



# SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

May 2022

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## EPA Administrator's 32<sup>nd</sup> Annual Small Business Program Awards Ceremony

During National Small Business Week 2022, EPA honored small business champions in recognition of the incredible work they do to support our mission. Congratulations to North Carolina's Small Business Ombudsman, Tony Pendola, who won the *Award for Outstanding Accomplishments by a Small Business Trade Association or State Small Business Environmental Assistance Provider in Providing Technical Environmental Assistance to the Small Business Community!*

## Policy & Regulation

### **EPA Proposes to Ban Ongoing Uses of Asbestos, Taking Historic Step to Protect People from Cancer Risk**

On April 5, 2022, EPA took action to protect people from asbestos exposure by releasing a proposed rule to prohibit ongoing uses of the only known form of asbestos currently imported into the U.S. This proposed rule is the first-ever risk management rule issued under the new process for evaluating and addressing the safety of existing chemicals under the Toxic Substances Control Act (TSCA) that was enacted in 2016.

The proposed rule would ban chrysotile asbestos, the only known form of asbestos that's currently imported into the U.S., which is found in products like asbestos diaphragms, sheet gaskets, brake blocks, aftermarket automotive brakes/linings, other vehicle friction products, and other gaskets also imported into the U.S.

Separately, EPA is also evaluating legacy uses and associated disposals, other types of asbestos fibers in addition to chrysotile, and conditions of use of asbestos in talc and talc-containing products in a supplemental risk evaluation for asbestos. EPA released the draft scope for the second part of the asbestos risk evaluation in [December 2021](#) and will publish the final risk evaluation by December 1, 2024.

EPA will accept public comments on the proposed rule for chrysotile asbestos for 60 days following publication in the *Federal Register* via docket EPA-HQ-OPPT-2021-0057 at [www.regulations.gov](http://www.regulations.gov). Learn more about [EPA actions to protect the public from exposure to asbestos](#).

[Read the full press release.](#)

## EPA Releases Proposed Changes to the Indian Environmental General Assistance Program

On April 4, 2022, EPA released proposed changes to the guidance and allocation of the Indian Environmental General Assistance Program (GAP). GAP is EPA's largest capacity building program for Tribes. Enacted by Congress in 1992, GAP provides grants and technical assistance to Tribes and intertribal consortia to plan, develop, and establish environmental protection programs and to implement solid and hazardous waste programs and service delivery activities. In FY21, \$66.25M was awarded to more than 525 grantees to address their environmental priorities.

Projects stemming from this Tribal grant opportunity will help achieve the goals of President Biden's Justice40 initiative, which aims to ensure that federal agencies deliver at least 40% of benefits from certain investments to underserved communities. [Learn more about EPA's programs in Indian country.](#) [Read the full press release.](#)

## EPA Announces Strategy to Protect Water Quality by Accelerating Nutrient Pollution Reductions

On April 5, 2022, EPA Assistant Administrator for Water, Radhika Fox, released a new policy memorandum on *Accelerating Nutrient Pollution Reductions in the Nation's Waters*. This memo reaffirms EPA's commitment to working with federal agencies, state co-regulators, Tribes, water stakeholders, and the agricultural community to advance progress in reducing excess nutrients in our nation's waters.

EPA is committed to deepening existing partnerships and fostering new collaboratives with the U.S. Department of Agriculture (USDA), states, Tribes, territories, agriculture, industry, and the broader water sector. The Agency will support innovation and pursue science-based and data-driven strategies to reduce excess nutrients in our nation's waters. Critically, EPA will also provide technical assistance and other support to help states, Tribes, and territories scale effective nutrient loss reduction strategies. The Bipartisan Infrastructure Law also provides dedicated resources to accelerate efforts, such as the work happening through the Gulf Hypoxia Taskforce on state nutrient reduction strategies. EPA will also continue to evolve and implement the Clean Water Act regulatory framework to holistically address nutrient pollution.

Additionally, under this policy memo, EPA will prioritize nutrient pollution reduction, treatment, and mitigation activities that help protect public health and the environment in our most vulnerable communities. Disadvantaged communities across the country disproportionately bear the brunt of environmental impacts from nutrient pollution and lack the resources to address these issues on their own. [Learn more about EPA's efforts to address excess nutrients.](#) [Read the full press release.](#)

## EPA Proposes Attainment Status Updates for Several Areas Required to Meet Health Protection Standards for Smog

Following Clean Air Act requirements, EPA is proposing determinations for whether certain areas have met the 2008 or 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone, or smog. EPA is proposing determinations regarding the air quality progress of seven nonattainment areas classified as "Serious" for the 2008 ozone NAAQS, while also proposing similar actions for 31 nonattainment areas classified as "Marginal" for the 2015 ozone NAAQS. For areas not meeting the ozone standards, these proposals outline new timeframes and next steps for states to take to improve air quality. These proposals are based on a scientific evaluation of certified, publicly-available air quality monitoring data for the years 2018 – 2020.

EPA is required to undertake this rulemaking under the Clean Air Act to ensure that smog-affected areas expeditiously meet health-based air quality standards for ozone. For areas being reclassified – for example, from “Marginal” to “Moderate” or from “Serious” to “Severe” – the Clean Air Act requires that states implement additional measures to protect public health and to submit new plans to demonstrate how the area will attain as quickly as possible. Additionally, many areas across the country have had success with localized tools and approaches to improve ozone air quality. EPA will continue to work collaboratively with its state partners to ensure these measures are implemented to protect clean air for all communities.

EPA will accept comment on these two proposed actions for 60 days after publication in the Federal Register. EPA plans to hold a virtual public hearing for both proposals 25 days after publication in the *Federal Register*. [Read the press release.](#)

## **EPA Releases White Paper on Reducing Climate Pollution from New Gas-Fired Turbines**

On April 21, 2022, EPA issued for public input a draft white paper on control techniques and measures that could reduce greenhouse gas (GHG) emissions from new stationary combustion turbines. These turbines, which are currently projected to be a significant part of U.S. electricity generation in future years, primarily use natural gas to create electricity. The draft white paper is an important step forward in EPA’s efforts to engage communities and the power sector on strategies to improve clean air and reduce climate pollution in the years ahead.

The draft white paper and instructions on how to submit comments are available [on EPA’s website](#). EPA is asking for public comment for 45 days, through June 6, 2022. EPA will collect comments via a non-regulatory docket at [www.regulations.gov](http://www.regulations.gov), Docket ID: EPA-HQ-OAR-2022-0289. [Read the press release.](#)

## **EPA Delivers on Three Water Commitments in the Agency’s PFAS Strategic Roadmap**

On April 28, 2022, EPA announced three actions to protect communities and the environment from per- and polyfluoroalkyl substances (PFAS) in our nation’s waters. The announced actions advance progress under the Biden-Harris Administration’s [Plan to Combat PFAS Pollution](#) by improving methods to detect PFAS in water, reducing PFAS discharges into our nation’s waters, and protecting fish and aquatic ecosystems from PFAS. These efforts complement the historic investment of \$10 billion to address PFAS and emerging contaminants secured under the Bipartisan Infrastructure Law.

- For more information on EPA’s PFAS Strategic Roadmap, visit [PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024](#)
- For more information on the Draft Method 1621, visit [CWA Analytical Methods for Per- and Polyfluorinated Alkyl Substances \(PFAS\)](#)
- For more information on the NPDES memo, visit: [Industrial Wastewater](#)
- For more information on aquatic life criteria for PFOA and PFOS, visit: [Aquatic Life Criteria - Perfluorooctanoic Acid \(PFOA\) and Aquatic Life Criteria - Perfluorooctane Sulfonate \(PFOS\)](#)

[Read the full press release.](#)

## **Key Dates and Upcoming Opportunities**

## **National Small Business Environmental Assistance Program (SBEAP) 2022 Annual Training: *Assistance Persistence***

**1pm - 4pm ET every Thursday during the month of May (5th, 12th, 19th and 26th)**

[Pre-registration is required](#)

Please join us for this year's virtual SBEAP Annual Training event, scheduled to take place each Thursday afternoon, from 1-4pm ET in May. This event will provide training, networking, and collaboration opportunities in support of environmental assistance for small businesses across the country. Featured speakers include EPA regulatory experts, small business assistance program specialists, and research scientists. [Review the draft agenda](#). State SBEAPs, regulators, EPA, small businesses and trade association partners are all welcome to participate. Special thanks to the Nevada SBEAP team for coordinating this year's themed sessions!

## **EPA Seeks Input from Small Businesses, Towns, and Organizations on Forthcoming Lead and Copper Rule Improvements Proposal**

EPA is inviting small businesses, governments, and not-for-profit organizations to participate as Small Entity Representatives for a Small Business Advocacy Review Panel related to the development of the Lead and Copper Rule Improvements (LCRI). This rule will be essential to strengthening the regulatory framework to protect communities from lead in drinking water.

These regulatory improvements, alongside infrastructure investments and other actions, would result in the replacement of all lead service lines as quickly as feasible. To this end, the Agency has identified the following priorities: proactive and equitable lead service line replacement; strengthening compliance tap sampling to better identify communities most at risk of lead in drinking water and to compel lead reduction actions; and reducing the complexity of the regulation through improvement of the action and trigger level construct. The Agency intends to propose the LCRI in 2023 and take final action by October 2024.

The Small Business Advocacy Review Panel will include federal representatives from the Small Business Administration, the Office of Management and Budget, and EPA. The Panel members ask a selected group of Small Entity Representatives to provide advice and recommendations on behalf of their company, government, or organization to inform the Panel members about the potential impacts of the proposed rule on small entities.

EPA seeks self-nominations directly from the small entities that may be subject to the LCRI requirements. The Agency is specifically interested in engaging with small entities in underserved and overburdened communities disproportionately impacted by lead in drinking water to ensure that the new rule equitably protects public health. Other representatives, such as trade associations that exclusively or at least *primarily* represent potentially regulated small entities, may also serve as Small Entity Representatives. Self-nominations may be submitted through the link below and must be received by **May 18, 2022**.

Nominate yourself as a Small Entity Representative: [Potential SBAR Panel: National Primary Drinking Water Regulation: Lead and Copper Rule Improvements \(LCRI\)](#). Additional information on the Lead and Copper Rule and the LCRI is available on EPA's website: [Revised Lead and Copper Rule](#). [Read the press release](#).

**Reminder: EPA Announces Availability of up to \$1.6 Million in Environmental Justice Grants for Tribal Public Participation Project**

On March 21, 2022, EPA announced the availability of up to \$1.6 million in [American Rescue Plan \(ARP\)](#) funding to support Tribal government efforts to establish or modify programs on environmental justice, water, and air quality issues. Applicants interested in this funding opportunity must submit grant proposal packages by May 19, 2022. Applicants should plan for projects to begin on October 1, 2022. To learn more about the pre-application assistance calls and how to apply for funding, visit: [Environmental Justice Small Grants Program](#). [Read the full press release](#).

## **EPA Announces Request for Applications for \$68M in Grant Funding to Support Environmental Finance Centers**

On April 19, 2022, EPA announced a Request for Applications for \$68 million in federal funding through the Environmental Finance Center (EFC) Grant Program. EPA encourages non-profit organizations, universities, and other eligible entities to apply to receive funding as a designated EFC in an EPA Region or as a national EFC for EPA Headquarters. A major priority for this program over the next five years is to provide technical support to disadvantaged communities across the country. Selected technical assistance providers will help communities develop and submit project proposals, including State Revolving Fund (SRF) applications for Bipartisan Infrastructure Law funding. Additionally, the EFCs will support a range of projects focused on solid waste, clean air, toxic substances, drinking water, wastewater, and stormwater.

The EFC grant program request for applications is available on [Grants.gov](#), under Funding Opportunity number EPA-I-OW-OWM-22-01. Application packages must be submitted electronically no later than Friday, June 17, 2022, at 11:59 PM (EDT) to be considered for funding. [Read the press release](#).

## **EPA Holds Virtual Pesticide Program Dialogue Committee (PPDC) Meeting May 25-26, 2022**

Meeting topics will include:

- EPA's response to recommendations made by the PPDC at the October 2021 meeting on managing pesticide resistance, supporting farmworker and clinician training, responding to emerging viral pathogens, and regulating emerging agricultural technologies.
- Next steps for implementing the [Endangered Species Act \(ESA\) workplan](#), as well as recent updates to the [Bulletins Live! Two](#) system.
- EPA, the American Association of Pesticide Control Officials, and industry will present on work they have done to modernize pesticide labels through increased standardization and digitization. The PPDC will discuss this work and suggest possible paths forward.
- A discussion of the Good Laboratory Practices Inspection program activities from EPA's Office of Enforcement and Compliance Assurance.
- An overview of recent Pesticide Program activities and accomplishments, and updates on current program priorities.

[Register here to attend the meeting](#). Additional information can be found on the [PPDC webpage](#) and in the [Federal Register notice](#). To provide comments during the meeting, request special accommodations, or get more information, please contact [Shannon Jewell](#) at [jewell.shannon@epa.gov](mailto:jewell.shannon@epa.gov) or at (571) 289-9911 by May 17.

## **Ask SBEAP**

Dear SBEAP,

I keep hearing about TRI reporting—is that something I need to do for my facility? And if I do, what do I need to do?

Sincerely,  
Tommy Toxics

Dear Tommy,

The Toxics Release Inventory, or TRI, is a program the EPA uses to track the management and release of certain toxic chemicals, generally those with chronic human health effects (such as cancer), significant adverse acute human health effects or significant adverse environmental effects.

A facility is required to report for TRI if it meets all of the following criteria:

- Has at least 10 full-time equivalent employees.
- Is in an industry covered by TRI, such as manufacturing, mining or electric-power generation.
- Meets reporting thresholds for at least one TRI chemical during the calendar year.

If your facility meets these criteria in a calendar year, you will need to submit a TRI form for your facility by July 1 of the following year. So, for example, 2021 TRI data is due July 1, 2022. If you are unsure whether you are required to report, the TRI Threshold Screening Tool can help you make that determination. Reporting forms and detailed instructions are available on the EPA's website. If you need assistance preparing your TRI reports or determining whether your facility is required to report, contact SBEAP. You can find contact information for your state program on the National SBEAP website, or assistance is also available through the National SBEAP hotline at 800-578-8898 or [info@nationalsbeap.org](mailto:info@nationalsbeap.org).

## Spotlight

### **EPA Publishes 29th Annual U.S. Greenhouse Gas Inventory**

On April 14, 2022, EPA released its 29th annual Inventory of U.S. Greenhouse Gas Emissions and Sinks (GHG Inventory), which presents a national-level overview of annual greenhouse gas emissions from 1990 to 2020. In addition to tracking U.S. greenhouse gas emissions, the Inventory also calculates carbon dioxide that is removed from the atmosphere through the uptake of carbon in forests and other vegetation. [Read the press release.](#)

### **EPA Announces \$524 Million Investment to Improve Health of Waterways and Oceans as Biden-Harris Administration Celebrates Earth Week**

As the Biden-Harris Administration celebrated Earth Week, EPA announced a \$542 million investment to reduce pollution and plastic waste in our shared oceans. The significant investment is substantially funded by President Biden's Bipartisan Infrastructure Law.

EPA's funding is part of a package totaling \$895 million that will address marine pollution through the implementation of 21 commitments undertaken by a number of agencies including EPA, the U.S. Agency for International Development, National Oceanic and Atmospheric Administration, National Science Foundation, the Department of State, the Department of Energy and the National Institute of Standards and Technology.

EPA's commitments include \$350 million in improvements to recycling infrastructure and education, \$132 million for the National Estuary Program in infrastructure improvements to reduce pollutant loadings into freshwater ecosystems and the ocean, and an additional \$60 million to support Mississippi River states, Ohio and Indiana as they reduce nutrients in our waterways to shrink the size of the dead zone in the Gulf of Mexico. [Watch Assistant Administrator Nishida's remarks at the Our Ocean Conference.](#) [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](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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