-16-0302	Health study	December 26, 2017
P-16-0303	Physical properties	December 26, 2017
P-16-0345	Exposure concerns	June 21, 2018
P-16-0349	Physical properties, water solubility, stability in acid, oral toxicity, skin irritation, eye irritation, skin sensitization, ames test, acute immobilization test, biodegradation, Sustainable Futures summary	June 21, 2018
P-16-0366	Waste stream	December 26, 2017
P-16-0373	Physical properties, toxicology summary, acute oral toxicity, 7-day oral toxicity, 28-day oral toxicity, skin irritation, eye irritation, skin sensitization, mutagenicity, chromosomal aberration, biodegradation, bioconcentration, acute fish toxicity, algal growth	December 26, 2017
P-16-0392	Sustainable Futures summary	December 26, 2017
P-16-0401	Physical properties	December 26, 2017
P-16-0466	Pollution prevention	December 26, 2017
P-16-0483	Water solubility, melting point, explosive properties, oxidizing properties, flammability, self-ignition, octanol/water partition, water solubility, oral toxicity	October 10, 2018
P-16-0509	Mutagenicity, density, pollution prevention	June 21, 2018
P-16-0518-519	Acute dermal, acute eye, acute oral toxicity, algae, ames test, chicken eye test	December 26, 2017
P-16-0575	Risk assessment	October 10, 2018
P-16-0578	Physical properties	December 26, 2017
P-16-0581	Worker exposures, 2 response letters with redacted tables	October 10, 2018
P-17-0121	Toxicology evaluation	June 21, 2018
P-17-0152	Sustainable Futures summary, ChemSTEER report, 9 EFAST reports, Oncologic	June 21, 2018

Table G: PMN Public Files with Redacted/Missing Health and Safety Studies

PMN Case No.	Health and safety studies that should appear in public files but are either not provided or excessively redacted	Date of Violation (Public file receipt date)
P-17-0160-161	Oncologic	December 26, 2017
P-17-0185	Pollution prevention	December 26, 2017
P-17-0194	Biodegradation, toxicity to worms, toxicity to fish, mutagenicity	December 26, 2017
P-17-0227	Pollution prevention	December 26, 2017
P-17-0245	Gel Permeation Chromatography	April 26, 2019
P-17-0267	1H NMR, 28-day oral toxicity study, Ames test, An acute study, IRER report, Log Kow, Toxicity Data Summary and NOAEC justification, Vapor pressure data	April 26, 2019
P-17-0281	Physical properties	March 1, 2019
P-17-0336-338	Air monitoring summary	July 30, 2018
P-17-0400	Mutagenicity Test by using microorganisms	April 26, 2019
P-18-0025	Physical properties, engineering report	November 20, 2018
P-18-0045	Density, flashpoint, saponification, pour point, viscosity, method for water, water solubility	April 24, 2018
P-18-0064	Density and vapor pressure, Detail of NMR results, NMR Results	April 26, 2019
P-18-0068	Inhalation exposure	March 1, 2019
P-18-0106	Information on incinerator performance, NMR Summary	April 26, 2019
P-18-0132	EPISuite, ECOSAR, toxicity data, ames test, environmental release, worker exposure, health assessment, air sampling, point of departure	April 15, 2019
P-18-0136	Acute daphnia toxicity	December 6, 2018
P-18-0150	Acute Inhalation Toxicity , AMES test, Local Lymph Node Assay , Acute Oral Toxicity, Bovine Corneal Opacity and Permeability test, HET-CAM, In vitro Eye Irritation, In vitro Skin Irritation, In vitro Skin Corrosion, Algae Growth Inhibition test, Daphnia Immobilization test, Ready Biodegradation, Activated sludge test	April 26, 2019
P-18-0152	Risk assessment, analog hazard data, QSAR, 3 unnamed studies, ChemSTEER, GENECC	March 28, 2019
P-18-0219	Occupational exposure, worker exposure	March 1, 2019

Table G: PMN Public Files with Redacted/Missing Health and Safety Studies

PMN Case No.	Health and safety studies that should appear in public files but are either not provided or excessively redacted	Date of Violation (Public file receipt date)
P-18-0227	EPISuite	October 10, 2018
P-18-0233	Sustainable Futures summary, water solubility	November 20, 2018
P-18-0274	Incinerator Information, NMR, PhysChem Properties, Acute Oral Toxicity, ADME Study, Bacterial reverse mutation assay, Skin Sensitization	April 26, 2019
P-18-0275	Incinerator information, NMR, PhysChem Properties	April 26, 2019
P-18-0282	Residual MDI and worker exposure	April 26, 2019
P-18-0292	Gel Permeation Chromatography	April 26, 2019
P-18-0307	Physical properties, acid base stability report, acute oral toxicity, Sustainable Futures summary, EFAST summary, ChemSTEER, water solubility	April 22, 2019
P-18-0319	Toxicology and ecotoxicology assessment, 7 EPISuite reports	February 28, 2019
P-18-0377	Water solubility, octanol/water partition coefficient	February 28, 2019
P-19-0013	Worker exposures	February 28, 2019
P-19-0014	Worker exposures	February 28, 2019
P-19-0015	Worker exposures	February 28, 2019
P-19-0016	Worker exposures	February 28, 2019
P-19-0017	Worker exposures	February 28, 2019
P-19-0018	Worker exposures	February 28, 2019

Table H: PMN Public Files with Redacted/Missing Safety Data Sheets

PMN Case No.	Date of Violation (Public file receipt date)
P-14-0314	December 26, 2017
P-15-0726	July 30, 2018
P-16-0281	December 26, 2017
P-16-0301	December 26, 2017
P-16-0302	December 26, 2017
P-16-0303	December 26, 2017
P-16-0349	June 21, 2018
P-16-0354-355	June 21, 2018
P-16-0373	December 26, 2017
P-16-0401	December 26, 2017
P-16-0415	April 24, 2018
P-16-0518-519	December 26, 2017
P-17-0016-21	December 26, 2017
P-17-0144	December 26, 2017
P-17-0245	April 26, 2019
P-17-0246	December 26, 2017
P-17-0267	April 26, 2019
P-17-0281	March 1, 2019
P-17-0400	April 26, 2019
P-18-0024	November 20, 2018
P-18-0030	November 20, 2018
P-18-0044	April 24, 2018
P-18-0045	April 24, 2018
P-18-0064	April 26, 2019
P-18-0106	April 26, 2019
P-18-0114	April 26, 2019
P-18-0146	April 26, 2019
P-18-0150	April 26, 2019
P-18-0152	March 28, 2019
P-18-0154	April 26, 2019
P-18-0169	April 15, 2019
P-18-0219	March 1, 2019
P-18-0221	March 28, 2019
P-18-0233	November 20, 2018
P-18-0272	April 15, 2019
P-18-0274	April 26, 2019
P-18-0275	April 26, 2019
P-18-0280	April 26, 2019
P-18-0282	April 26, 2019
P-18-0284	April 22, 2019
P-18-0292	April 26, 2019
P-18-0307	April 22, 2019
P-18-0319	February 28, 2019
P-19-0002	April 15, 2019
P-19-0012	February 28, 2019

Table H: PMN Public Files with Redacted/Missing Safety Data Sheets

PMN Case No.	Date of Violation (Public file receipt date)
P-19-0013	February 28, 2019
P-19-0014	February 28, 2019
P-19-0015	February 28, 2019
P-19-0016	February 28, 2019
P-19-0017	February 28, 2019
P-19-0018	February 28, 2019

Table I: PMN public files containing confidentiality claims but also lacking substantiation documents

PMN Case No.	Date of Violation (Public file receipt date)
P-14-0314	December 26, 2017
P-15-0726	July 30, 2018
P-16-0192	October 10, 2018
P-16-0292	December 26, 2017
P-16-0301	December 26, 2017
P-16-0302	December 26, 2017
P-16-0340	December 26, 2017
P-16-0341	June 21, 2018
P-16-0343	December 26, 2017
P-16-0344	December 26, 2017
P-16-0348	December 26, 2017
P-16-0349	June 21, 2018
P-16-0351	December 26, 2017
P-16-0354-355	June 21, 2018
P-16-0366	December 26, 2017
P-16-0373	December 26, 2017
P-16-0391	December 26, 2017
P-16-0392	December 26, 2017
P-16-0401	December 26, 2017
P-16-0403	December 26, 2017
P-16-0415	April 24, 2018
P-16-0426	December 26, 2017
P-16-0483	October 10, 2018
P-16-0484	October 10, 2018
P-16-0492	December 26, 2017
P-16-0509	June 21, 2018
P-16-0512	June 21, 2018
P-16-0515	December 26, 2017
P-16-0518-519	December 26, 2017
P-16-0545	December 26, 2017
P-16-0580	December 26, 2017
P-16-0588	December 26, 2017
P-17-0008	December 26, 2017
P-17-0009	December 26, 2017
P-17-0024-25	December 26, 2017
P-17-0112	December 26, 2017
P-17-0144	December 26, 2017
P-17-0157	June 21, 2018
P-17-0158	December 26, 2017
P-17-0182	December 26, 2017
P-17-0194	December 26, 2017
P-17-0214	December 26, 2017
P-17-0215	December 26, 2017
P-17-0219	December 26, 2017
P-17-0249	July 30, 2018

Table I: PMN public files containing confidentiality claims but also lacking substantiation documents

PMN Case No.	Date of Violation (Public file receipt date)
P-17-0264	December 26, 2017
P-17-0267	April 27, 2019
P-17-0293	December 26, 2017
P-17-0320	April 28, 2019
P-17-0332	October 2, 2018
P-17-0336-338	July 30, 2018
P-17-0380-381	July 30, 2018
P-17-0400	April 29, 2019
P-18-0007-8	March 1, 2019
P-18-0030	November 20, 2018
P-18-0042	April 30, 2019
P-18-0053	May 1, 2019
P-18-0068	March 1, 2019
P-18-0077	April 15, 2019
P-18-0100	October 10, 2018
P-18-0102	October 10, 2018
P-18-0106	May 3, 2019
P-18-0107	April 15, 2019
P-18-0114	May 4, 2019
P-18-0118-119	April 15, 2019
P-18-0146	May 5, 2019
P-18-0150	May 6, 2019
P-18-0152	March 28, 2019
P-18-0154	May 7, 2019
P-18-0212	March 1, 2019
P-18-0231	October 10, 2018
P-18-0238	March 28, 2019
P-18-0261	December 6, 2018
P-18-0272	April 15, 2019
P-18-0279	December 6, 2018
P-18-0280	May 11, 2019
P-18-0282	May 12, 2019
P-18-0284	April 22, 2019
P-18-0286	May 13, 2019
P-19-0002	April 15, 2019
P-19-0006	March 28, 2019
P-19-0007	April 15, 2019
P-19-0008	March 28, 2019
P-19-0012	February 28, 2019
P-19-0021-22	February 28, 2019
P-19-0023	February 28, 2019
P-19-0025	February 28, 2019
P-19-0026	February 28, 2019
P-19-0026	April 22, 2019
P-19-0027	February 28, 2019

Table J: PMN Public Files with no correspondence between EPA and the submitter

PMN Case No.	Date of Violation (Public file receipt date) ⁸
P-14-0314	December 26, 2017
P-15-0726	July 30, 2018
P-16-0192	October 10, 2018
P-16-0292	December 26, 2017
P-16-0301	December 26, 2017
P-16-0302	December 26, 2017
P-16-0303	December 26, 2017
P-16-0341	June 21, 2018
P-16-0343	December 26, 2017
P-16-0344	December 26, 2017
P-16-0345	June 21, 2018
P-16-0348	December 26, 2017
P-16-0349	June 21, 2018
P-16-0354-355	June 21, 2018
P-16-0366	December 26, 2017
P-16-0373	December 26, 2017
P-16-0380-385	October 10, 2018
P-16-0391	December 26, 2017
P-16-0392	December 26, 2017
P-16-0400	March 28, 2019
P-16-0401	December 26, 2017
P-16-0403	December 26, 2017
P-16-0415	April 24, 2018
P-16-0426	December 26, 2017
P-16-0459	December 26, 2017
P-16-0466	December 26, 2017
P-16-0483	October 10, 2018
P-16-0484	October 10, 2018
P-16-0492	December 26, 2017
P-16-0508	December 26, 2017
P-16-0510	June 21, 2018
P-16-0512	June 21, 2018
P-16-0515	December 26, 2017
P-16-0518-19	December 26, 2017
P-16-0545	December 26, 2017
P-16-0575	October 10, 2018
P-16-0578	December 26, 2017
P-16-0580	December 26, 2017
P-16-0588	December 26, 2017
P-16-0592	December 26, 2017
P-17-0008	December 26, 2017
P-17-0009	December 26, 2017
P-17-0014	December 26, 2017
P-17-0016-21	December 26, 2017

Table J: PMN Public Files with no correspondence between EPA and the submitter

PMN Case No.	Date of Violation (Public file receipt date)⁸
P-17-0024-25	December 26, 2017
P-17-0112	December 26, 2017
P-17-0115	June 21, 2018
P-17-0117-118	December 26, 2017
P-17-0119	June 21, 2018
P-17-0144	December 26, 2017
P-17-0157	June 21, 2018
P-17-0158	December 26, 2017
P-17-0160-161	December 26, 2017
P-17-0182	December 26, 2017
P-17-0185	December 26, 2017
P-17-0190	December 26, 2017
P-17-0194	December 26, 2017
P-17-0207	December 26, 2017
P-17-0214	December 26, 2017
P-17-0215	December 26, 2017
P-17-0219	December 26, 2017
P-17-0227	December 26, 2017
P-17-0245	April 26, 2019
P-17-0246	December 26, 2017
P-17-0249	July 30, 2018
P-17-0255	December 26, 2017
P-17-0256	December 26, 2017
P-17-0264	December 26, 2017
P-17-0266	December 26, 2017
P-17-0267	April 26, 2019
P-17-0282	April 26, 2019
P-17-0293	December 26, 2017
P-17-0300	April 26, 2019
P-17-0320	April 26, 2019
P-17-0332	October 2, 2018
P-17-0380-381	July 30, 2018
P-17-0382	December 6, 2018
P-17-0390	December 26, 2017
P-17-0400	April 26, 2019
P-18-0002	April 24, 2018
P-18-0007-8	March 1, 2019
P-18-0021	April 24, 2018
P-18-0024	November 20, 2018
P-18-0025	November 20, 2018
P-18-0026	January 2, 2018
P-18-0030	November 20, 2018
P-18-0032	January 2, 2018
P-18-0042	April 26, 2019

Table J: PMN Public Files with no correspondence between EPA and the submitter

PMN Case No.	Date of Violation (Public file receipt date) ⁸
P-18-0044	April 24, 2018
P-18-0045	April 24, 2018
P-18-0052	April 26, 2019
P-18-0053	April 26, 2019
P-18-0054	October 10, 2018
P-18-0064	April 26, 2019
P-18-0068	March 1, 2019
P-18-0083	April 24, 2018
P-18-0100	October 10, 2018
P-18-0102	October 10, 2018
P-18-0106	April 26, 2019
P-18-0114	April 26, 2019
P-18-0116	October 10, 2018
P-18-0118-119	April 15, 2019
P-18-0136	December 6, 2018
P-18-0137	September 19, 2018
P-18-0146	April 26, 2019
P-18-0147	March 28, 2019
P-18-0150	April 26, 2019
P-18-0152	March 28, 2019
P-18-0154	April 26, 2019
P-18-0157	April 26, 2019
P-18-0159	April 26, 2019
P-18-0169	April 15, 2019
P-18-0212	March 1, 2019
P-18-0219	March 1, 2019
P-18-0221	March 28, 2019
P-18-0224-225	December 5, 2018
P-18-0227	October 10, 2018
P-18-0230	October 2, 2018
P-18-0231	October 10, 2018
P-18-0233	November 20, 2018
P-18-0237	April 26, 2019
P-18-0238	March 28, 2019
P-18-0261	December 6, 2018
P-18-0272	April 15, 2019
P-18-0274	April 26, 2019
P-18-0275	April 26, 2019
P-18-0277	April 15, 2019
P-18-0278	April 22, 2019
P-18-0279	December 6, 2018
P-18-0280	April 26, 2019
P-18-0282	April 26, 2019
P-18-0284	April 22, 2019

Table J: PMN Public Files with no correspondence between EPA and the submitter

PMN Case No.	Date of Violation (Public file receipt date)⁸
P-18-0286	April 26, 2019
P-18-0292	April 26, 2019
P-18-0319	February 28, 2019
P-18-0324	March 28, 2019
P-18-0377	February 28, 2019
P-18-0379	April 15, 2019
P-18-0385	February 28, 2019
P-19-0001	February 28, 2019
P-19-0002	April 15, 2019
P-19-0006	March 28, 2019
P-19-0007	April 15, 2019
P-19-0008	March 28, 2019
P-19-0012	February 28, 2019
P-19-0013	February 28, 2019
P-19-0014	February 28, 2019
P-19-0015	February 28, 2019
P-19-0016	February 28, 2019
P-19-0017	February 28, 2019
P-19-0018	February 28, 2019
P-19-0019	February 28, 2019
P-19-0020	February 28, 2019
P-19-0021-22	February 28, 2019
P-19-0023	February 28, 2019
P-19-0025	February 28, 2019
P-19-0025	April 15, 2019
P-19-0026	February 28, 2019
P-19-0026	April 22, 2019
P-19-0027	February 28, 2019

⁸ The date of violation is no later than the date on which EPA responded to the public file request by making the public file available to the requestor.

Table K: PMNs which claim exemptions under § 2613(c)(2) for information and entire documents that clearly do not fall within the cited exemption

PMN Case No.	Claimed Exemption under TSCA 14(c)(2)	Information or Document Inconsistent with Claim	Date of Violation (EPA receipt date)
P-17-0190	A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	December 26, 2016
P-17-0160-61	A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	September 13, 2017
P-16-0578	A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	October 21, 2016
P-16-0303	A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	April 6, 2016
P-16-0281	A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	March 30, 2016
P-17-0246	A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	February 28, 2017

Table K: PMNs which claim exemptions under § 2613(c)(2) for information and entire documents that clearly do not fall within the cited exemption

PMN Case No.		Claimed Exemption under TSCA 14(c)(2)	Information or Document Inconsistent with Claim	Date of Violation (EPA receipt date)
P-18-0054		A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	November 20, 2017
P-17-0115		A	Byproducts	November 16, 2016
P-18-0021		A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	October 17, 2017
P-17-0207		A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	January 23, 2017
P-17-0016-21		A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	October 27, 2016
P-17-0152		A A B C	Occupational exposure Environmental releases Safety data sheet (SDS) Number of sites	November 28, 2016
P-18-0002		C	Number of sites controlled by others	October 2, 2017
P-16-0466		E	Pollution prevention information	July 11, 2016
P-17-0227		E	Pollution prevention information	February 1, 2017

Table K: PMNs which claim exemptions under § 2613(c)(2) for information and entire documents that clearly do not fall within the cited exemption

PMN Case No.	Claimed Exemption under TSCA 14(c)(2)	Information or Document Inconsistent with Claim	Date of Violation (EPA receipt date)
P-17-0185	E	Pollution prevention information	December 20, 2016

Table L: PMNs with Confidentiality Claims Requesting Indefinite Nondisclosure

PMN Case No.	Date of Violation (EPA receipt date)
P-17-0190	December 26, 2016
P-17-0160-61	September 13, 2017
P-16-0578	October 21, 2016
P-16-0303	April 6, 2016
P-17-0246	February 28, 2017
P-18-0054	November 20, 2017
P-18-0021	October 17, 2017
P-17-0207	January 23, 2017
P-17-0016-21	October 27, 2016
P-17-0152	November 28, 2016

TABLE I	
Year	Population
1900	1,000,000
1910	1,500,000
1920	2,000,000
1930	2,500,000
1940	3,000,000
1950	3,500,000
1960	4,000,000
1970	4,500,000
1980	5,000,000
1990	5,500,000
2000	6,000,000
2010	6,500,000
2020	7,000,000