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for better living

July 6, 2010

VIA USPS and Electronic Mail

Honorable Stephen Owens
Assistant Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 7101M
Washington, DC 20460

Dear Steve:

Thank you for your June 4, 2010 letter regarding confidential business information (CBI) protection for certain information submitted pursuant to the Toxic Substances Control Act (TSCA) to the U.S. Environmental Protection Agency (EPA). I appreciate the importance of this issue and the opportunity to write to you in response.

In your letter, you requested that I encourage ACI members to take three actions to minimize the number of CBI claims under TSCA: (1) review of older files and CBI claims submitted to the EPA; (2) notify EPA about any declassifications resulting from this review; and (3) strictly limit future CBI submissions. In response to your letter, ACI has shared your request with our member companies for their individual consideration.

ACI supports EPA's efforts to bring further discipline to CBI claims made under TSCA. However, it is essential that transparency demands be balanced with the need to protect valuable proprietary information that would be of great interest to foreign and domestic competitors. The protection of legitimate CBI claims allows companies to realize the fruits of their investments in innovations in areas such as green chemistry and sustainability (e.g. reduction of energy and water use, reduced packaging and lower greenhouse gas emissions), which are aligned with the overall EPA mission. More than just protecting the interests of any one company, ensuring that we have a credible and reliable program for protecting CBI is a critical to the country's competitiveness.

As you know, ACI supports TSCA modernization and a chemical management framework that enhances innovation in light of a globally competitive environment. Any review and update of certain aspects of TSCA CBI provisions must be done in light of these interests.

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An open dialogue between industry and the Agency on these issues is critical to striking the appropriate balance with respect to the treatment of CBI. Toward this end, I believe a meeting between your staff, ACI member company representatives, and ACI staff would be useful in order to better understand EPA's goals and priorities for CBI reviews, among other CBI related issues. I have asked my staff to work to coordinate a meeting with the EPA managers you would designate.

We look forward to continuing our work with you and your staff on this important issue, and stand ready to support the Agency in its efforts to ensure that CBI claims are appropriately made.

Sincerely,

A handwritten signature in blue ink that reads "Ernie Rosenberg". The signature is written in a cursive, flowing style.

Ernie Rosenberg
President & CEO