



April 1, 2025

Lesley Pacey
Government Accountability Project
1612 K Street NW, Suite 808
Washington, DC 20006
lesleyp@whistleblower.org

Dear Ms. Pacey:

This is in response to your March 10, 2025, Freedom of Information Act (FOIA) request, which was forwarded to the Occupational Safety and Health Administration's (OSHA), Directorate of Enforcement Programs (DEP) for response. Your request has been assigned FOIA number 2025-F-08879. Please reference this number in any future correspondence concerning this request.

1. **The Safety Data Sheet (SDS) for Accell Clean DWD 2.0** manufactured by Advanced BioCatalytics, referenced in EPA Technical Bulletin #2024-D-001 under section 300.915(a)(5)
2. **The Safety Data Sheet (SDS) for Dasic Ecosafe OSD** manufactured by Dasic USA, referenced in EPA Technical Bulletin #2024-D-002 under section 300.915(a)(5)
3. **The Safety Data Sheet (SDS) for Finsasol OSR 52 IBC** manufactured by TotalEnergies Petrochemicals & Refining USA, Inc., Technical Product Bulletin #2025-D-003 USEPA, OEM REGULATIONS IMPLEMENTATION DIVISION ORIGINAL LISTING DATE: JANUARY 15, 2025

The SDSs contain critical health and safety information for three newly approved oil spill dispersants listed on EPA's National Contingency Plan Product Schedule. We requested SDS for Accell Clean, Dasic Ecosafe from the EPA in January 2025 because EPA only listed the Technical Product Bulletins for these chemical dispersants – not the SDSs. An EPA FOIA the documents was closed and EPA, as a courtesy, referred us to OSHA. Today we are making this request to OSHA and adding a third new dispersant: Finasol OSR 52 IBC.

A reasonable search for records¹ in DEP identified no responsive records to your request.

¹ DEP performed a search for the specified safety data sheets on the public drive and the DEP Sharepoint site. No responsive records returned.

Manufacturers of chemicals are generally responsible for providing Safety Data Sheets for their own products. Please reach out to each manufacturer directly for this information.

If you have any questions about this FOIA determination, please contact DEP at (202) 693-2100.

You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal also should include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-2420, Washington, D.C. 20210 or fax your appeal to (202) 693-5538. Alternatively, you may email your appeal to foiaappeal@dol.gov; appeals submitted to any other email address will not be accepted. The envelope (if mailed), subject line (if emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: "Freedom of Information Act Appeal."

In addition to filing an appeal, you may contact the Department's FOIA Public Liaison, Ramona Oliver at (202) 731-5491 or oliver.ramona@dol.gov for assistance in resolving disputes.

You also may contact the Office of Government Information Services (OGIS) for assistance. OGIS offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may mail OGIS at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001. Alternatively, you may email or contact OGIS through its website at: ogis@nara.gov; Web: <https://ogis.archives.gov>. Finally, you can call OGIS at: telephone: (202) 741-5770; toll-free: (877) 684-6448.

It also is important to note that the services offered by OGIS are not an alternative to filing an administrative FOIA appeal.

Sincerely,



Erin P. Gilmore, Acting Director
Directorate of Enforcement Programs