



# SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

April 2021

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## Welcome Administrator Michael S. Regan!

On March 11, 2021, Michael S. Regan was sworn in as the 16th Administrator of the Environmental Protection Agency (EPA). On his first day, Administrator Regan committed to working closely with and supporting EPA's dedicated career public servants, restoring the role of science and transparency, addressing climate change, and prioritizing environmental justice. [Read the press release.](#)

## Policy & Regulation

### EPA to Request Additional Input on the Lead and Copper Rule

*This important step would ensure that EPA consults with stakeholders on protections from lead in drinking water.*

On March 10, 2021, EPA announced that it is extending the effective date of the Revised Lead and Copper Rule (LCR) so that the Agency can seek further public input, particularly from communities that are most at-risk of exposure to lead in drinking water. EPA is committed to ensuring that the revised LCR protects families and communities—especially children—from lead, which can cause irreversible and life-long health effects, including decreasing IQ, focus, and academic achievement.

EPA is committed to following the best science to address lead in the nation's drinking water and will take the appropriate time to review the revised LCR and make sure communities that have been impacted the most are protected. To accomplish this goal, EPA has posted two pre-publication notices on its website regarding the revised LCR.

The first action is a final rule that announces an extension of the effective date for the revised LCR from March 16, 2021 until June 17, 2021. The purpose of this additional time is to enable EPA to take public comment on a second action that would provide a longer extension of the effective date and for EPA to undertake its review of the rule in a deliberate and thorough manner consistent with the public health purposes of the Safe Drinking Water Act, President Biden's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, the President's Chief of Staff's Regulatory Freeze Pending Review Memorandum, and in consultation with affected stakeholders.

The second action proposes to extend the effective date until December 16, 2021 and also proposes a corresponding extension of the revised LCR's compliance deadline to September 16, 2024. This action

would ensure that drinking water systems and primacy states continue to have the full three years provided by the Safe Drinking Water Act to take actions needed to assure regulatory compliance. EPA is seeking comment on this proposal for 30 days after it publishes in the Federal Register.

Moving forward, EPA will maintain a flexible approach by learning from stakeholders, including communities that have been impacted by lead, drinking water utilities and EPA's state partners, incorporating the best available science, and adapting solutions to meet needs at the local level. EPA will deploy the full suite of our capabilities to help communities—especially low-income communities and those who have been historically disproportionately impacted by water-related challenges—reduce exposure to lead in drinking water. For more information, visit [epa.gov/safewater](https://epa.gov/safewater). [Read the full press release.](#)

## **EPA Seeks Public Comment on Protecting Human Health and the Environment from PBT Chemicals**

In accordance with Biden-Harris Administration executive orders and directives, EPA is asking for additional public input on five final rules for persistent, bioaccumulative and toxic (PBT) chemicals issued on January 6, 2021 under the Toxic Substances Control Act (TSCA). These rules, which went into effect in February, address exposure to toxic chemicals that remain in the environment for long periods of time and build up in the body.

As a first step in its efforts to immediately review these rules, EPA is opening a 60-day comment period for the public to provide new input on:

- Whether the rules sufficiently reduce exposure to these chemicals, including exposures to potentially exposed or susceptible subpopulations, and the environment.
- Newly-raised compliance issues associated with the final rule on phenol, isopropylated phosphate (3:1) (PIP (3:1)) including the compliance dates for certain regulated articles.
- Whether to consider additional or alternative measures or approaches.

This review is being done in accordance with the [Protecting Public Health and Environment and Restoring Science to Tackle the Climate Crisis Executive Order](#), which asks all agencies to review their actions to ensure that they meet statutory obligations, are guided by the best available science, ensure the integrity of federal decision-making, and protect human health and the environment.

EPA will use the feedback received during this public comment period to determine the best path forward, which could include amending the current rules to include additional or alternative exposure reduction measures or extending compliance dates for certain regulated products and articles. Upon publication of the Federal Register notice, EPA will accept public comments in docket EPA-HQ-OPPT-2021-0202 on [www.regulations.gov](https://www.regulations.gov) for 60 days.

As noted above, the notice seeks comment on newly-raised issues associated with the March 8, 2021, compliance date for the prohibitions on processing and distribution of Phenol, Isopropylated Phosphate (3:1) (PIP (3:1)) for use in articles, and the articles to which PIP (3:1) has been added. Stakeholders recently informed EPA that the prohibition on processing and distribution of PIP (3:1) could impact articles used in a wide variety of electronics, from cell phones, to robotics used to manufacture semiconductors, to equipment used to move COVID-19 vaccines and keep them at the appropriate temperature. Stakeholders note that the complexity of international supply chains makes locating the presence of, and finding alternatives to, PIP (3:1) in components challenging. They assert that an extension to the compliance deadline is necessary to avoid significant disruption to the supply chain for a wide variety of articles. It was not EPA's intent during the development of the rule to have such a

broad disruptive impact. Thus, EPA is also announcing its expectation that this specific issue will be addressed as part of the broader re-examination of these rules. Based in part on the information collected as part of the effort described in this announcement, EPA intends to extend compliance dates as necessary for the prohibitions on processing and distribution of PIP (3:1) for use in some articles, and some of the articles to which PIP (3:1) has been added.

For these same reasons, EPA is issuing a temporary 180-day “No Action Assurance” indicating that the Agency will exercise its enforcement discretion regarding the prohibitions on processing and distribution of PIP (3:1) for use in articles, and the articles to which PIP (3:1) has been added. The Agency is taking this action to ensure that the supply chain of these important articles is not interrupted while EPA continues to collect the information needed to best inform subsequent regulatory efforts and allow for the issuance of a final agency action to extend the March 8, 2021, compliance date as necessary. [Learn about the public comment period and view the documents related to the “No Action Assurance.”](#) [Learn more about the PBT rules.](#) [Read the press release.](#)

## **EPA Strengthens Key Power Plant Rule to Reduce Smog this Summer and Improve Air Quality for Millions of Americans**

On March 15, 2021, EPA finalized revisions to the Cross-State Air Pollution Rule (CSAPR) Update to help areas affected by pollution emitted by power plants in other states meet the 2008 national ambient air quality standards (NAAQS) for ground-level ozone, commonly referred to as smog. Starting this summer, power plants in 12 states will be required to cut smog-forming emissions of nitrogen oxides (NO<sub>x</sub>) that contribute to unhealthy air quality in communities downwind by installing, improving, or upgrading pollution controls. Exposure to ground-level ozone can cause respiratory issues, aggravate asthma and other lung diseases and lead to missed days of work or school, emergency room visits and premature deaths.

EPA estimates that the Revised CSAPR Update will reduce NO<sub>x</sub> emissions from power plants in 12 states in the eastern United States by 17,000 tons beginning in 2021 compared to projections without the rule. Due to this rulemaking and other changes already underway in the power sector, ozone season NO<sub>x</sub> emissions in these 12 states will be nearly 25,000 tons lower in 2021 than in 2019, a reduction of 19 percent. The reduction in emissions is estimated to prevent about 290,000 asthma events, 560 hospital and emergency room visits, 110,000 days of missed work and school, and up to 230 premature deaths in 2025. The public health and climate benefits are valued annually, on average, at up to \$2.8 billion each year over the period 2021 to 2040.

Projected 2021 emissions from power plants in Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia were found to contribute to pollution levels that would harm the ability of downwind states to meet or maintain the 2008 ozone NAAQS.

The rule responds to the September 2019 ruling by the U.S. Court of Appeals for the D.C. Circuit (*Wisconsin v. EPA*) by addressing the “significant contribution” of pollution from particular upwind states to downwind states under the authority provided in Clean Air Act’s “good neighbor” section 110(a)(2)(D)(i)(I), in order to help downwind states meet and maintain compliance with the 2008 ozone standard. For more information, please visit: [epa.gov/csapr/updated-cross-state-air-pollution-rule](https://www.epa.gov/csapr/updated-cross-state-air-pollution-rule). [Read the full press release.](#)

## Air Quality Designations for the 2010 Primary Sulfur Dioxide (SO<sub>2</sub>)

This final rule establishes the initial air quality designations for certain areas in the United States for the 2010 primary sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). EPA is designating the areas as either nonattainment, attainment/unclassifiable, or unclassifiable. The designations are based on application of the EPA's nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling, to determine the appropriate designation and area boundary based on the weight of evidence for each area. The Clean Air Act directs areas designated as nonattainment to undertake certain planning and pollution control activities to attain the SO<sub>2</sub> NAAQS as expeditiously as practicable. This is the fourth and final set of actions to designate areas of the U.S. for the 2010 SO<sub>2</sub> NAAQS; there are no remaining undesignated areas in the U.S. for the 2010 SO<sub>2</sub> NAAQS. The final rule is effective on April 30, 2021. [Read the final rule in the \*Federal Register\*.](#)

[On April 8, 2021, EPA provided a Supplemental Amendment for the Fourth Round of SO<sub>2</sub> Area Designations.](#)

## Key Dates and Upcoming Opportunities



**Celebrate [Earth Day](#) April 22, 2021!**

### **Lead and Copper Rule Revisions (LCRR) Public Listening Session**

**April 28, 2021, 10:00AM – 10:00PM ET**

**May 5, 2021, 10:00AM – 10:00PM ET**

[Registration information.](#)

Registration for April 28, 2021 will close on April 26, 2021 at 5:00pm EDT. Registration for May 5, 2021 will close on May 3, 2021 at 5:00pm EDT. Those interested in speaking can sign up for a 3-minute speaking slot. You will receive a confirmation email with your specific time slot and details on how to attend the virtual session in the coming weeks. Note, time slots will be removed once they are full. EPA will update this website should additional dates and times be required.

### **Webinar Series: Northeast Recycling Council (NERC) and Northeast Waste Management Officials' Association (NEWMOA)**

Safely managing used lithium batteries has become a significant challenge for the waste industry. NERC and NEWMOA are jointly offering a two-part webinar series to help participants understand the different battery types, their uses, recycling opportunities, and safe handling and management at end-of-life. The Solid Waste Association of North America (SWANA) New England Chapters, MassRecycle, and the Northeast Resource Recovery Association (NRRRA) have partnered with NEWMOA and NERC to plan these webinars.

- **Lithium Battery Webinar Series: Recycling & Fire Prevention at Waste Hauler, Storage, & Processing Facilities**

Tuesday, May 18, 2021, 1:00 pm to 2:30 pm ET

<https://register.gotowebinar.com/register/2502539456157498637>

- **Reducing the Risk of Fires Associated with Lithium Batteries**

Tuesday, May 25, 2021, 1:00 PM - 2:30 PM ET

<https://register.gotowebinar.com/register/2444591894838844941>

## ENERGYSTAR Benefits for the Climate and your Wallet

ENERGY STAR for Small Business has documented that [average energy savings of 30 percent](#) or more can be achieved in commercial buildings with no-cost actions, strategic investment, and smart operations and maintenance. These savings can be reinvested while improving the comfort, functionality, and appearance of your facility.

See a 34-minute [recorded webinar](#) on ENERGY STAR for Small Business for an introduction to the program. You can download the free [Action Workbook for Small Business](#). Need financing? See the 50-minute recorded webinar on [Financing Energy Efficiency and Renewables](#). Educate and engage your employees with [Bring Your Green to Work](#) resources, and learn about the Treasure Hunt campaign guide, treasure maps, worksheet and videos.

Next, learn why the powerful, free [Portfolio Manager](#) is the national standard tool for comparing your baseline energy and water use, and for tracking your savings and pollution prevention. Visit the Portfolio Manager [training center](#) for more webinars, videos, slide sets, fact sheets, and a link to our highly rated [Help Desk](#) where you can always ask a question. For more information, visit [www.energystar.gov/buildings/resources\\_audience/small\\_biz](http://www.energystar.gov/buildings/resources_audience/small_biz).

## EPA Celebrates World Water Day, Announces \$2.7 Billion to Improve Water Infrastructure

On March 22, 2021 – World Water Day– EPA announced the availability of \$2.7 billion for State Revolving Funds (SRFs) to assist states, tribes, and territories with infrastructure projects that help provide safe drinking water and protect surface waters in communities across the United States. Additionally, EPA announced a new \$12 million grant program to help wastewater utilities that serve small, rural, and tribal communities. These investments in water infrastructure underscore this year’s World Water Day theme, the value of water, and demonstrate EPA’s commitment to building back better while helping support vital water services where they are most needed.

EPA is making available more than \$1.1 billion in new federal grant funding for the [Drinking Water SRF](#). This funding can be used for loans that help drinking water systems remove lead service lines, increase cybersecurity, improve system resiliency to climate driven disasters such as floods, and install treatment for emerging contaminants, like PFAS. The Drinking Water SRF also offers financing flexibilities, including extended payback time periods and loan principal forgiveness, to ensure that all communities can have access to these vital funds. In addition, more than \$51 million in DWSRF grant funding is available to tribes, U.S. territories, and the District of Columbia to use for drinking water system upgrades.

In 2021, EPA is also providing approximately \$1.6 billion in new federal grant funding for the [Clean Water SRF](#). This funding is available for a wide range of water infrastructure projects, including modernizing aging wastewater infrastructure, implementing water reuse and recycling, and addressing stormwater. More than \$64 million in Clean Water SRF grant funding is available to tribes, certain U.S. territories, and the District of Columbia for infrastructure projects.

Additionally, EPA is requesting applications for \$12 million in funding for projects to provide training and technical assistance for small, rural, and tribal wastewater utility systems and onsite septic systems. This new competitive grant program, authorized by America’s Water Infrastructure Act of 2018, builds on existing EPA technical assistance efforts by specifically helping wastewater utilities through technical assistance. Many utility systems face unique challenges in providing reliable wastewater services that

meet federal and state regulations. These grants will work to ensure that smaller wastewater systems have the knowledge, training, and technical assistance needed so they can continue to provide safe sanitation to citizens across the country.

Eligible applicants under this announcement are public and private nonprofit organizations that are qualified and experienced in providing on-site training and technical assistance to small publicly owned treatment works and onsite/decentralized wastewater treatment systems. **Applications must be received by EPA by May 17, 2021.** EPA expects to award these cooperative agreements by summer 2021.

In addition to the \$12 million appropriated by Congress for these grants for Fiscal Year 2020, Congress appropriated an additional \$18 million in the Consolidated Appropriations Act of 2021. EPA expects to announce the availability of these additional funds in summer 2021. For more information, please visit [epa.gov/small-and-rural-wastewater-systems/technical-assistance-treatment-works](https://epa.gov/small-and-rural-wastewater-systems/technical-assistance-treatment-works). [Read the full press release.](#)

## **EPA Announces \$67 Million Grant Program to Help Communities Manage Stormwater**

On April 1, 2021, EPA announced the availability of \$67 million in grant funding through the new Sewer Overflow and Stormwater Reuse Municipal Grant program. This funding will support public health and environmental protections by helping states and cities improve stormwater management to address sewer overflows and reduce pollution that can flow into local waterways.

States, U.S. territories, and the District of Columbia can apply for funding. Once awarded, these funds will be provided as sub-awards to municipal entities for projects that address infrastructure needs for CSOs, sanitary sewer overflows (SSO), and stormwater management. Through this \$67 million investment in water infrastructure, EPA estimates that over a thousand direct and indirect jobs will be created.

For more information about the program, visit: [epa.gov/cwsrf/sewer-overflow-and-stormwater-reuse-municipal-grants-program](https://epa.gov/cwsrf/sewer-overflow-and-stormwater-reuse-municipal-grants-program). [Read the full press release.](#)

## **SBA'S Office of Advocacy Releases Report: The Effects of the COVID-19 Pandemic on Small Businesses**

In March 2020, the COVID-19 pandemic hit the United States, causing illness, death, and widespread economic devastation. A new issue brief from the Office of Advocacy, *The Effects of the COVID-19 Pandemic on Small Businesses* examines the effects of COVID-19 on small businesses using the first sets of available economic data. The economic impact of the pandemic varied from place to place, with metropolitan and coastal areas hardest hit. Additionally, some industries suffered more than others, with the largest declines in restaurant and taxi and limousine services. Disproportionate metropolitan impacts contributed to differences across demographic categories, with Black and Asian business owners suffering the most.

## **Ask SBEAP**

Dear SBEAP,

I am a small business owner affected by several environmental regulations. I would like to be aware of proposed rules that may impact my business before they become final as well as ensure my

interests/concerns are considered during the rule-development process. What are my options for providing input?

Sincerely,  
Mr. SB

Dear Mr. SB,

Great question! Before proposing a rule, and to minimize any burden of its regulations on small entities, EPA engages its stakeholders in a dialog to learn more about their concerns and ideas regarding the rule under development. The [Regulatory Flexibility Act](#), amended by the [Small Business Regulatory Enforcement Fairness Act](#), provides small entities with an opportunity to participate in development of certain regulations through a small business advocacy review (SBAR) panel. Each SBAR panel is made up of federal employees from the EPA and other organizations. Typically, small entity representatives (SERs), comprised of owners or operators of small businesses, and officials from small organizations or small government programs, provide advice and recommendations to the panel. Other representatives such as trade association members who represent potentially regulated small entities, may serve as SERs and take part in one or two meetings to review background information and provide oral and written advice and recommendations to EPA and other participating agencies.

For additional information on past, current and potential SBAR panels and the role of a small entity representative, visit EPA's [Small Business Advocacy Review \(SBAR\) Panels](#) webpage. For additional small business assistance, contact [EPA's Asbestos and Small Business Ombudsman](#). You may also want to contact your state [SBEAP](#).

## Spotlight

### **U.S. EPA Administrator Michael Regan Reaffirms State-Federal Partnership and Landmark Agreement on Environmental Health**

On March 16, 2021, in one of his first public appearances as Administrator of the EPA, Michael S. Regan reaffirmed the Agency's commitment to working collaboratively and cooperatively with the states to protect public health and the environment. He delivered the keynote address to the Environmental Council of the States (ECOS) during the organization's Spring Meeting. The event marked the start of a strong state-federal relationship under the new EPA leadership, highlighted by the extension of a formal Memorandum of Agreement (MOA) reaffirming a partnership between EPA, ECOS, and the Association of State and Territorial Health Officials (ASTHO) to advance cooperative initiatives in pursuit of environmental health.

"The strength of the federal-state relationship will determine whether we rise to meet the challenges of today and those that lie ahead. EPA is committed to building on the values of transparency, respect, and an open dialogue that are the cornerstone of a successful partnership with the states," said Administrator Michael Regan. "This agreement will help ensure that we remain closely coordinated in supporting our underserved communities, protecting Americans from environmental hazard and harm, and developing solutions to our most pressing challenges. The partnership we reaffirm today serves a model for how to get things done."

During the past five years, the MOA has served as a catalyst for EPA to work directly with environmental health experts in the states to identify emerging environmental challenges, strategically design projects aimed directly at those challenges, and deliver the tools, models, and other research results that state environmental and health agencies need to reduce risks and improve public health. [Read the full press release.](#)

## **EPA Selects 18 Organizations to Receive \$3.3 Million in Brownfields Job Training Grants to Build a Skilled Environmental Workforce in Economically Distressed Communities Across the Nation**

On March 11, 2021, EPA announced the selection of 18 organizations to receive a total of \$3.3 million in grants for environmental job training programs across the country. Job training and workforce development are an important part of the Biden-Harris Administration's commitment to advance economic opportunities and address environmental justice issues in underserved communities. Funded through the Agency's successful Environmental Workforce Development and Job Training (EWDJT) Program, these grants will provide funding to organizations that are working to create a skilled workforce in communities where EPA brownfields assessment and cleanup activities are taking place. Rather than filling local jobs with contractors from distant cities, these organizations offer residents of communities historically affected by pollution, economic disinvestment, and contaminated brownfields properties an opportunity to gain the skills and certifications needed to secure local environmental work in their communities.

Individuals completing a job training program funded by EPA typically graduate with a variety of certifications that improve their marketability and help ensure that employment opportunities are not just temporary contractual work, but long-term careers. This includes certifications in:

- Lead and asbestos abatement
- Hazardous waste operations and emergency response
- Mold remediation
- Environmental sampling and analysis
- Other environmental health and safety training

Since 1998, the Agency's EWDJT Program has awarded more than 335 grants. With these grants, 18,541 individuals have been trained and 13,751 have been placed in careers related to land remediation and environmental health and safety, with an average hourly wage of over \$14.

The organizations selected for funding plan to train approximately 900 individuals with many of the graduates moving into environmental jobs in their communities. In addition, sixty percent of these organizations plan to serve our country's veterans. [Learn more about the selected Brownfields EWDJT grant recipients, including past grantees.](#) [Learn more about this and other types of Brownfields grants.](#) [Read the full press release and view the list of selected organizations.](#)

### **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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