



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

September 2022

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Policy & Regulation

EPA Proposes Designating Certain PFAS Chemicals as Hazardous Substances Under Superfund to Protect People's Health

Following through on the Biden-Harris Administration's commitment to tackle environmental injustice and improve public health, EPA is taking a significant action under Administrator Regan's PFAS Strategic Roadmap to protect people and communities from the health risks posed by certain PFAS, also known as "forever chemicals." EPA is proposing to designate two of the most widely used per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as "Superfund." This rulemaking would increase transparency around releases of these harmful chemicals and help to hold polluters accountable for cleaning up their contamination.

The proposal applies to perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers, and is based on significant evidence that PFOA and PFOS may present a substantial danger to human health or welfare or the environment. PFOA and PFOS can accumulate and persist in the human body for long periods of time and evidence from laboratory animal and human epidemiology studies indicates that exposure to PFOA and/or PFOS may lead to cancer, reproductive, developmental, cardiovascular, liver, and immunological effects. [Read the press release.](#)

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

This action announces EPA's approval of alternative testing methods for use in measuring the levels of contaminants in drinking water to determine compliance with national primary drinking water regulations. The Safe Drinking Water Act authorizes EPA to approve the use of alternative testing methods through publication in the Federal Register. EPA is using this streamlined authority to make seven additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing

monitoring costs while maintaining public health protection. This action is effective August 17, 2022. [Read the rule in the Federal Register.](#)

EPA Releases Draft Revised Risk Determination for Carbon Tetrachloride for Public Comment

On August 29, 2022, EPA released for public comment a draft revision to the [unreasonable risk determination](#) for carbon tetrachloride pursuant to the Toxic Substances Control Act (TSCA) section 6(b). The draft revised risk determination proposes to find that carbon tetrachloride, as a whole chemical substance, presents an unreasonable risk of injury to human health under the conditions of use. The carbon tetrachloride draft revised risk determination incorporates [policy changes announced in June 2021](#) to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law. EPA's proposed revisions will ensure that, if finalized as proposed, the carbon tetrachloride risk determination better aligns with the objectives of protecting health and the environment under the amended TSCA.

Following finalization of the revised risk determination for carbon tetrachloride, consistent with the statutory requirements of TSCA section 6(a), EPA will propose risk management regulatory action to the extent necessary so that carbon tetrachloride no longer presents an unreasonable risk. EPA expects to focus its risk management action on the conditions of use that drive the unreasonable risk. However, it should be noted that, under TSCA section 6(a), EPA is not limited to regulating the specific activities found to drive unreasonable risk and may select from among a suite of risk management requirements in section 6(a) related to manufacture (including import), processing, distribution in commerce, commercial use, and disposal as part of its regulatory options to address the unreasonable risk. As a general example, EPA may regulate upstream activities (e.g., processing, distribution in commerce) to address downstream activities (e.g., consumer uses) driving unreasonable risk, even if the upstream activities do not drive the unreasonable risk.

EPA will accept public comments on the draft revised risk determination for 30 days following publication in the Federal Register via docket EPA-HQ-OPPT-2016-0733 at www.regulations.gov. [Read the press release.](#)

EPA Proposes Stronger Regulations to Protect Communities from Chemical Accidents

On August 19, 2022, EPA proposed revisions to the Risk Management Program (RMP) rule to further protect vulnerable communities from chemical accidents, especially those living near facilities with high accident rates. The proposed rule, entitled the "Safer Communities by Chemical Accident Prevention Rule," would strengthen the existing program and includes new safeguards that have not been addressed in prior RMP rules, such as enhanced employee participation and transparency for communities on safety decisions. This rule is a critical piece of EPA's work to advance environmental justice as these facilities are often located in communities that have historically borne a disproportionate burden from pollution.

EPA will engage stakeholders involved in this rulemaking during a robust public comment period. The public may comment on the proposed rule at www.regulations.gov (Docket ID No. EPA-HQ-OLEM-2022-0174) until 60 days after publication in the Federal Register. EPA is also holding three virtual public hearings on the proposed rule on September 26, 27, and 28, 2022. For more information on the proposed rule: [RMP Safer Communities by Chemical Accident Prevention Proposed Rule.](#)

For more information on the public hearings: [Virtual Public Hearings on the RMP Safer Communities by Chemical Accident Prevention Proposed Rule](#). [Read the press release](#).

Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting

On September 5, 2000, in response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA issued a proposed rule to add a diisononyl phthalate (DINP) category to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA proposed to add this chemical category to the EPCRA toxic chemical list based on its preliminary conclusion that this category met the EPCRA toxicity criterion. EPA has updated its hazard assessment for DINP and is proposing to add DINP as a category defined to include branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. The updated hazard assessment demonstrates that the proposed DINP category meets the EPCRA toxicity criterion because the members of the category can reasonably be anticipated to cause cancer and serious or irreversible chronic health effects in humans; specifically, developmental, kidney, and liver toxicity. EPA is proposing to add the DINP category to the toxic chemical list on this basis and is requesting comment on the updated DINP hazard assessment and associated updated economic analysis. Comments must be received on or before October 7, 2022. [Read the proposed rule in the Federal Register](#)

Findings of Failure to Submit Regional Haze State Implementation Plans for the Second Planning Period

As required by the Clean Air Act, EPA is finding that 15 states failed to submit complete regional haze State Implementation Plans, or SIPs, for the second planning period, which were due on July 31, 2021. The regional haze program calls for state and federal agencies to work together to improve visibility in 156 national parks and wilderness areas such as the Grand Canyon, Yosemite, Yellowstone, Mount Rainier, the Shenandoah Valley, the Great Smokies, Acadia and the Everglades. This finding is an important step towards ensuring that these states meet their obligations under the Clean Air Act to restore visibility and protect public health. EPA is committed to working with these states to support the development and submission of their regional haze SIPs and to ensure states are in the lead regarding continued progress toward cleaner air.

The states covered by this finding are: Alabama, Illinois, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Pennsylvania, Rhode Island, Vermont, and Virginia. Pursuant to the CAA, EPA has two years from the date of this finding to promulgate a Federal Implementation Plan, or FIP, for these states unless the state(s) submit, and the EPA approves a SIP addressing regional haze obligations. An EPA finding that a state did not submit a regional haze plan does not trigger sanctions requirements. [Read the Federal Register Notice](#).

Key Dates and Upcoming Opportunities

EPA Seeks Input on New Environmental Justice-Focused Pollution Prevention Grant Opportunity Funded by \$100 Million Investment from President Biden's Bipartisan Infrastructure Law

On September 1, 2022, EPA announced two listening sessions to collect input on the development of a new grant opportunity made possible by the \$100 million investment in the Agency's Pollution Prevention (P2) program from President Biden's Bipartisan Infrastructure Law (BIL). The new grant opportunity will encourage businesses that are working in, or working with, underserved or overburdened communities to adopt P2 practices in a way that advances the Biden-Harris Administration's bold environmental agenda.

The P2 program also delivers on President Biden's [Justice40 commitments](#) to deliver 40% of benefits from climate, clean energy and pollution reduction investments, including from the Bipartisan Infrastructure Law, to underserved or overburdened communities.

A listening session on Sept. 21 will seek input from Tribes on this new grant opportunity. Another session on Sept. 29 is for all potential applicants and stakeholders. For both listening sessions, EPA is interested in understanding how these grants can be most accessible and useful to applicants. EPA will also seek additional insight into how funded projects can help businesses adopt P2 approaches to address environmental problems in underserved/overburdened communities. Additionally, the Agency is also interested in feedback on which projects would best support the grant's goals and which barriers exist to potential applicants and what can be done to minimize those barriers.

Eligible applicants include U.S. states, Tribes, territories, or entities of these governments such as colleges and universities. Eligible applicants may also partner with interested stakeholders. Matching funds will not be required for these grants, making this funding opportunity more accessible to underserved or overburdened communities. The funding cycle for the new grant opportunity would run in the off years of the traditional P2 grants.

- [Register for the Sept. 21 listening session for tribes and intertribal consortia](#): 2:00 - 3:30 p.m. EDT
- [Register for the Sept. 29 listening session for other potential applicants and stakeholders](#): 2:00 - 3:30 p.m. EDT

Written feedback on this new grant opportunity will also be accepted through October 28, 2022, at: P2-EJ-Grants@epa.gov. Read more about [P2 and the P2 Grant Program](#). [Read the press release](#).

EPA Calls for Nominations for 2023 Green Chemistry Challenge Awards

EPA is now accepting nominations for the 2023 Green Chemistry Challenge Awards from companies or institutions that have developed a new green chemistry process or product that helps protect human health and the environment. EPA is again including an award category to recognize technology that reduces or eliminates greenhouse gas emissions, in support of the Biden-Harris Administration's efforts to combat the climate crisis. Additionally, EPA is announcing a webinar to be held on Wednesday, September 28, 2022, from 2 p.m.– 3:30 p.m. EDT, to educate stakeholders on the Green Chemistry Challenge Awards and the nomination process. [Register for the webinar](#). [Read the press release](#).

EPA Announces Availability of \$3.6 Million for Tribes to Protect and Expand Critical Wetland Habitats

On August 17, 2022, EPA announced \$3.6 million in available funding for federally recognized Tribes and intertribal consortia to develop or refine wetland programs. During this competitive solicitation, EPA anticipates awarding funding for up to 25 projects that help build wetland capacity, strengthen nation-to-nation relationships, promote equity, and improve climate resilience.

Under this announcement, EPA will support Tribes that are developing or refining their programs. Projects will advance the [Core Elements of an Effective State and Tribal Wetland Program Framework](#). The framework includes approaches to monitoring and assessment; voluntary restoration and protection; regulatory approaches; and development of wetland-specific water quality standards.

Applicants have until **October 7, 2022, by 11:59 p.m. Eastern Time** to submit their applications on Grants.gov for [Funding Opportunity Number: EPA-OW-OWOW-22-03](#). [Read the press release](#).

The Bottom Line: Webinar Series with The Small Business Administration

The U.S. Small Business Administration (SBA) and Small Business Majority will host a webinar series on timely topics aimed at informing and connecting small business owners with SBA resources and tools to meet today's challenges.

Goals of the Series:

- To connect small business owners with SBA, SBA Resource Partners and SBDA resources and tools
- To address timely issues facing small businesses during current economic times
- To amplify SBA Resource Partners
- To uplift Small Business Majority partners' work on the ground
- To collaborate with other existing SBA Alliances such as the Small Business Digital Alliance, the D9, and others.

Learn more about the [webinar series](#), and [read SBA's press release](#).

Ask SBEAP

Dear SBEAP,

I've heard the term "brownfield" used in my business community, but what exactly does that mean to me as a small business?

Sincerely,
Bobby Brown

Dear Bobby,

A brownfield is typically a property that has been impacted by the presence or potential presence of a hazardous material, pollutant or contaminant. When a community or a small business want to use, expand or redevelop the land, the contamination and cleanup can slow or complicate the use of these areas called "brownfields." To ease the complications of clean up and encourage the redevelopment of brownfields, EPA provides financial support to communities and entities reinvesting in brownfields. EPA estimates there are more than [450,000 brownfields in the U.S.](#) and notes that practices that utilize brownfields instead of developing on open land protect the environment.

So where can you learn more about the funding options EPA offers under the brownfields program? Check out this [EPA resource](#) that details the history and lists seven different funding opportunities from assessment to cleanup grants. In addition, there are various [Brownfield Technical Assistance and Training](#) resources available to help communities and grant applicants. As always, your [state's](#)

Spotlight

EPA Report Highlights Significant Decline in Emissions, Improved Air Quality from Bipartisan Diesel Emissions Reduction Act

According to an EPA report released on August 25, 2022, the Diesel Emissions Reduction Act (DERA) has delivered significant reductions in diesel emissions to protect human health and improve air quality in communities across America. DERA legislation, a bipartisan effort authorized by Congress, emphasizes maximizing health benefits, serving areas of poor air quality, and conserving diesel fuel. Nearly eight million legacy diesel engines operate throughout the nation's transportation network, continuing to emit large amounts of pollution. EPA's decades-long effort to reduce smog, soot, air toxics, and other harmful emissions from diesel engines has resulted in significant health and environmental benefits while advancing technology and minimizing cost. The DERA program enables EPA to offer funding to accelerate the upgrade and turnover of legacy diesel fleets by providing rebates and grant funding to replace these vehicles and engines with equipment that meets or exceeds current emissions standards.

Between 2008 and 2018, DERA led to cleaner air across the United States, saving 520 million gallons of diesel fuel and preventing emissions of the following harmful pollutants:

- 491,000 tons of nitrogen oxides (NOx)
- 16,800 tons of particulate matter (PM)
- 65,600 tons of carbon monoxide
- 5,307,100 tons of carbon dioxide

EPA awarded the first DERA grants in 2008 and continues to award DERA grants and rebates each fiscal year. Between 2008 to 2018, a total of approximately \$801 million in funding was appropriated to DERA to replace or retrofit more than 73,700 engines or vehicles. According to EPA's calculations of health benefits, diesel emissions reduction projects are cost-effective, with monetized health benefits estimated to exceed federal funding by a factor of 10. EPA estimates that reducing these harmful pollutants will lead to about \$8 billion in monetized health benefits. From 2008 to 2018, more than half of DERA projects were targeted to areas with air quality challenges. [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 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

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