



# SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

August 2020

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## Policy & Regulation

### Temporary COVID-19 Enforcement Policy

EPA is mindful of the health and safety of the public, as well as our staff, and those of Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations during the COVID-19 pandemic. The Agency is taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, EPA has issued a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic:

- [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program - 03/26/2020](#)
- On June 29, 2020, EPA issued a memorandum on a termination addendum to the COVID-19 temporary enforcement policy. EPA has selected August 31, 2020, as the termination date for the temporary enforcement policy; [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination - 6/29/2020](#)

### National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

**As part of EPA's 2020 Spring regulatory agenda, the Agency is proposing the following rule amendment:** On September 19, 2012, EPA issued amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks source category (77 FR 58219). This action proposes to add provisions back into the rule that were inadvertently deleted when EPA published the 2012 final amendments. These provisions, which were in the original 1995 NESHAP, provide facilities the opportunity to increase the duration of time between surface tension measurements after a certain number of compliant measurements. EPA never intended these provisions to be deleted. In addition, this action corrects several typographical errors, incorrect references, and other minor inadvertent errors that EPA discovered after promulgation of the 2012 final amendments. CFR Citation: [40 CFR 63](#). [More information about the Chromium Electroplating NESHAP](#).

## EPA takes action to help Americans disinfect indoor spaces efficiently and effectively

On July 7, 2020, EPA released new guidance to help ensure that Americans are able to disinfect public spaces efficiently and effectively to control SARS-CoV-2, the novel coronavirus that causes COVID-19. The newly released guidance outlines what information registrants need to submit in order to expedite the review of requests to add electrostatic sprayer application directions to disinfectant product labels for use against SARS-CoV-2.

“Cleaning and disinfecting surfaces continue to be an effective way to reduce the spread of the virus,” said EPA Administrator Andrew Wheeler. “With this guidance, EPA is ensuring offices, schools, and local governments have access to as many effective and approved surface disinfectant products as possible—including those designed to disinfect large indoor spaces.”

Electrostatic spraying has drawn increased interest through the public health emergency because of the need to disinfect large indoor spaces (e.g., schools, offices, businesses) or areas with many surfaces. Unlike conventional spraying methods, electrostatic sprayers apply a positive charge to liquid disinfectants as they pass through the nozzle. The positively charged disinfectant is attracted to negatively charged surfaces, which allows for efficient coating of hard nonporous surfaces.

EPA’s new guidance covers requests to add electrostatic spraying directions to both new and currently registered disinfectant products—including those on EPA’s List N: Disinfectants for Use Against SARS-CoV-2 — that require review under Pesticide Registration Improvement Act (PRIA). This guidance builds on EPA’s previously announced expedited review of certain submissions for products intended for use against SARS-CoV-2.

When using these products, always follow the directions and safety information on the label. A disinfectant product’s safety and effectiveness may change based on how it is used. If a product’s label does not include disinfection directions for electrostatic spraying, EPA has not reviewed any data on whether the product is safe and effective when used by this method. [Read the full press release.](#)

## EPA Proposes More Stringent Toxic Emission Standards for Certain Types of Industrial Boilers

On July 9, 2020, EPA proposed amendments to the 2013 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers and Process Heaters. These amendments would further reduce toxic emissions from certain types of units and represent continued clean air progress made by the Trump Administration. This rule – known as the Boiler MACT – establishes emission standards for categories of boilers based on the maximum achievable control technologies (MACT).

“America’s air quality is the cleanest it’s been in modern history, and these amendments will reduce emissions of hazardous air pollutants even more. With this action, we are proposing updated standards to limit emissions of hazardous air pollutants from certain industrial boilers. This underscores the Trump Administration’s commitment to reducing air pollution, while providing needed clarity to the regulated community,” said EPA Administrator Andrew Wheeler.

The proposed updated standards address deficiencies identified by the U.S. Court of Appeals for the D.C. Circuit and align them with requirements in the Clean Air Act. In response to the three remands, EPA is proposing:

- To revise 34 (of 90) emission limits for certain types of new and existing boilers;
- An updated rationale for using carbon monoxide (CO) as a surrogate for controlling organic hazardous air pollutants (HAPs); and
- An updated rationale for our original determination that setting a CO standard below 130 parts per million would not provide any additional organic HAP reduction.

The proposed amendments would continue to reduce emissions of HAPs – including mercury, formaldehyde, benzene, and polycyclic organic matter. EPA will accept comment on this proposed action for 60 days after it is published in the *Federal Register*. [Learn more about the Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP.](#)

## Key Dates and Upcoming Opportunities

### **National Small Business Environmental Assistance Program 2020 Annual Training** September 8-11, 2020 *Registration is Now Open!*

Join us for this year's virtual SBEAP Annual Training event, scheduled to take place on September 8-11, 2020. This event will provide learning and networking opportunities, including updates from EPA leadership and Program Offices, as well as collaborative activities that impact environmental assistance across the country. To register and view the draft training agenda, go to: [nationalsbeap.org/training](https://nationalsbeap.org/training)

### **Notice of Funding Availability for Applications for Credit Assistance Under the Water Infrastructure Finance and Innovation Act (WIFIA) Program**

In the Further Consolidated Appropriations Act, 2020, signed by President Trump on December 20, 2019, Congress provided \$50 million in budget authority for the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) program to cover the subsidy required to provide a much larger amount of credit assistance. EPA estimates that this budget authority may provide approximately \$5 billion in credit assistance and may finance approximately \$10 billion in water infrastructure investment, while covering increased costs associated with implementing a larger program. The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective borrowers seeking credit assistance from EPA.

The LOI submittal period began on July 17, 2020 and ends at 11:59 p.m. EDT on October 15, 2020. Document Citation: [85 FR 43452](#)

### **Subcommittee Looks to Strengthen Small Business Supply Chains**

On July 7, 2020, the House Small Business Committee Subcommittee on Economic Growth, Tax, and Capital Access heard testimony from small business owners and experts about the impact of the COVID-19 crisis on small business supply chains. Since the onset of the pandemic, many small business supply chains have been disrupted, exposing long-standing vulnerabilities in the way that firms acquire their materials, components, and products. The hearing, chaired by Rep. Brad Schneider (D-IL), gave Members the chance to examine the nature of current supply chains, how they are being disrupted by the pandemic, and what Congress can do to encourage supply chain resiliency moving forward. [Read the full press release.](#)

## U.S. Small Business Administration's Economic Injury Disaster Loan (EIDL) Program

July 13, 2020, the U.S. Small Business Administration announced the conclusion and success of the Economic Injury Disaster Loan (EIDL) Advance program, which provided U.S. small businesses, non-profits and agricultural businesses a total of \$20 billion in emergency funding. The loan portion of the EIDL program continues to have funds available at very affordable terms, including a 3.75% interest rate for small businesses and 2.75% for non-profit organizations, a 30-year maturity, and an automatic deferment of one year before monthly payments begin. Every eligible small business and non-profit is encouraged to apply to get the resources they need. [Learn more about SBA's disaster assistance.](#)

### Ask SBEAP

Dear SBEAP,

Ten years ago, I replaced the use of trichloroethylene as a solvent in my metal-finishing facility with n-propyl bromide (nPB), also known as 1-bromopropane (1-BP). I made this solvent change to reduce my hazardous air pollutant, or HAP, emissions. I heard from my supplier yesterday that the EPA is considering adding 1-BP to its list of HAPs. Is this true? If so, when will that take effect, or do I need to start counting the quantities of 1-BP I use as a HAP right now for my facility emissions reporting?

Sincerely,  
Marsha de Graisser

Dear Marsha,

Your supplier told you correctly. EPA has been considering adding 1-BP to its list of hazardous air pollutants since 2015. On June 18, 2020, the agency issued a notice in the [Federal Register](#) granting petitions to add [1-BP](#) to the [Clean Air Act List of Hazardous Air Pollutants](#). But as stated in the EPA supporting document granting action to add 1-BP to the list of HAPs, “. . . *granting the petitions will not create new regulatory or statutory obligations for sources that emit 1-BP until the (EPA) takes further actions.*”

The next step is for the EPA to add 1-BP to its list of HAPs. A formal announcement will be made through the Federal Register when this occurs. However, this initial step may not be significant for most users of 1-BP. Although it would officially require sources to track their emissions from 1-BP as HAPs, there are no EPA emission standards in place for 1-BP. However, states could require more restrictive regulatory requirements and contacting your [state Small Business Environmental Assistance Program \(SBEAP\)](#) air quality expert is one of the best ways to get help in understanding this and other state-specific regulatory requirements.

After 1-BP is listed, EPA will evaluate whether new emissions standards need to be promulgated or if current standards, such as the Halogenated Solvent Cleaning NESHAP (40 CFR Part 63, subpart T), need to be revised to include 1-BP emission standards.

This is an important time for your company to be aware of its HAP emissions, and counting your use of 1-BP as a HAP is an important next step to determine if your usage makes you a major HAP source (greater than or equal to 10 tons of any single HAP, or greater than or equal to 25 tons for total HAPs) or

a minor HAP source. If you have questions about how to make air-emission evaluations, contact the [national](#) or your state [SBEAP](#) for free and confidential assistance.

## Spotlight

### North Carolina's Small Businesses Receive Specialized Assistance

North Carolina's Small Business Ombudsman/Small Business Environmental Assistance Program (SBEAP) has been hard at work assisting small businesses with various COVID-19 issues. Tony Pendola, North Carolina's Small Business Ombudsman, coordinated with several of EPA's Ombudsmen and local distillers in North Carolina to better access information and understanding on federal requirements for distilleries which make hand sanitizers. Additionally, virtual training opportunities have been made available to the Ready Mixed Concrete Association while face-to-face trainings have been unsuitable. Specialized assistance was also provided to assist in procuring EPA approval for a sterilization process for the local emergency medical and fire department's necessary personal protective equipment (PPE), which was facing a shortage due to the pandemic.

Autobody shops are another small business industry that has suffered in North Carolina due to vehicle travel being dramatically decreased during the pandemic. Many of these autobody businesses have lost approximately 40 percent of their business. As such, many paint sprayers are unable to receive the necessary training. Mr. Pendola developed and is working with EPA to roll out a regulatory navigation tool to help shops better understand federal rules to which they must comply. He is also partnering with industry representatives to provide free, nation-wide, virtual training for certification of autobody paint sprayers. From expediting processes to providing training opportunities, North Carolina's SBEAP has been a helping hand to small businesses during this unprecedented time. [Connect with Mr. Pendola](#) and learn more by [visiting North Carolina's Environmental Quality's Ombudsman Assistance Program](#).

### Share with the small business community through EPA's SmallBiz@EPA Bulletin

Do you have a story, upcoming event, resource, or information that may be beneficial to the small business community? Please email us at [ASBO@epa.gov](mailto:ASBO@epa.gov) to provide a brief submission with a suggested title, your contact information, and a website link for more information on the topic.

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