



# SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

March 2022

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View the newly developed [Resource List for Small Entity Compliance Assistance](#), located on EPA's Asbestos and Small Business Ombudsman (ASBO) webpage. This web resource shares information about compliance assistance and provides resources available to small entities who must comply with environmental regulations. Special thanks to the recently retired Catherine Tunis for her hard work and expertise in compiling this information while on detail with the ASBO Program.

## Policy & Regulation

### **EPA Reaffirms Scientific, Economic, and Legal Underpinnings of Limits on Toxic Emissions**

On January 31, 2022, EPA proposed to reaffirm the scientific, economic, and legal underpinnings of the 2012 Mercury and Air Toxics Standards (MATS) for power plants, which require significant reductions of mercury, acid gases, and other harmful pollutants. Controlling these emissions improves public health for all Americans by reducing fatal heart attacks, reducing cancer risks, avoiding neurodevelopmental delays in children, and helping to restore certain ecosystem functions that people and businesses value. These public health improvements are especially important for children and particularly vulnerable segments of the population such as Indigenous communities, low-income communities, and people of color who live near power plants or are affected by hazardous air pollution. The proposal, which responds to President Biden's January 20, 2021, Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," would reverse a rule issued by the previous administration in May 2020, which undermined the legal basis for these vital health protections.

The Agency is also continuing to consider the MATS Risk and Technology Review, as directed by Executive Order 13990, to determine whether more stringent protections for hazardous air pollution from power plants are feasible and warranted. To support that review, EPA is soliciting information on the performance and cost of new or improved technologies or methods of operation to control hazardous air pollution emissions, as well as risk-related information, as a part of this proposal. EPA will accept comment on the proposal for 60 days after publication in the Federal Register. [Learn More.](#) [Read the full press release.](#)

### **EPA to Reconsider Issues Related to Risks Posed by Ethylene Oxide Emissions for Certain Types of Chemical Manufacturing**

EPA is proposing to reconsider the August 2020 National Emission Standards for Hazardous Air Pollutants (NESHAP) for chemical plants that fall under the Miscellaneous Organic Chemical

Manufacturing source category (“2020 MON final rule”). EPA is proposing to continue to rely on the Agency’s 2016 peer-reviewed value to represent the toxicity of ethylene oxide when assessing risk from the manufacture of miscellaneous specialty organic chemicals in the 2020 MON final rule. EPA’s peer-reviewed value showed that ethylene oxide was significantly more toxic than previously understood.

In this reconsideration action, EPA is addressing these two issues and is proposing the following:

- To not change its decision to use EPA’s 2016 IRIS value for ethylene oxide when assessing risk for the source category in the 2020 MON final rule, as the 2016 ethylene oxide IRIS assessment remains the best available science.
- To decline to use the TCEQ risk value for ethylene oxide instead of the EPA’s 2016 IRIS value, after careful consideration of the TCEQ risk value for ethylene oxide.

As such, EPA is not proposing any changes to the risk assessment for the 2020 MON final rule. EPA will accept comment on the two issues addressed in this reconsideration action for 45 days after publication in the *Federal Register*. EPA is seeking comment only on the two identified petition issues. EPA is moving ahead with actions under the Clean Air Act that will address air emissions of ethylene oxide. The Agency is currently undertaking a review of a rule for commercial sterilizers, which will consider risk, and expects to issue a proposal in 2022. EPA intends to use the 2016 IRIS value in the upcoming proposed rule for sterilizers. The Agency has been collecting information about the source category, including Information Collection Requests (ICR) under the Clean Air Act. The deadline for commercial sterilizers to submit their most recent ICR response was November 2021. EPA is evaluating that data now. [Learn More](#). [Read the full press release](#).

## **EPA Proposes Guidance to Support Water Affordability and Clean Water Act Implementation**

EPA has issued its Proposed 2022 Clean Water Act (CWA) Financial Capability Assessment (FCA) Guidance for public comment. The proposed guidance outlines strategies for communities to support affordable utility rates while planning investments in water infrastructure that are essential for CWA implementation.

The FCA Guidance is used by municipalities when devising plans to dramatically reduce discharges from Combined Sewer Systems. During that process, municipalities and EPA negotiate schedules with specific timeframes for implementation. The Proposed 2022 FCA Guidance describes the financial information and formulas the Agency intends to use to assess the financial resources a community has available to implement control measures and timeframes associated with implementation.

Once finalized, EPA intends for the Proposed 2022 FCA to replace the 1997 FCA Guidance to evaluate a community’s capability to fund CWA control measures in both the permitting and enforcement context. The 2022 FCA will also supplement the public sector sections of the 1995 Water Quality Standards (WQS) Guidance to assist states and authorized Tribes in assessing the degree of economic and social impact of potential WQS decisions. The guidance document is not legally binding and is intended only to provide clarity to the public regarding existing requirements under the law or Agency policies. EPA is accepting public comment until 60 days after publication in the *Federal Register*. [Learn more about the Proposed 2022 FCA](#). [Read the full press release](#).

## **EPA Takes Next Step to Keep Chlorpyrifos Out of Food, Protecting Farmworkers and Children’s Health**

On February 25, 2022, as part of the Biden-Harris Administration’s commitment to protect human health, including that of children and farmworkers, EPA took the next step to discontinue use of the pesticide chlorpyrifos on food by denying objections to EPA’s rule revoking all chlorpyrifos tolerances. Under the action and after careful consideration, EPA is denying all objections, hearing requests, and requests to stay the final rule filed during the period for submitting responses to the final rule. EPA will

also provide a copy of its response to objections and the accompanying order in the chlorpyrifos final rule docket [EPA-HQ-OPP-2021-0523](https://www.regulations.gov) at [www.regulations.gov](https://www.regulations.gov).

EPA is continuing to review the comments submitted on the chlorpyrifos [proposed interim decision](#), [draft revised human health risk assessment](#), and [draft ecological risk assessment](#). These documents are available in the chlorpyrifos registration review docket [EPA-HQ-OPP-2008-0850](https://www.regulations.gov) at [www.regulations.gov](https://www.regulations.gov). After considering public comments, EPA will proceed with registration review for the remaining non-food uses, which may propose additional measures to reduce human health and ecological risks. [More information about chlorpyrifos and the response to objections is available on EPA's website. Read the full press release.](#)

## Upcoming Air Regulations with Potential Small Business Impacts

*The following list of EPA rulemakings, provided by EPA's Office of Air Quality, Policy and Standards, are regulations that may potentially have an impact on small entities. Disclaimer: This list is not final and is subject to change, except for the court ordered rulemakings, for which dates are noted in bold font.*

Project	Signature Date
<a href="#">NSPS Lead Acid Battery Manufacturing Plants and NESHAP for Lead Acid Battery Manufacturing Area Sources Technology Review</a>	<b>Proposal - 2/10/2022</b>
<a href="#">Miscellaneous Coating Manufacturing RTR Amendments</a>	Proposal - Winter 2022
<a href="#">Primary Copper Smelting RTR</a>	Final - Spring 2022 (Comment Period Extended to 4/26/22)
<a href="#">Electric Arc Furnaces/Steel Plants NSPS Review</a>	<b>Proposal - 5/2/2022</b>
<a href="#">Auto and Light-Duty Trucks NSPS Review</a>	<b>Proposal - 5/2/2022</b>
<a href="#">RICE NESHAP and ICE NSPS Electronic Reporting Amendments</a>	Proposal - Spring 2022
<a href="#">Ethylene Oxide Sterilizers</a>	Proposal - Spring 2022
<a href="#">Regulatory Infrastructure for New HAP Additions to Part 63</a>	Proposal - Spring 2022
<a href="#">Gas Distribution and Bulk Gas Terminals Review</a>	<b>Proposal - 6/1/2022</b>
<a href="#">New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines</a>	<b>Proposal - 6/1/2022</b>
<a href="#">Major Boiler MACT Court Remand</a>	Final - Spring 2022
<a href="#">National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products Residual Risk and Technology Review Amendments</a>	Proposal - Spring 2022 <b>Final - 11/13/2023</b>
<a href="#">Reconsideration of the 2020 NESHAP: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review</a>	Final - Fall 2022
<a href="#">111(b) EGU GHG Emissions Guidelines and NSPS</a>	Proposal - Fall 2022
<a href="#">MATS -Review of the RTR</a>	Proposal - Summer 2022
<a href="#">Aerosol Coatings Amendments</a>	Final - Summer 2022
<a href="#">New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review (Supplemental)</a>	Proposal - Winter 2021 Supplemental Proposal - Summer 2022
<a href="#">Paint Stripping/Surface Coating Operations at Area Sources</a>	Final - Fall 2022
<a href="#">Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act</a>	Proposal - Fall 2022
<a href="#">Dry Cleaning NESHAP/NSPS Technology Review</a>	<b>Final - 12/1/2022</b>
<a href="#">Site Remediation NESHAP Reconsideration Final Rule</a>	<b>Final - 12/31/2022</b>
<a href="#">Revisions to the Air Emission Reporting Requirements (AERR)</a>	Proposal - Fall 2022

## Key Dates and Upcoming Opportunities

### **EPA Announces \$23 Million in Pollution Prevention Grant Opportunities, including \$14 Million in Bipartisan Infrastructure Law (BIL) Funding**

On February 9, 2021, EPA announced two grant funding opportunities for states and Tribes to develop and provide businesses with information, training, and tools to help them adopt pollution prevention (P2) practices. Approximately \$14 million in grants with no cost share/match requirement are made possible by the \$100 million investment in the P2 program provided by the Bipartisan Infrastructure Law (BIL). This is the first time EPA has offered P2 grants without this match requirement and the first time these grants have emphasized environmental justice (EJ).

EPA also views these grants as a critical component of the President's Justice40 initiative by providing a meaningful benefit to communities impacted by legacy pollution issues. As such, EPA will administer this program in accordance with this initiative to ensure at least 40% of the benefits are delivered to underserved communities. EPA is strongly encouraging applicants to address environmental justice and/or climate pollution in their project(s). To help prospective applicants, EPA will launch an additional mapping tool which will allow users to identify industrial facilities located in or adjacent to communities with EJ concerns.

Under these grants, EPA emphasizes the importance of grantees documenting and sharing P2 best practices that are identified and developed through these grants, so that others can replicate these practices and outcomes. Grant applications will need to address at least one of six [National Emphasis Areas \(NEAs\)](#) which were established to generate the most beneficial economic, environmental and health impacts when applying P2 practices, and to facilitate sharing of information among grantees working on similar issues. Each grantee will be required to develop at least one case study during the grant period on P2 practices that are new or not widely known or adopted, or where detailed information on the P2 practices could benefit other businesses or P2 technical assistance providers.

Eligible applicants include states, state entities such as universities, U.S. territories and possessions, and federally recognized Tribes and intertribal consortia. Applicants are strongly encouraged to consider partnering with others in the P2 stakeholder community to strengthen their ability to provide P2 technical assistance to businesses and facilitate the development, adoption, and dissemination of P2 solutions. Proposals are due by April 11, 2022. Additional information is available on [grants.gov](#) under Funding Opportunity Announcements EPA-HQ-OPPT-2022-001 and EPA-I-OCSP-OPPT-FY2022-001. Please consult the solicitation for further details. Read more about P2 and the [P2 Grant Program](#). [Read the full press release](#).

### **EPA Announces Availability of \$20 Million to Reduce Lead in Drinking Water**

On February 18, 2022, EPA announced \$20 million in available grant funding to assist communities and schools with removing sources of lead in drinking water. This grant funding, and additional funding through the Bipartisan Infrastructure Law (BIL), will help make rapid progress on the goal of addressing lead and removing lead pipes across the country.

Under the Water Infrastructure Improvements for the Nation (WIIN) Act, EPA is announcing the availability of \$10 million for projects to conduct lead service line replacements or implement corrosion control improvements and \$10 million for projects that remove sources of lead in drinking water (e.g., fixtures, fountains, outlets and plumbing materials) in schools or childcare facilities.

EPA will award this funding in alignment with the goals of the Biden-Harris Administration's Justice40 Initiative, which seeks to deliver at least 40 percent of the benefits of certain federal investments to underserved communities. The Agency encourages applications that support equity by prioritizing underserved communities, those with lead reduction projects at drinking water systems with at least one lead action level exceedance within the last three years, as well as those with schools with at least 50% of the children receiving free and reduced lunch, in Head Start facilities, and/or in areas with additional environmental health burdens (e.g., areas with older buildings likely to have lead-based paint). This WIIN grant will be competed through a Request for Application process. The funding opportunity will remain open for 60 days on [grants.gov](https://www.grants.gov). [Learn more about this grant and EPA's WIIN grant programs.](#) [Read the full press release.](#)

## **Public Meeting: EPA Collaborative Research Program to Support New Chemicals Review, Wed, Apr 20, 2022, 1:00 PM; Thu, Apr 21, 2022, 5:00 PM EDT**

EPA is launching an effort to modernize its process for evaluating new chemicals and bring innovative science to the review of new chemicals before they can enter the marketplace. The Office of Chemical Safety and Pollution Prevention (OCSPP) is proposing to develop and implement a multi-year collaborative research program in partnership with EPA's Office of Research and Development (ORD) and other federal entities focused on approaches for performing risk assessments on new chemical substances under the Toxic Substances Control Act (TSCA). During this 2-day meeting, participants will hear EPA's plans for this program and have multiple opportunities to provide input during topic-focused breakout sessions and a general public comment period. [Register for the event.](#)

## **Ask SBEAP**

Dear SBEAP,

I have heard that states may have different environmental regulations than some federal environmental regulations. Where can I find information and resources about the environmental regulations specific to my state?

Sincerely,  
Steve Stumped

Dear Steve,

Most states have an assigned state Small Business Environmental Assistance Program (SBEAP), so be sure to check the [SBEAP state contact list](#). You can contact your state environmental agency for assistance, or your county or city if they have additional regulations. If you need help identifying resources or navigating those available to you, contact [National SBEAP](#) for further assistance at [info@nationalsbeap.org](mailto:info@nationalsbeap.org) or 800-578-8898.

## **Spotlight**

### **Energy Star Action Workbook for Small Businesses – Nevada BEP**

The first Small Business Development Center (SBDC) in the nation to “co-brand” EPA's [ENERGY STAR Action Workbook for Small Business](#) is the Nevada Business Environmental Program (BEP)/Nevada Small Business Development Center (SBDC). For more information on the Nevada BEP

and to download their co-branded document, [click here](#).

The Workbook (also available in Spanish) provides objective information, best practices, tips, and strategies to save money through greater energy and water efficiency, while reducing related pollution. Governmental and nonprofit organizations can provide their own program and local/state content to receive their own PDF edition free-of-charge for sharing with their stakeholders. The Workbook is just one of [EPA's Resources for Small Businesses](#). [Learn how your organization can co-brand your special edition Workbook](#) and [contact ENERGY STAR](#) if you are interested or have questions.

## **EPA Issues Power Plant Emissions Data for 2021**

On February 18, 2022, EPA released publicly available, annual data on 2021 emissions of nitrogen oxides (NOX), sulfur dioxide (SO<sub>2</sub>), carbon dioxide (CO<sub>2</sub>), and mercury from power plants in the lower 48 states. Emissions in 2021 were higher than 2020, reflecting a rebound in coal-fired generation as natural gas prices and energy demand increased. However, compared to 2019, 2021 emissions fell between 3% and 11%, reflecting the long-standing trend of decreasing annual emissions.

Compared to 2020, the 2021 data show a 6% increase in NO<sub>x</sub> emissions, a 20% increase in SO<sub>2</sub> emissions, a 7% increase in CO<sub>2</sub> emissions, and a 13% increase in mercury emissions. Additionally, ozone season (May 1 to September 30) NO<sub>x</sub> emissions increased by 5%. Overall, based on the first 11 months of 2021, electricity demand increased by 3% compared to 2020.

EPA collects detailed SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, and mercury emission data and other information from power plants across the country, as part of ARP, the Cross-State Air Pollution Rule (CSAPR) Programs, and the Mercury and Air Toxics Standards (MATS). Emissions data collected through these programs are posted online and accessible to the public in summary form at: [epa.gov/airmarkets/power-plant-emission-trends](https://epa.gov/airmarkets/power-plant-emission-trends). [Read the full 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](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.

### **EPA Asbestos and Small Business Ombudsman Program**

1200 Pennsylvania Avenue, N.W.

Mail Code: 1230A

Washington, D.C. 20460

**Hotline: 800-368-5888**

**Email: [asbo@epa.gov](mailto:asbo@epa.gov)**

**Website: [epa.gov/resources-small-businesses/asbo](https://epa.gov/resources-small-businesses/asbo)**