

3750-60-07      **Assertion of claims for trade secrecy for the specific chemical identity of those additional chemicals listed or identified by the commission.**

- (A) Except as provided in paragraph (B) of this rule, a claimant who is required to file a report or other filing under the reporting requirements in sections 3750.04, 3750.05, 3750.07, and 3750.08 of the Revised Code may withhold from such submission to the committee and fire department having jurisdiction over the facility or any other person, the specific chemical identity, including the chemical name or other specific identification, of those additional extremely hazardous substance listed under paragraph (B) of rule 3750-20-30 of the Administrative Code or those additional hazardous chemical identified under paragraph (B) of rule 3750-30-25 of the Administrative Code, on the grounds that the information constitutes a trade secret if either of the following conditions are met:
- (1) At the time of the submission of the information to which the claim of trade secrecy pertains, the claimant submits a claim to the commission for protection of that information as a trade secret in accordance with this section and rule 3750-60-09 of the Administrative Code;
    - (a) The claimant files with the commission the claim for trade secrecy along with the required submission which clearly indicates the specific chemical identity claimed as a trade secret in accordance with the procedures set forth in rule 3750-60-09 of the Administrative Code; and
    - (b) The claimant submits to the committee and fire department having jurisdiction over the facility a copy of the required report that contains the generic class or category of the chemical identity in place of the specific chemical identity in accordance with the procedures set forth in rule 3750-60-09 of the Administrative Code. The method of choosing a generic class or category is set forth in rule 3750-60-10 of the Administrative Code; and
    - (c) The submission to which a trade secret pertains is accompanied by a copy of the substantiation supporting the trade secret claim as identified in rule 3750-60-20 of the Administrative Code. The claimant may withhold from the copy of the substantiation submitted to the committee and fire department having jurisdiction over the facility, the specific chemical identity claimed to be a trade secret and information identified as confidential as provided under rule 3750-60-25 of the Administrative Code.
  - (2) The claimant indicates to the committee and fire department having jurisdiction over the facility that such a claim was submitted to the commission and that a determination remains pending; or

- (3) The claimant indicates to committee and fire department having jurisdiction over the facility that a final determination from the commission that the information otherwise required to be submitted is a trade secret.

(B) No person shall withhold the specific identity of a chemical on the grounds that it is a trade secret:

- (1) From any submission under sections 3750.04, 3750.05, 3750.07, and 3750.08 of the Revised Code, if it has been determined pursuant divisions (B)(2)(d), (B)(5), and (B)(14) of section 3750.02 of the Revised Code that no trade secret exists.
- (2) In any notification of release required by section 3750.06 of the Revised Code.
- (3) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (E) of section 3750.09 of the Revised Code.
- (4) When the information is requested by the governor, pursuant to division (D) of section 3750.09 of the Revised Code.
- (5) When the information is requested by any treating physician or nurse in a medical emergency pursuant to division (E)(2) of section 3750.09 of the Revised Code.
- (6) When the information is requested by any health profession, including without limitation, a physician, toxicologist, or epidemiologist pursuant to division (E)(3) of section 3750.09 of the Revised Code.

Effective: June 30, 1993

Original signed by: Kenneth A. Schultz, Acting Chairman, State  
Emergency Response Commission  
Certification

June 11, 1993  
Date

Promulgated under: R.C. Chapter 119  
Rule amplifies: R.C. Section 3750.09  
Rule authorized by: R.C. sections 3750.02(B)(1)(i),  
3750.02(B)(2)(d), 3750(B)(5), and 3750.02(B)(14)  
Prior effective dates: None