



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

January 2021

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Policy & Regulation

EPA Seeks Small Business Input on Risk Management Rulemakings for Perchloroethylene and n-Methylpyrrolidone

The U.S. Environmental Protection Agency (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 perchloroethylene (PCE) and one panel for n-Methylpyrrolidone (NMP). 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 risk associated with existing chemicals in commerce using the best available science before taking action to address any unreasonable risk. The Agency issued the [PCE final risk evaluation](#) in December 2020, showing unreasonable risk to workers and consumers under certain conditions of use. The Agency also issued the [final risk evaluation for NMP](#) in December 2020, 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 evaluation.

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 January 19, 2021.

In addition to engaging with small businesses, EPA is executing a robust outreach effort on risk management that includes 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 PCE SBAR Panel:

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

<https://www.epa.gov/reg-flex/potential-sbar-panel-n-methylpyrrolidone-nmp-risk-management-rulemaking-under-toxic>. Read the [full press release](#).

EPA Releases Final Risk Evaluation for Asbestos, Part 1: Chrysotile Asbestos

On December 31, 2020, EPA released the final risk evaluation for asbestos, part 1: chrysotile asbestos. Under the Toxic Substances Control Act (TSCA), EPA is required to evaluate the risks associated with exposure to existing chemicals in commerce using the best available science, and then take action to address any unreasonable risk identified. This announcement completes the first part of the final risk evaluation for asbestos. Part 1 of the risk evaluation for asbestos is specific to chrysotile asbestos.

EPA used feedback received during the public comment period and the scientific peer review process carried out by the Science Advisory Committee on Chemicals to inform the final risk evaluation for asbestos, part 1: chrysotile asbestos. Of the six use categories evaluated (chlor-alkali diaphragms, sheet gaskets, other gaskets, oilfield brake blocks, aftermarket automotive brakes/linings, and other vehicle friction products), EPA found that there is unreasonable risk to workers, occupational non-users, consumers, and/or bystanders within each of the six chrysotile asbestos use categories. EPA found no unreasonable risk to the environment.

The next step in the process required by TSCA is to address the unreasonable risk identified in the final risk evaluation. EPA is moving immediately to risk management for chrysotile asbestos and will work as quickly as possible to propose and finalize actions to protect against unreasonable risk. Potential actions EPA could take include regulation of how this chemical is used, limiting or prohibiting the manufacture, processing, distribution in the marketplace, use, or disposal of chrysotile asbestos, as applicable. [View the final risk evaluation for asbestos, part 1: chrysotile asbestos and supporting documents](#). Read the [full press release](#).

EPA Releases Interim Guidance on Destroying and Disposing of Certain PFAS and PFAS-Containing Materials

On December 18, 2020, as part of EPA's aggressive efforts under the PFAS Action Plan, the Agency released [new interim guidance](#) on destroying and disposing of certain PFAS and PFAS-containing materials for public comment. Specifically, the new interim guidance outlines the current state of the science on techniques and treatments that may be used to destroy or dispose of PFAS and PFAS-containing materials from non-consumer products, including aqueous film-forming foam for firefighting.

"With this interim guidance, EPA is providing important scientific information on available technologies that can assist with the destruction and disposal of PFAS," said EPA Administrator Andrew Wheeler. "This action is a critical part of our efforts to increase the understanding of PFAS and support our federal, state, tribal and local partners as we address these emerging chemicals of concern."

In the limited time provided under the National Defense Authorization Act for Fiscal Year 2020 (FY20 NDAA), the interim guidance assembles and consolidates information in a single document that generally describes thermal treatment, landfill and underground injection technologies that may be effective in the destruction or disposal of PFAS and PFAS-containing materials. To help ensure informed decision-making, the technology-specific information describes uncertainties and how those uncertainties should be weighed given situation-specific factors, such as the waste's physical phase (liquid, solid, gas).

The interim guidance is not intended to address destruction and disposal of PFAS-containing consumer products, such as non-stick cookware and water-resistant clothing. The Agency is also providing guidance on testing and monitoring air, effluent, and soil for releases near potential destruction or disposal sites. EPA's interim guidance captures the significant information gaps associated with PFAS testing and monitoring and identifies specific research needs to address the FY20 NDAA requirements.

EPA will accept comments on the Interim Guidance for 60 days following publication in the Federal Register. For more information, please see www.epa.gov/pfas. EPA will then consider and incorporate comments, as appropriate, into a revised document. EPA will also review and revise the interim guidance, as appropriate, or at least once every 3 years. Read the [full press release](#).

EPA Proposal Increases Flexibility, Reduces Burden under TSCA Fees Program

On December 21, 2020, EPA released for public comment proposed updates to the Toxic Substances Control Act (TSCA) Fees Rule. TSCA requires that EPA collect fees from chemical manufacturers and processors to help fund implementation to ensure that public health and the environment continue to be protected. Prior to this proposal, the Agency engaged in an open and transparent dialogue with a wide range of stakeholders. These discussions helped inform a proposal that reflects real-world situations, narrows the broad scope of current requirements, significantly reduces the burden on American businesses, and increases the flexibility for surrounding TSCA fees requirements.

Specifically, the proposed updates to the original 2018 TSCA Fees Rule include:

- Narrowing the scope of the rule by exempting importers of articles containing a chemical substance, companies that produce a chemical as a byproduct or manufacture or import as an impurity, companies that produce a chemical in de minimus amounts, companies that use chemicals solely for research and development purposes, and companies that manufacture a chemical that is produced as a non-isolated intermediate from fees.
- Using cost data gathered over the last two years, instead of estimates, to update the fee calculations.
- Ensuring fees are fairly and appropriately shared across companies by proposing a production-volume based fee allocation and including export-only manufacturers for EPA-initiated risk evaluations.
- Allowing for corrections to be made to the list of manufacturers subject to fees for EPA-initiated risk evaluations after the final list is published, ensuring the accuracy of the list.
- Increasing flexibility for companies by extending the amount of time to form consortium to share in fee payments.
- Ensuring EPA can fully collect fees and enabling companies to better prepare for paying fees by allowing payments in installments for EPA-initiated and manufacturer-requested risk evaluations.

Additionally, EPA's proposal adds new fee categories associated with new chemicals activities. EPA will accept public comments on the proposal for 45 days in docket EPA-HQ-OPPT-2020-0493 on www.regulations.gov. EPA will use these comments to inform the final rule which the Agency plans to

issue in 2021. Learn more about the proposed revisions to the TSCA Fees Rule <https://www.epa.gov/tsca-fees>. Read the [full press release](#).

EPA Finalizes Benefit-Cost Analyses Procedures to Increase Consistency, Honest Accounting in Future Clean Air Act Rulemakings

On December 9, 2020, at a virtual event with the Heritage Foundation, EPA Administrator Andrew Wheeler announced the finalization of a rule to improve the rulemaking process under the Clean Air Act by establishing requirements to ensure that high-quality analyses of benefits and costs are developed for all significant Clean Air Act rules, and considered to the extent allowed by law. This rule will help ensure that Clean Air Act rules are analyzed consistently, transparently, and appropriately. It also outlines best-practice procedures for assessing benefits and costs when developing regulatory actions.

“Today’s action ensures that EPA is consistent in evaluating costs and benefits when developing broad-reaching policies that affect the American public,” said EPA Administrator Andrew Wheeler. “Thanks to President Trump’s leadership, we are ensuring that future rulemakings under the Clean Air Act are transparent, fair, and consistent with EPA governing statutes, the American public deserves to know the benefits and costs of federal regulations.”

This procedural rule will provide clarity for states, local communities, industry, and other stakeholders regarding EPA’s rulemaking considerations. As a part of a larger effort of regulatory reform under the Trump Administration, EPA has taken a close look at how to improve assessments of benefits and costs that accompany regulatory actions. Many EPA statutes, including the Clean Air Act, contain language regarding cost consideration, but there are no regulations that ensure that EPA conducts an analysis of the benefits and costs in a consistent manner. This rule provides more consistent and transparent procedures to provide benefit cost analyses for significant rules promulgated under Clean Air Act. For more information, visit: <https://www.epa.gov/air-and-radiation/final-rule-increasing-consistency-considering-benefits-and-costs-clean-air-act>. Read the [full press release](#).

EPA Issues Stronger Lead Regulations to Protect Children’s Health *Agency issues first, stronger lead clearance levels in almost 20 years*

On December 21, 2020, EPA announced a new action to better protect American children from the dangers of lead. This final rule will lower the clearance levels for the amount of lead that can remain in dust on floors and window sills after lead removal activities, known as abatement. These new clearance levels will reduce lead dust-related risks to children in pre-1978 homes and childcare facilities where lead abatement activities take place. After actions are taken to remove lead from a building, those buildings must then be tested to make sure that the cleaning activities were successful. These “clearance levels” indicate that lead dust was effectively removed at the end of the abatement work. EPA’s new clearance levels are 10 micrograms (μg) of lead in dust per square foot (ft^2) for floor dust and 100 $\mu\text{g}/\text{ft}^2$ for window sill dust, significantly lower than the previous levels of 40 $\mu\text{g}/\text{ft}^2$ for floor dust and 250 $\mu\text{g}/\text{ft}^2$ for window sill dust.

Lead-contaminated dust, from chipped or peeling lead-based paint is one of the most common causes of elevated blood lead levels in children. Lead dust can be generated when lead-based paint deteriorates or is disturbed. Lead exposure, particularly at higher doses, can pose a significant health and safety threat to children and can cause irreversible and life-long health effects.

Since the 1970s, the United States has made significant progress in lowering children's blood lead levels. No safe level of lead exposure has been identified for children, making them particularly

vulnerable and further underscoring the importance that doing anything to reduce exposures can improve life outcomes. In 2001, EPA set hazard standards for determining when lead in dust presents a human health hazard and set clearance levels for lead in dust for floors and window sills in housing and childcare facilities. In 2019, EPA updated the hazard levels, making a monumental step forward in children's health protection. Together, EPA's 2019 hazard standards and 2020 clearance levels reflect the best available science on potential human health effects that result from exposure to lead. View the final rule and learn more: <https://www.epa.gov/lead/hazard-standards-and-clearance-levels-lead-paint-dust-and-soil-tsca-sections-402-and-403>. Read the [full press release](#).

Key Dates and Upcoming Opportunities

EPA Announces \$17.7 Million in Grants to Support Water Systems Rural and Small Communities

On December 10, 2020, EPA announced the availability of \$17.7 million in grant funding for technical assistance and training providers to support small drinking water and wastewater systems that are often located in rural communities across the United States. EPA's funding will improve public health and environmental protection by helping to ensure that drinking water in these communities is safe and that wastewater is treated before it is responsibly returned to the environment.

"One of EPA's top priorities is ensuring that Americans have safe drinking water, regardless of their zip code," said EPA Administrator Andrew Wheeler. "The Trump Administration is helping small water systems—especially those in rural areas—get the training and technical assistance they need to support their communities."

Eligible applicants for this competitive agreement are nonprofit organizations, nonprofit private universities and colleges, and public institutions of higher education. The application period for these competitive grants is now open. Questions about applying for EPA funding for training and technical assistance must be received by February 2, 2021, and applications must be received by 11:59pm EST on February 12, 2021. EPA expects to award these cooperative agreements by Summer 2021 and encourages all eligible organizations who have an interest in these projects to apply. For more information visit: epa.gov/dwcapacity. Read the [press release](#).

EPA Requests Applications for \$5 Million in Funding for Great Lakes Trash-Free Water Projects

On January 7, 2021, EPA announced that it is seeking a second round of applications under the Great Lakes Restoration Initiative (GLRI) grant program focused on keeping trash out of the Great Lakes. Approximately \$5 million is available through the Trash-Free Waters Great Lakes program to fund approximately 10 large-scale projects to remove trash from Great Lakes harbors, rivermouths, and waterfronts. The deadline for applications is March 5, 2021.

In October 2019, EPA Administrator Wheeler announced the *GLRI Action Plan III*, an aggressive plan to guide Great Lakes restoration and protection activities by EPA and its many partners over the next four years. The trash-free water projects EPA selects will support the larger GLRI effort to restore and protect the Great Lakes.

EPA will host a webinar on January 26, 2021, at 2 p.m. CST to provide additional information and answer questions. To register for the webinar or learn more about the request for applications, visit <https://www.epa.gov/great-lakes-funding/glri-trash-free-waters-fy2021-request-applications-rfa>. For more information on the GLRI, visit <https://www.glri.us>. Read the [full press release](#).

EPA Launches New Clearinghouse for Environmental Finance *Includes Funding and Resources for Communities*

EPA launched the Clearinghouse for Environmental Finance (Clearinghouse), an online database of land, air, and water information. This new Clearinghouse catalogues available funding, financing, and instructional resources to aid communities in their efforts to improve environmental conditions. The Office of Policy collaborated with the Office of Water to launch the new Clearinghouse.

“EPA has created a one-stop shop to make it easier for communities to access available funding and other Agency resources,” said EPA Administrator Andrew Wheeler. “Today’s action builds on my commitment to tear down the silos between programs within the Agency so that we can be more effective in addressing the environmental burdens that communities face.”

The Administrator announced his commitment to community-based environmentalism during his speech at the Nixon Library in early September, where he charged the Office of Policy with helping to advance those goals. The Clearinghouse expands on the concept of the original Water Finance Clearinghouse, launched in 2017, that served as the one-stop shop for communities researching ways to fund and finance their water infrastructure needs to assist in local decision-making. The new Clearinghouse includes over 1,800 funding and financing opportunities and information resources from EPA’s air, water and land programs. Communities can use this system to access information on funding and financing opportunities for environmental projects as well as financial research, such as case studies, white papers, and webinars. The public can access the Clearinghouse for Environmental Finance at epa.gov/chef. Read the [full press release](#).

Technical Assistance Webinar Series: Improving CWA-NPDES Permit Compliance at Small Wastewater Treatment Systems

- **January 27, 2021 (1-2:30pm EST)**

Sampling: Dos and Don'ts

Presenter: Cornell Gayle, US EPA Region 4, Athens, GA

Registration: <https://attendee.gotowebinar.com/register/5204023029261685006>

- **February 24, 2021 (1-2:30pm EST)**

Operating a Laboratory: Dos and Don'ts

Presenter: Magdeleine Dallemagne, US EPA Region 6, Dallas, TX

Registration: <https://attendee.gotowebinar.com/register/6653321192753121293>

Ask SBEAP

Dear SBEAP,

I operate an energy-intensive small business and want to start the new year by reducing my energy costs. I heard of a program called REAP that helps small businesses with implementing energy efficiency and renewable energy projects. What is REAP and how can I get assistance from it or other resources?

Sincerely,
Energy Ed

Dear Ed,

Reducing energy is a great New Year's resolution that does indeed help lower operating costs. It also helps reduce air emissions associated with conventional fuel sources. Reducing air emissions can reduce your air permit compliance burden, so it is a win-win opportunity.

The U.S. Department of Agriculture offers the [Rural Energy for America Program \(REAP\)](#), which allows agricultural producers and rural small businesses to apply for grants or guaranteed loans to implement energy efficiency or renewable energy projects. If an application is approved, REAP can reimburse up to 25% of eligible project costs. Businesses must be located in a rural area (population less than 50,000) and can determine an eligibility area by checking the [USDA Eligibility Map](#). The business must also meet the [small business size standard](#) for its [North American Industry Classification System](#) code. For assistance with REAP applications, contact your [state energy coordinator](#).

Want to view a database of state incentives for energy efficiency or learn more about combined power and heat partnerships? Check out the resources listed on the "[Small Business](#)" page at nationalsbeap.org.

Spotlight

Mississippi Small Business Environmental Assistance Program (SBEAP) Helps Dentists Meet Rule Compliance Deadline

On behalf of the Mississippi Department of Environmental Quality (MDEQ), MS Small Business Environmental Assistance Program (SBEAP) staff was tasked with reaching out to the dental providers of the state to provide informational materials about the Dental Rule (40 CFR Part 441) and oversee the initial compliance requirement of the Rule. There are about 930 dental offices with approximately 1900 total individual dental providers in MS that were potentially required to submit a One-Time Compliance Report form as required by the Rule.

MS SBEAP partnered with the MS Dental Association to notify their members and to have them publish Dental Rule information in their electronic newsletter. Information packets and One-Time Compliance Report forms were mailed to the 1900 dental providers in February 2019 to make them aware of the Dental Rule and to give them time to purchase and install amalgam separators and submit compliance forms before the deadlines. A second mailout and emails were sent in May 2020 to reach out to offices that had not responded. SBEAP staff documented receipt of completed forms and fielded calls and emails with questions pertaining to the rule and proper completion and submittal of the forms. Overall, the MS SBEAP documented receipt of 588 completed compliance forms. Responses from 370 providers indicated they did not own the office in which they practice, and 70 packets were returned undeliverable. The overall response to the effort was approximately 54% of those contacted responding. With the Coronavirus pandemic on-going, it is uncertain if the offices that did not respond are closed or are experiencing a hardship that has prevented them from meeting the October 12, 2020 form submittal deadline. For more information about this effort, please contact Trayce Moore-Thomas (TThomas@mdeq.ms.gov) or Melissa Collier (Melissa_Collier@deq.state.ms.us).

EPA Recognizes Excellence and Innovation in Clean Water and Drinking Water Infrastructure Projects

On December 14, 2020, EPA honored 58 water infrastructure projects for excellence and innovation within the clean water State Revolving Fund (SRF) and drinking water SRF programs. These exemplary projects demonstrate leadership in innovative financing, partnership, and problem solving while improving water quality and public health protection.

The SRFs are EPA-state partnerships that provide communities with a permanent, independent source of low-cost financing for a wide range of water quality and drinking water infrastructure projects. Since their inception, EPA's SRFs have provided more than \$189 billion in financial assistance to nearly 43,000 water quality infrastructure projects and 16,500 drinking water projects across the country.

To see the full list of recognized projects and learn more about the AQUARIUS and PISCES Programs, visit: epa.gov/dwsrf/aquarius or epa.gov/cwsrf/pisces. Read the [press release](#).

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

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