IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ENVIRONMENTAL DEFENSE FUND
257 Park Avenue South
New York, NY 10010;

CENTER FOR ENVIRONMENTAL HEALTH
2201 Broadway #508
Oakland, CA 94612;

ENVIRONMENTAL HEALTH STRATEGY CENTER
565 Congress St., Ste. 204
Portland, ME 04101;

NATURAL RESOURCES DEFENSE COUNCIL
40 West 20th Street, 11th Floor
New York, NY 10011;

and

SIERRA CLUB
2101 Webster St., Ste. 1300
Oakland, CA 94612,

Plaintiffs,

v.

ANDREW WHEELER, Administrator, U.S. Environmental Protection Agency, in his official capacity,
1200 Pennsylvania Ave., NW
Washington, DC 20460;

and

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
1200 Pennsylvania Ave., NW
Washington, DC 20460,

Defendants.

Civil Action No. 1:20-cv-762

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. In the Toxic Substances Control Act ("TSCA"), Congress required the United States Environmental Protection Agency ("EPA") to approve any new chemical before it can first be manufactured. EPA can only approve an application to manufacture a new chemical after reviewing the potential risks the chemical may pose, and, if necessary, EPA must regulate the chemical to protect human health and the environment. Congress also mandated that EPA operate this premanufacture review process transparently, including requiring that EPA timely disclose to the public all non-confidential information in the application so that interested persons can provide input into EPA's decision-making. Instead, EPA operates the process as a black box, thwarting the ability of the public to be informed and to provide input.

2. Congress required EPA to review new chemicals prior to manufacture to prevent significant exposures before their potential dangers are understood and, thus, ensure that they do not, years or decades later, threaten lives or contaminate the environment. Congress recognized that prior to TSCA's enactment: "Most Americans had no idea…when they went to work in the morning, or when they ate their breakfast—that when they did the things they had to do to earn a living and keep themselves alive and well—that when they did things as ordinary, as innocent and as essential to life as eat, drink, breathe or touch, they could, in fact, be laying their lives on the line. They had no idea that, without their knowledge or consent, they were often engaging in a grim game of chemical roulette whose result they would not know until many years later." S. Rep. No. 94-698, at 3 (1976).

3. Congress understood that "[t]he most effective and efficient time to prevent unreasonable risks to public health or the environment is prior to first manufacture. It is at this

point that the costs of regulation in terms of human suffering, jobs lost, wasted capital expenditures, and other costs are lowest." S. Rep. No. 94-698, at 5.

4. Thus, under TSCA, a chemical manufacturer must apply for EPA approval before it can begin manufacturing (defined to include importing) a new chemical that has not already been manufactured in the United States. *See* 15 U.S.C. § 2604. EPA must review the application—which includes the potential activities the chemical will be involved in and studies relating to its health and environmental effects and exposures—to determine the potential risk posed by the new chemical. And based on that review EPA must regulate the chemical, up to and including blocking market access, as necessary to protect human health and the environment. *Id.* § 2604(e), (f). "[T]his provision would no longer allow the public or the environment to be used as a testing ground for the safety of these products." S. Rep. No. 94-698, at 3.

5. Central to this lawsuit, TSCA requires that EPA conduct its review of new chemicals transparently, so that the public: (1) has ready access to information about the new chemical, including potential uses, effects, and exposures; and (2) has an opportunity to participate in EPA's decision-making process. Specifically, TSCA mandates that EPA: quickly inform the public upon receipt of an application to manufacture a new chemical; and disclose all non-confidential information contained in the application, particularly information about the health effects of and exposures to the new chemical, to interested persons. 15 U.S.C. §§ 2604(d)(1), (2), 2613.

6. As EPA itself recognizes, "[t]hese provisions indicate that Congress intended informed citizen involvement in review of new chemical substances, although EPA is to be the primary decision-maker. Public participation cannot be effective unless meaningful information

is made available to interested persons." EPA, Premanufacture Notification; Premanufacture Notice Requirements and Review Procedures, 48 Fed. Reg. 21,722, 21,737 (May 13, 1983).

7. Because chemical manufacturers continue to apply for and receive approval to manufacture new variants of chemicals that are known or suspected to be dangerous—chemicals like perfluoroalkyl and polyfluoroalkyl substances ("PFAS") and isocyanates, among others—Plaintiffs have tried to make use of TSCA's transparency and disclosure provisions. Plaintiffs seek to provide input during EPA's review of potentially dangerous new chemicals to ensure that EPA adequately protects public health and the environment from new chemicals and informs the public of potential dangers of chemicals that EPA approves.

8. However, EPA currently operates the new chemical program as a black box, denying the public information to which they are legally entitled. The public needs this information to provide input on the potential effects of, and exposures to, new chemicals and to advocate for restrictions on the chemicals' manufacture, use, and disposal necessary to protect public health and the environment. TSCA requires that notice of EPA's receipt of new chemical applications be published in the Federal Register within 5 business days; EPA routinely fails to disclose that it has received an application within the mandated time frames. TSCA mandates that EPA disclose to the public any health and safety studies and all other non-confidential information submitted in support of a new chemical application; EPA routinely withholds such information from the public. TSCA requires chemical manufacturers to meet certain requirements before EPA can invoke TSCA's confidentiality provisions to prevent public disclosure of information in the application; yet, even when the manufacturer fails to meet these requirements, EPA routinely withholds such information from the public. EPA's regulations require that EPA publish the applications in an online docket; yet, EPA fails to do so.

9. Plaintiffs bring this lawsuit to ensure that EPA complies with TSCA's disclosure provisions and request that this Court: declare EPA to be in violation of TSCA's disclosure mandates; order EPA to publish full and complete notices of its receipt of new chemical applications in a timely fashion; and order EPA to disclose all non-confidential information, including health and safety studies, supporting such applications. Plaintiffs also request that the Court require EPA to disclose previously requested information on new chemicals that EPA refused to disclose. Plaintiffs further request that the Court declare that EPA engages in a pattern and practice of violating TSCA's numerous disclosure mandates and enjoin EPA's black-box approach to reviewing new chemicals on a prospective basis. Action by this Court is needed to ensure Plaintiffs and their members have timely access to information and are able to provide input on the potential risks of new chemicals and the need for protections from those risks prior to completion of EPA's reviews.

JURISDICTION AND VENUE

10. This action arises under the Toxic Substances Control Act, 15 U.S.C. § 2619. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 2619, 28 U.S.C. § 1331, and 28 U.S.C. § 1361. This Court may order the Administrator to perform the requisite acts and duties, may issue a declaratory judgment, and may grant further relief pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and 28 U.S.C. § 1361. Plaintiffs have a right to bring this action pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, 28 U.S.C. § 1361, and the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

11. By certified letters to the Administrator and the Attorney General—posted on September 3, 2019, and with return receipts dated, respectively, September 6 and September 9,

2019—Plaintiffs gave notice of this action as required by 15 U.S.C. § 2619(b)(1)(A) and 40 C.F.R. §§ 702.60-702.62.

12. Venue is vested in this Court under 28 U.S.C. § 1391(e)—because Defendants reside in this district and a substantial part of the events or omissions giving rise to the claim occurred in this district—and 15 U.S.C. § 2619(a)—because the alleged violations occurred in this district and Plaintiffs seek to compel the Administrator to perform acts or duties under TSCA which are not discretionary.

PARTIES

13. Environmental Defense Fund ("EDF") is a membership organization incorporated under the laws of the State of New York. EDF relies on science, economics, and law to protect and restore the quality of our air, water, and other natural resources, and to support policies that mitigate the impacts of climate change. Through its programs aimed at protecting human health, EDF has long pursued initiatives at the state and national levels designed to reduce exposure of its members and the general public to toxic chemicals. Among other goals, EDF seeks to significantly reduce exposure to high-risk chemicals in consumer products, water, and food, in part, by significantly expanding actionable information on chemical risks. EDF uses information about chemical substances in its research and advocacy efforts. EDF has hundreds of thousands of members in the United States, and EDF has members in all 50 states and the District of Columbia. EDF is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code. EDF brings this action on behalf of itself and its members.

14. Center for Environmental Health ("CEH") is a nonprofit organization incorporated under the laws of the state of California. CEH protects people from toxic chemicals

by working with communities, consumers, workers, government, and the private sector to demand and support business practices that are safe for public health and the environment.

15. Environmental Health and Safety Center ("EHSC") is a Maine Nonprofit Corporation, headquartered in Portland, Maine with an additional office in Bangor, Maine. EHSC works to secure a healthier environment for the residents of Maine. EHSC works to create a world where all people are healthy and thriving, with equal access to safe food and drinking water, and products that are toxic-free and climate-friendly. EHSC works at both the state and federal level for policies to achieve these goals.

16. Natural Resources Defense Council ("NRDC") is a national, not-for-profit environmental and public health membership organization with hundreds of thousands of members nationwide. For decades, NRDC's scientists, policy experts, and attorneys have engaged in research, analysis, communications, legislative work, and litigation to protect public health and the environment from harms associated with toxic chemical exposure. NRDC regularly submits comments on proposed EPA regulatory decisions, and its mission includes ensuring that these regulatory decisions are informed by public participation and the best available scientific research.

17. Sierra Club is a nonprofit corporation organized and existing under the laws of the State of California, with its headquarters located in Oakland, California. A national organization with 67 chapters and hundreds of thousands of members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these

objectives. The Sierra Club is dedicated to the protection of public health and the environment. Sierra Club brings this action on behalf of itself and its members.

18. Defendants are Andrew Wheeler, the Administrator of the United States Environmental Protection Agency ("Administrator"), and the United States Environmental Protection Agency. As Administrator, he is charged with the duty to uphold the Toxic Substances Control Act and to take required regulatory actions therein.

LEGAL FRAMEWORK

I. EPA Is Required to Review and Approve New Chemicals Before Manufacture

19. Congress enacted TSCA in 1976 to comprehensively regulate chemicals in commerce from their initial manufacture to ultimate disposal in order to "prevent unreasonable risks of injury to health or the environment." S. Rep. No. 94-698, at 1; Pub. L. No. 94-469, 90 Stat. 2003 (codified at 15 U.S.C. § 2601 et seq.) (1976). Then-existing environmental laws were "clearly inadequate" to address the "serious risks of harm" to public health from toxic chemicals. H.R. Rep. No. 94-1341, at 7 (1976); see S. Rep. No. 94-698, at 3 ("[W]e have become literally surrounded by a man-made chemical environment. … [T]oo frequently, we have discovered that certain of these chemicals present lethal health and environmental dangers.").

20. Under TSCA's new chemicals provisions, 15 U.S.C. § 2604, EPA typically must review and approve a new chemical before it may be manufactured, unless a chemical is exempt from review. 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. *See generally id.*

21. The requirements of § 2604 were designed to "assure that chemicals receive careful premarket scrutiny before they are manufactured or distributed to the public." S. Rep. No. 94-698, at 3.

22. Prior to the 2016 amendments to TSCA, EPA was only required to regulate a new chemical, in order to protect health or the environment, if EPA reviewed the PMN and found that there was a reasonable basis to believe that the chemical "presents or will present" an unreasonable risk of injury to health or the environment. Pub. Law. 94-469 § 5(f)(1); *see* 15 U.S.C. § 2604(f)(1) (2015). EPA was given 90 days to make this determination, but if EPA was unable to make an affirmative finding that a new chemical was unreasonably risky it was not obligated to restrict the chemical. Instead, if EPA both lacked sufficient information about a chemical *and* on that basis found a new chemical could present unreasonable risk, it had authority—but no mandate—to regulate the chemical. *Id.* § 2604(e)(1) (2015). However, a lack of information alone gave EPA no authority to regulate a new chemical.

23. In the 2016 amendments to TSCA, Congress significantly strengthened the § 2604 premanufacture review process by requiring that EPA review and make an affirmative decision about every PMN submitted. Now EPA may only approve the manufacture of a new chemical, without imposing restrictions to protect health or the environment, if it finds that the chemical is "not likely to present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation." 15 U.S.C. § 2604(a)(3)(C), (g). In making this risk determination, EPA must consider all "conditions of use" of the new chemical—i.e., all known, intended, and reasonably foreseen circumstances involving the chemical's manufacture, processing, distribution, use, or disposal. *Id.*; *id.* § 2602(4).

24. As a result of the 2016 amendments, if there is insufficient information "to permit a reasoned evaluation of the health and environmental effects of the relevant chemical substance," or if EPA finds that the chemical may (or does) present an unreasonable risk, 15

U.S.C. § 2604(a)(3)(A), (B), EPA must impose restrictions on the manufacturer "to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation." 15 U.S.C. § 2604(e), (f). EPA must also regulate the chemical if it finds that the chemical "is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance." *Id.* § 2604(a)(3)(B)(ii)(II).

25. To enable EPA to complete this analysis, the applicant must include in the PMN application "any information in [its] possession or control…related to the effect of any manufacture, processing, distribution in commerce, use, or disposal of such substance or any article containing such substance, or of any combination of such activities, on health or the environment" and "a description of any other information concerning the environmental and health effects of such substance, insofar as known to the [applicant] or insofar as reasonably ascertainable." 15 U.S.C. § 2604(d)(1)(B), (C); *also* 40 C.F.R. § 720.50 (requiring the PMN to contain "all test data in the submitter's possession or control").

26. EPA is generally supposed to complete this determination within 90 days, which it may extend by an additional 90 days for good cause. 15 U.S.C. § 2604(c).

27. As an alternative to the PMN application process, a person may apply to manufacture a chemical under the test marketing exemption in order to manufacture or process the chemical for "test marketing purposes," subject to certain additional statutory and regulatory criteria. 15 U.S.C. § 2604(h)(1). EPA must disclose receipt of the test marketing exemption

application by publishing notice in the Federal Register "[i]mmediately upon receipt" of the application. *Id.* § 2604(h)(6).

II. Congress Envisioned a Transparent Review Process to Enable Public Participation in EPA's Decision-Making.

28. To ensure, "that the public receive timely notification of any new chemical substance," H.R. Rep. No. 94-1679, at 67-68 (1976) (Conf. Rep.), Congress mandated that EPA promptly inform the public when EPA has received a PMN application, by publishing a notice in the Federal Register within 5 business days of EPA's receipt of the PMN application. 15 U.S.C. § 2604(d)(2) ("not later than five days (excluding Saturdays, Sundays and legal holidays) after the date of the receipt of a [PMN] … the Administrator shall publish in the Federal Register a notice." (emphasis added)). The notice of receipt must: "(A) identif[y] the chemical substance…; (B) list[] the uses of such substance identified in the notice; and (C) in the case of the receipt of information under subsection (b), describe[] 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]." *Id.*; *see also* 40 C.F.R. § 720.40(d) (describing contents of a PMN).

29. EPA must then disclose the contents of the PMN application to any interested person. 15 U.S.C. § 2604(d)(1). To do so, EPA first is required to 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 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,"). Then, EPA is required to make the public file publicly available, both via request from the EPA Docket

Center; and by placing it online in an electronic docket for the PMN at http://www.regulations.gov. 40 C.F.R. §§ 700.17(b)(1), (2), 720.95.

III. Congress Enacted Limited Protections for Confidentiality

30. In the 2016 amendments, Congress struck a precise balance between the public's right to information about the chemicals undergoing EPA review and the information that manufacturers could claim, and EPA could protect, as confidential.

31. As a result, TSCA significantly limits what information EPA can withhold as confidential from a PMN public file. First, EPA must disclose all information submitted with the PMN application to interested persons, except for information that meets the confidentiality requirements of § 2613. 15 U.S.C. § 2604(d)(1). In turn, under subsection 2613(a), EPA may not protect information submitted with the PMN unless the manufacturer establishes that: (1) the information meets the requirements for a trade secret or privileged and confidential information under the Freedom of Information Act, 5 U.S.C. § 552(b)(4); and (2) the information meets the requirements for confidentiality established in 15 U.S.C. § 2613(c). 15 U.S.C. § 2613(a).

32. Crucially, Congress wanted the public to have access to information about the health and safety of chemical substances undergoing premanufacture review and, thus, provided that "any health and safety study" along with "any information…from a health and safety study" submitted with a PMN is categorically ineligible to be treated as confidential by EPA, even if it would otherwise meet the requirements of subsection 2613(a). *Id.* § 2613(b)(2)(A)(ii), (B).

33. The only information from a health and safety study that EPA may protect as confidential is specific "information…that discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the portion of the mixture comprised by any of the chemical substances in the mixture." *Id.* § 2613(b)(2)

(emphases added). However, "general descriptions" of such processes are not protected. *Id.* § 2613(b)(3)(B).

34. When a manufacturer claims information is confidential, it must satisfy certain additional criteria before the information is eligible to receive confidential treatment from EPA. Substantively, the submitter must assert that the information meets various confidentiality requirements, including that the manufacturer actually treats the information as confidential and that disclosure would likely cause substantial competitive harm. *Id.* § 2613(c)(1)(B). This assertion must be made "concurrent with submission of the information." 15 U.S.C. § 2613(c)(1)(A) (emphasis added); 40 C.F.R. § 720.80(b).

35. Generally, the manufacturer must substantiate confidentiality claims, and where substantiation is required, the manufacturer must substantiate the claim at the time of submission in order to receive confidential protection from EPA. 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."). However, certain discrete categories of information are exempted from substantiation ("exempt confidentiality claims"), including, for example, "[m]arketing and sales information," "[i]nformation identifying a supplier or customer," and "[s]pecific production or import volumes." *See* 15 U.S.C. § 2613(c)(2).

36. For any document which the submitter asserts contains confidential information, the submitter must provide both an unredacted copy and a "sanitized" copy containing redactions of information claimed confidential. 40 C.F.R. § 720.80.

37. To fulfill its duty to provide the public with all information submitted with the PMN while protecting confidential information, EPA is required to place all valid, sanitized copies of the PMN, attachments, and supporting documents in the public file for examination by interested persons.

38. EPA has an affirmative duty to disclose the entire PMN application and supporting documentation, 15 U.S.C. § 2604(d)(1), 40 C.F.R. § 720.95, and may only withhold information included in the PMN application from the public if that information meets the confidentiality requirements of § 2613, 15 U.S.C. § 2613(a)(1), (2). Thus, if a manufacturer's claim that information is confidential does not meet the requirements of § 2613, EPA cannot withhold that information from the public file. 15 U.S.C. § 2604(d)(1).

FACTUAL BACKGROUND

39. EPA engages in a pattern or practice of violating TSCA's disclosure requirements for PMNs, failing to operate the program in the transparent manner Congress required. When Plaintiffs have sought to utilize the disclosure provisions of TSCA, by requesting the public files for PMN applications in order to gain information on new chemicals being reviewed by EPA, they have been repeatedly stymied by EPA's black-box approach. The result is that Plaintiffs and the public at large are left in the dark when a chemical manufacturer applies to manufacture a new chemical and are unable to provide input to EPA to ensure it protects them from a potentially dangerous new chemical.

40. Plaintiffs have a pressing need for information about potentially dangerous new chemicals being reviewed and approved by EPA in order to protect their members, as well as the public at large. Plaintiffs seek to provide input in EPA's review of applications to manufacture new chemicals in order to prevent EPA from approving potentially dangerous chemicals. Plaintiffs also seek to alert their members and the public to the potential dangers of chemicals

that are approved—so that people know about dangerous products that may be lurking in their homes and workplaces—and inform the public as to how EPA is operating the new chemicals approval program under § 2604. The information required to be disclosed under TSCA would assist Plaintiffs in achieving their goals.

41. In violation of TSCA's unambiguous statutory and regulatory mandates, EPA stymies Plaintiffs' efforts by: failing to timely inform Plaintiffs when a new chemical application has been received; and failing to timely make the PMN application and other information supporting the application available for Plaintiffs' examination, thereby hiding crucial information from the public.

I. EPA continues to approve potentially dangerous new chemicals under TSCA

42. Following the 2016 amendments to TSCA, EPA continues to approve potentially dangerous new chemicals without imposing restrictions needed to protect health and the environment, thereby threatening Plaintiffs' members and the public and environment at large.

43. Two classes of dangerous chemicals, PFAS and isocyanates—both of which include individual chemicals that have harmed and continue to harm Plaintiffs' members—highlight this disturbing trend. Despite the known dangers of these classes of chemicals, EPA continues to approve the unregulated manufacture of new PFAS and isocyanates.

44. PFAS are a class of chemicals encompassing more than 5,000 unique substances.

45. Scientific research demonstrates that members of the class of PFAS can have serious toxic effects. Government and independent academic research, including large epidemiological studies of human PFAS exposure, recently found that exposure to even relatively low levels of some PFAS are associated with liver damage, high cholesterol, risk of thyroid disease, decreased antibody response to vaccines, risk of asthma, decreased fertility, and

decrease in birth weight. Data suggest that some PFAS may also affect the growth, learning, and immune response of infants and older children.

46. Some PFAS chemicals have also been linked with various cancers, like kidney cancer and testicular cancer, and with endocrine disruption, with potential effects including lowered sperm counts, decreased male genital size, and male infertility. PFAS have also been associated with pregnancy complications.

47. PFAS are widespread in commerce—they are found in products like waterproof jackets, and carpets to repel water, grease, and stains. They are also used in firefighting foam, especially for use on military bases and in commercial airports.

48. PFAS are persistent, meaning that they do not easily break down and can persist in the environment for decades. For that reason they have been informally dubbed "forever chemicals."

49. Some PFAS chemicals are bioaccumulative, meaning that they can build up in the human body once absorbed.

50. Because of their widespread use and limited regulation on their manufacture, disposal and releases, some of these compounds are now ubiquitous environmental contaminants.

51. As of March 2020, over 1,400 known locations in nearly every state have been affected by PFAS contamination, and as many as 110 million people in this country may have PFAS-contaminated water supplies.

52. More than 95 percent of the U.S. population has PFAS in their bodies.

53. According to the Director of the Center for Disease Control's National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, PFAS contamination presents "one of the most seminal public health challenges for the next decades."

54. Despite this ongoing crisis, EPA continues to approve the manufacture of new PFAS chemicals under TSCA § 2604. EPA itself admits that, since 2006, it has allowed hundreds of new PFAS chemicals to enter commerce under § 2604. And EPA has approved at least 15 PMN applications to manufacture new PFAS since 2017, with varying levels of protection.

55. Indeed, just this year, EPA approved a PMN application for a PFAS chemical, designated by EPA as P-17-0245, despite the fact that EPA staff: identified potential risk to workers and the general population; identified hazards including irritation to eyes, mucous membranes, and lungs, mutagenicity, and respiratory sensitization; and concluded that the substance may degrade to a persistent, bioaccumulative, and toxic chemical. Despite these acknowledged risks EPA concluded that the chemical "was not likely to present an unreasonable risk."

56. Similarly, EPA continues to approve the manufacture of new isocyanate chemicals without imposing needed restrictions, determining that they are "not likely" to present unreasonable risk, despite the fact that isocyanate chemicals are known to cause significant harms to human health and the environment, including death.

57. Some isocyanates are classified as potential human carcinogens. Isocyanates are known to cause significant respiratory problems, including severe asthma. And repeated exposure to isocyanates can result in a phenomenon known as sensitization, in which later exposure to even relatively low doses of the chemical can result in death.

58. Indeed, it was the release of an isocyanate chemical that was responsible for the tragedy at Bhopal, India, in which over 3,800 people were immediately killed and hundreds of thousands of people were injured.

59. Isocyanates are used across a wide array of industries and activities, and thus can result in widespread exposure to workers as well as the communities in which they are used. Isocyanates are used in the manufacture of spandex, packing materials, adhesives, sealants, and rubbers, and products containing isocyanates have been developed as a coating material in a wide range of retail, commercial, and industrial settings. As a result, workers are exposed across a broad range of industries. Additionally, isocyanates can persist and bio-accumulate in the environment, potentially exposing people in a community where isocyanates are manufactured or used to contaminated water and air.

60. Despite these dangers, chemical companies continue to seek to manufacture new isocyanates—submitting numerous PMN applications for new isocyanates since TSCA was amended in 2016—and EPA continues to approve the manufacture of some new isocyanates without restriction, concluding that they are "not likely" to pose unreasonable risk.

61. Yet, in approving these PMNs, EPA unlawfully deprives the public of crucial information about the new chemicals under review—including information about their health and safety. For example, EPA withheld information about worker exposure submitted with the PMN application for an isocyanate EPA designated as P-18-0282. EPA's own, internal analysis identified a risk that exposure to this chemical could result in sensitization to workers, meaning that workers may fall ill or even die if exposed. Yet, when Plaintiffs requested and received the public file for this chemical, the document relating to worker exposure was redacted in its entirety, meaning that Plaintiffs and the public were deprived of key information about these

risks. Just a few months later, EPA approved the PMN application to manufacture this new isocyanate without restriction, concluding it was not likely to pose an unreasonable risk, based on EPA's mere expectation that workers would use appropriate protective equipment, despite the absence of any legal requirement that workers do so. Because EPA never released the health and safety information relating to worker exposure that was submitted in the PMN and did not release its internal analysis of worker risks until after it made its determination, the public was left in the dark and unable to offer informed comments to the agency.

62. EPA has also repeatedly approved, without restriction, numerous other chemicals despite acknowledging that the chemicals pose significant risks to workers. EPA's practice when it finds that a particular chemical undergoing review presents a risk to workers, is to assume that all workers will always use appropriate and fully effective Personal Protective Equipment ("PPE"), and on that basis, EPA finds that the chemical is not likely to present an unreasonable risk, thereby imposing no obligation on the manufacturer to provide, or require its workers to use, that PPE. For example, EPA analyzed a chemical substance it identified as P-16-0483, for which EPA identified risks to workers from numerous activities involving the chemical, including the potential for reproductive toxicity. Nonetheless, EPA ultimately concluded that the chemical was not likely to present an unreasonable risk because EPA assumed that workers would use respirators, despite the absence of any legal requirement that they do so. Moreover, when EDF requested the public file for the PMN for this chemical, EPA withheld numerous health and safety studies attached to the PMN, denying the public key information underlying EPA's decision.

63. Such "not likely" findings reflect systemic flaws in EPA's administration of the new chemicals program that minimize the risk of new chemicals undergoing review, allowing

potentially dangerous chemicals to enter the market without appropriate safeguards. Despite the fact that their safety has not been affirmatively demonstrated by their manufacturers, these new chemicals will be allowed to enter the market unrestricted. The upshot is that Plaintiffs' members and the public at large will be the "testing grounds" for these new chemicals, exactly the result Congress sought to prevent in enacting TSCA's premanufacture review program for new chemicals. *See* S. Rep. No. 94-698, at 3.

II. Plaintiffs need information about the new chemicals being analyzed by EPA.

64. Plaintiffs represent millions of members who are threatened by EPA's flawed administration of the new chemicals program. Plaintiffs' members have been exposed to toxic chemicals, like PFAS and isocyanates, and Plaintiffs seek to protect their members from further exposure by ensuring that EPA does not allow new, unsafe chemicals into commerce.

65. For example, Plaintiffs represent some of the communities that have been hardest hit by the PFAS crisis. Sierra Club's North Carolina Chapter represents residents of the Cape Fear River basin, where a chemical plant allowed significant quantities of PFAS to enter the water and air, unrestricted, for years on end. Residents of Maine, represented by EHSC, have to contend with farms covered in PFAS-contaminated fertilizers, resulting in contaminated milk being introduced into the market, and former military installations contaminated by legacy uses of PFAS.

66. Given the harms Plaintiffs' members have already suffered, Plaintiffs actively work to prevent further exposure to and harm from dangerous new chemicals.

67. First, Plaintiffs seek to ensure that EPA does not approve new chemicals without imposing sufficient restrictions to protect the public and the environment. To do so, Plaintiffs need the information that TSCA mandates EPA disclose but that EPA routinely withholds or fails to make readily accessible. Plaintiffs need that information to provide informed comments

to EPA during its review of a PMN. Congress envisioned informed citizen involvement in EPA's review of a PMN, as EPA itself has recognized and as reflected by the fact that EPA solicits comments on PMN applications.

68. But without the information that TSCA mandates EPA disclose—particularly information on the potential health and environmental effects of, and exposures to, a new chemical and on the new chemical's conditions of use—Plaintiffs cannot provide informed comments to assist EPA's review. For example, there may be potential uses of a new chemical that could threaten Plaintiffs but are not identified by the manufacturer in the PMN application as intended uses of the chemical. For Plaintiffs to be able to identify such reasonably foreseen uses of a new chemical, Plaintiffs need to know all the intended conditions of use identified by the manufacturer and whether changes to those identified conditions of use are made during the course of EPA's review. Plaintiffs can only get this relevant information if they have: all versions of the PMN and its attachments, all versions of the Safety Data Sheets ("SDSs") submitted with the PMN, and all communications between EPA and the submitter. Failure to disclose such information thwarts Plaintiffs' efforts to ensure that new chemicals EPA allows to enter commerce are safe and subject to needed restrictions so as to protect Plaintiffs' members, as well as the general public.

69. For example, Plaintiffs EDF, EHSC, NRDC, and Sierra Club recently submitted comments to EPA on three PMN applications from companies seeking to commence manufacturing new PFAS. These comments were significantly hindered by the lack of publicly available information regarding the PMN applications. The PMN submissions referenced health and safety studies that were not made available in the public file for public review; the public files also redacted key documents describing the physical and chemical properties of the new

chemicals, as well as information on worker exposure and chemical release to the environment, both of which contain information from health and safety studies; and the public files also did not include any correspondence between the submitter and EPA.

70. As another example, Plaintiff EDF has commented repeatedly on new chemicals that contain "residual" isocyanates, meaning that a portion of the isocyanates are left as unreacted "residuals" after manufacturing other chemicals or in products such as paints and certain plastics. EDF has commented multiple times on whether EPA's actions to address the risks posed by these residuals are sufficient. In at least one case, EPA approved a chemical to the enter the market and proposed, without explanation, allowable levels of residual isocyanates at least 70 times higher than the more health protective level set for other chemicals containing residual isocyanates. In comments, EDF demanded an explanation for the unexplained abandonment of EPA's prior limits on residual isocyanates.

71. Second, Plaintiffs need information on individual PMNs in order to understand how EPA is administering the new chemicals provisions of TSCA and to provide input on EPA's approach. Plaintiffs have provided input on EPA's overall approach to implementing TSCA's provisions governing EPA's review of PMNs. For example, EDF has filed extensive comments on EPA's implementation of the new chemicals program, including EDF's comments on Implementing the New Chemicals Review Program Under Amended TSCA and EDF's comments on the Updated Working Approach To Making New Chemical Determinations. https://www.regulations.gov/document?D=EPA-HQ-OPPT-2017-0585-0071; https://www.regulations.gov/document?D=EPA-HQ-OPPT-2019-0684-0013. EHSC, NRDC, and CEH have similarly provided comments on EPA's implementation of the new chemicals provisions of TSCA. https://www.regulations.gov/document?D=EPA-HQ-OPPT-2017-0585-

0059; https://www.regulations.gov/document?D=EPA-HQ-OPPT-2019-0684-0010. Such programmatic comments require Plaintiffs to understand how EPA is administering these provisions for individual chemicals.

72. Third, Plaintiffs rely on information from PMN applications to educate their members and the general public about the potential dangers of chemicals that EPA has approved and, more broadly, EPA's administration of TSCA's new chemicals program.

73. For example, since the enactment of the 2016 TSCA Amendments, EDF has published over 140 posts to its blog regarding EPA's implementation of the TSCA Amendments, including over 35 posts regarding EPA's implementation of the New Chemicals Program. These posts seek to inform EDF members, policy makers, and the public—including public health researchers, and health, environmental, and labor advocates—regarding, among other issues, EDF's concerns over how EPA determines whether a new chemical is not likely to present unreasonable risk, how EPA determines whether it has sufficient information to evaluate a new chemical, whether EPA is protecting workers when evaluating and potentially regulating new chemicals, and which chemicals are being approved. These posts also inform EDF members and the public about the dangers of individual chemicals and categories of chemicals—such as Jeffamine diacrylamide and isocyanates, respectively—that EPA is approving for market entry, so that members are aware of and may attempt to avoid exposure to them in their daily lives. EDF's blog posts on new chemicals have been viewed at least 10,900 times.

74. As part of these blog posts, EDF wrote two posts addressing the risk of residual isocyanates in a new chemical. Fortunately, because EDF was able to discern that the chemical substance contained residual isocyanates, EDF was able to warn the public that EPA was approving chemicals onto the market with unsafe levels of residual isocyanates. But that is not

always the case. Sometimes companies will claim the percent of residuals as CBI, leaving EDF and the public with no way to determine the potential risks of those chemicals.

75. To convey accurate information to EDF's readers, EDF requires as much information as possible regarding the chemical identity, all of a chemical's potential hazards and exposures, by which company and where the chemical is being manufactured, and how the chemical is used and disposed of. Being unable to identify the location of manufacture, uses, and risks associated with a particular chemical makes it difficult for EDF to draft blog posts or otherwise inform communities potentially impacted by the specific chemical, hampering EDF's efforts to inform impacted communities and educate the public of the potential risks presented by some new chemicals.

76. Thus, in order to understand and be able to provide robust analyses of EPA's decisions on new chemicals, Plaintiffs have sought information on new chemicals EPA is approving—collectively requesting hundreds of PMN public files from EPA. EDF has used the information it receives through public files requests, in part by conducting analyses that EDF uses to inform its blog posts.

77. Fourth, information about new chemicals would assist Plaintiffs in advocacy work at the national, state, and local level to protect their members from dangerous classes of chemicals. For example, to better protect members in the Cape Fear River basin who have been exposed to particularly toxic forms of PFAS, such as GenX, CEH has petitioned EPA to use its TSCA authority to order testing in the Cape Fear River basin. Additionally, in North Carolina, Sierra Club has advocated that legislators and regulators restrict the continued manufacture, use, and release of PFAS in the state, while EHSC has undertaken similar work in Maine. Accordingly, additional information, particularly health and safety information, about new PFAS

chemicals could assist Plaintiffs' efforts to prevent further contamination from these dangerous chemicals.

78. Finally, Plaintiffs work to inform consumers and businesses about chemical risks and exposures, and unlawful withholding of information that is not entitled to confidential treatment make it difficult for Plaintiffs to inform potentially impacted consumers and businesses about new chemicals, reducing the ability of those consumers and businesses to make informed decisions.

79. For example, Plaintiff CEH works to ensure that schools avoid exposing children to PFAS that is prevalent in disposable foodware by educating school districts about the dangers of this chemical class. Plaintiff NRDC works to educate manufacturers and retailers about the dangers of PFAS in carpets and rugs. And Plaintiff EHSC works to educate retailers about the dangers of PFAS in food packaging.

III. EPA's black-box approach stymies Plaintiffs' efforts to get information about new chemicals in a timely manner.

80. Given Plaintiffs' need for information about new chemicals—to further their efforts to inform their members about the potential dangers of new chemicals and to protect their members from such chemicals—Plaintiffs have sought to make use of TSCA's disclosure mandates.

81. Plaintiffs have tracked the notices of receipt that are published in the Federal Register in an attempt to learn whether EPA is reviewing any chemicals that are of concern to Plaintiffs' members and Plaintiffs have requested, received, and reviewed hundreds of PMN public files from EPA.

82. The PMNs that are the subject of this lawsuit, *see* Table 4, represent 204 of the 1100-plus PMN applications submitted between the enactment of the 2016 TSCA Amendments and the date on which Plaintiffs gave notice of their intent to file this lawsuit.

83. But Plaintiffs' efforts have been unlawfully stymied by EPA's black-box approach in which: EPA fails to timely notify the public when a PMN has been received; fails to timely disclose the complete PMN application, including all supporting documents, to interested members of the public; and abets manufacturers' attempts to withhold information as confidential that is not entitled to confidential treatment under TSCA. In doing so, EPA repeatedly violates TSCA's numerous disclosure requirements, thereby denying Plaintiffs information to which they are legally entitled.

A. EPA does not timely notify the public when it receives an application to manufacture a new chemical, and the belated notices EPA provides are incomplete

84. EPA universally fails to timely notify the public when it has received an application to manufacture a new chemical, and when EPA belatedly publishes notice that it has received a PMN application, the notice is incomplete. These recurrent failures prevent members of the public from learning that EPA is reviewing a PMN for a new chemical that, if approved, may threaten their health and well-being and, consequently, impairs their ability to provide input to EPA.

85. In order to effectively participate in EPA's review process, Plaintiffs must timely know what chemicals are under EPA review and have information about the chemical—such as the chemical's uses and the nature and results of tests conducted on the chemical—to know whether it is of potential concern to their members. Accordingly, Congress required EPA to publish the notice of receipt of a PMN application, containing basic information about the chemical and the contents of the PMN application, within 5 business days. 15 U.S.C. §

2604(d)(1), (2). Compliance with these notice requirements ensures that Plaintiffs have sufficient time and information to participate in the 90-day period EPA has to review and render a determination on the application.

86. EPA does not timely publish notices of receipt in the Federal Register as mandated by TSCA. For the PMNs that are the subject of this Complaint, *see* Table 1, EPA delayed publication of the notice of receipt, on average, by more than 87 days from the date on which publication was legally required. Indeed, since TSCA was amended in 2016, EPA has never timely published notice of receipt of a PMN in the Federal Register.

87. Given that Congress gave EPA 90 days to review and make a determination on a PMN application (with an option for extensions), *see* 15 U.S.C. § 2604(a)(1)(B), EPA's recurring delays in providing notice means that members of the public typically do not learn key information about the chemicals EPA is reviewing—such as what the chemical is, its potential uses, or where it will be manufactured—until late in, or even after the conclusion of, the PMN review process, hindering their ability to provide robust, informed comments before EPA makes a decision. Indeed, since the beginning of 2017, EPA approved at least 35 of the PMN applications for which Plaintiffs requested the public file before it published the required notice, meaning that no member of the public could provide input for EPA to consider before EPA determined that the chemicals were not likely to present unreasonable risk and approved the new chemicals without restriction.

88. When EPA does belatedly publish a notice of receipt of a PMN application in the Federal Register, the notice is regularly incomplete. EPA regularly fails to publish a list of all test data submitted, as required by 40 C.F.R. § 720.70(b)(3), or descriptions of the test data performed under § 2604(b), as required by 15 U.S.C. § 2604(d)(2)(C). By failing to publish the

information about test data, EPA hinders the public's ability to understand whether the new chemical undergoing review may be of concern.

89. For the dozens of PMNs contained in Table 2, the manufacturers submitted data from hundreds of tests that should have been included in the notice of receipt. Yet, in the notice of receipt, EPA failed to list all the test data submitted, as required by 40 C.F.R. § 720.70(b)(3), and EPA failed to describe the test data submitted, as required by 15 U.S.C § 2604(d)(2)(C).

90. Similarly, EPA fails to timely publish notices of receipt of test marketing exemption applications. EPA must publish a notice of receipt of a test marketing exemption application "[i]mmediately upon receipt," 15 U.S.C. § 2604(h)(6), but for each test marketing exemption application received since the enactment of the 2016 TSCA Amendments, EPA failed to timely publish notice of its receipt. *See* Table 3. Instead, EPA took an average of 97 days to publish the mandated notice, if it published the notice at all. *Id.* Given that EPA only has 45 days to approve the test marketing exemption application, EPA's lack of timely notice means that the public cannot comment on these applications.

B. EPA fails to make the public files available online at regulations.gov

91. EPA fails to make the public file for each PMN readily accessible online as required by its own regulations, which mandate that EPA place the public file for each PMN application in a unique electronic docket at http://www.regulations.gov. 40 C.F.R. §§ 700.17(b)(1), 720.95. Such failures require the public to undertake a time-intensive process for requesting and receiving public files that further delays their ability to understand the chemicals that are being reviewed and provide timely input to EPA that can inform the agency's decision-making.

92. Due to EPA's failure to make public files available online, Plaintiffs were forced to request hundreds of public files from EPA's Docket Center for PMN applications for PFAS, isocyanates, and various other chemicals of concern to Plaintiffs.

93. The public files Plaintiffs received from the EPA Docket Center were copied by EPA staff onto a CD-ROM, which either was then sent to Plaintiffs via the mail or was picked up in person by Plaintiffs' staff. In some cases, Plaintiffs received the CD-ROM over a month after submitting a request. In others, EPA sent only part of the public files that were requested to Plaintiffs.

94. Such long delays impede the public's ability to provide input to EPA during the public comment period EPA offered and before it completed its review of the PMN applications.

95. EPA has now announced that they will place PMN public files online at EPA's ChemView website, https://chemview.epa.gov/chemview/. Yet, as of the filing of this Complaint, EPA had failed to place any public file for a PMN application submitted before May 2019 on the ChemView webpage, had failed to place several PMN applications submitted after May 2019 on the ChemView webpage, and had failed to update its regulations to reflect the fact the PMNs are now being placed on the ChemView website. Thus, EPA continues to violate its own regulations and thereby misinforms the general public as to the actual online location of PMN public files.

C. EPA fails to turn over documents that must be in the public file

96. Under EPA's black-box approach, the agency routinely fails to disclose all, non-confidential materials from a PMN application and supporting documents to members of the public who seek information about a new chemical under EPA review as required under TSCA. *See* 15 U.S.C. §§ 2604(d)(1)(C), 2613; 40 C.F.R. § 720.95.

97. In response to public file requests, EPA routinely fails to disclose:

(1) health and safety studies and safety data sheets submitted with the PMN application;
(2) all versions of the PMN application and supporting correspondence; and
(3) other information for which there is no valid basis for confidential treatment under TSCA.

98. Indeed, in response to Plaintiffs' request for PMN public files, EPA committed hundreds of such violations of §§ 2605 and 2613.

99. In withholding this information, EPA significantly impairs the public's ability to understand the potential dangers posed by new chemicals undergoing EPA review.

1. EPA hides information from health and safety studies, including safety data sheets

100. EPA routinely withholds or redacts health and safety studies and information from health and safety studies—the very information TSCA states is not entitled to confidential treatment—from the PMN public files it makes available for examination by interested persons. This pattern of unlawful conduct undermines one of the key purposes of TSCA: that the public have information about the potential harmful effects of chemicals. This not only hinders the public's ability to provide input to EPA, it prevents members of the public from making informed choices about the products they buy and use.

101. Under TSCA, health and safety studies (and any information therefrom) are not entitled to confidential treatment by EPA, 15 U.S.C. § 2613(b)(2), and therefore, must be included in the PMN public file that EPA makes available to interested persons. 15 U.S.C. § 2604(d)(1); 40 C.F.R. §§ 720.90, 720.95. EPA may only protect from disclosure discrete information that would disclose: the specific processes used in manufacturing or processing a chemical; or the composition of a mixture containing the chemical. 15 U.S.C. § 2613(b)(2).

102. Thus, when EPA receives a PMN or supporting document, in which the manufacturer has claimed that health and safety information is confidential and entitled to

protection from disclosure, EPA may not withhold the health and safety information and must make it available to interested persons. 15 U.S.C. § 2604(d)(1); 40 C.F.R. §§ 720.90, 720.95.

103. Yet, when providing Plaintiffs with PMN public files, EPA has routinely withheld, as confidential, health and safety information that must be disclosed. EPA withheld hundreds of health and safety studies (or associated information) from at least 53 of the 204 public files provided to Plaintiffs, including at least 163 studies that EPA withheld in their entirety. *See* Table 5. EPA unlawfully allowed partial redactions of information from many additional studies, despite the fact that these redactions were not limited to information that discloses the process of manufacturing or processing the chemical or the composition of a chemical mixture.

104. Additionally, EPA routinely withheld safety data sheets, which necessarily contain health and safety information, from the public files provided to Plaintiffs. Safety data sheets, which chemical manufacturers must develop pursuant to the Occupational Safety and Health Act, provide users of a chemical, such as workers, information about the potential hazards of the chemical and information about how to protect themselves from harm. This information is derived from health and safety studies, e.g., toxicological, ecotoxicological, or exposure information, 29 C.F.R. § 1910.1200(g)(2), and thus EPA may not protect this information as confidential, 15 U.S.C. § 2604(d)(1); 40 C.F.R. §§ 720.90, 720.95. Moreover, because the safety data sheet must be widely distributed pursuant to federal law, *id.* § 1910.1200(g)(8), (11), 42 U.S.C. § 11021(a), EPA cannot protect an entire safety data sheet as confidential. *See* 15 U.S.C. § 2613(c)(1)(B)(i) (requiring submitter to have "taken reasonable measures to protect the confidentiality" of the information); *also id.* § 2613(d)(8) (authorizing disclosure of information that "is required to be made public under [another] provision of Federal law").

105. Nonetheless, EPA routinely withholds safety data sheets from the public files it makes available to interested persons. Table 6 identifies 51 PMN public files where EPA did so.

106. This denial of information on potential health impacts of new chemicals impedes the public's ability to understand and meaningfully participate in EPA's decision-making process.

107. The public file for the PMN P-17-0245, a PFAS, illustrates the deficiencies in EPA's handling of health and safety information, including safety data sheets.

108. When EPA provided Plaintiffs with the public file containing the PMN application, the file contained no health and safety information whatsoever, as the health and safety studies and safety data sheets were redacted in their entirety.

109. Subsequently, EPA made a final determination that the chemical is not likely to present unreasonable risk, approving the chemical without restriction. That final determination revealed that, in EPA's original screening analysis, EPA staff: identified potential risks to workers and the general population; identified hazards including irritation to eyes, mucous membranes and lungs, mutagenicity, and respiratory sensitization; and concluded that the substance may degrade to a persistent, bioaccumulative, and toxic chemical.

110. But without the health and safety information that is submitted with the PMN, the public is left in the dark, with little-to-no ability to comment on the application before EPA makes a determination, to understand the basis for EPA's decision, or to assess its validity.

2. EPA also hides other information relevant to the potential risks presented by new chemicals

111. When EPA provides PMN public files to interested members of the public, EPA fails to provide documents that shed light on the activities the chemical may be involved in. In doing so, EPA hinders people from understanding whether a new chemical may be used in their

workplace, found in a product in their home, or disposed of in their community, and thus prevents them from knowing whether they have an interest in EPA's review of the chemical.

112. EPA's review of a PMN involves a dialogue between the agency and the chemical manufacturer. EPA meets or corresponds with manufacturers and communicates what risks EPA has identified based EPA's review of the PMN application. Using that input from EPA, manufacturers often provide EPA with amended PMNs or submit additional supporting information. Relying on those additional submissions, EPA may revise its assessment of the riskiness of the new chemical, and reach a different determination than it would have had the manufacturer not amended its application or provided the additional information.

113. As part of this iterative process, a PMN submitter may submit multiple versions of the PMN application and multiple pieces of correspondence. EPA's "A Working Approach for Making Determinations under TSCA [§ 2604]" expressly contemplates that manufacturers will amend their submissions to EPA after first submitting their PMN application and instructs manufacturers on how such later submissions may affect EPA's analysis.

114. In particular, manufacturers often amend their PMNs by submitting new versions that modify the intended conditions of use identified in the application. Manufacturers do so because, according to EPA's "Working Approach for Making Determinations under TSCA [§ 2604]," EPA evaluates the activities involving the new chemical that the manufacturer "intends" differently from other conditions of use, such as reasonably foreseeable uses by individuals in addition to the manufacturer. Thus, when a manufacturer amends a PMN to delete riskier activities from the intended conditions of use it identified in the application, that amendment can increase the likelihood that EPA will determine that the chemical is not likely to present unreasonable risk and approve the chemical without restriction.

115. The upshot of this iterative process is that, in some cases, manufacturers continue to amend their PMN applications until EPA makes a determination that the new chemical is not likely to present an unreasonable risk and approves the PMN without imposing any restrictions on the chemical to protect public health or the environment.

116. Despite its obligation to provide the entire PMN and all supporting documents to interested members of the public, EPA has routinely failed to provide these iterative manufacturer submissions when it releases PMN public files. Instead, EPA has typically provided only a single version, usually the one submitted most recently prior to a request for the public file.

117. Such failures hinder Plaintiffs' ability to have an informed understanding of: their members' potential exposure to the chemical under review; the potential risks posed by the chemical; and EPA's decision-making process generally.

118. For example, for the PMN P-17-0245, a PFAS, the submitter first submitted the PMN application in February 2017. EPA identified potential risk to workers and the general population and concluded that the substance may degrade to a persistent, bioaccumulative, and toxic chemical. Despite these risks, EPA made a final determination in April 2019 that the PFAS chemical substance is not likely to present unreasonable risk under the intended conditions of use described in the PMN.

119. EPA's own decision-documents, released after it approved the chemical, show that between the initial conclusion that the chemical may pose significant risk and the final decision to approve the chemical, there was significant back-and-forth between EPA and the manufacturer. After receiving the PMN application and identifying risks from the chemical, EPA requested additional details from the manufacturer, who then provided EPA with multiple

modified versions of the PMN and a document with the file name "Additional details requested by Engineer" over the course of EPA's review. EPA's own "engineering report" for this chemical also refers to multiple versions of the PMN, as well as extensive correspondence back-and-forth between the PMN submitter and EPA (all or most of which was not provided in the public file).

120. Yet, in the public file for P-17-0245 that EPA provided to Plaintiffs, EPA provided only a single version of the PMN application and, at most, one piece of correspondence.

121. Without these materials, Plaintiffs are left in the dark, unable to understand what changed between EPA's initial conclusion that the new PFAS chemical warranted regulation and EPA's ultimate determination that no regulation was warranted.

122. This iterative process also appears to have occurred with P-16-0483, described above in ¶ 62.

123. Such failures by EPA are not isolated: in Table 7, Plaintiffs identify 94 PMNs where EPA failed to provide Plaintiffs with all versions of the PMN application; and in Table 8, 160 PMNs where EPA failed to provide Plaintiffs with any correspondence from the PMN submitter. EPA's failures to disclose these materials violates its duties to disclose all non-confidential material in the public file that it makes available to interested persons. 15 U.S.C. §§ 2604(d)(3), 2613; 40 C.F.R. § 720.95.

3. EPA withholds other information that does not meet the statutory standard for confidentiality

124. EPA routinely withholds non-confidential information contained in PMN applications from the public files it provides to interested persons, based on clearly incorrect claims by manufacturers that the information should be confidential. This practice violates

EPA's obligations to include all, non-confidential material in the public file that it makes available to interested persons. *See* 15 U.S.C. §§ 2604(d)(3), 2613.

125. When EPA makes a PMN public file available to interested persons, EPA must disclose all information submitted with the PMN, along with all supporting information, unless the information is entitled to confidential treatment under § 2613. *Id.* Generally, to be entitled to confidential treatment, a chemical manufacturer that submits a PMN must substantiate confidentiality claims at the time of submission ("non-exempt confidentiality claims"), 15 U.S.C. § 2613(c)(1)(A), (3), 82 Fed. Reg. at 6522, unless such claims fall within one of six enumerated categories of confidential information ("exempt confidentiality claims"). *Id.* § 2613(c)(2). Thus, if the chemical manufacturer fails to provide the required information to substantiate its confidentiality claim and the information is not exempt, EPA cannot withhold the information from the public.

126. EPA routinely violates this requirement in two ways.

127. First, EPA routinely fails to follow TSCA's substantiation requirements, either by: protecting information as confidential when the submitter failed to submit a substantiation document; or failing to include substantiation documents in the public files it provides to the public.

128. Where a manufacturer makes a non-exempt confidentiality claim but fails to provide a substantiation document to EPA, EPA is not authorized to treat the information as confidential and thereby withhold it from the public. 15 U.S.C. § 2613(c)(3); 82 Fed. Reg. at 6522. If the PMN submitter does provide a substantiation document, the substantiation document must be placed in the public file. 40 C.F.R. § 720.95; 40 C.F.R. § 720.80(b)(2).

129. Yet, for each of the 90 PMNs in Table 9, the public file contains redactions of information claimed confidential, without containing any substantiation document whatsoever. Many of the documents redacted from the public files in Table 9 contain information that facially does not fall within one of the § 2613(c)(2) exemptions from substantiation. EPA's failure to disclose a substantiation document for these PMNs indicates either that EPA is unlawfully protecting information that is non-exempt, despite the manufacturers' failure to provide substantiation documents, or that EPA is unlawfully withholding the substantiation documents the manufacturers did submit.

130. On information and belief, PMN submitters provided EPA with a substantiation document for some of the PMNs listed in Table 9, but not for others.

131. EPA's failures to provide Plaintiffs with all non-confidential information in the PMN application and supporting documents, including substantiation documents, for the PMNs in Table 9 violate EPA's duty to make the whole PMN available to interested persons. 15 U.S.C. §§ 2604(d)(1), 2613, 40 C.F.R. 720.95.

132. Second, EPA routinely withholds information as confidential, based on the manufacturer's assertion that it falls within one of six enumerated categories of confidential information that are exempt from substantiation, even though the information, on its face, does not fall within one of the six exemptions.

133. Chemical manufacturers misuse these exemptions, claiming that information submitted as part of a PMN application is exempt under § 2613(c)(2) even though the information is plainly not exempt, and EPA has a pattern or practice of unlawfully withholding such information despite the fact that the information is not otherwise entitled to confidential treatment. For example, manufacturers have regularly claimed that health and safety studies, and

information from such studies, relating to "occupational exposure," "environmental releases," and "pollution prevention information" are not only confidential, but fall within one of the six exemptions from substantiation. *See* Table 10. Despite the fact that such health and safety information plainly is not entitled to confidential treatment by EPA, *see* 15 U.S.C. § 2613(b)(2), EPA withholds those documents as confidential from members of the public who request them.

134. For each of the 16 PMNs identified in Table 10, EPA withheld information based on a submitter's claim that information was exempt when it facially was not. EPA's failure to provide Plaintiffs with the entire PMN application and supporting documents violates EPA's duty to make the whole PMN available to interested persons. 15 U.S.C. §§ 2604(d)(1), 2613.

135. In granting confidential treatment to information that is ineligible and thereby failing to disclose such information to the public, EPA fails to fulfill its duties to disclose the PMN and all supporting information to the public and aids submitters' efforts to hide relevant information about new chemicals, including crucial health and safety information, from the public.

CLAIMS FOR RELIEF

Count I: Violations of duty to timely publish notices of receipt of PMNs

136. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

137. For each of the PMNs listed in Table 1, EPA failed to publish the required notices of receipt in the Federal Register within five business days of receipt of those PMNs as required by 15 U.S.C. § 2604(d)(2).

138. EPA's failures to comply with the notice requirements of 15 U.S.C. § 2604(d)(2) for the PMNs contained in Table 1: (1) constitute violations of TSCA, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures of "the Administrator to perform any act or duty

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 fulfill the nondiscretionary duties established by, 15 U.S.C. § 2604(d)(2).

Count II: Violations of duty to publish complete notices of receipt of PMNs

139. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

140. For each of the PMNs listed in Table 2, 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).

141. 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 Table 2: (1) constitute violations of TSCA or a rule promulgated under § 2604 within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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 fulfill the nondiscretionary duties established by 15 U.S.C. § 2604(d)(2)(C) and 40 C.F.R. § 720.70(b)(3).

Count III: Violations of duty to publish notice of receipt of an application for a test marketing exemption

142. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

143. For each of the applications for test marketing exemptions listed in Table 3, 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).

144. EPA's failures to comply with the "immediate[]" notice requirements of 15 U.S.C. § 2604(h)(6) and 40 C.F.R. § 720.38(c) for the test marketing exemptions listed in Table 3: (1) constitute violations of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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 fulfill the nondiscretionary duties established by 15 U.S.C. § 2604(h)(6) and 40 C.F.R. § 720.38(c).

Count IV: Violations of duty to make PMNs publicly available online at regulations.gov

145. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

146. For each PMN cited in Table 4, EPA violated its duty to make complete PMN public files available in an electronic docket at http://www.regulations.gov, as required by 15 U.S.C. § 2604(d)(1), (b)(3) and 40 C.F.R. § 700.17(b)(1), 720.95, which (1) constitutes 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 fulfill the nondiscretionary duties established by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. §§ 700.17(b)(1), 720.95.

Count V: Violations of duty to make health and safety studies available for examination by interested persons

147. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

148. In response to Plaintiffs' requests for PMN public files, EPA routinely provided public files in which health and safety studies were redacted in a manner that violates TSCA's requirement to make such studies available for examination by interested persons, 15 U.S.C. § 2604(d)(1), 40 C.F.R. § 720.90, 720.95, and violates TSCA's prohibition on treating such information as confidential, 15 U.S.C. § 2613.

149. EPA has improperly redacted information from hundreds of health and safety studies listed in Table 5, which includes at least 163 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 and 40 C.F.R. §§ 720.90, 720.95 : (1) constitute violations of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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 fulfill the nondiscretionary duties established by 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. §§ 720.90, 720.95.

150. Given EPA's repeated practice of improperly withholding health and safety studies and information, there may be other public files provided to Plaintiffs, beyond those contained in Table 5, where EPA improperly withheld information from health and safety studies but that the Plaintiffs have been unable to identify.

151. On information and belief: for the PMNs identified in Table 4, EPA provided public files to the Plaintiffs that failed to include health and safety studies submitted by the

manufacturers. For each such file, EPA failed to comply with 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. §§ 720.90, 720.95, which: (1) constitutes a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitutes 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) further establishes EPA's pattern or practice of violating the requirements of, and failing to fulfill the nondiscretionary duties established by 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. §§ 720.90, 720.95.

Count VI: Violations of duty to make safety data sheets available for examination by interested persons

152. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

153. For the PMNs in Table 6, EPA unlawfully withheld the safety data sheet, in whole or in part, from the public files made available for examination by the Plaintiffs. EPA's failures to disclose the safety data sheet to Plaintiffs are failures to comply with 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. §§ 720.90, 720.95, which: (1) constitute violations of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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 fulfill the nondiscretionary duties established by 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. §§ 720.90, 720.95.

Count VII: Violations of duty to make all versions of PMN available for examination by interested persons

154. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

155. For the PMNs identified in Table 7, EPA provided incomplete public files that contained fewer versions of the PMN and its supporting documentation than appear to have been submitted. 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. The failures by EPA to comply with 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95 for the PMNs in Table 7: (1) constitute violations of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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.

Count VIII: Violations of duty to make correspondence related to PMNs available for examination by interested persons

156. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

157. On information and belief, for each PMN identified in Table 8, EPA received correspondence supporting the PMN that EPA failed to make available when it provided public files to the Plaintiffs, as required by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95, which: (1) constitutes a violation of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitutes 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) establishes that EPA has a pattern or practice of violating the requirements of, and failing to fulfill the nondiscretionary duties established by 15 U.S.C. § 2604(d)(1) and 40 C.F.R. § 720.95.

Count IX: Violations of duty to make substantiation documents available for examination

by interested persons

158. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

159. Table 9 identifies those PMNs where EPA provided Plaintiffs with a public file in which information submitted with a PMN was withheld as confidential but the public file lacked a substantiation document.

160. On information and belief, EPA withheld information from the public files identified in Table 9 that is not exempt from substantiation under § 2613(c)(2).

161. On information and belief, the manufacturer failed to submit a substantiation document for some PMNs contained in Table 9, and EPA's failures to disclose all information in the public files for those PMNs to Plaintiffs are failures to comply with 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. § 720.95, which: (1) constitute violations of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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 and 40 C.F.R. § 720.95.

162. On information and belief, the manufacturer submitted a substantiation document for some PMNs contained in Table 9, and EPA's failures to disclose the substantiation documents for those PMNs to Plaintiffs are failures to comply with 15 U.S.C. §§ 2604(d)(1), 2613 and 40 C.F.R. § 720.95, which: (1) constitute violations of TSCA or a rule promulgated under § 2604, within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitute failures 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.

Count X: Violations of duty to disclose information where the manufacturer has asserted it is confidential under the § 2613(c)(2) exemptions but the information facially does not qualify under any of the exemptions

163. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

164. For the PMNs identified in Table 10, EPA withheld documents, in whole or in part, based on the manufacturer's assertion that the information was confidential under one of the six exemptions from substantiation in § 2613(c)(2), but the exemptions were clearly inapplicable to the withheld information.

165. In withholding as confidential the information identified in Table 10, EPA failed to comply with 15 U.S.C. §§ 2604, 2613, which: (1) constitutes a violation of TSCA within the meaning of 15 U.S.C. § 2619(a)(1); (2) constitutes 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) establishes that EPA has a pattern or practice of violating the requirements of, and failing to fulfill the nondiscretionary duties established by 15 U.S.C. §§ 2604, 2613.

PRAYER FOR RELIEF

166. WHEREFORE, Plaintiffs respectfully request, for each of the violations enumerated in Counts I-X, above, that the Court:

(1) Declare that each of the Defendant Administrator's failures to take action is a failure to perform an act or duty which is not discretionary within the meaning of 15 U.S.C.

§ 2619(a)(2), and order Defendant Administrator to take action to fulfill these non-discretionary duties in accordance with an expeditious deadline specified by this Court;

(2) Declare that each of the Defendants' failures to take action is a violation of TSCA, or rules promulgated thereunder, within the meaning 15 U.S.C. § 2619(a)(1) and order Defendants to remedy these violations in accordance with an expeditious deadline specified by this Court;

(3) Declare that these failures establish that Defendants have a pattern or practice of failing to perform acts and duties which are not discretionary and violating TSCA, or rules promulgated thereunder, and order Defendants to refrain from further failing to perform the non-discretionary acts or duties mandated by the relevant statutory and regulatory provisions and refrain from further violating the relevant provisions of TSCA and rules promulgated thereunder;

(4) Retain jurisdiction to ensure compliance with this Court's decree;

(5) Award Plaintiffs the costs of this action, including attorney's fees; and,

(6) Grant such other relief as the Court deems just and proper.

Table 1: PMNs for which EPA untimely published notice of receipt in the Federal Register

PMN Case No.	Date on which EPA received the PMN[1]	Date of Violation (5 business days after Received Date)[2]	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

[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.

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
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
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
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
P-19-0099	June 18, 2019	June 26, 2019	September 5, 2019	71
P-19-0111	July 1, 2019	July 9, 2019	September 5, 2019	58
P-19-0121	July 11, 2019	July 19, 2019	September 5, 2019	48
P-19-0122	June 28, 2019	July 8, 2019	August 12, 2019	35
P-19-0123	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0124	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0125	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0126	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0127	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0128	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0129	June 28, 2019	July 8, 2019	September 5, 2019	59
P-19-0130	July 8, 2019	July 16, 2019	September 5, 2019	51

P-19-0131	July 17, 2019	July 25, 2019	September 5, 2019	42
P-19-0132	July 15, 2019	July 23, 2019	September 5, 2019	44
P-19-0133	July 18, 2019	July 26, 2019	September 5, 2019	41
P-19-0136	July 23, 2019	July 31, 2019	September 5, 2019	36
P-19-0138	July 25, 2019	August 2, 2019	September 5, 2019	34
P-19-0139	July 26, 2019	August 5, 2019	September 5, 2019	31
P-19-0140	July 29, 2019	August 6, 2019	September 5, 2019	30
P-19-0142	July 31, 2019	August 8, 2019	November 7, 2019	91
P-19-0143	August 20, 2019	August 28, 2019	November 7, 2019	71
P-19-0144	August 5, 2019	August 13, 2019	November 7, 2019	86
P-19-0145	August 15, 2019	August 23, 2019	November 7, 2019	76
P-19-0146	August 13, 2019	August 21, 2019	November 7, 2019	78
P-19-0147	August 16, 2019	August 26, 2019	November 7, 2019	73

Table 2: PMNs for which the notice of receipt in the Federal Register 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 senisitization, mutagenecity, 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
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, biodegrdation, 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, biodegradabiltiy, acute oral toxicity, skin irritaiton, mutagneic 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, biodegrdation, 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

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 analaysis	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

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 Toxcity 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, Chromosone 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

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, biodegrdation, 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, relatice 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
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, KIOWIN, 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, Sustianable 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

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, acure dermal, acute eye irritation, reverse mutation, chromosomal aberration, 2 mammalian chromosome tests, mammalian micronucleus, sensitization, 3 prenatla developmental toxicity, acute fish toxicity, acute daphnia toxicity, algae growth, biodegradability, activated sludge	June 28, 2018
P-18-0150	83 Fed. Reg. 34843	Acure 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

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, GENEEC	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 pressue, water solubility, partitian coefficient, flammability, biodegrdation, 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

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	Biodegrdation, 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

P-19-0020	84 Fed. Reg. 14360	LogKow, water solubility, vapor pressue, autoignition, Sustainable Futures summary, read across, acute algae, acute daphnia, acute fish, ready biodegrdation, 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 3: Applications for Test Marketing Exemptions where EPA failed to timely publish notice of receipt in the Federal Register[3]

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

[3] 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.

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

Table 4: PMN Public Files Received and Analyzed by the Listed Parties (through April 2019)

PMN Case No.	**Date on which Public File was made available to Plaintiffs**
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
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
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
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
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 5: 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 senisitization, mutagenecity, 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-igntion, 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
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, mutagenecity	December 26, 2017
P-17-0227	Pollution prevention	December 26, 2017
P-17-0245	Gel Permeation Chromatofraphy	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, GENEEC	March 28, 2019
P-18-0219	Occupational exposure, worker exposure	March 1, 2019
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 Chromatofraphy	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 6: 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
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 7: 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)[4]**
P-14-0314	December 26, 2017
P-15-0726	July 30, 2018

[4] 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.

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

PMN Case No.	**Date of Violation (Public file receipt date)[5]**
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

[5] 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.

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
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
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
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

Table 9: 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
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 10: 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
P-18-0054	AABC	Occupational exposureEnvironmental releasesSafety 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
P-17-0185	E	Pollution prevention information	December 20, 2016

DATED: March 18, 2020

Respectfully Submitted,

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