§ 2.305 Special rules governing certain information obtained under the Solid Waste Disposal Act, as amended.

(a) Definitions. For purposes of this section:


2. Person has the meaning given it in section 1004(15) of the Act, 42 U.S.C. 6903(15).

3. Hazardous waste has the meaning given it in section 1004(5) of the Act, 42 U.S.C. 6903(5).

4. Proceeding means any rulemaking, adjudication, or licensing conducted by EPA under the Act or under regulations which implement the Act including the issuance of administrative orders and the approval or disapproval of plans (e.g., closure plans) submitted by persons subject to regulation under the Act, but not including determinations under this subpart.

(b) Applicability. This section applies to information provided to or obtained by EPA under section 3001(b)(3)(B), 3007, or 9005 of the Act, 42 U.S.C. 6921(b)(3)(B), 6927, or 6995. Information will be considered to have been provided or obtained under sections 3001(b)(3)(B), 3007, or 9005 of the Act if it was provided in response to a request from EDA made for any of the purposes stated in the Act or if its submission
could have been required under those provisions of the Act regardless of
whether a specific section was cited as
the authority for any request for the
information or whether the informa-
tion was provided directly to EPA or
through some third person.
(c) Basic rules which apply without
change. Sections 2.201 through 2.207 and
2.209 through 2.215 apply without
change to information to which this
section applies.
(d) [Reserved]
(e) Substantive criteria for use in con-
fidentiality determinations. Section 2.208
applies without change to information
to which this section applies; however,
no information to which this section
applies is voluntarily submitted infor-
mation.
(f) [Reserved]
(g) Disclosure of information relevant in
a proceeding. (1) Under sections 3007(b)
and 9005(b) of the Act (42 U.S.C. 6927(b)
and 6995(b)), any information to which
this section applies may be disclosed
by EPA because of the relevance of the
information in a proceeding under the
Act, notwithstanding the fact that the
information otherwise might be enti-
tled to confidential treatment under
this subpart. Disclosure of information
to which this section applies because of
its relevance in a proceeding shall be
made only in accordance with this
paragraph (g).
(2)–(4) The provisions of § 2.301(g) (2),
(3), and (4) are incorporated by ref-
ence as paragraphs (g) (2), (3), and (4),
respectively, of this section.
(h) Disclosure to authorized representa-
tives. (1) Under sections 3001(b)(3)(B),
3007(b), and 9005(b) of the Act (42 U.S.C.
6921(b)(3)(B), 6927(b), and 6995(b)), EPA
possesses authority to disclose to any
authorized representative of the United
States any information to which this
section applies, notwithstanding the
fact that the information might other-
wise be entitled to confidential treat-
ment under this subpart. Such author-
ity may be exercised only in accord-
ance with paragraph (h)(2) or (h)(3) of
this section.
(2)–(3) The provisions of § 2.301(h) (2)
and (3) are incorporated by reference as
paragraphs (h) (2) and (3), respectively,
of this section.
(4) At the time any information is
furnished to a contractor, subcon-
tractor, or State or local government
agency under this paragraph (h), the
EPA office furnishing the information
to the contractor, subcontractor, or
State or local government agency shall
notify the contractor, subcontractor,
or State or local government agency
that the information may be entitled
to confidential treatment and that any
knowing and willful disclosure of the
information may subject the con-
tactor, subcontractor, or State
or local government agency and its em-
ployees to penalties in section
3001(b)(3)(B), 3007(b)(2), or 9005(b)(1)
of the Act (42 U.S.C. 6921(b)(3)(B), 6927(b),
or 6995(b)).
(3) (4) At the time any information is
furnished to a contractor, subcon-
tractor, or State or local government
agency under this paragraph (h), the
EPA office furnishing the information
to the contractor, subcontractor, or
State or local government agency shall
notify the contractor, subcontractor,
or State or local government agency
that the information may be entitled
to confidential treatment and that any
knowing and willful disclosure of the
information may subject the con-
tactor, subcontractor, or State
or local government agency and its em-
ployees to penalties in section
3001(b)(3)(B), 3007(b)(2), or 9005(b)(1)
of the Act (42 U.S.C. 6921(b)(3)(B), 6927(b),
or 6995(b)).
[43 FR 40003, Sept. 8, 1978, as amended at 50
FR 51662, Dec. 18, 1985]

§ 2.306 Special rules governing certain
information obtained under the
Toxic Substances Control Act.

(a) Definitions. For the purposes of
this section:
(1) Act means the Toxic Substances
(2) Chemical substance has the mean-
ing given it in section 3(2) of the Act,
(3)(i) Health and safety data means the
information described in paragraphs
(a)(3)(i) (A), (B), and (C) of this section
with respect to any chemical substance
or mixture offered for commercial dis-
tribution (including for test marketing
purposes and for use in research and
development), any chemical substance
included on the inventory of chemical
substances under section 8 of the Act
(15 U.S.C. 2607), or any chemical sub-
stance or mixture for which testing is
required under section 4 of the Act (15
U.S.C. 2603) or for which notification is
required under section 5 of the Act (15
(3)(i) Health and safety data means the
information described in paragraphs
(a)(3)(i) (A), (B), and (C) of this section
with respect to any chemical substance
or mixture offered for commercial dis-
tribution (including for test marketing
purposes and for use in research and
development), any chemical substance
included on the inventory of chemical
substances under section 8 of the Act
(15 U.S.C. 2607), or any chemical sub-
stance or mixture for which testing is
required under section 4 of the Act (15
U.S.C. 2603) or for which notification is
required under section 5 of the Act (15
(A) Any study of any effect of a
chemical substance or mixture on
health, on the environment, or on both,
including underlying data and epide-
miological studies; studies of occupa-
tional exposure to a chemical sub-
stance or mixture; and toxico-
lological, clinical, and ecological studies of a
chemical substance or mixture;
(B) Any test performed under the Act; and