



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

December 2021

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Policy & Regulation

EPA Proposes 6H (Autobody Rule) Revisions; Comment by January 3, 2022

EPA is proposing the results of the technology review conducted in accordance with the Clean Air Act (CAA) for the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources and proposing amendments to the NESHAP. The EPA is proposing no changes to the standards as a result of the technology review. You may provide comment by January 3, 2022, in [Docket ID No. EPA-HQ-OAR-2021-0016](#) for 40 Code of Federal Regulations (CFR) part 63, subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

For more information on the Autobody rule, visit: <https://www.epa.gov/stationary-sources-air-pollution/paint-stripping-and-miscellaneous-surface-coating-operations>

EPA to Hold Building Managers Responsible for Lead-Based Paint Safety Requirements

EPA announced its intent today to improve compliance and strengthen enforcement of the lead-based paint Renovation, Repair and Painting (RRP) Rule as it applies to property management companies (PMCs) that perform, offer, or claim to perform regulated renovations without certification from the EPA in pre-1978 housing or child-occupied facilities. EPA intends to withdraw previously published answers to two Frequently Asked Questions (FAQs) and circumstances where a PMC must obtain certification from the EPA and ensure that renovations are performed by certified firms with employees trained to use lead-safe work practices. This is especially important for underserved and overburdened communities, which often include a high proportion of rental housing managed by PMCs, and the military community, where family housing is also often managed by PMCs. Compliance with the RRP rule's requirements protects people from the hazardous health effects of lead. Following the comment period and the agency's consideration of comments, EPA intends to post a memorandum that states whether the withdrawal will take effect as planned, on March 19, 2022.

For more information about lead and lead regulations, please visit: www.epa.gov/lead.

Small Businesses can find clear information on how to comply with the RRP rule in the Spotlight article in the [February 2021 SmallBiz@EPA Bulletin](#).

Comment on Proposal to Cut Methane and Other Pollution from the Oil and Natural Gas Industry

EPA will hold a virtual public hearing on the Agency's proposed comprehensive new protections to sharply reduce pollution from the oil and natural gas industry – including, for the first time, methane reductions from existing sources nationwide. The proposed new Clean Air Act rule would lead to significant, cost-effective reductions in methane emissions and other health-harming air pollutants that endanger nearby communities. The Hearings will be November 30, 2021 and December 1, 2021. EPA also will accept comments on the proposal in writing until January 14, 2022. Comments the Agency receives in writing receive the same consideration as comments received at the public hearing.

Instructions for submitting written comment are available at:

<https://www.epa.gov/system/files/documents/2021-11/epas-2021-oil-and-gas-proposal.-how-to-comment.pdf>

Surface Coating National Emission Standards for Hazardous Air Pollutants (NESHAP)

This action promulgates national emission standards for hazardous air pollutants (NESHAP) for automobile and light-duty truck surface coating operations located at major sources of hazardous air pollutants (HAP). The final rule implements section 112(d) of the Clean Air Act (CAA) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The primary HAP emitted by these operations are toluene, xylene, glycol ethers, methyl isobutyl ketone (MIBK), ethylbenzene, and methanol. The final rule will decrease HAP emissions from automobile and light duty truck surface coating facilities from an estimated 10,000 tons per year (tpy) to 4,000 tpy. Emissions of the HAP methyl ethyl ketone (MEK) are included in the emissions inventory and emission reduction estimates for this source category. MEK has been delisted since promulgation of the final rule. Volatile organic compounds also are emitted by these operations. The final rule will decrease VOC emissions by approximately 12,000 tpy to 18,000 tpy.

For more information visit: <https://www.epa.gov/stationary-sources-air-pollution/surface-coating-automobiles-and-light-duty-trucks-national>

Surface Coating of Metal Cans: National Emission Standards for Hazardous Air Pollutants (NESHAP)

The final standards implement section 112(d) of the Clean Air Act (CAA) by requiring metal can surface coating operations to meet Hazardous Air Pollutant (HAP) emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule will protect air quality and promote public health by reducing emissions of HAP from facilities in the metal can surface coating source category. The HAP emitted by these facilities include glycol ethers, xylenes, hexane, and methyl isobutyl ketone (MIBK). The final standards are expected to reduce nationwide HAP emissions by approximately 6,160 Mg/yr (6,800 tons per year (tpy)) or 70 percent from the baseline organic HAP emissions of 8,700 Mg/yr (9,600 tpy). Emissions of the HAP methyl ethyl ketone (MEK) and ethylene glycol monobutyl ether (EGBE) are included in the emission inventory and emission reduction estimates for this source category. Both HAP have been delisted since promulgation of the final rule.

For more information, visit: <https://www.epa.gov/stationary-sources-air-pollution/surface-coating-metal-cans-national-emission-standards-hazardous>

Clay Ceramics Manufacturing: National Emission Standards for Hazardous Air Pollutants (NESHAP)

The Clay Ceramics Manufacturing rule covers facilities that manufacture ceramic floor and wall tile and sanitaryware (toilets, sinks, etc.). The primary raw materials used for manufacturing sanitaryware are ball clay, other clays, feldspar and silica, whereas ceramic tile is made primarily from ball clay, talc, nepheline syenite (an igneous rock comprised of nepheline, microcline and albite), fire clay and shale. However, while the raw materials are similar for ceramic floor and wall tile, the mix for ceramic wall tile includes more talc and less ball clay, resulting in a lighter-weight mix. Emissions regulated from these industries are acid gases, particulate matter, metals, and mercury

For more information, visit: <https://www.epa.gov/stationary-sources-air-pollution/clay-ceramics-manufacturing-national-emission-standards-hazardous>

Boat Manufacturing: National Emission Standards for Hazardous Air Pollutants (NESHAP)

The processes regulated include fiberglass resin and gel coat operations, carpet and fabric adhesive operations, and aluminum recreational boat painting operations. The EPA has identified boat manufacturing as a major source of hazardous air pollutants (HAP), such as styrene, methyl methacrylate (MMA), methylene chloride (dichloromethane), toluene, xylene, n-hexane, methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), and methyl chloroform (1,1,1-trichloroethane). The NESHAP will implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT).

For more information, visit: <https://www.epa.gov/stationary-sources-air-pollution/boat-manufacturing-national-emission-standards-hazardous-air>

Final National Emission Standards for Hazardous Air Pollutants: Carbon Black Production and Cyanide Chemicals Manufacturing Residual Risk and Technology Reviews, and Carbon Black Production Area Source Technology Review Carbon Black Production

EPA has evaluated the risks remaining after fully implementing the 2002 National Emission Standards for Hazardous Air Pollutant (NESHAP) for Carbon Black Production facilities and determined that risks from this source category are acceptable. In addition, the agency identified no developments in practices, processes or control technologies that would further reduce emissions of hazardous air pollutants. EPA is finalizing a rule to broaden the existing emission limit to account for unregulated emissions downstream of the main unit filter. Additionally, EPA has determined the standards continue to provide an ample margin of safety to protect public health and the environment and EPA is finalizing other minor amendments. These final amendments clarify that the standards are applicable during periods of startup, shutdown, and malfunction except during defined time periods during startup and shutdown that are regulated by work practice standards; require electronic reporting of certain notifications; performance test results; and semiannual reports. EPA also performed a technology review of the 2007 Carbon Black Production Area Source NESHAP and determined there were no area sources of carbon black production, so we are making no changes to the area source NESHAP.

Cyanide Manufacturing NESHAP

EPA finalized amendments to the 2002 National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Cyanide Chemicals Manufacturing source category. The Agency evaluated the risks remaining after fully implementing the NESHAP and determined that risks are acceptable, and the standards provide an ample margin of safety to protect public health and the environment. EPA

identified no technology-related developments that would lower emissions beyond the original NESHAP. As a result, EPA is not amending the NESHAP as a part of the technology review. However, as a part of our technology review, we did identify previously unregulated emission sources and finalized changes to the NESHAP that add standards for these sources. EPA is finalizing other changes to the original NESHAP for this source category and has determined that the standards continue to provide an ample margin of safety to public health and the environment.

<https://www.epa.gov/stationary-sources-air-pollution/final-national-emission-standards-hazardous-air-pollutants-carbon>

EPA and Army Act to Provide Certainty on Definition of WOTUS

EPA and U.S. Department of the Army (the agencies) announced a proposed rule to re-establish the pre-2015 definition of “waters of the United States” (WOTUS) which had been in place for decades, updated to reflect consideration of Supreme Court decisions. This action advances the agencies’ goal of establishing a durable definition of WOTUS that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries that depend on clean water. “Waters of the United States” (WOTUS) establishes the geographic scope of federal jurisdiction under the Clean Water Act. The term is not defined by the Act but has been defined by EPA and the Army in regulations since the 1970s. This proposed rule would support a stable implementation of the definition. In light of the court actions, the agencies have been implementing the pre-2015 regulatory regime nationwide since early September 2021. The proposed rule would maintain the longstanding exclusions of the pre-2015 regulations as well as the exemptions and exclusions in the Clean Water Act on which the agricultural community has come to rely. The agencies are taking comment on this proposed rule for 60 days beginning on the date it is published in the Federal Register.

For more information on submitting written comment on the proposal or to register for the virtual public hearings on the proposed rule, visit: www.epa.gov/wotus.

Significant New Use Rules on Certain Chemical Substances (20-10.B)

EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this rule. This action further requires that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice (SNUN), EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken any risk management actions as are required as a result of that determination. This rule is effective on January 14, 2022.

For more information, visit: <https://www.federalregister.gov/documents/2021/11/15/2021-24789/significant-new-use-rules-on-certain-chemical-substances-20-10b>

Key Dates and Upcoming Opportunities

SBEAP Technical Subcommittee: NESHAP 6H “Autobody Rule” Technology Review

On December 21, 2021, the Small Business Environmental Program’s National Steering Committee will host its monthly Technical Subcommittee webinar with a presentation from EPA’s 6H Rule-Writer and

other autobody experts to discuss the proposed 6H “Auto Body Rule”. The Subcommittee will also focus on how to provide comments to the rulemaking docket, with direct and substantive feedback, which offer solutions. Additionally, it is encouraged to request an extension of the open comment period beyond the January 3, 2022 deadline. For access to more information on auto body resources, visit:

<https://nationalsbeap.org/compliance/autobody>.

If you have questions about the upcoming Technical Subcommittee Meeting focused on the 6H Autobody Rulemaking, contact Tony Pendola at tony.pendola@ncdenr.gov.

EPA Develops Free Online Training for Managing Asbestos at Schools

The Asbestos Hazard Emergency Response Act (AHERA) sets requirements for managing asbestos in schools. School districts have sometimes had difficulty finding and obtaining training on AHERA for their employees. EPA Region 5 has developed training through a webinar series called How to Manage Asbestos in School Buildings. This four-part webinar training series is designed to assist schools with understanding their federal regulatory responsibilities under AHERA. It is available online for free.

For the four-part asbestos training and many other asbestos management information resources, visit:

<https://www.epa.gov/asbestos/asbestos-and-school-buildings#resources>

Technical Assistance Webinar: What to Expect When You Are Expecting an Inspection

Thursday, December 16, 2021 1:00 PM - 2:30 PM EST. This presentation covers what to expect during a regulatory inspection from the US EPA. The goal is to ease any potential anxiety and provide insight on how to ensure a smooth and collaborative inspection. Some of these insights include what to say or do when you know something is wrong, and what to say or do when you know things are right! Hopefully, we will also dispel any anxiety-producing negative rumors and help to focus on the positive opportunity and what is to gain, while working with an inspector during the inspection process. We look forward to having a fruitful discussion so please bring your thoughts and questions. Register [Here](#); Webinar series schedule and recordings are available [here](#).

EPA Kicks-Off “Companies Crushing Pollution” Video Challenge

EPA launched the “Companies Crushing Pollution” Video Challenge that invites students and others to create videos illustrating how businesses in the U.S. are reducing toxic chemical releases through innovative pollution prevention (P2) practices, and by having a positive impact on the environment and communities. Participants have a chance to win up to \$5,000.

The Challenge invites students and other residents of communities with facilities that report to EPA’s Toxic Release Inventory (TRI) to use the TRI P2 Search Tool to identify a facility that has reported innovative P2 techniques to EPA and make a video illustrating those techniques. EPA will award a total of \$50,000 in prize money through the video challenge.

On December 15, 2021, EPA will host a webinar to discuss challenge logistics and rules. Participants will also have an opportunity to ask questions. Register for the webinar [here](#). All videos must be submitted by March 1, 2022.

For more details on the “Companies Crushing Pollution” Video Challenge, visit:

<https://www.epa.gov/toxics-release-inventory-tri-program/companies-crushing-pollution-video-challenge>

Competition for 2022 President’s Student and Teacher Environmental Awards

EPA is pleased to announce that it is now accepting applications for the 2022 President’s Environmental Youth Awards (PEYA) and Presidential Innovation Awards for Environmental Educators (PIAEE). For 2022 award recipients, EPA is seeking applications for projects on a variety of environmental topics, including (but not limited to): climate change, water infrastructure, lead in drinking water, reducing food waste in

school cafeterias, environmentally-friendly agriculture practices, reducing and preventing human contributions to ocean litter, school gardens, recycling, and using STEM to teach environmental education. Applications will be accepted from Nov. 15, 2021 until Feb. 18, 2022.

Established by the 1990 National Environmental Education Act (NEEA), PEYA recognizes outstanding environmental stewardship projects from students in grades K-12, by promoting environmental awareness and encouraging community involvement. Also established by the 1990 NEEA, PIAEE recognizes outstanding K-12 grade educators who integrate environmental, place-based experiential learning into school curricula and school facility management across the country. The White House Council on Environmental Quality, in partnership with EPA, administers the PIAEE awards program.

For more information on the PEYA, including application information, visit:

<https://www.epa.gov/education/presidents-environmental-youth-award>.

For more information on the PIAEE, including application information, visit:

<https://www.epa.gov/education/presidential-innovation-award-environmental-educators>

Ask SBEAP

Dear SBEAP,

I recently read an article that explained several existing chemicals were under a “TSCA risk evaluation.” One of the chemicals listed is a solvent I currently use for cleaning metal sleigh parts. So, what exactly does this mean and how can I get help implementing any new rule requirements?

Sincerely,
Mr. Clause

Dear Mr. Clause,

Toxic Substances Control Act or TSCA, is a federal act that requires the EPA to evaluate the safety (to workers and the environment) of existing chemicals. A three-stage evaluation process is used, and in some cases results in new regulations that may restrict certain uses of the chemical. Currently, there are more than 30 chemicals under review, several of which are solvents used in industry. The full three-stage process, which includes public comment periods, takes about three years and as the evaluation concludes on priority chemicals, new chemicals are added to the list. A list of the chemicals being evaluated, the evaluation status and the EPA contact can be monitored here.

Examples of commonly used industrial solvents evaluated or being evaluated include –

Carbon Tetrachloride – EPA identified unreasonable risk to human health from 13 out of 15 conditions of use and published a final risk evaluation in November 2020. EPA is in the process of proposing new restrictions and will take public comment on proposed actions in late 2021 or early 2022.

Methylene Chloride – banned for consumer use in 2019, the EPA identified unreasonable risk to human health from 47 out of 53 conditions of use and published a final risk evaluation in June 2020. EPA is in the process of proposing new restrictions.

Perchloroethylene – often called “Perc,” the EPA identified unreasonable risk to human health from 59 out of 61 conditions of use and published a final risk evaluation in December 2020. The EPA is in the process of proposing new restrictions and will take public comment on proposed actions in late 2021 or early 2022.

Trichloroethylene – often referred to as “TCE,” the EPA identified unreasonable risk to human health from 52 out of 54 conditions of use and published a final risk evaluation in November 2020. The next step will involve the EPA proposing and taking public comment on actions that will address the unreasonable risks identified. This action is expected in late 2021 or early 2022.

As a small business owner using any of the chemicals on the TSCA evaluation list, you are encouraged to get involved and make sure your voice is heard during public comment periods. You can do this through communications with the EPA contact, by signing up for EPA notices (see chemical page), by reaching out to your state Small Business Environmental Assistance Program or by calling 800-578-8898 and asking for Nancy.

Spotlight

FACT SHEET: EPA & The Bipartisan Infrastructure Deal

Following the passage of the historic Bipartisan Infrastructure Deal, EPA will be making significant investments in the health, equity, and resilience of American communities. With unprecedented funding to support our national infrastructure, EPA will improve people's health and safety, help create good-paying jobs, and increase climate resilience throughout the country.

For more information, visit: <https://www.epa.gov/newsreleases/fact-sheet-epa-bipartisan-infrastructure-deal>

EPA Releases Bold National Strategy to Transform Recycling in America

EPA released the 2021 National Recycling Strategy to tackle major recycling challenges facing the nation and to create a stronger, more resilient, and cost-effective municipal solid waste recycling system. The 2021 strategy is also the first time EPA's recycling strategy will address the climate impacts of producing, using, and disposing of materials and focus on the human health and environmental impacts of waste and waste-related facilities in overburdened communities, reflecting the Agency's commitment to delivering environmental justice. The U.S. recycling system faces many challenges, including reduced markets for recycled materials, recycling infrastructure that has not kept pace with today's diverse and changing waste stream, confusion about what materials can be recycled, and varying methodologies to measure recycling system performance. The 2021 National Recycling Strategy identifies actions to address these challenges that build on the collaborative efforts by stakeholders from across the recycling system that began under the 2019 National Framework for Advancing the U.S. Recycling System.

During the next few months, EPA will work collaboratively with stakeholders to develop a plan to implement the 2021 Strategy. EPA will collaborate with communities, local, state, federal and Tribal partners, and with public and private stakeholders to achieve the strategy's ambitious goals.

<https://www.epa.gov/newsreleases/epa-releases-bold-national-strategy-transform-recycling-america>

Compendium of U.S. Wastewater Surveillance to Support COVID-19 Public Health Response

In September 2021, EPA released A Compendium of U.S. Wastewater Surveillance to Support COVID-19 Public Health Response. The compendium details various COVID-19 wastewater surveillance programs across the nation from 2020 to early 2021, led by federal, state, local, and tribal agencies and associations, universities, and the private sector. It explores federal and other funding sources, developing and implementing wastewater surveillance programs for SARS-CoV-2, and uses case studies to provide implementation insight and lessons learned. The document additionally guides those interested in implementing wastewater surveillance in the future by elaborating on funding, project management, results, and potential actions to prevent the continued spread of COVID-19.

See a pdf, video, and more at <https://www.epa.gov/sustainable-water-infrastructure/compendium-us-wastewater-surveillance-support-covid-19-public>

EPA awards more than \$230,000 for recycling and food waste prevention projects in three states

EPA announced four grants totaling \$230,856 to fund projects in Illinois, Michigan, and Ohio to prevent wasted food and divert waste from landfills. The recipients are: University of Illinois at Chicago (\$59,995); Make Food Not Waste in the Detroit area (\$60,000), Michigan Recycling Coalition (\$60,000) and the Center for Ecotechnology in Ohio (\$50,861).

<https://www.epa.gov/newsreleases/epa-awards-more-230000-recycling-and-food-waste-prevention-projects-illinois-michigan>

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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