



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

October 2022

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Policy & Regulation

Proposed Reconsideration of Fugitive Emissions Permitting Rule

On September 7, 2022, EPA Administrator Regan signed a rule proposing revisions to the Clean Air Act's New Source Review (NSR) permitting regulations. This action would require facility owners/operators of all existing industrial facilities considered "major sources" to include "fugitive" emissions of air pollutants when determining whether a physical or operational change at their facility is a "major modification" which would need a major NSR permit before starting construction. The permit would include required emission control measures to ensure that changes at the facility would not degrade air quality. "Fugitive emissions" are emissions that could not reasonably pass through a stack, chimney, vent, or similar opening. EPA has reconsidered a 2008 rule requiring only certain types of industrial source categories to include fugitive emissions when determining whether a change is a major modification. EPA is proposing to fully repeal the 2008 rule by removing certain remaining stayed provisions of the regulations adopted in 2008. EPA also is proposing to remove a related exemption for modifications that would be considered major solely due to the inclusion of fugitive emissions.

As a result of the proposed changes, all existing major stationary sources would be required to include fugitive emissions in determining whether a project is a major modification. These changes would more effectively carry out the purposes of the NSR program to preserve and/or improve air quality and will provide greater clarity to all stakeholders. EPA will accept comment on this proposal for 60 days after the notice is published in the *Federal Register*. A pre-publication version of the notice, along with a summary fact sheet are available at: <https://www.epa.gov/nsr/proposed-reconsideration-fugitive-emissions-rule>.

EPA Proposes to Stop Authorized Use of Certain PFAS in Pesticide Products

EPA is proposing to remove 12 chemicals identified as per- and polyfluoroalkyl substances (PFAS) from the current list of inert ingredients approved for use in pesticide products to better protect human health and the environment. Under the PFAS Strategic Roadmap, EPA committed to taking a renewed look at previous PFAS decisions, and, as part of this review, undertook a thorough review of its list of chemical substances that have been approved for use as inert ingredients in pesticide products. EPA then used its authority to take quick action on PFAS inert ingredients not currently used in registered

pesticide products. Upon publication of the Federal Register notice, EPA will accept public comments on this proposal for 30 days in docket EPA-HQ-OPP-0542 at www.regulations.gov.

If removed from the list, any proposed future use of these chemicals as inert ingredients will need to be supported by data which may include studies to evaluate potential carcinogenicity, adverse reproductive effects, developmental toxicity, genotoxicity as well as data on environmental effects. [Read the press release](#)

EPA Releases Final Determinations of Attainment Status for Air Quality Standards for Smog

On September 16, 2022, EPA announced the final determinations for whether certain areas have met the 2008 or 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone, as required by the Clean Air Act. EPA is finalizing determinations regarding the air quality progress of six nonattainment areas classified as “Serious” for the 2008 ozone NAAQS, and for 28 nonattainment areas classified as “Marginal” for the 2015 ozone NAAQS. These final rules establish new timeframes and next steps states must take to improve ozone air quality in remaining nonattainment areas. EPA’s final decisions are based on a scientific evaluation of certified, publicly-available air quality monitoring data for the years 2018 – 2020.

Under the Clean Air Act, EPA must ensure that smog-affected areas meet health-based air quality standards for ozone as quickly as possible. 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. [Read the full press release](#)

Key Dates and Upcoming Opportunities

Biden-Harris Administration Announces up to \$169 Million in Brownfields Grants Now Available to Applicants

On September 12, 2022, EPA announced that approximately \$169 million in funding is available for Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Grants under the Fiscal Year 2023 grant competitions. This funding, which is boosted by the Bipartisan Infrastructure Law, represents a significant investment in overburdened and underserved communities.

Applications are due by November 22, 2022, via www.grants.gov
[Read more on EPA’s Brownfields Program.](#) [Read the full press release](#)

EPA, Commission for Environmental Cooperation announce \$2 Million EJ4Climate Grant Program

On September 20, 2022, EPA joined the Commission for Environmental Cooperation (CEC) of North America to announce that the \$2 million Environmental Justice for Climate (EJ4Climate) grant program is now open for applications. This cycle of EJ4Climate grants will focus on projects in Canada, Mexico, and the United States that integrate community-led environmental

education in support of environmental justice and community resilience to climate-related impacts, with up to C\$200,000 in grant funding available for recipients.

Proposals are due by November 11, 2022, with the implementation for selected projects to begin in March 2023.

[Learn more about the EJ4Climate program.](#) [Read the press release](#)

Ask SBEAP

Dear SBEAP,

I am a small manufacturer and am concerned that my processes may be subject to new regulatory requirements. Is there a way to know what regulations the EPA is in the process of developing?

Sincerely,
Mr. Fedrick Rooley

Dear Mr. Rooley,

Great question! The short answer to your question is “yes!” The Unified Agenda of Regulatory and Deregulatory Actions, or Agenda, reports on the actions administrative agencies plan to issue in the near and long term. In other words, the Unified Agenda provides information about regulations that the Government is considering or reviewing. Released by the Office of Information and Regulatory Affairs, or OIRA, the Agenda provides important public notice and transparency about proposed regulatory and deregulatory actions within the executive branch. The complete Unified Agenda is available to the public at <http://reginfo.gov/>. The online Unified Agenda offers user-friendly, flexible search [tools](#) and a vast historical database. You can select your agency as “Environmental Protection Agency” and submit your query to view [active regulatory actions relevant to EPA](#).

Each entry in the Unified Agenda is associated with one of five rulemaking stages. The rulemaking stages are Pre-rule Stage, Proposed Rule Stage, Final Rule Stage, Long-Term Actions and Completed Actions. Some agencies provide the following optional information including RIN Information URL, Public Comment URL, Compliance cost to the Public, RIN Data Printed in the FR, Related RINs, Affected Sectors, Energy Effects, Agency Contact etc. depending on the information they wish to include. If you are a business owner and want to know about any proposed rule that might affect you, contact your [state Small Business Environmental Assistance Program](#), or SBEAP, to learn more. SBEAPs can help you identify both federal and state regulations.

Spotlight

EPA Launches New National Office Dedicated to Advancing Environmental Justice and Civil Rights

On September 24, 2022, EPA announced that it is establishing a new national office charged with advancing environmental justice and civil rights. The creation of the new Office of Environmental Justice and External Civil Rights delivers on President Biden’s commitment to elevate these critical issues to

the highest levels of the government and solidifies the agency's commitment to delivering justice and equity for all.

The new office will dedicate more than 200 EPA staff in EPA headquarters and across 10 regions towards solving environmental challenges in communities that have been underserved for far too long. These staff will engage with communities with environmental justice concerns to understand their needs, as well as Tribal, state, and local partners; manage and disburse historic levels of grants and technical assistance; work with other EPA offices to incorporate environmental justice into the agency's programs, policies, and processes, as allowed by law; and ensure EPA funding recipients comply with applicable civil rights laws. The office will be led by a U.S. Senate-confirmed Assistant Administrator, to be announced at a later date.

The new office will oversee the implementation and delivery of a \$3 billion climate and environmental justice block grant program created by the Inflation Reduction Act, a critical component of the law's historic \$60 billion investment in environmental justice. The office also will ensure EPA's implementation of other funding programs provided by the Inflation Reduction Act, Bipartisan Infrastructure Law, and regular appropriations meet or exceed the President's Justice40 Initiative.

[Read the full press release](#)

EPA Launches Updates to Environmental Justice Mapping Tool EJScreen

The U.S. Environmental Protection Agency (EPA) has updated and added new capabilities to EJScreen, the Agency's public environmental justice (EJ) screening and mapping tool. EJScreen combines environmental and socioeconomic information to identify areas overburdened by pollution. EJScreen 2.1 includes the addition of new data on US territories, threshold maps which provides a cumulative outlook, and supplemental indexes providing additional socioeconomic information. [Read more information on EJScreen 2.1.](#)

EPA Honors 17 Home Builders and Raters for Providing Healthier Indoor Air

EPA is celebrating 11 home builders and six home raters with the 2022 Indoor airPLUS Leader Awards. These annual awards recognize market-leading organizations who champion safer, healthier, and more comfortable indoor environments through participation in and promotion of the [Indoor airPLUS program](#), offering enhanced indoor air quality protections to new home buyers. In addition to the Leader Awards, EPA has selected two Indoor airPLUS partners to receive the Leader of the Year Award for their outstanding commitment and program performance. The 2022 Leaders of the Year are **Fulton Homes** in the Builder category and **Integral Building + Design** in the Rater category.

[Read the full press release](#)

EPA Compliance Advisories and Enforcement Alerts

Check out EPA's Compliance Advisories and Enforcement Alerts, which highlight select provisions of EPA regulatory requirements using plain language issued by the Office of Enforcement and Compliance Assurance since September 2019. The most recent alert from September 2022 is focused on the [Potential Noncompliance Associated with Changes in Source Water at Public Water Systems](#).

To review this year's alerts and others from years past go to:

<https://www.epa.gov/enforcement/compliance-advisories-and-enforcement-alerts>

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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