OMB/OIRA:  a significant barrier to public participation in the regulatory process with respect to the potential adverse impacts on human health and the environment from toxic chemicals is the excessive and unjustified assertion of confidential business information (CBI) claims by industry.  Often, information relating to health and safety testing, including testing data/results and analytical methods, is redacted in the publicly available (e.g., rulemaking Docket) version of documents.  Although some information in industry submissions is legitimate CBI that agencies are required to withhold from the public (Trade Secrets Act), health and safety information should never be withheld from the public.  Public health agencies (e.g., FDA & EPA) need to do a better job of screening these submissions for unjustified CBI claims and should promptly notify the submitter so that an unredacted version can be made public as soon as possible to enable public review and comments based on the information.

I note that the 2016 Amendments to the Toxic Substances Control Act (TSCA) specifically provides that health and safety information is not CBI and must be made public.  Even without a specific statutory mandate to make health and safety information publicly available, the public interest in release of such information clearly outweighs any legitimate commercial interests the submitter may have.  The FDA should make clear in its FOIA regulations and its requests for comment or requests for information for rulemaking purposes that health and safety information is not CBI and will not be withheld from the public.

Thank you.

Thomas R. Fox

Senior Policy Advisor

Center for Environmental Health

[tom@ceh.org](mailto:tom@ceh.org)

703-832-2233