SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

July 2021

Policy & Regulation

Addition of 1-Bromopropane to Clean Air Act Section 112 HAP List

Having previously granted a public petition to add 1-bromopropane (1-BP) to the list of hazardous air pollutants (HAP) under the Clean Air Act (CAA), EPA is soliciting information that will aid in addressing the impacts of the regulatory action. This is the first time that a substance will be added to the HAP list since the initial list was established by the 1990 CAA Amendments. The addition of 1-BP to the HAP list could have immediate regulatory compliance impacts to facilities that emit 1-BP. EPA is soliciting data and information on 1-BP usage, emission controls, and costs to inform the process to address the implementation of the upcoming listing action and to ensure that the regulatory infrastructure is in place to effectively and efficiently control the emissions of 1-BP. EPA is not soliciting comments on the decision that granted petitions to list 1-BP as a HAP and has not reopened that decision for comments. Comments must be received on or before July 26, 2021. Read the Federal Register Notice.

EPA Continues to Take Action on PFAS to Protect the Public

To help deliver on EPA's commitment to help reduce the potential risks to the public from per- and polyfluoroalkyl substances (PFAS), the Agency is announcing three important actions that will better protect all communities from pollution. These actions include issuing a proposed rule that is designed to gather comprehensive data on more than 1,000 PFAS manufactured in the United States, withdrawing guidance that weakened EPA's July 2020 Significant New Use Rule (SNUR) restricting certain long-chain PFAS, and publishing a final rule that officially incorporates three additional PFAS into the Toxics Release Inventory (TRI). This announcement includes the following three actions:

Action 1: Proposed Rule to Require Reporting on PFAS Manufactured in the United States
Collecting data from manufacturers of PFAS is an important first step to better understanding and ultimately reducing potential risks caused by these chemicals. The proposed rule, which is a statutory requirement under the FY2020 National Defense Authorization Act (NDAA), would require all manufacturers (including importers) of PFAS in any year since 2011 to report information related to chemical identity, categories of use, volumes manufactured and processed, byproducts, environmental and health effects, worker exposure, and disposal.

The proposed rule would help EPA better understand the sources and quantities of PFAS manufactured in the United States and support the Agency's PFAS research, monitoring, and regulatory efforts. Once

finalized, this rule would be the first targeted effort under the Toxic Substances Control Act (TSCA) to collect information on the manufacture of PFAS and would provide EPA with the most comprehensive dataset of PFAS manufactured in the United States.

To assist stakeholders in determining whether they have manufactured PFAS during the reporting period and therefore would be subject to this rule, EPA is providing examples of PFAS from the TSCA Inventory and new chemical low-volume exemption notices and structural diagram examples of additional PFAS that cannot be identified on the aforementioned lists due to confidentiality claims.

The proposed deadline for reporting PFAS data to EPA is one year following the effective date of the final rule. EPA will accept public comments on the proposed rule for 60 days following publication in the federal register via docket EPA-HQ-OPPT-2020-0549 at www.regulations.gov.

Action 2: Withdrawing Compliance Guide on PFAS SNUR

In accordance with the Biden-Harris Administration's Executive Orders and other directives, including those on environmental justice, scientific integrity, and regulatory review, EPA has withdrawn a compliance guide that weakened the July 2020 Significant New Use Rule (SNUR) which, among other things, prohibits companies from importing certain long-chain PFAS as part of a "surface coating" on articles without prior EPA review and approval. Examples of articles that could contain these PFAS as part of a surface coating include, but are not limited to, automotive parts, carpet, furniture, and electronic components.

The compliance guide was issued in January 2021 and limited what would be considered a "surface coating" subject to the SNUR. After further review, EPA determined that the guide inappropriately narrowed the scope and weakened the prohibitions included in the SNUR.

As such, EPA has removed the January 2021 compliance guide from the Agency's website, and it is no longer in effect. This action also follows the announcement that EPA rescinded the procedural rule on guidance documents to restore the flexibilities needed to effectively address urgent human health, safety, and environmental challenges. EPA's July 2020 SNUR continues to be in effect. Articles containing certain long-chain PFAS as a surface coating cannot be imported into the United States without EPA review. Importers of articles, but not processors of articles, are subject to the SNUR. Although the SNUR did not include a regulatory definition of "surface coating," the rule provides information on the intended meaning of the phrase. Therefore, EPA does not intend to issue a new guidance document. Find more information on the SNUR requirements, including the applicability of those requirements to the import of articles.

Action 3: Implementing NDAA Requirements to Report PFAS to TRI

EPA has taken the next step to implement an important PFAS requirement of the NDAA. The NDAA provided a framework for additional PFAS to be added to TRI on an annual basis. For TRI Reporting Year 2021 (reporting forms due by July 1, 2022), the NDAA automatically added three PFAS to the TRI list because they are now subject to a SNUR under TSCA.

On June 3, 2021, the agency issued a final rule that officially incorporates these requirements into the Code of Federal Regulations for TRI. Per the NDAA requirements, the PFAS additions became effective as of January 1, 2021. Reporting forms for these PFAS will be due to EPA by July 1, 2022, for calendar year 2021 data. View the final rule. To learn more about EPA's actions on PFAS, visit epa.gov/pfas. Read the press release.

EPA, Army Announce Intent to Revise Definition of WOTUS

EPA and Department of the Army (the agencies) are announcing their intent to revise the definition of "waters of the United States" (WOTUS) to better protect our nation's vital water resources that support public health, environmental protection, agricultural activity, and economic growth. A broad array of stakeholders—including states, Tribes, local governments, scientists, and non-governmental organizations—are seeing destructive impacts to critical water bodies under the prior 2020 rule.

The lack of protections is particularly significant in arid states, like New Mexico and Arizona, where nearly every one of over 1,500 streams assessed has been found to be non-jurisdictional. The agencies are also aware of 333 projects that would have required Section 404 permitting prior to the Navigable Waters Protection Rule, but no longer do.

The agencies' new regulatory effort will be guided by the following considerations:

- Protecting water resources and our communities consistent with the Clean Water Act.
- The latest science and the effects of climate change on our waters.
- Emphasizing a rule with a practical implementation approach for state and Tribal partners.
- Reflecting the experience of and input received from landowners, the agricultural community that fuels and feeds the world, states, Tribes, local governments, community organizations, environmental groups, and disadvantaged communities with environmental justice concerns.

The agencies are committed to meaningful stakeholder engagement to ensure that a revised definition of WOTUS considers essential clean water protections, as well as how the use of water supports key economic sectors. Further details of the agencies' plans, including opportunity for public participation, will be conveyed in a forthcoming action. To learn more about the definition of waters of the United States, visit www.epa.gov/wotus. Read the press release.

EPA to Reexamine Health Standards for Harmful Soot

EPA announced that it will reconsider the particulate matter (PM) National Ambient Air Quality Standards (NAAQS), which were last strengthened in 2012. The strong body of scientific evidence shows that long- and short-term exposures to fine particles (PM2.5) can harm people's health, leading to heart attacks, asthma attacks, and premature death. Large segments of the U.S. population are at risk of health effects from PM2.5. A number of recent studies have examined relationships between COVID and air pollutants, including PM, and potential health implications. While some PM is emitted directly from sources such as construction sites, unpaved roads, fields, smokestacks or fires, most particles form in the atmosphere as a result of complex reactions of chemicals such as sulfur dioxide and nitrogen oxides emitted from power plants, industrial facilities and vehicles.

EPA's 2020 Policy Assessment concluded that the scientific evidence and information support revising the level of the annual standard for the PM NAAQS to below the current level of 12 micrograms per cubic meter while retaining the 24-hour standard.

As part of this process, the Agency will develop a supplement to the 2019 Final Integrated Science Assessment (ISA) that will take into account the most up-to-date science, including new studies in the emerging area of COVID-related research. This supplement will be reviewed at a public meeting by the chartered Clean Air Scientific Advisory Committee (CASAC), supported by a particulate matter review panel of scientific experts on the health and welfare impacts of PM. The CASAC and the PM panel will also review a revised policy assessment and formulate advice to the Administrator. As with all reviews, the public will have opportunities to comment on these documents during the CASAC review process, as well as to provide input during the rulemaking through the public comment process and public

hearings on any proposed decision.

EPA expects to issue a proposed rulemaking in Summer 2022 and a final rule in Spring 2023. In accordance with Executive Orders and guidance, the Agency will be considering environmental justice during the rulemaking process. For more information on the NAAQS review process and documents related to prior PM NAAQS reviews, visit epa.gov/naaqs/particulate-matter-pm-air-quality-standards. Read the press release.

1-Aminocyclopropane-1-Carboxylic Acid (1-ACC); Exemption from the Requirement of a Tolerance

This regulation establishes an exemption from the requirement of a tolerance for residues of the plant growth regulator 1-aminocyclopropane-1-carboxylic acid (1-ACC) in or on apples and stone fruit when used in accordance with good agricultural practices. Valent BioSciences, LLC., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting this exemption. This regulation eliminates the need to establish a maximum permissible level for residues of 1-aminocyclopropane-1-carboxylic acid (1-ACC).

This regulation is effective June 28, 2021. Objections and requests for hearings must be received on or before August 27, 2021 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION). Read the Federal Register Notice.

National Primary Drinking Water Regulations: Lead and Copper Rule Revisions

EPA is delaying until December 16, 2021, the effective date of the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (LCRR), which was published in the Federal Register on January 15, 2021. EPA is also delaying the January 16, 2024 compliance date established in the LCRR to October 16, 2024. The delay in the effective date is consistent with presidential directives issued on January 20, 2021, to the heads of Federal agencies to review certain regulations, including the LCRR. The delay will allow sufficient time for EPA to complete its review of the rule in accordance with those directives and conduct important consultations with affected parties. The delay in the compliance date of the LCRR ensures that any delay in the effective date will not reduce the time provided for drinking water systems and primacy states to take actions needed to assure compliance with the LCRR.

- Effective date: This final rule is effective December 16, 2021.
- Delayed effective date: As of June 16, 2021, the effective date of the final rule published on January 15, 2021, at 86 FR 4198, and then delayed in a rule published March 12, 2021, at 86 FR 14003, is furthered delayed until December 16, 2021.
- Compliance date: The compliance date for the final rule published on January 15, 2021, at 86 FR 4198, is delayed until October 16, 2024.

EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2017–0300. Publicly available docket materials are available electronically through www.regulations.gov. For more information visit epa.gov/dwreginfo/lead-and-copper-rule. Additionally, EPA is extending the comment period for the Lead and Copper Rule Revisions (LCRR) Virtual Engagements. In order to provide the public with opportunities to submit additional comments to the LCRR Virtual Engagements docket after participating in or viewing the community, tribal, and stakeholder roundtables, EPA is extending the comment period an additional 30 days, from June 30, 2021 to July 30, 2021. Read the Federal Register Notice.

Cryolite and Propazine; Product Cancellation Order for Certain Pesticide Registrations

This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a March 10, 2021 Federal Register Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II. to voluntarily cancel these product registrations. In the March 10, 2021 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues, in this notice, a cancellation order granting the requested cancellations. This cancellation order terminates the last cryolite and propazine products registered in the United States. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions. The cancellations are effective as of June 8, 2021. Read the Federal Register Notice.

Key Dates and Upcoming Opportunities

EPA to Hold Methane Detection Technology Virtual Workshop

EPA will hold a virtual public workshop August 23 and 24, 2021 to hear perspectives on innovative technologies that could be used to detect methane emissions from the oil and natural gas industry, the largest human-caused source of methane pollution in the U.S. EPA is considering new requirements to reduce methane pollution from oil and gas sources nationwide.

The August virtual workshop will focus on methane-sensing technologies that are not currently approved for use in EPA's New Source Performance Standards for the oil and natural gas industry, and how those applications could be applied in this sector. EPA is seeking presenters for the workshop who have used or evaluated these technologies to identify methane leaks. Technology vendors can also present their technology through a virtual "exhibit hall." EPA's state, local, and Tribal regulatory partners, along with members of the public, are encouraged to attend the workshop.

To submit a presentation abstract or to register to attend the workshop, visit epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-methane-detection-technology-workshop. **Abstracts are due by July 16, 2021. You may register to attend the workshop until August 18, 2021.** Read the press release.

EPA Tools & Resources Webinar: Small Business Innovation Research

July 21, 2021 3:00pm – 4:00pm ET

Register for the Small Business Innovation Research Program webinar.

The Small Business Innovation Research (SBIR) Program is a federal program that supports the development and commercialization of novel technologies. EPA's SBIR Program has an annual funding cycle to support projects in areas which include clean and safe water, air and climate, homeland security, land revitalization, sustainable materials management, safer chemicals and risk assessment. This webinar will provide some examples of EPA SBIR "success stories" – existing and developing technologies in areas of potential interest to states and tribes including: PFAS detection/treatment; wildland fire monitoring; harmful algal blooms monitoring; wastewater treatment/nutrient removal; and plastic pollution. Learn more about EPA's SBIR Program.

Webinar: National Environmental Policy Act (NEPA) Overview & Tribes as Cooperating Agencies

July 21, 2021 2:30pm – 4:00pm ET

Register here.

This webinar will provide an overview of the National Environmental Policy Act (NEPA), the foundational federal environmental law enacted in 1969, and will include a presentation on a tribe's experience serving as a cooperating agency for a NEPA review. This webinar is part of the U.S. EPA Environmental Justice Webinar Series for Tribes and Indigenous Peoples – to build the capacity of tribal governments, indigenous peoples and other environmental justice practitioners, and discuss priority EJ issues of interest to tribes and indigenous peoples. Please note that the webinar is planned to be recorded and is expected to be available on the following EPA website a few weeks after the webinar, available here.

EPA Webinar: Enforcement and Compliance History Online (ECHO)

August 10, 2021 1:30pm – 2:30pm ET

This advanced webinar will explore water tools and reports available on ECHO, such as:

- Water Facility Search
- Detailed Facility Report
- Effluent Charts
- Water Pollutant Loading Tool
- Data Downloads and Web Services

Register at echo.epa.gov/help/training#upcoming to save your spot.
If you can't make it, don't worry, ECHO tutorials and recorded webinars are available at any time.

Ask SBEAP

Dear SBEAP,

I own and operate a crude oil production and sales company. We are a small business with only 20 employees and five crude oil and natural gas production sites. Recently I was talking to another producer who said our industry may be impacted by new climate change regulations. We do our best to comply with current oil and gas rules and our air permits. Can you tell me what additional requirements these new rules will have for our operations or ways to avoid being subject to these rules?

Sincerely,
Mr. Oyl

Dear Mr. Oyl,

From the information you provided it sounds like your locations are subject to one of the federal air regulations under 40 CFR Part 60, Subpart OOOO or OOOOa, also known as new source performance standards, or NSPSs, for crude oil and natural gas production, transmission and distribution. Requirements in these rules are complex and based on specific types of equipment in use at oil and gas production, transmission and distribution sites. Examples of equipment subject to these rules include crude oil storage tanks, separators, pneumatic controllers, and reciprocal and centrifugal compressor units. Pollutants of concern regulated by these rules are a group of hydrocarbons called

volatile organic compounds, or VOCs. VOCs are a concern due to their photochemical reactivity with oxides of nitrogen, or NOx, and sunlight to produce ground-level ozone, or O_3, which is a criteria pollutant regulated by the federal Clean Air Act.

In addition to VOC emissions from your operations, methane, also known as natural gas or CH_4, and hydrogen sulfide, or H_2S, are often released into the atmosphere from oil and gas drilling, production, transmission and distribution activities. While neither methane nor hydrogen sulfide are considered air pollutants or VOCs, both are regulated substances under section 112(r) of the Clean Air Act. H_2S can be immediately dangerous to life and health, or IDLH, as well as pose other safety concerns when found in concentrations at or above 100 ppm. Methane can cause safety and health concerns as well as being a powerful greenhouse gas with 25 times the global warming potential, or GWP, as carbon dioxide or CO_2. For these reasons EPA and other federal agencies have regulations and limits in place to ensure releases of these gases are tracked, monitored and prevented with air pollution control devices.

In January, EPA was directed by executive order, EO 13990, to evaluate existing NSPS rules for the oil and natural gas section, and to propose rulemaking to reduce methane and VOC emissions in the oil and natural gas sector by suspending, revising, rescinding and/or promulgating new regulations.

There are several ways you and others in your industry can learn more about these changes as well as participate in EPA's rule proposals. EPA has developed a question-and-answer document for this action. Currently EPA is in its first steps of proposing a new rule to reduce methane from new and existing oil and natural gas entities through a solicitation for public comment via a non-rulemaking docket, EPA-HQ-OAR-2021-0295. Input can be submitted online now through July 30, 2021, through the federal regulations webpage. In addition EPA posted a recording of webinar-based trainings on the proposed Oil and Gas Methane Rule for Small Businesses.

Additional information about how you or other small business owners can get involved as small entity representatives, or SERS, and provide advice and recommendations to a small business advocacy review, or SBAR, panel that may be formed to review the impact of a new oil and natural gas methane rule on small business entities, can be found on the EPA Regulatory Flexibility for Small Entities webpage.

I know this is a lot of information, so if you would like more assistance to understand current rule requirements that may be applicable to your operations or where to find more information on these upcoming changes, please reach out to your state SBEAP for more assistance or call 800-578-8898.

Spotlight

Dent Design Hardware Selected for the Small Business Environmental Stewardship Award

The National Steering Committee (NSC) of Small Business Environmental Assistance Programs (SBEAPs) and Small Business Ombudsmen (SBO) have recognized Andersen Products with the 2021 Small Business Environmental Stewardship Award. The company, Dent Design Hardware, based in Bethlehem, Pennsylvania, was recognized for its accomplishments in the areas of improving environmental performance, pollution prevention, and sustainability.

Dent Design was recognized for working with the Pennsylvania SBEAP, known as the Environmental Management Assistance Program (EMAP), starting with their industrial stormwater permit application,

and then looking for ways to improve beyond the requirements. Once the original stormwater permit was issued, EMAP continued to assist Dent Design with meeting permit obligations, including annual stormwater sampling, coordinating with a local laboratory, compiling the stormwater lab results, and filing annual stormwater reports. Early in the process, Dent Design owner Tim Dodge proactively planted local, native flora and fauna in the immediate perimeter of one stormwater outfall to mitigate the volume of stormwater leaving the property and to reduce contaminants. The result of the plantings was greatly reduced runoff from that outfall, and eventual removal of the outfall from the stormwater permit at renewal.

EMAP Program Manager Jeremy Hancher noted in his nomination that, “Dent Design Hardware has been a good role model for very small businesses, especially in the manufacturing sector, challenged with environmental and economic challenges. They have utilized services from SBEAP and from trade associations such as NFIB [National Federation of Independent Businesses]. Tim and Dent Design Hardware have worked tirelessly at achieving environmental compliance, reducing waste, and working with Pennsylvania DEP. It is certainly not easy for a small business owner to suddenly become a storm chaser collecting stormwater samples, so we are extremely happy to see Tim and Dent Design Hardware be recognized for their positive environmental actions.”

Mr. Tim Dodge, owner of Dent Design, added, “DENT uses geo-thermal heating and cooling for the manufacturing location, works only with food-grade materials in our Walk In Hardware line, and strives to be good stewards of the 2.6 acre property which is more than 50% natural growth riparian buffer to ensure that stormwater is absorbed into the ground as much as possible and avoid runoff.”

The SBEAP/SBO NSC Awards are the States’ premier awards program for recognizing outstanding environmental leadership among small businesses and small business assistance providers. These awards recognize small businesses, SBEAP/SBO programs and individuals, trade associations and other business assistance providers who have made significant contributions to protecting the environment. The awards program is sponsored by the SBEAP/SBO NSC in partnership with U.S. EPA Asbestos and Small Business Ombudsman. More information about the state SBEAP/SBO is available at nationalsbeap.org.

EPA to Improve Access, Transparency and Timeliness of Air Toxics Data and Risk Information

EPA plans to provide more frequent updates to national air toxics data and risk estimates as part of the Agency’s commitment to making high-quality information available on a timely basis to the public. The Agency’s new approach will provide an annual, more systematic update for all air toxics information, including emissions, ambient concentrations, national screening risk estimates and monitoring data.

Since 2002, EPA has provided a national assessment of air toxics information every 3-4 years, with the most recent assessment in 2018, which was based on 2014 emissions data. EPA’s annual data and risk analysis will help provide communities – especially those with environmental justice considerations – with more complete information about their air quality.

Starting later this year and continuing in future years, EPA will make information about the estimated risks of air toxics available to the public using the latest air emissions inventory – beginning with 2017. This information will be incorporated into the Agency’s Environmental Justice Screening Tool, EJSCREEN, to help communities screen for potential risks. Ultimately, EPA will start reporting risk information each year in its annual Air Trends Report. This will enable the public to gain more timely air quality information on air toxics, as well as see trends in emissions and risks over time. For more information, visit: epa.gov/haps/improving-access-air-toxics-data.

EPA Announces Winners of the 2021 Green Chemistry Challenge Awards

On June 15, 2021, EPA announced the winners of the 2021 Green Chemistry Challenge Awards. Green chemistry is the design of chemical products and processes that reduce or eliminate the generation and use of hazardous substances. This year's winners have developed new and innovative green chemistry technologies that provide solutions to significant environmental challenges, and spur innovation and economic development. Read the press release to learn more about this year's awards and 2021 winners.

EPA Announces $11 Million for Farm-Focused Projects to Improve Water Quality and Environmental Education

EPA announced the selection of twelve projects to receive "Farmer to Farmer" grant funding totaling $10,951,735. EPA's grants support the leadership of farmers in improving water quality, habitat, resilience, and peer-to-peer information exchange to benefit communities and ecosystems in the Gulf of Mexico Watershed.

The Farmer to Farmer grant funding is available to develop innovative practices within farming communities, measure the results of those practices, and identify how the practices will be incorporated into farming operations. Under this grant program, proposals will carry out project activities using one or more of the following methods: surveys, studies, research, investigation, experimentation, education, training, and/or demonstrations. For more information, visit: epa.gov/gulfofmexico. 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.

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