

VERMONT DEPARTMENT OF HEALTH
CHEMICAL DISCLOSURE PROGRAM ASSERTION OF TRADE SECRET
REPORTING FORM

18 V.S.A. § 1778 states that “trade secret information and confidential business information shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and information otherwise designated confidential by law shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(1).” The Section further states that it, “shall be the burden of the manufacturer to assert that information submitted under this chapter is a trade secret, confidential business information, or is otherwise designated confidential by law.”

In order to qualify protection pursuant to 18 V.S.A Chapter 38A, the manufacturer, as defined by 18 V.S.A. § 1772(12), shall answer the following questions fully.

1. Disclosure ID – Fill out one form for each Disclosure ID
2. All function sets (Function, Component, Brick, Concentration) to which this form applies:
3. All brand names and product models to which this form applies:
4. Describe the formula, pattern, compilation, program, device, method, technique, or process for which the manufacturer is seeking trade secret protection.

5. Explain how the asserted trade secret described above derives for the manufacturer an independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

6. Describe the efforts that were made to maintain the formula, pattern, compilation, program, device, method, technique, or process' secrecy.

And/Or

7. Describe the confidential business information for which the manufacturer is seeking protection and the legal basis for the claim for such confidentiality.

And/OR

8. Describe what information the manufacturer is seeking protection and how it has been designated confidential by law.

The submission of the completed form does not render the asserted trade secret confidential under 18 V.S.A Chapter 38A. The Department will review the submission and may, based on the representation, accept or reject the assertion of trade secret and reserve the right to seek additional information from the manufacturer. At all times, and in all fora, the manufacturer shall have the burden to assert confidentiality.

Email completed form to:

AHS.VDHChemicalDisclosureProgram@vermont.gov