



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

July 2022

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Policy & Regulation

U.S. EPA's Semiannual Regulatory Agenda - Spring 2022

EPA's Spring 2022 Semiannual Regulatory Agenda is now available for review. The Semiannual Agenda describes a broader universe of regulatory activities under development or review and typically include regulations signed by EPA's Administrator. Many federal agencies publish Regulatory Plans and Regulatory Agendas in accordance with [Executive Order 12866 \(58 FR 51735\)](#). EPA's Regulatory Plan (a subset of the Regulatory Agenda) describes the most important regulations that are reasonably expected to issue in their proposed or final form during the upcoming fiscal year. These are the regulatory actions that embody the core of EPA's regulatory priorities.

Review [EPA's 2022 Spring Agenda](#) at www.regInfo.gov.

EPA Seeks Small Businesses' Input on Development of Proposed TSCA Data Reporting Rule

EPA is inviting small businesses to participate as Small Entity Representatives (SERs) for a Small Business Advocacy Review (SBAR) Panel. This Panel will focus on EPA's development of a proposed rule to collect data to inform each step of the Toxic Substances Control Act (TSCA) risk evaluation and risk management process.

The [proposed rule](#) would establish a framework of reporting requirements based on a chemical's status in the TSCA Section 6 Risk Evaluation/Risk Management Lifecycle. Additionally, this new data reporting rule would enhance the exposure-related data collected through the [TSCA Chemical Data Reporting \(CDR\) process](#). EPA is interested in ensuring its data collection strategies provide information to better meet the Agency's basic chemical data needs, such as information related to exposure, health and ecotoxicity. Collecting data geared specifically towards prioritization, risk evaluation, and risk management would help ensure the Agency has relevant and timely data to inform each step of the process for reviewing potential risks from existing chemicals.

The proposed rule is intended to create a framework to obtain information about potential hazards and exposure pathways related to certain chemicals, particularly occupational, environmental, and consumer exposure information.

The potentially regulated community consists of entities that manufacture, import or process chemical substances, potentially including when the chemical substance is manufactured as a byproduct or is part of a formulated product or article (including import and processing). [Learn more about potentially regulated entities.](#)

EPA seeks self-nominations directly from the small entities that may be subject to the rule requirements. Other representatives, such as trade associations that exclusively or at least *primarily* represent potentially regulated small entities, may also serve as SERs. Self-nominations must be received by July 20, 2022. Nominate yourself as a SER: www.epa.gov/reg-flex/potential-sbar-panel-tsca-section-8-rule-tiered-data-reporting-tdr-and-recordkeeping. [Read the press release.](#)

EPA Takes Action to Empower States, Territories, and Tribes to Protect Water Resources and Support Sustainable Development

On June 2, 2022, EPA announced a proposed rule to update the regulatory requirements for water quality certification under Clean Water Act (CWA) Section 401. This proposed rule would strengthen the authority of states, territories, and Tribes to protect their vital water resources while supporting an efficient, predictable, and common-sense certification process, restoring a long-held right, which was severely limited by the previous administration's rule.

This proposed rule is a key milestone in the regulatory process announced in [May 2021](#) to revise the 2020 CWA Section 401 Certification Rule. The proposed rule would update the existing regulations to be more consistent with the statutory text of the 1972 CWA and clarify elements of Section 401 certification practice that have evolved over the 50 years since the 1971 regulation was promulgated. EPA conducted pre-proposal engagement to help inform the content of its proposal.

The Agency is 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 hearing on the proposed rule, see www.epa.gov/cwa-401. [Read the full press release.](#)

National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution Technology Review and Standards of Performance for Bulk Gasoline Terminals Review

EPA is proposing amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Distribution facilities and the Standards of Performance for Bulk Gasoline Terminals. EPA is proposing to revise NESHAP requirements for storage tanks, loading operations, and equipment leaks to reflect cost-effective developments in practices, process, or controls. EPA is also proposing New Source Performance Standards to reflect best system of emissions reduction for loading operations and equipment leaks. In addition, EPA is proposing revisions related to emissions during periods of startup, shutdown, and malfunction; to add requirements for electronic reporting of performance test results, performance evaluation reports, and compliance reports; to revise monitoring and operating requirements for control devices; and to make other minor technical improvements. EPA estimates that these proposed amendments would reduce emissions of hazardous air pollutants from this source category by 2,220 tons per year (tpy) and would reduce emissions of volatile organic compounds by 45,400 tpy. Comments must be received on or before August 9, 2022. [Read the Federal Register Notice.](#)

Protection of Stratospheric Ozone: Standards Related to the Manufacture of Class II Ozone-Depleting Substances for Feedstock; Withdrawal of Proposed Rule

On September 29, 2021, EPA issued a proposed rulemaking to require the control, capture, and/or destruction of a hydrofluorocarbon that would otherwise be emitted from manufacture of hydrochlorofluorocarbons. Specifically, EPA proposed to require companies to control, capture, and/or destroy HFC-23 byproduct generated at plants that manufacture class II ozone-depleting substances regulated under current Clean Air Act regulations, such as HCFC-22. Upon consideration of comments and based on further action by EPA, EPA is now withdrawing the proposed requirements described in that proposed rule. EPA is withdrawing the proposed rule published September 29, 2021 ([86 FR 53916](#)), as of June 16, 2022. [Read the Federal Register Notice.](#)

New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines

EPA is proposing amendments to the Standards of Performance for Industrial Surface Coating of Plastic Parts for Business Machines as the preliminary results of the review of the new source performance standards required by the Clean Air Act. Specific to affected facilities that commence construction, modification, or reconstruction after June 21, 2022, EPA is, in new subpart TTTa, proposing volatile organic compound (VOC) emission limitations for prime, color, texture, and touch-up coating operations. EPA is also proposing in subparts TTTa and TTT to include a requirement for electronic submission of periodic compliance reports.

Comments must be received on or before August 22, 2022. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before July 21, 2022. [Read the Federal Register Notice.](#)

EPA Finalizes Scope for Part Two of Asbestos Risk Evaluation

On June 29, 2022 EPA released the [final scope document](#) for the Toxic Substances Control Act (TSCA) Risk Evaluation for Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos. The final scope document explains EPA's plan for part 2 of the risk evaluation for asbestos, including the conditions of use, hazards, exposures, and the potentially exposed or susceptible subpopulations EPA will consider in the risk evaluation.

For part 2 of the risk evaluation for asbestos, EPA will consider chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, actinolite, and Libby Amphibole Asbestos (and its tremolite, winchite, and richterite constituents). This broadening to additional fiber types is appropriate given the focus on legacy uses, particularly asbestos-containing building material. Additionally, EPA will assess the relevant conditions of use of asbestos-containing talc because talc has been implicated as a potential source of asbestos exposure.

EPA used feedback from public comments received on the draft scoping document for part 2 of the risk evaluation for asbestos to inform the final document. The scope document also reflects EPA's policy changes on risk evaluations [announced](#) in June 2021. These policy changes include the addition of exposure pathways that may also be regulated outside of TSCA, like air, water, and disposal. EPA will publish the final risk evaluation for asbestos, part 2 by December 1, 2024, as required by court order. [Read the press release.](#)

EPA Local Government Advisory Committee Adopts Recommendations to Support Communities Nationwide

On June 23, 2022, EPA's [Local Government Advisory Committee \(LGAC\)](#) adopted recommendations on how the Agency can support local governments to tackle PFAS contamination, advance environmental justice, and provide the resources needed to effectively implement President Biden's Bipartisan Infrastructure Law. In its first in-person advisory committee since the start of the COVID-19 pandemic, LGAC members highlighted the need for technical assistance, access to resources, and strategic communications to communities. [Read the Committee's draft letters of recommendation.](#) [Read the press release.](#)

Key Dates and Upcoming Opportunities

EPA Grants Competition Process Webinar Recording

EPA's Office of Grants and Debarment hosted the [Grant Competition Process Webinar](#) on April 28, 2022, for all grant applicants and grant recipients. The high-level webinar covered topics related to finding and applying for grants. For more information about EPA assistance agreements, visit: epa.gov/grants.

EPA Announces \$18 Million for Training and Technical Assistance for Small, Rural, and Tribal Wastewater Improvements

On June 24, 2022, EPA announced up to \$18 Million in available federal funding to build the pipeline of Technical Assistance (TA) providers that can serve rural, small and Tribal municipalities through the Clean Water Act Prevention, Reduction, and Elimination of Pollution Grant Program. This investment delivers on President Biden's Justice40 initiative and will support TA providers to help utilities improve vital wastewater management that is essential to healthy communities. This funding will also elevate impact from Bipartisan Infrastructure Law funding available to small, rural, and Tribal communities.

For more information about this program and this funding announcement, visit: epa.gov/small-and-rural-wastewater-systems/tools-training-and-technical-assistance-small-and-rural. [Read the press release.](#)

EPA Announces \$6.5 Billion in New Funding Available for Water Infrastructure Projects

On June 13, 2022, EPA announced the 2022 notices of funding availability for the Agency's Water Infrastructure Finance and Innovation Act (WIFIA) program and the State Infrastructure Financing Authority WIFIA (SWIFIA) program. This year's funding will provide up to \$6.5 billion in total funding to support \$13 billion in water infrastructure projects while creating more than 40,000 jobs.

To make WIFIA funding more adaptive to ongoing community needs, EPA is changing the way it accepts letters of interest from prospective borrowers. Letters of interest may be submitted by prospective borrowers and received by EPA at any time on or after September 6, 2022. For more information about WIFIA and this funding announcement, visit: epa.gov/wifia. [Read the press release.](#)

EPA Announces Availability of \$5 billion to Address Emerging Contaminants in Drinking Water

As part of a government-wide effort to confront PFAS pollution, EPA is making available \$1 billion in grant funding through President Biden's Bipartisan Infrastructure Law to help communities that are on the frontlines of PFAS contamination to reduce PFAS in drinking water in communities facing disproportionate impacts. EPA is making \$1 billion available in FY2022 and a total of \$5 billion for fiscal years 2022-2026.

The goal of the Emerging Contaminants in Small or Disadvantaged Communities grant program is to have states, territories, and Tribes prioritize grant funding in small or disadvantaged communities to focus exclusively on addressing ECs in drinking water, including PFAS. Emerging contaminants such as compounds like per- and polyfluoroalkyl substances (PFAS), pharmaceuticals and personal care products, and unregulated contaminants such as manganese, perchlorate, and 1,4 dioxane. Funding will be provided to participating states and territories to benefit small or disadvantaged communities in scoping, planning, testing and remediating emerging contaminants in drinking and source water. [Learn more about the Emerging Contaminants \(EC\) in Small or Disadvantaged Communities Grant \(SDC\).](#)

Biden-Harris Administration and EPA Announce \$375 Million in Funding from Bipartisan Infrastructure Law for New Recycling, Reuse and Waste Prevention Grant Programs and Initiatives

On June 8, 2022, EPA announced \$375 million in funding through President Biden's Bipartisan Infrastructure Law for new recycling, reuse and waste prevention programs. The Agency published three Requests for Information seeking input on the design of these new materials management initiatives, the first step in the process to implement the largest EPA investment in recycling in 30 years.

The \$375 million in Bipartisan Infrastructure Law funding will develop several new initiatives, including a Solid Waste Infrastructure for Recycling grant program, a Recycling Education and Outreach grant program, a Model Recycling Program toolkit, as well as provide funding to compile best practices for battery collection, recycling, and labeling guidelines.

These Requests for Information are the first steps in the process of developing these new grant programs and guidance. Through the Requests for Information, EPA is asking all interested individuals and organizations to share their perspectives on resources, opportunities, and barriers related to reducing, reusing, and recycling infrastructure, education and outreach programs and battery recycling and collection. To access the Requests for Information and learn how to comment, please visit [the Bipartisan Infrastructure Law Transforming U.S. Recycling and Waste Management webpage](#). [Read the press release.](#)

EPA Seeks Applications for Brownfields Job Training Grants

On June 1, 2022, EPA announced that approximately \$12 million in funding for environmental job training grants is now available under the Fiscal Year 2023 Brownfields Job Training Program. EPA anticipates awarding approximately 25 grants nationwide at amounts up to \$500,000 per award. Applications are due by August 2, 2022, via [grants.gov](#). The Request for Application notice is now posted on [www.grants.gov](#). A copy of the FY23 Guidelines and other application resources are available at: [epa.gov/brownfields/brownfields-job-training-jt-grants](#).

Ask SBEAP

Dear SBEAP,

I am new to the auto body business and need help communicating the regulations to my employees that speak Spanish. Do you know where I can find compliance information for my small business in various languages other than English?

Sincerely,
Auto Body Bob

Dear Bob,

It can be a challenge to find translated environmental compliance information in various languages, but as an auto body shop, you are in luck! The EPA and a few states have published compliance resources for both auto body and auto repair shops. At National SBEAP, we have published a listing of these sector-specific [foreign language resources](#). These sector-specific resources include guidance for surface coating regulations, often known as the “6H rule,” as well as spray-painting efficiency training and guidance for managing hazardous waste and stormwater.

In addition to foreign language guidance for auto body shops, National SBEAP has also collected resources for dry cleaners, nail salons, housing contractors and agricultural workers. To find these sector-specific and general resources, check out our [foreign language webpage](#). You may also want to check out the EPA’s [portal for individuals with limited English proficiency](#).

The [National SBEAP home page](#) allows all users to select a language, which then uses Google Translate to auto-translate our pages to the selected foreign language. Please feel free to reach out to info@nationalsbeap.org or 800-578-8898 if you identify additional compliance resources that should be posted or if you have a question. Many times, the best resource is to contact your state SBEAP, which you can find on the [SBEAP state contact list](#).

Spotlight

EPA Releases Annual Air Report, Highlighting Trends through 2021

On June 1, 2022, [EPA released the annual interactive report tracking America’s progress in controlling air pollution](#). EPA examines long-term trends to track the nation’s progress toward clean air. The report shows that, between 1970 and 2021, the combined emissions of six key pollutants dropped by 78 percent, while the U.S. economy remained strong – growing 292 percent over the same time. The report includes interactive graphics that enable citizens, policymakers and stakeholders to view and download detailed information by pollutant, geographic location and year. [Read the press release](#).

EPA Announces Winners of the 2022 Green Chemistry Challenge Awards

On June 6, 2022, [EPA announced the winners](#) of the 2022 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. In support of the Biden-Harris Administration’s commitment to tackle the climate crisis, EPA added a new award category this year that recognizes technology that reduces or eliminates greenhouse gas emissions.

The 2022 winners are:

- **Professor Song Lin of Cornell University**, Ithaca, New York, for developing a new, more efficient process to create large and complicated molecules that are widely used in the pharmaceutical industry. The new technology avoids using hazardous materials and has the potential to reduce both energy use and wasteful byproducts.
- **Merck**, Rahway, New Jersey, for developing a greener way to make LAGEVRIO™ (molnupiravir), an antiviral treatment for COVID-19. Merck significantly improved the manufacturing process for this antiviral drug in a short time, producing ingredients more efficiently and greatly reducing solvent waste and energy use.
- **Amgen**, Thousand Oaks, California, for an improved manufacturing process for LUMAKRAS™ (sotorasib), a novel drug for the treatment of certain non-small cell lung cancers. Amgen's innovation decreased manufacturing time, the amount of solvent waste generated and established a recycling process for a high-value waste stream.
- **Provivi**, Santa Monica, California, for creating ProviviFAW®, a biological pheromone-based product that controls the fall armyworm, a destructive pest of corn. The product's pheromone active ingredients are produced through innovative green chemistry using renewable plant oils. ProviviFAW™ can reduce the need for conventional pesticides, which can be harmful to beneficial insects, such as pollinators.
- **Professor Mark Mascal of the University of California**, Davis, California, in partnership with Origin Materials, for a technology that reduces greenhouse gas emissions by producing chemicals for making polyethylene terephthalate (PET) plastic from biomass derived from sugar fructose rather than petroleum. This novel chemistry could have significant climate impacts by replacing fossil-based products with carbon-neutral, biobased products, especially when the technology is scaled to an entire industry.

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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