



Toxic Substances Control Act

TSCA Base Manual Training Module

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Participant Guide

The TSCA Inspection Training Module is a detailed program of instruction designed to provide the specific information you will need to develop the skills necessary to conduct successful TSCA inspections.

The scope of the program includes a study of the Toxic Substances Control Act and of the basic policies, procedures, and techniques involved in TSCA inspections.

The Module is designed for independent study. With the TSCA Base Inspection Manual as a text, the Module will guide you through a series of exercises which introduce, clarify, and reinforce the major concepts related to inspections. To facilitate the program and to provide necessary guidance, you should be assigned to work with an experienced inspector. This "sponsor" will clarify problems or questions you may have throughout the program, supervise your field experience, and monitor your progress.

The material presented in this Module is organized into 4 units of study. Each unit contains a number of exercises designed to help you relate basic information to practical application in TSCA inspections. At the close of the Module you will have experienced the major aspects of an inspection and will have a sound base on which to develop practical inspection skills.

The level of achievement to be attained will largely depend upon the care with which you complete each exercise. Instructions for the exercises are specific and clear, and, if followed carefully, will guide you to mastery of the material.

Study Checklists

Each unit contains at least one study checklist that states precisely what you should be able to do at the close of the unit. Read through the list and respond orally to as many items as you can. This will help you focus your attention on the unit material and will help identify areas that will need detailed study. After completing the reading assignment, return to the study checklist and carefully respond --in writing-- to each item. Work through the list, correcting any errors you may have made the first time. If questions persist, discuss them with your sponsor. Do not proceed to the next exercise until you can complete each item of the list.

Reinforcement Exercises

Most units contain several exercises that will ask you to use the basic unit information to solve problems that inspectors often face in the field. Responses to many of these exercises will not simply be right or wrong, but will be open to interpretation and discussion. You should check your responses with your sponsor.

Evaluation Exercises

Most units conclude with a unit evaluation that wraps up the unit material. These evaluations should be completed without the use of notes, books, or other references. Evaluations are not designed to be graded, but minimum performance standards list a level of performance that should be achieved. ("7 of 9 items" indicates that a minimum of 7 items should be completed correctly without use of references.) If you score below the minimum level, review the unit carefully and confer with your sponsor to ensure a thorough understanding of the material. Your sponsor has answer keys to the evaluation exercises.

General Guidelines for Completing the Module

- Complete all reading assignments carefully.
- Complete each exercise in the order in which it is presented in the unit.
- Follow exercise instructions carefully.
- Discuss with your sponsor any problems or questions you can not resolve yourself.

Introduction

The Toxic Substances Control Act (TSCA), Public Law 94-469, was enacted in 1976 to "regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances." TSCA was designed to correct the current lack of health and safety information about chemical substances and to prevent unreasonable risk of injury to health or the environment presented by exposure to toxic substances.

To carry out the mandate of TSCA, EPA is authorized to obtain from industry data on the production, use, and health and environmental effects of chemical substances. If this information shows that controls are warranted, EPA may regulate the manufacture, processing, distribution in commerce, use, and disposal of a chemical substance.

TSCA is an extremely complex law. To help understand how TSCA works, it is useful to think of it in two phases. In the first phase, health and safety data is gathered and analyzed to determine the risks posed by a chemical. In the second phase, various rules can be developed on manufacture, use, or distribution and sale of chemicals that have been found to pose a risk to health or the environment.

As a control rule becomes final, enforcement personnel will have completed work on plans for enforcing the various provisions of that rule. The end result is a specific enforcement strategy that

- Identifies industry groups affected by the rule;
- Defines potential violations of the rule; and
- Lists ways that violations might be detected.

The strategy directs compliance monitoring activities in ways that make maximum use of available resources:

- Voluntary compliance plans encompass programs to inform regulated industries of the requirements and encourage compliance.
- Inspection program plans list pre-selected target groups for compliance inspection and make provisions for emergency situations and complaint response.

Each rule, therefore, has a specific strategy tailored to meet the enforcement requirements. Inspections play the major role in monitoring compliance with the rule and although specific details will vary from rule to rule, there are basic concepts and procedures common to all TSCA inspections. These elements are discussed in the following units.

Unit 1

Toxic Substances Control Act

The primary responsibility of an inspector is to inspect facilities for compliance with TSCA requirements. To carry out this responsibility, inspectors must be knowledgeable not only in the Act, but also in the many procedural requirements involved in conducting a successful inspection.

Topics covered in this unit include:

- The Toxic Substances Control Act
- Glossary of Terms
- TSCA Inspection Overview

Exercise 1-1	The Toxic Substances Control Act	3 Hours
<p>To carry out their duties effectively, inspectors must be thoroughly familiar with the legal basis for their actions. A clear understanding of the purpose, scope, and requirements of TSCA is imperative.</p> <ol style="list-style-type: none">1. Read through the study checklist. Test your background knowledge of the Act by responding to as many items as possible.2. Read pages 1-1 through 1-10 of the Manual.3. Read the Act, (pages 1-11 through 1-28).4. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems.5. Proceed to Exercise 1-2 only when the material in this exercise has been mastered.		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ State the purpose and scope of TSCA.
2. _____ Give a brief synopsis of the following sections.
§4 Testing of Chemicals

§5 Manufacturing and Processing Notices

§6 Regulation of Hazardous Chemicals

§7 Imminent Hazards

§8 Reporting and Retention of Information

§11 Inspections and Subpoenas

§14 Disclosure of Data

§15 Prohibited Acts

§16 Civil and Criminal Penalties

§17 Specific Enforcement and Seizure

§23 Employee Protection

3. _____ List substances specifically exempted from the Act.

4. _____ Write a brief summary of the process by which EPA, under TSCA, regulates specific chemical substances.

Exercise 1-2

TSCA Inspections

1 Hour

Inspections are the enforcement mechanism for detecting and verifying violations of the Act. This exercise focuses attention on the purpose, scope, and elements of an inspection, on inspection authorities under TSCA, and on the basic responsibilities of an inspector.

1. Read through the study checklist. Test your background knowledge by responding to as many items as possible.
2. Read pages 2-1 through 2-15 in the Manual.
3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems.
4. Proceed to Unit 2 only when the material in this exercise has been mastered.

Study Checklist. At the close of this exercise, you should be able to:

1. _____ State the legal source of authority for conducting inspections under TSCA and explain the concept of delegation of authority.

2. _____ List the limitations imposed on the scope of an inspection.

3. _____ State clearly the purpose of an inspection.

4. _____ Explain why confidential business information is an important factor to be considered when conducting an inspection.

5. _____ Explain the purpose of the Authorized Access List and the procedures involved in the authorization process.

6. _____ List 3 legal requirements an inspector must observe in all TSCA inspections.

7. _____ Explain the responsibilities of an inspector in gathering evidence during an inspection.

8. _____ Explain inspection responsibilities relating to personal safety during an inspection.

9. _____ Write a brief statement summarizing the responsibilities of an inspector relating to general work ethics.

Unit 2

Inspection Preliminaries

The scope of a TSCA Inspection can be complex and will vary from inspection to inspection. There are, however, elements that are common to all inspections (See Manual pages 2-4 and 2-5).

Topics covered in this unit include:

- Planning and Preparing for an Inspection
- Entering the Facility
- Conducting the Opening Conference

Exercise 2-1	Planning and Preparing for an Inspection	1 Hour
<p>Proper planning and preparation are necessary to assure that an inspection is conducted smoothly, efficiently, and professionally. This exercise is designed to focus attention on the procedures involved in the pre-inspection process.</p> <ol style="list-style-type: none">1. Read through the study checklist. Test your background knowledge by responding to as many items as possible.2. Read pages 3-1 through 3-6 and all of Chapter 6 in the Manual.3. Respond to each item on the study checklist. Clarify with your sponsor any questions or problems. Correct any errors and expand any incomplete responses made in Step 1. Do not proceed until you have mastered the material in this exercise.		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ List a minimum of 2 reasons why advance planning is crucial to successful inspection.
2. _____ Explain the purpose of a review of Agency records.

3. _____ List how you might find the following information relating to a specific facility.
 - a. _____ General facility information
 - b. _____ Previous inspection records
 - c. _____ Specific exemptions
 - d. _____ Facility reports submitted to the Agency
 - e. _____ Permits and documents and correspondence related to permits
4. _____ Write a brief statement summarizing the safeguards that should be used when dealing with confidential business information during a records review.

5. _____ Explain the purpose and importance of each of the following documents:
- a. _____ Notice of Inspection. (Also explain why financial data, sales data, etc. must be treated separately in the Notice)
 - b. _____ TSCA Inspection Confidentiality Notice
 - c. _____ Declaration of Confidential Business Information
 - d. _____ Receipt for Samples and Documents
 - e. _____ Chain of Custody Records
6. _____ Explain how to determine what equipment might be needed on a particular inspection.

Exercise 2-2	Entering the Facility	1 Hour
<p>When court proceedings develop from an inspection, the Government's case can be damaged on technical grounds, including failure by an inspector to follow basic procedure. Entry into a facility is one inspection activity requiring that specific procedures be observed. It is imperative that an inspector understand these procedures and their legal ramifications.</p> <ol style="list-style-type: none"> 1. Read through the study checklist. Test your background knowledge by responding to as many items as possible. 2. Read pages 3-7 through 3-14 of the Manual. 3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems. Do not proceed until you have mastered the material in this exercise. 		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ List two things an inspector is always required to do upon arrival at a facility to be inspected.

2. _____ Explain why caution is important when presenting credentials.

3. _____ List what information is required to be entered in the Notice of Inspection.

4. _____ Explain how an inspector might overcome initial reluctance on the part of a facility official to give consent to inspect.

5. _____ Write a brief summary of the procedures to be followed if entry to a facility is denied.

6. _____ List two things an inspector should NEVER do if entry is denied.

7. _____ Explain how the Notice of Inspection, if properly completed and presented, can protect the inspector and the Agency in cases of denial of entry.

Exercise 2-3	Conducting the Opening Conference	30 Minutes
<p>An opening conference will give facility officials a clear understanding of the inspection purpose, scope, and requirements, and will allow the inspector to complete administrative duties.</p> <ol style="list-style-type: none"> 1. Read through the study checklist. Test your background knowledge by responding to as many items as possible. 2. Read pages 3-15 through 3-19 of the Manual. 3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems. Proceed to the summary exercise only when the material in this exercise has been mastered. 		

Study Checklist.

1. _____ Explain what is meant by "The Inspector as Educator" and why this role is important to the overall goals of the enforcement program.

2. _____ List some major obstacles to a smooth inspection that can be prevented if an opening conference is conducted with facility officials.

3. _____ Explain what points concerning CBI should be covered in the opening conference.

4. _____ Explain how to determine who is authorized to make a claim of confidentiality.

5. _____ Write a brief summary of the procedures to be followed when there is a claim of confidentiality and explain which forms should be used.

Exercise 2-4	Summary	10 Minutes
<p>Listed below is an incident that could have been avoided. Explain how, giving specific details.</p> <p>Discuss your response with your sponsor. Clarify any questions or problems. Proceed to the Unit Evaluation.</p>		

1. Inspector Joe Green, in response to the Neutral Inspection Scheme, enters the Continental Chemical Company's main office and asks to see the agent in charge of the facility. Mr. White, the owner, appears, is shown Inspector Green's official credentials, and is given a completed Notice of Inspection. Continental has never been inspected by EPA and Mr. White is hesitant to allow the inspector to begin. Inspector Green assures him that the inspection is legal and that penalties for refusing entry to an inspector are severe. Green lists the penalties and tells Mr. White he might be subject to arrest. The discussion becomes heated and ends with Inspector Green being physically removed from the premises by security guards. The next day Mr. White files suit against both Inspector Green and the Agency, charging harassment.

Exercise 2-5	Unit Evaluation	15 Minutes
<ol style="list-style-type: none"> 1. Complete this exercise without the use of text or notes. 2. Do not exceed the time limit listed above. 3. Correct all errors and clarify any problems or question before proceeding to Unit 3. 4. Minimum performance standard: 10 of 12 items. 		

True/False. For each item listed below, check TRUE if the statement is correct, FALSE if the statement is incorrect. If the statement is false, make necessary changes to correct it.

TRUE FALSE

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Official credentials must always be presented whether or not identification is requested by facility officials. |
| _____ | _____ | 2. Authority to inspect under TSCA is granted by Section 8 of the Act. |
| _____ | _____ | 3. A written Notice of Inspection is required for all inspections <u>except</u> when inspecting firms on an emergency basis (i.e. spills). |
| _____ | _____ | 4. Authority to inspect extends to financial, sales, pricing, personnel, and research data <u>only</u> if these items are specifically listed on the Notice of Inspection. |
| _____ | _____ | 5. An inspector must secure the expressed consent of the agent in charge of the facility before entering to inspect. |
| _____ | _____ | 6. The U.S. Supreme Court decision <u>Marshall v. Barlow's, Inc.</u> provides the legal basis for the handling of confidential business information. |

7. If entry into a facility is denied for any reason or if consent to inspect is withdrawn during an inspection, the inspector should follow the denial of entry procedures which state that the inspector:
- _____ a. Should talk with officials to see if obstacles (such as misunderstandings) can be overcome.
 - _____ b. May suggest that facility officials contact their attorneys to clarify the situation.
 - _____ c. Should explain to facility officials the penalties under TSCA regarding refusal to allow entry.
 - _____ d. Should write down all observations regarding the incident, including any reasonable suspicions about the reasons for denial of entry.
8. Facility officials may claim as confidential any information (documents, physical samples, or other material) collected by an inspector.
9. Facility officials must make a confidentiality claim before the inspection begins so the inspector will know precisely what information must be specially handled.

Unit 3

Sampling and Documentation

Reviewing facility records, taking samples, and preparing documentation are the basic elements of a compliance inspection. These activities provide the evidentiary support the Agency uses to initiate enforcement actions.

The inspector plays the key role in developing this evidence.

Evidence of suspected violations must be carefully developed and documented so that it will be admissible in court and administrative proceedings.

Topics covered in this unit include:

- Records Inspection
- Documentary Support
- Physical Samples
- Chain of Custody
- Safety

Exercise 3-1	Records Inspection	30 Minutes
<p>TSCA requires that manufacturers, processors, and distributors of chemical substances maintain specific records of data that would aid EPA in identifying and monitoring toxic substances. TSCA inspectors must be familiar with proper procedures for inspecting records.</p> <ol style="list-style-type: none">1. Read through the study checklist. Test your background knowledge by responding to as many items as possible.2. Read pages 3-21 through 3-29 of the Manual.3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any problems or questions. Do not proceed until you have mastered the material in this exercise.		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ State the primary objectives of a records inspection.

2. _____ Give examples of how required information might be found by looking at various types of information sources.

3. _____ Describe standard procedures for copying and identifying records.

4. _____ Explain the procedures to be followed when inspecting data which is claimed as confidential business information.

Exercise 3-2	Documentary Support	30 Minutes
<p>A basic responsibility of an inspector is the documentation of actual conditions existing at the time of an inspection. Documentation is the base on which the Agency builds a case to prosecute violations of the Act. It is imperative that all documentation be developed in accordance with procedures to insure its accuracy and objectivity.</p> <ol style="list-style-type: none"> 1. Read through the study checklist. Test your background knowledge by responding to as many items as possible. 2. Read pages 3-31 through 3-36 of the Manual. 3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any problems or questions. Do not proceed until you have mastered the material in this exercise. 		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ Explain the purpose of the field notebook and list the types of information to be entered in it.

2. _____ Summarize the procedures for documenting a suspected violation by means of:

_____ Statements from witnesses

_____ Photographs

_____ Drawings and maps

3. _____ List some specific errors in documentation that might result in evidence not being admitted in court.

Exercise 3-3	Documenting Record Violations	15 Minutes
<p>1. Respond to each item listed below. Use the Manual (or other information) as a reference.</p> <p>2. Check your responses with your sponsor. Clarify any questions or problems before proceeding.</p>		

1. As part of an inspection, you need to determine how many pounds of chemical X are currently located on the facility premises. (This chemical is used, but not produced, by the facility.) Regulations controlling Chemical X require that records be kept of these amounts.

- a. You discover that the facility has not maintained these records. How would you properly document this violation? (Give specific examples.)

- b. In the absence of those records, how might you determine the amounts of chemical X at the facility. (List 2 separate ways you might be able to make this determination.)

- c. Choose one of your responses to (b) above and list in detail exactly what documentation you might submit to case proceedings personnel at the close of the inspection.

Exercise 3-4	Sampling	1 Hour
<p>A major aspect of documenting suspected violations is the taking of samples. It is upon the analysis of samples that most enforcement actions are taken. Mistakes or deficiencies in sampling may damage an enforcement action; inspectors must adhere to established sampling procedures to ensure the development of valid evidence.</p> <ol style="list-style-type: none"> 1. Read through the study checklist. Test your background knowledge by responding to as many items as possible. 2. Read pages 3-21 through 3-22 and pages 3-37 through 3-45 of the Manual. 3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any problems or questions. Do not proceed until you have mastered the material in this exercise. 		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ Describe the difference between physical and documentary samples.

2. _____ List the 7 general steps of an effective sampling program and explain what each step would do to ensure that a sample will be valid.

3. _____ Explain what is meant by controlled identification and what steps an inspector must follow to ensure the integrity of a sample.

Exercise 3-5

Sampling and Documentation

10 Minutes

1. Respond to the items listed below. Use the Manual and/or any other material as a reference.
2. Check your responses with your sponsor. Clarify any questions or problems before proceeding.

During an inspection of a chemical storage area at Acme Chemical Company, you encounter an open drum containing an unidentified substance. The drum is in the vicinity of other containers identified as containing chemical X. Regulations stipulate strict requirements for storing this chemical.

- a. Would you sample the substance in the open drum? If so, why?
- b. List the steps you would follow to ensure that the sample, once taken, is properly documented.
- c. What precautions would you take to protect the sample before its delivery to the lab?
- d. What other documentation of this suspected violation would you prepare?

Exercise 3-6	Safety	30 Minutes
<p>By nature of their toxicity, substances regulated under TSCA pose special problems for inspection personnel. To protect their personal health, inspectors must take special precautions when handling these hazardous materials.</p> <ol style="list-style-type: none">1. Read through the study checklist. Test your background knowledge by responding to as many items as possible.2. Read pages 3-47 through 3-59 of the Manual.3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems. Do not proceed until you have mastered the material in this exercise.		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ Describe the general and personal safety equipment that should be available to inspectors handling hazardous substances.
2. _____ Explain, for each general guideline (p. 3-49, 3-50), what might result if the guideline is not followed.
3. _____ List the emergency treatment procedures for inhalation, skin exposure, eye contact, and ingestion.

Exercise 3-7	Unit Evaluation	30 Minutes
<ol style="list-style-type: none"> 1. Complete this exercise without the use of text or notes. 2. Do not exceed the time limit listed above. 3. Clarify any problems or questions and correct all errors before proceeding to Unit 4. 4. Minimum performance standard: 9 of 11 items. 		

1. Does TSCA require that records be kept according to a particular system or format?

2. If an inspector is called to testify in court, he may be asked to positively identify a particular document, and to state its source and reason for its collection.
 - a. How can an inspector prove that a particular document was one that he collected?

 - b. Must the inspector be able to remember why a particular document was collected?

3. If a facility is required to keep a record of the amount of a particular substance it has in storage and if the facility has failed to have kept these records, how might an inspector proceed to find this information?

4. How should an inspector handle the taking of notes if he has good reason to believe that the subject of these notes will be claimed as confidential business information?

5. What information should be recorded in the inspectors field notebook? (Circle the letter or letters that apply:)
 - a. Conditions and practices observed during the inspection.
 - b. Procedures followed by the inspector relating to all inspection activities.
 - c. Listing of documents and samples taken by the inspector.
 - d. Unusual conditions or practices observed by the inspector.
 - e. General descriptions of the type of confidential business information collected.
 - f. General facility information..

6. Of the following two items, which one best illustrates the type of information that should be included in a statement used to document an alleged violation? (Circle one)
 - a. "It's common knowledge that they're dumping toxic chemicals illegally. You can see the trucks going by every day".
 - b. "My boss told me to take a load of drums and dump them out in the back. Some of the drums were marked 'hazardous'".

7. How should photographs taken during an inspection be identified?

8. What steps should be taken to protect a physical sample from contamination?

9. What is the purpose of the Chain of Custody procedures?

10. Collecting a sample of an unidentified substance can be one of the most potentially dangerous situations an inspector will face. How can this danger be minimized?

Unit 4

Inspection Conclusion

The inspector's involvement in TSCA inspections generally concludes with a wrap up of the inspection with facility officials and the preparation of an inspection report to be submitted to case proceedings personnel. Specific procedures for these activities and for handling confidential business information are discussed in this unit.

Topics covered in this unit include:

- Closing Conference
- Security Measures
- Report Preparation

Exercise 4-1	Conducting the Closing Conference	30 Minutes
<p>A final meeting with facility officials will enable the inspector to "wrap up" the inspection. Necessary receipts can be prepared, questions can be answered, and information gaps can be resolved.</p> <ol style="list-style-type: none">1. Read through the study checklist. Test your background knowledge by responding to as many items as possible.2. Read pages 3-61 through 3-63 and pages 6-4 through 6-5 of the Manual.3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems.4. Proceed to Exercise 4-2 only when the material in this exercise has been mastered.		

Study Checklist. At the close of this exercise, you should be able to:

1. _____ Describe what information is to be entered on the Receipt for Samples and Documents
2. _____ Give one example of how the Receipt for Samples and Documents might protect the Agency against legal action resulting from an inspection.

3. _____ List the 4 criteria that must be met if an item is to be declared confidential business information.

4. _____ Write, in your own words, an explanation of what procedures you would follow if, at the closing conference, no on-site facility official is authorized to make a confidentiality claim.

Exercise 4-2	Security Measures	30 Minutes
<p>All data collected during an inspection must be protected against loss, tampering, and unauthorized disclosure. Routine security procedures have been established for this purpose. In addition, more stringent security procedures must be followed when a claim of confidentiality has been made. It is the responsibility of the inspector to ensure that inspection data is properly protected when in the inspector's possession.</p> <ol style="list-style-type: none"> 1. Read through the study checklist. Test your background knowledge by responding to as many items as possible. 2. Read pages 3-65 through 3-68 of the Manual. 3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems. 4. Proceed to Exercise 4-3 only when the material in this exercise has been mastered. 		

Study Checklist. At the close of this exercise you should be able to:

1. _____ Explain what security measures should be routinely afforded all inspection data.
 - While traveling

- In the office

2. _____ List the steps to be followed to protect documents claimed as confidential business information.

- While traveling

- In the office

3. _____ List steps to protect physical samples claimed as confidential business information.

Exercise 4-3	Handling Confidential Documents	30 Minutes
<ol style="list-style-type: none">1. Respond to the following item.2. Discuss your response with your sponsor. Clarify any questions or problems before proceeding to Exercise 4-4.		

During the closing conference of an inspection you've just completed at the American Chemical Corp, Mr. Gray, the company president, claims as confidential business information a 10-page document you collected. He is very concerned that this information be kept confidential since it relates to their maintaining a lead in a highly competitive market. Discovery of this information by their competitors would severely affect American's position.

American's plant is several hundred miles from your office. On your way back to your office, you'll be stopping at Eastern Chemical to conduct an inspection there.

Mr. Gray wants assurance that his data will be accorded full confidentiality, and asks what steps you will take to protect this information.

Keeping in mind the following considerations, what would you say in response to Mr. Gray's inquiry?

- a. You'll be on travel for 3 days.
- b. You'll be conducting an inspection of Eastern Chemical, a major competitor of American Chemical.
- c. When you return to the office, you'll need to review the document to prepare your report.

Prepare your response as if you were actually talking to Mr. Gray.

"The first thing, Mr. Gray, is to slip the document into an envelope marked 'Confidential Business Information.....'"

45 Minutes

1. Read through the study checklist. Test your background knowledge by responding to as many items as possible.
2. Read pages 4-1 through 4-9 of the Manual.
3. Respond to each item on the study checklist. Correct any errors and expand any incomplete responses made in Step 1. Clarify with your sponsor any questions or problems.
4. Proceed to Exercise 4-5 only when the material in this exercise has been mastered.

1. _____ State the purpose of an inspection report.

2. _____ List the three general elements of a report.

3. _____ State procedures for dealing with confidential business information in the report.
4. _____ List the types of information to be included in each of the following parts of the narrative report.
- Introduction
 - Inspection Activities
 - Attachments

Exercise 4-5	Unit 4 Evaluation	20 Minutes
<ol style="list-style-type: none">1. Complete this exercise without the use of text or notes.2. Do not exceed the time limit listed above.3. Correct all errors and clarify any problems or questions.4. Minimum performance standard: 10 of 12 items.		

1. What is the purpose of the Receipt for Samples and Documents? (List two purposes.)
 - a.
 - b.
2. Is it the responsibility of the inspector to determine if an item meets the criteria necessary to claim the item as confidential business information?
3. Besides completing the Receipt for Samples and Documents and the Declaration of Confidential Business Information, the inspector should use the closing conference to offer various kinds of help to facility officials. List 3 ways in which the inspector can, at this point, be of help.
 - a.
 - b.
 - c.

4. Specific procedures have been developed to ensure that all inspection data is protected while in the custody of the inspector. Which of the following activities are not in accordance with these procedures for handling routine (non-confidential) data? (Circle the appropriate letter(s) of the items below.)
 - a. Leaving inspection data in a locked motel room.
 - b. Reviewing inspection data in the inspector's auto.
 - c. Reviewing inspection data in a restaurant.
 - d. Reviewing inspection data in the presence of other inspectors.
 - e. Carrying inspection data while inspecting another facility.
 - f. Locking physical samples in the inspector's auto.

5. Procedures for protecting confidential data are considerably more stringent than are routine security measures.
 - a. Confidential data should be mailed to the Document Control Officer as soon as possible after the inspection. What specific steps are involved in preparing confidential data for mailing?

 - b. If physical samples can not be shipped immediately how should they be protected?

6. The inspection report is a comprehensive collection of information designed to support enforcement personnel in the preparation of legal action. The information in the report must, above all, be complete and accurate. List three other requirements for an inspection report.
 - a.

 - b.

 - c.