



October 12, 2021

## Early Stakeholder Outreach — Trade Secret Procedures

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does 3745-49-03 cover?

OAC rule 3745-49-03 covers the procedures a person to claim trade secret confidentiality for information they submit to the agency. The rule covers what needs to be submitted and when the submission needs to happen. It also covers how the agency will treat the submitted information.

### Why is this rule being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

The changes envisioned for this rule are the following:

- Remove all language about the Director of Ohio EPA making a trade secret determination.
- Minor language updates to be consistent with how Ohio EPA retains trade secret claims and submissions of information.

### Who will be regulated by these rules?

Only those choosing to make a trade secret claim with the agency will need to follow these procedures.

### What is the rulemaking schedule?

The Ohio EPA plans to make the draft of this rule available for interested party review by the end of 2021.

### What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- What options are available for improving the existing rule?
- Are there considerations the Agency should take into account when updating the existing rule?
- Is there any information or data the Agency should be aware of when developing rule language?

### Contact

For more information, contact Mandi Payton at [amanda.payton@epa.ohio.gov](mailto:amanda.payton@epa.ohio.gov).

### How can I provide input?

The Agency is seeking stakeholder input on the trade secret rule. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **November 12, 2021**. Please submit input to:

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