



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

September 2020

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Thank you for joining the 2020 National Small Business Environmental Program (SBEAP) annual training event last week! This first ever virtual event was a huge success with an average of 70 attendees in each session. Special thanks to our grantee, Kansas State University's Pollution Prevention Institute, for graciously and expertly hosting the event via the Zoom platform. Thank you to the planning committee and presenters who made this event possible and ensured broad knowledge sharing of relevant high-quality information. [Materials and recordings of the event are available on the National SBEAP website.](#)

Policy & Regulation

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units Review

In accordance with requirements under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) performed a periodic review of the emissions standards and other requirements for Other Solid Waste Incineration (OSWI) units, covering certain very small municipal waste combustion (VSMWC) and institutional waste incineration (IWI) units. Although EPA is not proposing revisions to the OSWI New Source Performance Standards (NSPS) and Emission Guidelines (EG) specifically based on its statutory periodic review, EPA is otherwise—in accordance with its authority under the CAA—proposing changes to the OSWI NSPS and EG. Public comments must be received on or before October 15, 2020. Read the [Federal Register notice](#) to learn more and access the docket to provide comments.

EPA Draft Proposal to Improve Lepidopteran Resistance Management; Notice of Availability

EPA is making available for public comment a proposal to improve current resistance management strategies for certain Lepidopteran pests of *Bacillus thuringiensis* (Bt) plant-incorporated protectants (PIPs) in corn and cotton. EPA is soliciting input from all affected stakeholders such as corn and cotton growers, crop consultants, industry, academia, non-governmental organizations and the general public. Comments must be received on or before November 9, 2020. Read the [Federal Register notice](#).

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides for DDVP, Naled, and Trichlorfon; Notice of Availability

EPA announced the availability of the Agency's draft human health and/or ecological risk assessments for the registration review of DDVP, naled, and trichlorfon. Public comments must be received on or before November 9, 2020. Read the [Federal Register notice](#) and access the docket to provide comment.

EPA Supports Technology to Benefit America's Farmers, Improve Sustainability Public Input Sought on Proposed Regulatory Streamlining for Certain Plant-Incorporated Protectants (PIPs)

In another effort to remove barriers to innovation, EPA has proposed a rule that will streamline the regulation of certain National Priority List sites (NPL's) that pose no risks of concern to humans or the environment. This action – which will be available for public comment for 60 days – delivers on a key directive under President Trump's [Executive Order on Modernizing the Regulatory Framework for Agricultural Biotechnology Products](#).

“This new rule will provide critical new tools for America's farmers as they work to increase agricultural productivity, improve the nutritional value and quality of crops, fight pests and diseases, and boost food safety,” said EPA Administrator Andrew Wheeler. “Embracing this technology through a transparent, consistent and science-based process is long overdue, and will secure benefits to American agriculture well into the future.”

“Agricultural biotechnology has been and will continue to be an essential tool in helping America's farmers and ranchers feed, fuel, and clothe the world,” said U.S. Secretary of Agriculture Sonny Perdue. “From producers to consumers, all Americans deserve a government that delivers science-based, common-sense regulations that foster innovation, conserve resources, and protect public health—especially when it comes to the food supply. President Trump is committed to harmonizing our regulatory framework for agricultural biotechnology in order to equip our farmers with the tools they need to produce the world's safest, most abundant, and most affordable food supply.”

Specifically, EPA is proposing exemptions under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act (FFDCA) for certain PIPs created through biotechnology. The Agency has preliminarily determined that these substances meeting the exemption criteria have no risks of concern to humans or the environment.

EPA's proposed exemptions for PIPs created through biotechnology seek to facilitate the development of new tools for American farmers to protect their crops and control agricultural pests. By reducing antiquated regulations that restrict access to the market for biotechnology products, science-based innovations to agriculture will become far more accessible to American farmers. These improvements will have the potential to increase America's food supply.

PIPs are pesticidal substances produced by plants and the genetic material necessary for the plant to produce the pesticidal substance. The existing regulatory exemption for PIPs is limited to those created through conventional breeding. The proposed exemption would allow for PIPs created through biotechnology to also be exempt from existing regulations if they 1) pose no greater risk than PIPs that meet EPA safety requirements, and 2) could have been created through conventional breeding.

Under the proposed exemption, EPA would require developers of PIPs to submit either a self-determination letter or a request for EPA confirmation that their PIP meets the criteria for exemption; a developer could also submit both.

To learn more about the proposed exemption and to submit comments visit: <https://www.epa.gov/regulation-biotechnology-under-tsca-and-fifra/pesticides-exemptions-cerertain-plant-incorporated>.

Key Dates and Upcoming Opportunities

SBA National Small Business Week

Jovita Carranza, Administrator of the U.S. Small Business Administration, announced the kick-off for National Small Business Week. The virtual event, rescheduled from May due to the coronavirus pandemic, will be held September 22-24. National Small Business Week honors the nation's small businesses, many of which are veteran, women and minority-owned, for their achievements and dedication to their communities.

This year's National Small Business Week activities will include numerous educational panels providing retooling and innovative practices for entrepreneurs as our nation's small businesses look to pivot and recover toward a stronger economy. The event will recognize the national award winners, including the naming of this year's National Small Business Person of the Year.

For more information, visit https://www.sba.gov/article/2020/sep/03/national-small-business-week-kick-september-22-24?utm_medium=email&utm_source=govdelivery.

EPA Seeks Small Businesses Input on Risk Management Rulemakings for Methylene Chloride and 1-Bromopropane

EPA is inviting small businesses, governments, and not-for-profits to participate as Small Entity Representatives (SERs) to provide advice and recommendations to two Small Business Advocacy Review (SBAR) panels. There will be one panel for methylene chloride and one panel for 1-bromopropane. Each will focus on the Agency's development of proposed rules to address unreasonable risks identified in EPA's recently completed Toxic Substances Control Act (TSCA) risk evaluations for these chemicals.

Under TSCA, EPA is required to evaluate the risks associated with existing chemicals in commerce using the best available science before taking action to address any unreasonable risks. The Agency issued two final risk evaluations, [methylene chloride](#) in June 2020 and [1-bromopropane](#) in August 2020, both showing unreasonable risks to workers and consumers under certain conditions of use. EPA is now moving to the risk management step in the TSCA process by working to draft regulations to protect public health from the unreasonable risks identified in the final risk evaluations.

The Regulatory Flexibility Act requires agencies to establish a SBAR Panel for rules that may have a significant economic impact on a substantial number of small entities. The SBAR panels will include federal representatives from the Small Business Administration (SBA), the Office of Management and Budget (OMB), and EPA.

SERs will be selected by the SBAR Panels to provide comments on behalf of their company, community, or organization and advise the panel on the potential impacts of the proposed rule on small entities. EPA is seeking self-nominations directly from the small entities that may be subject to the rule requirements. Other representatives, such as trade associations that exclusively or at least primarily represent potentially regulated small entities, may also serve as SERs.

SERs provide advice and recommendations to the panel. The SERs participate in consultations with the SBAR Panel via telephone, webinar, or in person in one or two meetings and are given an opportunity to submit written comments to the Panel. Self-nominations may be submitted through the link below and must be received by September 30, 2020.

In addition to engaging with small businesses, EPA is executing a robust outreach effort on risk management that includes one-on-one meetings with stakeholders and formal consultations with state and local governments, tribes, and environmental justice communities. There will also be an open public comment on any draft risk management regulations.

Nominate yourself as a Small Entity Representative to the Methylene Chloride SBAR Panel: <https://www.epa.gov/reg-flex/potential-sbar-panel-methylene-chloride-risk-management-rulemaking-under-toxic-substances>

Nominate yourself as a Small Entity Representative to the 1-Bromopropane SBAR Panel: <https://www.epa.gov/reg-flex/potential-sbar-panel-1-bromopropane-risk-management-rulemaking-under-toxic-substances>

[Learn more about the Small Business Advocacy Review process.](#)

For more information on EPA's risk management outreach, including a webinar scheduled for September 30, 2020 about the risk findings for 1-bromopropane, visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-existing-chemicals-under-tsca>.

EPA and USDA Announce Competition to Advance Agricultural Sustainability in the United States

EPA and the U.S. Department of Agriculture (USDA) announced the Next Gen Fertilizer Challenges, a joint EPA-USDA partnership and competition to advance agricultural sustainability in the United States. The competition includes two challenges that seek proposals for new and existing fertilizer technologies to maintain or improve crop yields while reducing the impacts of fertilizers on the environment.

“The shared goal here is to accelerate the development of next generation fertilizers for corn production that can either maintain or increase crop yields while reducing environmental impacts to our air, land, and water,” said EPA Administrator Andrew Wheeler.

“USDA is committed to encouraging the development of new technologies and practices to ensure that U.S. agriculture is socially, environmentally, and economically sustainable for years to come,” said U.S. Secretary of Agriculture Sonny Perdue. “This challenge will stimulate innovation and aligns with USDA's Agriculture Innovation Agenda announced earlier this year.”

“By evaluating the efficacy of existing technologies while sparking research and development of new technologies, these challenges explore the potential innovation that can result from academia, industry, government, and NGOs working together to address the complex issues related to excess nutrients in

our environment,” said Jennifer Orme-Zavaleta, EPA’s Principal Deputy Assistant Administrator for Science and EPA Science Advisor.

Along with EPA and USDA, the competition is coordinated with The Fertilizer Institute, the International Fertilizer Development Center, the National Corn Growers Association, and The Nature Conservancy.

The first challenge, the *EEFs: Environmental and Agronomic Challenge*, aims to identify existing Enhanced Efficiency Fertilizers (EEFs) that meet or exceed certain environmental and agro-economic criteria. EEF is a term for new formulations that control fertilizer release or alter reactions that reduce nutrient losses to the environment.

This challenge will not have a monetary prize, but winners will receive scientific evaluation of their product and recognition from EPA, USDA, and other collaborators and participants.

The second challenge, the *Next Gen Fertilizer Innovations Challenge*, aims to generate new concepts for novel technologies that can help address environmental concerns surrounding agriculture practices while maintaining or increasing crop yields. A panel of expert judges will review the submissions. Each winner will receive at least \$10,000.

The Next Gen Fertilizer Challenges opened on August 26, 2020. Registrants must submit their entries by October 30, 2020, for the *EEFs: Environmental and Agronomic Challenge* and by November 30, 2020, for the *Next Gen Fertilizer Innovations Challenge*. Winners will be announced in the winter of 2021.

An informational webinar will be held on September 24, 2020 at 10:00 – 11:00 AM ET. More information about the challenges and the webinar is available at <https://www.epa.gov/innovation/next-gen-fertilizer-challenges>.

Ask SBEAP

Dear SBEAP,

As a general dentist, am I required to take any action under the new dental amalgam rule?

Dr. Pearly White, DDS

Dear Dr. White,

EPA’s dental amalgam rule, effective since July 14, 2017, requires most general dentists, who discharge amalgam pollutants into publicly owned treatment works (POTWs), to install and maintain an amalgam separator of ISO 11143 2008 standard to prevent mercury from entering the wastewater system. These dental facilities must also complete and submit a one-time compliance report and maintain a copy of it to be produced during an inspection. Existing dental dischargers must be in compliance with the standards by **July 14, 2020** and submit a one-time compliance report certifying such by **Oct. 12, 2020**. New users must be in compliance with the standards immediately and submit a one-time compliance report certifying such within 90 days after the first discharge to a POTW. EPA states your control authority is either a local wastewater utility, a state environmental agency or a U.S. EPA regional office. To learn about your state or local regulatory obligations, contact your state SBEAP.

Spotlight

EPA awards \$129,371 to New Mexico Environment Department to Monitor Air Quality

EPA recently awarded \$129,371 to the New Mexico Environment Department (NMED) to monitor ambient air quality for fine particulate matter (PM 2.5). The funds will support NMED's important work to improve air quality in New Mexico. The funds will help NMED carry out air-monitoring programs for the prevention and control of air pollution or implementation of PM 2.5 air quality standards. EPA will continue to work collaboratively with NMED and other stakeholders to develop strategies for achieving and maintaining compliance with PM 2.5 standards. Particulate matter, also called particle pollution, contains microscopic solids or liquids which may be harmful if inhaled. The particles can become lodged in the lungs, or can even get in your bloodstream, and cause respiratory or heart problems. People with heart or lung disease, children, and older adults are most likely to be affected by particle pollution. The particles also affect the environment, with the smallest—those less than 2.5 micrometers across also called “fine”—being the main cause of reduced visibility. As a result of Clean Air Act programs and efforts by state, local and tribal governments, as well as technological improvements, average PM2.5 concentrations in the U.S. fell by 39 percent between 2000 and 2018 while average PM10 concentrations fell by 31 percent during the same period. EPA continues to work with states, local governments, tribes, and citizens – to further improve air quality across the country for all Americans.

For more about EPA grants: <https://www.epa.gov/grants>. For more about EPA's work in New Mexico: <https://www.epa.gov/nm>.

New Report: Small Business Lending in The United States, 2019

SBA's Office of Advocacy recently published the “Small Business Lending in the United States” 2019 report which examines the FDIC data to determine the state of bank lending to small businesses. Between June 2017 and June 2019, small business lending remained positive, though below the increase in lending to large businesses. This report examines all small business loans (commercial loans valued at \$1 million or less) and is not specific to SBA-guaranteed loans. The data in the report provides a snapshot of the credit market before the beginning of the COVID-19 pandemic. In addition, the appendix tables provide rankings of top bank lenders by small business lending ratios. This year, detailed state tables are provided to spotlight the small business lending activity in each state.

For more information, visit https://advocacy.sba.gov/2020/09/10/small-business-lending-in-the-united-states-2019/?utm_medium=email&utm_source=govdelivery.

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 to provide a brief submission with a suggested title, your contact information, and a website link for more information on the topic.



EPA Asbestos and Small Business Ombudsman Program

1200 Pennsylvania Avenue, N.W.

Mail Code: 1230A

Washington, D.C. 20460

Hotline: 800-368-5888

Email: ASBO@epa.gov

Website: epa.gov/resources-small-businesses/asbo