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out of Toxic Substance Act

DISCLOSURE OF INFORMATION

(a) All information submitted to or otherwise obtained by the Secretary or his representatives under this Act shall be available to the public upon request, except (1) information exempt from disclosure under section 552 of title 5, United States Code, or (2) as provided in paragraph (b) of this section.

(b) Information the disclosure of which might reveal matters covered by section 1905 of title 18, United States Code, including but not limited to trade secrets and research protocols and designs, shall be considered confidential and may not be disclosed by the Secretary or by any officer or employee of or consultant to the United States except under the following circumstances:

(1) Such information may be disclosed to any officer or employee of or consultant to the United States: (A) for use in connection with his official duties under this Act or any other Federal law for the protection of health or the environment, or (B) for specific law enforcement purposes; or

(2) If the Secretary determines disclosure is necessary to protect against an unreasonable risk of injury to health or the environment.

(c) Where a person supplying information to the Secretary under this Act believes any portion thereof should be considered exempt

from disclosure under section 552 of title 5, United States Code, or confidential under paragraph (b) of this section, the person may so designate those portions and identify them to the Secretary at the time the information is supplied.

(d) In the event the Secretary proposes to release information designated by the submitter under paragraph (c) of this section, he shall notify the submitter in writing, by certified mail, of his intention to do so. The Secretary shall not thereafter disclose such information until 30 days after receipt of this notice by the submitter of the information. During this period, the submitter may institute an action in the United States District Court for the District of Columbia for a declaratory judgment as to whether such information is exempt from disclosure under section 552 of title 5, United States Code, or confidential under paragraph (b) of this section.

(e) Any officer or employee of or consultant to the United States, or former officer, employee, or consultant, who by virtue of such official position, employment, or consultancy has obtained possession of or access to confidential information under paragraph (b) of this section and who knowingly and willfully discloses this information in any manner not permitted under paragraph (b) shall be subject, upon conviction, to a fine of not more than $ _____, or to imprisonment for not more than _____ year, or both.