

EPA Releases First List of CBI Claims Scheduled to Expire and Become Public Beginning June 2026, Unless Reasserted and Re-Substantiated

EPA WEBINAR SCHEDULED FOR MAY 6

May 4, 2026

The U.S. Environmental Protection Agency (EPA) recently announced the release of the first publicly accessible list of expiring confidential business information (CBI) claims under the Toxic Substances Control Act (TSCA). A link to the initial list, as well as more information on CBI claim expiration, is available on **EPA's website**. EPA will host a webinar on May 6, 2026, from 4:00 p.m. – 5:00 p.m. EDT, to provide more information on expiring CBI claims made under TSCA. To register for the webinar, [click here](#).

The initial list, published by EPA on April 23, 2026, includes 294 claims, all submitted between June and August 2016, immediately following enactment of the 2016 Lautenberg Amendments to TSCA. These claims expire between June 22 and August 1, 2026. Each claim on the initial EPA list is identified by CAS number, expiration date, and submission type. The list includes CBI claims made under several sections of TSCA, such as CBI claims included in Premanufacture Notices (PMNs), Low Volume Exemptions (LVEs), and data submitted for the 2016 Chemical Data Reporting (CDR). It also includes CBI claims associated with substantial risk information reported in this time period under TSCA Section 8(e) and CBI claims asserted in Notices of Commencement (NOC), TSCA Section 12(b) export notifications, TSCA Section 13 import compliance submissions, Test Marketing Exemption Applications (TMEA), Microbial Commercial Activity Notices (MCAN), TSCA Section 8(b) incoming Inventory (INV) submissions, and one Low Release Low Exposure Modification

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Environmental Compliance and
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Import and Export

Manufacturing and Materials Restrictions

Toxic Substances Control Act (TSCA)

TSCA Resources

(LOREXM) submission. **EPA plans to update this list monthly**, as more CBI claims under TSCA approach their expiration date.

Background

Under TSCA Section 14(e), CBI claims made after June 2016 that require substantiation expire after 10 years, unless those claims are timely reasserted and re-substantiated. As CBI claims approach their 10-year expiration date, the agency is working to notify CBI submitters of expiring claims via the initial list published on its website and through notification to submitters directly through the Central Data Exchange (CDX) – EPA’s electronic filing system. TSCA Section 14(e)(2) requires EPA to notify submitters at least 60 days prior to the expiration of a claim.

For those who submit a CBI claim for a chemical identity, special attention is needed for whether the claim could expire in less than 10 years. As noted on EPA’s CBI Claim Expiration webpage, in cases where another company has also asserted a CBI claim for the same chemical identity earlier in time, the expiration date for both companies that have made chemical identity claims expires based on the earliest point in time that the claim was made. More information on the expiration and extension of CBI claims under TSCA can be found in the January 2026 Notice published by EPA in the Federal Register (**91 Fed. Reg. 371**).

How to reassert/re-substantiate CBI claims?

EPA launched a new “TSCA Section 14(e) CBI Claim Extension Request” tool in CDX. Companies can use this tool to request a 10-year extension for expiring CBI claims. Such requests must include substantiation of the need for continued CBI protection.

Requests for extension must be submitted at least 30 days before a claim’s expiration date. EPA warns that failure to submit a timely request may result in public disclosure of the CBI without further notice to the submitter.

What should companies do?

- **Identify confidential information submitted to EPA, check the list:** CBI claims made between June and August 2016 begin to expire over the next several months. Companies should determine if CBI claims were made during this period by checking the list EPA has created and plans to update as claims near their 10-year expiration date. Companies that have gone through a reorganization (merger, acquisition) within the last 10 years and are uncertain whether TSCA submissions were made prior to the reorganization should also check the list, which EPA will be updating periodically as claims begin to expire.
- **Create a schedule for expiring CBI claims:** CBI claims will begin to expire in June of this year. Companies should consider creating a schedule for expiring CBI claims and update the schedule each year to ensure timely reassertion of confidentiality claims.

- **Ensure contact information is up to date:** While EPA is notifying submitters directly through CDX as CBI claims approach their expiration date, a company will not receive these notifications if the company's contacts in CDX are not up to date in connection with the specific file in which the claim was made.
- **Decide whether to reassert/re-substantiate CBI claims:** In certain cases, a company may not wish to reassert or re-substantiate all CBI claims made 10 years ago. For example, information may have become public or is no longer regarded as sensitive. In that case, a company may choose to do nothing and allow the claim to expire.
- **Reassert/re-substantiate CBI claims:** As noted above, requests for extension of confidentiality must be submitted via CDX at least 30 days before a claim's expiration date. The earliest deadline to submit requests for extension is May 22, 2026.