

## State of Colorado

## Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203 Phone: (303)894-2100 Fax: (303)894-2109



For COGCC Use Only

**TRADE SECRET CLAIM OF ENTITLEMENT**

If a chemical used in the hydraulic fracturing treatment of a well is entitled to trade secret protection, the operator must still provide information on its chemical family to FracFocus. The supplier, service company or operator, as applicable, must also provide the identity of a trade secret chemical to a health professional that satisfies certain conditions (immediate disclosure is required in medical emergencies). At the time of claiming that a chemical, concentration, or both is a trade secret, the vendor, service company or operator must file a Form 41 with the Commission to provide accurate contact information. If the contact information changes for the party maintaining trade secret protection they must immediately submit a new Form 41 with the current information.

**Entity Asserting Trade Secret Claim**

Contact Person

OGCC Operator Number: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

FAX: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

email: \_\_\_\_\_

**Classification of Entity Asserting Trade Secret Claim**
☐ Operator    ☐ Vendor    ☐ Service Provider    ☐ Other - Specify in detail: \_\_\_\_\_
**Claim of Entitlement to Trade Secret Protection**

Rule 205A requires disclosure of all chemicals intentionally added to base fluid as part of a hydraulic fracturing treatment, as well as the maximum concentrations and (if applicable) CAS numbers for those chemicals, except in those limited situations where the specific identity or concentration of a chemical are permitted to be withheld as a trade secret. For purposes of Rule 205A, the term "trade secret" is defined in the COGCC Series 100 Definitions (Nov. 2011 version).

The Entity identified above claims that the (\_\_\_\_) identity or (\_\_\_\_) maximum concentration, or (\_\_\_\_) both, of the following chemical qualifies as a trade secret:

Chemical Identifier: \_\_\_\_\_

You may use a descriptive label, such as "Company TS1," for a chemical identifier in lieu of identifying the chemical. This chemical identifier may be used to reference the chemical in subsequent disclosures filed with the Chemical Disclosure Registry.

In order to claim that information is entitled to protection as a trade secret, you must check all the affirmations below and submit specific information regarding each of the following (can be attached on separate pages).

1. The entity holding the trade secret information has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a state or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and ☐ such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures, or disclosure has otherwise been limited such that the information is not readily available to competitors.
2. The information is not required to be disclosed, or otherwise made available, to the public under any other ☐ Federal or State law.
3. Disclosure of the information is likely to cause harm to the competitive position of the entity holding the trade ☐ secret information.
4. The information is not readily discoverable through reverse engineering. ☐

This form must be signed by an authorized agent of the entity making assertion.

I certify under penalty of perjury that this report has been examined by me and to the best of my knowledge is true, correct and complete.

Printed Name: \_\_\_\_\_ email: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_