



FUJIFILM Imaging Colorants, Inc.

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April 15, 2021

Ms. Laura Mensch
Principal Planner/Regulatory Programs Manager
Department of Natural Resources and Environmental Control
Division of Climate, Coastal and Energy-Delaware Coastal Programs
100 West Water Street
Dover, DE 19904

**RE: Confidentiality Request
Fujifilm Imaging Colorant, Inc.-Coastal Zone Act Permit Application**

Dear Ms. Mensch,

The purpose of this letter is to request confidentiality for specific portions of the Coastal Zone Act Application for Fujifilm Imaging Colorant, Inc. (FFIC). The FFIC seeks to protect its interests and safeguard this information from competitive disadvantages that result from disclosure. As such, I am requesting that portions of the application depicting and/or detailing specific information regarding the manufacturing process remain confidential pursuant to 29 Del. C. §10002(l)(2) for the purpose of trade secrets and commercial or financial security.

29 Del. C. §10002(l)(2) exempts: *trade secrets and commercial or financial information obtained from a person which is of privileged or confidential nature.*

29 Del. C. §10002(l)(2) is intended to protect the interests of both the government and the FFIC. The existence of this exemption encourages the FFIC to voluntarily furnish useful information and affords protection by safeguarding the Company from competitive disadvantages that could result from disclosure. Some of the Information submitted by FFIC is considered a trade secret specific to the manufacturing process and as such, FFIC is requesting confidentiality.

In accordance with 8 Del. Admin. C. 900, the following information is provided to support this request:

- *The measures taken to guard against undesired disclosure of the information to others.* The designated information is held in strict confidence by FFIC and is not disclosed publicly. It is not known or otherwise generally available in the public. The information would be of tremendous value to FFIC's competitors because it reveals confidential and proprietary strategic information regarding product formulation.
- *The extent to which the information has been disclosed to others, and the precautions taken in connection therewith.* The information requested as confidential has only been shared between the FFIC's management team and pertinent employees, consultants and vendors. FFIC requires employees, consultants and vendors to execute service agreements/contracts which include restrictions on disclosure and use of proprietary data. The information requested as confidential has been identified as a proprietary technology.

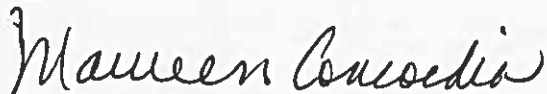
- *Whether disclosure of the information would be likely to result in substantial harmful effects on their competitive position, and if so, what those harmful effects would be, why the effects should be viewed as substantial, and an explanation of how the disclosure would cause such harmful effects.* State and federal law has protected the trade secrets and proprietary business information of companies. Such protection is crucial to a vibrant competitive marketplace. Disclosure of this confidential trade secret, commercial and/or financial information pursuant to FOIA or otherwise would substantially harm the competitive position of FFIC in the marketplace within the United States and globally, and would negatively impact the overall health of the marketplace and ultimately the consumer. The information would be of tremendous value to FFIC's competitors because it reveals confidential strategic information regarding FFIC's unique proprietary RxD (Reactive Dispersant) technology. RxD is a key technology for current and next-generation water-based inkjet inks. Applications for inkjet inks are expanding into industrial fields such as packaging printing in addition to commercial and publishing printing. In particular, there is a growing need to use water-based pigment inkjet inks, which have low environmental impact and potential to meet requirements for food packaging safety compliance. FFIC's RxD technology enables the creation of stable ink formulations that meet demanding performance requirements. FFIC uses RxD dispersions not only for its own inks, but also supplies ink to manufacturers around the world, and they are used in many water-based pigment inkjet inks.
- *Verification that significant effort or money has been expended in developing the information.* FFIC will invest approximately \$19 million in the construction of the new production plant for pigment dispersions. FFIC's new production plant will use its unique proprietary RxD technology, which FFIC requests remain confidential as this process has been deemed proprietary to FFIC.

I appreciate your attention to this designation request. Enclosed, please find: a confidential copy and public copy (with appropriate redactions) of the document; and notarized affidavit certifying that the proposed data is confidential.

If DNREC determines that this information is not deemed to be confidential, I respectfully request I be notified in a manner that will allow FFIC to engage DNREC to explore issues prior to making the document available to the public.

I look forward to your decision on this matter. Should you have any questions, please feel free to contact me at 302.472.1257

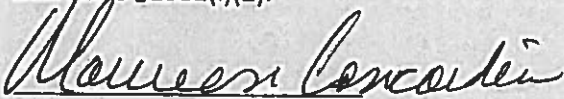
Regards,



Maureen Concordia
Facilities and EHS Manager
FujiFilm Imaging Colorants, Inc.

AFFIDAVIT

I, Maureen Concordia, Facilities and EHS Manager of the Fujifilm Imaging Colorants, Inc., certify that information within portions of the application depicting and/or detailing specific information regarding the manufacturing process, is information of a confidential nature due to financial security concerns pursuant to 29 Del. Code §1002(l)(2).



Maureen Concordia

Fujifilm Imaging Colorants, Inc.

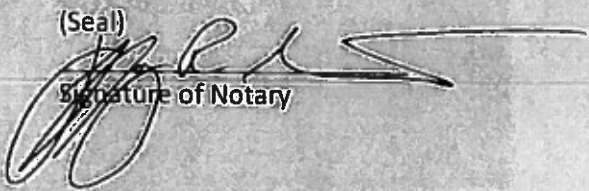
April 15, 2021


State of Delaware

This instrument was acknowledged before me this 15th day of April 2021 by Maureen Concordia, Fujifilm Imaging Colorants, Inc.

Personally Known

(Seal)


Signature of Notary


Printed Name of Notary

Notary Public, State of Delaware



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE
(302) 739-9000

**CONFIDENTIALITY DETERMINATION DOCUMENT
CZ-2021-001**

Re: FujiFilm Imaging Colorants, Inc. (CZA #441P)
March 24, 2021 Request for Confidentiality

Facts

On April 15, 2021 FujiFilm Imaging Colorants, Inc (“FujiFilm”) submitted a request for confidentiality of certain information included as part of a Coastal Zone Act (CZA) standard permit application. The request for confidentiality was submitted in accordance with the requirements of the Delaware Freedom of Information Act and the Department’s Policies and Procedures Regarding FOIA Requests (“FOIA Policy”), 8 DE Admin. Code 900.

Findings

The CZA Program requested legal review for this request by Department of Justice (DOJ), Deputy Attorney General Jameson Tweedie. Mr. Tweedie determined that FujiFilm has successfully substantiated its request for confidentiality pursuant to the Department’s FOIA Policy – specifically, on the basis that certain information as set forth in the April 15, 2021 letter is confidential for the purpose of financial security.

Recommendation

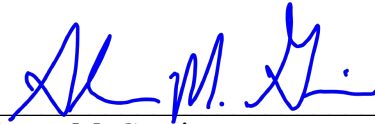
Based upon the above findings, the DOJ and CZA Program recommend that the information identified as confidential in the April 15, 2021 letter by FujiFilm is deemed confidential and therefore exempt from public disclosure pursuant to FOIA Policy.

Determination

I hereby determine that FujiFilm has successfully substantiated its request for confidentiality on information contained in the April 15, 2021 letter by meeting the necessary criteria according to the Delaware Freedom of Information Act and the Department's Policies and Procedures Regarding FOIA Requests. The information will be afforded confidential status on the basis that it meets the exemption from public disclosure provided by 29 Del. C. §10002(1)(2).

April 28, 2021

Date



Shawn M. Garvin
Secretary