

Small-Biz@EPA

Small Business Ombudsman Bulletin



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News for the Small Business Community

Welcome & Introduction

Welcome to the winter 2010 edition of the SmallBiz@EPA Bulletin. We are looking forward to an exciting year and the beginning of a new decade! In the year 2010, the Asbestos and Small Business Ombudsman (ASBO) Team is focusing on developing an outreach initiative to expand partnerships and focus on regulatory training.

The ASBO Team is committed to working with state small business assistance programs and other partners in the small business community to:

- Emphasize the consideration of small business needs and issues within the Agency during rulemaking, enforcement, and policy development.
- Increase the development and delivery of information about small business characteristics, impacts and needs to the Agency.
- Expand our delivery of compliance information and tools to the small business community.

We are hosting the 2010 Small Business Ombudsman/Small Business Environmental Assistance Program (SBO/SBEAP) National Conference: Expanding Partnerships to Meet the Changing Regulatory Landscape, Washington, DC, June 8-10, 2010. We anticipate that this national conference will again provide participants with a forum for sharing and learning ways to assist small businesses in dealing with their environmental responsibilities.

Improving our outreach and services to small businesses is our number one priority. We are excited to bring you a variety of updates and events that are sure to kick off the new year with fresh ideas and initiatives in working together to assist small businesses to improve their environmental performance.

This quarterly web publication highlights recent Agency activities and State SBEAP initiatives. We hope you enjoy the articles and remain on our distribution list to receive future editions. Please notify us if your e-mail address changes.

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Do You have News for the SmallBiz@EPA Bulletin?

Want to reach the small business community? Send a synopsis of your success stories, technical and regulatory updates, and other news to Paula Zampieri (zampieri.paula@epa.gov). Include web links. Submissions must be received by the third Tuesday of March, June, September and December.

For More Information on Small Business Environmental Compliance:
www.smallbiz-enviroweb.org

Events

EPA Deputy Administrator's Small Business Trade Association Meeting

March 4, 2010—Every year, the ASBO hosts a small business trade association meeting with the EPA Deputy Administrator and senior management. These meetings give the Agency an opportunity to discuss and understand the needs and concerns of small business and hear recommendations on these important issues. For over fourteen years, the Agency has held these meetings which reflect the Agency's efforts to work cooperatively with stakeholders. For meeting summaries or more information, contact the ASBO.

Electronics and Sustainability Design for Energy and the Environment Symposium

February 23 and 24, 2010—The symposium at the I-Hotel in Champaign, Illinois is a forum for new ideas and alternative methods for dealing with the current electronic waste problem. It is also an opportunity to interact with representatives from academia, industry, and government sectors.

For information and registration go to:
www.istc.illinois.edu/sei/



Asbestos and Lead Environmental Health and Safety Training Events

The Environmental Institute, stationed in Atlanta, Georgia, offers a variety of asbestos and lead training. For their 2009-2010 annual training schedule in environmental health and safety go to: www.tei-atl.com/html/schedule.html.

For SBO/SBEAP events go to

www.smallbiz-envioweb.org/SharingInformation/Events.aspx.

Reaching Small Business

2010 Environmental Workshops for the Construction Industries

In January and February, The Illinois Small Business Environmental Assistance Program along with other state and federal agencies will be hosting workshops around the state to raise awareness of regulatory requirements in the construction, demolition, and property management industries. Topics will include regulations regarding floodplains, asbestos, lead, radon, storm water, endangered species review, Occupational Safety and Health Administration (OSHA) regulations as well as, energy efficiency incentives and US EPA's Indoor airPLUS Program. Small businesses and local officials are encouraged to attend. These workshops satisfy requirements for professional development hours/continuing education units for professional engineers, architects and radon professionals.



Reaching Small Business (continued)

Locations include:

- Stoney Creek Inn, East Peoria. January 28th.
- The Regency Conference Center, O'Fallon. February 9th.
- John A Logan College, Carterville. February 10th.
- Harper College, Palatine. February 23rd.

For more information visit: www.ienconnect.com/enviro or call (800) 252-3998.

New Hampshire Auto Body "Surprise" Visits

The New Hampshire (NH) Department of Environmental Services Small Business Technical Assistance Program, the NH Pollution Prevention Program, and the NH Small Business Development Center visited over 40 facilities this fall to determine current compliance with the National Emissions Standards for Hazardous Air Pollut-

ants (NESHAP) rule and NH Hazardous Waste Rules. Survey results indicate that the vast majority of auto body shops have not reviewed their material safety data sheets to determine if their coatings contain the five listed hazardous air pollutants and that operators are unsure of paint booth filter efficiency. In addition, some shops have no ventilation system other than opening the garage bay door. Major discrepancies in hazardous waste management were also found. In New Hampshire, 40% of auto body shops are non-notifiers and not in compliance with hazardous waste regulations. Outreach

efforts to this sector will continue through 2010.

Contact: Sara Johnson, NHSBTAP, sara.johnson@des.nh.gov or (603) 271-1379.

TCEQ's Environmental Trade Fair and Conference

Make plans now to attend the Texas Commission on Environmental Quality's (TCEQ's) 2010 Environmental Trade Fair and Conference May 4–5, at the Austin Convention Center in Austin, Texas. This annual event is Texas' premier environmental educational forum, considered by many to be one of the best in the country.

At this event, you can view exhibitors' latest products and services, earn continuing education credits, and learn about the basics of environmental regulations. You can also attend educational sessions on topics such as:

- Permitting.
- Waste management.
- Remediation.
- Water quality planning.

Reaching Small Business (continued)

- Public drinking water.
- Compliance assistance and enforcement.
- Laboratory practices and data reporting.
- Environmental quality along the Texas-Mexico border and bi-national water quality.
- Ethics for professional engineers, professional geoscientists, and attorneys.
- Underground injection control and radioactive waste management.

For more information, visit our Web site at:
www.tceq.state.tx.us/assistance/events/etfc/etf.html.

Agency Partnership Promotes Best Practices in Collision Repair for Business and Schools

The EPA Design for the Environment Program (DfE), Office of Air Quality Planning and Standards, and Regional Air Toxic Coordinators are conducting workshops on best practices and compliance assistance as part of the **Collision Repair Campaign** to reduce air



toxics in communities across the country. The workshops provide information on the new 2008 NESHAP regulations, health and environmental best practices, pollution prevention, small business assistance, and federal, state, and local regulations that affect auto body shops. Workshops will include DfE best practice resources to help the industry enhance awareness of health and environmental considerations.

For more information go to the DfE website at:
www.epa.gov/dfe/pubs/projects/auto/.

Stay in the Loop with EPA's Retail Industry Portal—New Updates

EPA's Retail Industry Portal, originally launched in May 2008, has been updated with new sustainability and compliance information. The site provides one-stop access to the many programs and resources that help prevent and resolve environmental issues at retail establishments. Retailers, including big-box stores, small convenience stores, shopping malls, small shoe stores, supermarkets, car dealers, home centers, hardware stores, and more can stay current with regulatory obligations through quick access to content organized by waste, air emissions, water and toxics.

Now available through the Portal:

- Green Consumers and Green Stores Webinar: A Look at Green Consumer Behavior and How Stores Have Been Growing Greener.
- Green Electronics Made Easy: easy access to resources to help you promote Electronic Product Environmental Assessment Tool (EPEAT) registered products, or use EPEAT to make environmentally preferable purchasing decisions.

Reaching Small Business (continued)

EPA will continue to update the Retail Industry Portal and will add sustainability case-studies and success stories to the Retail Portal.

Do you have suggestions for a new Compliance Assistance Center or EPA Web Portals for other business sectors or environmental topics? EPA's Office of Compliance looks forward to your suggestions. Contact Tracy Back at 202.564.7076 or back.tracy@epa.gov with your suggestions or for assistance with the Retail Industry Portal.

Regulation Updates

EPA's Final Rule for Electronic Reporting Under the TSCA

If you are a small business in the chemical industry that makes submissions to EPA under section 5 of Toxic Substances Control Act (TSCA), you will soon be required to make your submissions electronically. EPA published a final rule (75 FR 773, January 6, 2010) that establishes standards and requirements for the use of electronic-PMN software (e-PMN) and EPA's Central Data Exchange (CDX) to submit these notices, via the Internet. A copy of this rule is available from EPA's New Chemicals Program website (www.epa.gov/opptintr/newchems/). The electronic reporting requirements will be phased-in over a two-year period to allow users to gain experience in using the e-PMN software and CDX. Please check EPA's New Chemical's Program website for information on Webinar training sessions.

For more information on the registration process and on how to submit notices via CDX, please see: "Helpful Hints for CDX Registration and Submission of the e-PMN" at www.epa.gov/oppt/newchems/epmn/cdxhints.pdf.

If you have technical questions regarding the e-PMN software or CDX, contact the CDX Help Desk at HelpDesk@epacdx.net or by telephone at (888) 890-1995. For other issues or questions, contact the TSCA Hotline at tsc-hotline@epamail.epa.gov or by telephone at (202) 554-1404.

Update on EPA's Lead Renovation, Repair, and Painting Rule—Deadlines Approach!

Renovation, repair, painting, and maintenance work can create lead hazards. New EPA regulations require that, beginning April 2010, most work in pre-1978 housing or child-occupied facilities must be (1) performed by a lead-safe-certified firm, (2) supervised by a trained and certified renovator, (3) use only trained workers, and (4) use specified lead-safe work practices.

Hundreds of firms have already been certified. Firm certification is easy – firms need only submit a two-page form to EPA and pay the required fees. The form and associated material is available on at epa.gov/lead/pubs/toolkits.htm#renovator.

Over 6,000 individuals have already been trained and certified (remember, both firm and individual renovator certification is required). Certification for individual renovators is automatic upon successful completion of training. Over 100 training firms (listed on the above website) are accredited to provide the specialized, one-day renovator training. Get trained now to avoid the rush and potential delays!

Regulation Updates (continued)

See EPA's Lead Renovation website at epa.gov/lead/pubs/renovation.htm.

Laws, Regulations, Guidance and Dockets

Stay informed about current and initiated rules and regulations from the EPA and other federal agencies.

- **Action Initiation List** posts monthly updates to EPA rules and regulatory actions.
- **Regulations.gov** is the federal government's one stop site to comment on federal regulations. Sign up for email notifications for alerts when documents (e.g., a proposed rule or a meeting notice) are added to a docket. All of EPA's rules have a docket on **Regulations.gov**.
- Rulemaking Gateway is a soon-to-launch EPA Web site that will provide a transparent way to keep track of the Agency's priority rulemakings. It will provide users with earlier and more targeted information as well as special filters that will allow users to find rules and related documents that interest them. The Gateway is scheduled to launch in mid-February.

Success Stories

Environmental Leaders of Maine-Smart Growth through Smart Production

The Smart Growth Production program is for the next generation of Maine's highest performing, sustainability-oriented businesses. Many businesses began their commitment under the historic STEP-UP program. They are now not only Environmental Leaders in their own right, but also mentor other businesses to become

leaders. Join this group and be part of the solution, save money, receive assistance, and network with other Environmental Leaders to further benefit your business.



Achieve environmental and sustainability goals in this three-tier voluntary program with assistance and recognition for your Maine business or organization. Environmental Leaders in this program begin on their pathways towards smart growth through “Start-Up” in Tier One.

For more information go to: www.maine.gov/dep/innovation/elm/.

Compliance Certification and Semiannual Monitoring Report Workshop Given

On December 15, the Kentucky Division of Compliance Assistance (DCA) and the Kentucky Division for Air Quality (DAQ) presented a half-day workshop to offer guidance on air quality annual compliance certifications and semiannual monitoring reports. To educate permit holders and facilitate compliance, this training featured short presentations about how to read permits and explanations of annual compliance certifications, semiannual monitoring reports and their purpose.

The training was well received with close to 80 participants and more on a waiting list. Plans are underway to offer the workshop again. For future training events, go to: www.dca.ky.gov/Training-Events/.

For training topic suggestions or more information about DCA programs contact Kenya K. Stump, Compliance Assistance Branch Manager, at envhelp@ky.gov.

Success Stories (continued)

Updates to the EPA Collision Repair Training and Outreach

The EPA Collision Repair Campaign (CRC) team has developed a training and outreach DVD to inform collision repair shops on EPA's Paint Stripping & Miscellaneous Surface Coating Rule (a.k.a 6H Rule). The DVD, which stars NASCAR Car 24 driver Jeff Gordon, features testimonies from large and small shop owners about the importance of best practices which protect workers, reduce emissions, and increase profits.

The CRC website has been updated with examples of initial notification and exemption forms, and a list of states taking delegation for this rule. Additionally, there is now a Spanish version of this award winning (National Association of Government Communicators) DVD and is a must see for shops to "Be Part of a Winning Team" by "Reducing Emissions from Start to Finish." The DVD comes with a wall size poster.

Visit the CRC website for more information as well as training, tools and other materials at www.epa.gov/collisionrepair.

Technical Updates

Design for the Environment Safer Product Labeling Program

Thinking of entering the green products market? Want to ensure that your safer ingredient claims are validated? If so, the EPA Design for the Environment (DfE) Program may be the resource for you. The DfE Safer Product Labeling Program offers manufacturers

of chemical-based products information on safer ingredients and allows use of its logo on products that meet its rigorous health and environmental criteria. DfE-labeled products perform well and use the safest possible ingredients. To date, DfE has partnered with close to 200 companies. More than 1,700 products, including many consumer and institutional cleaners and detergents, have earned the DfE logo. DfE-labeled products reduce the use and release of potentially harmful chemicals by almost 500 million pounds per year. Retailers such as Wal-Mart, Home Depot, and Staples encourage manufacturers to participate in the program. The DfE Program invites you to consider a partnership.

For more information click on "Safer Product Labeling Program" at: www.epa.gov/dfe.

Federal Advisory Group Urges Best Practices to Reduce Exposures with Spray Polyurethane Foam

Spray polyurethane foam (SPF) is an effective insulating material for homes, schools and buildings. However, SPF contains isocyanates and other chemicals that present potential health risks for workers and others on the premises during installation. Isocyanates are potent sensitizers and the leading attributable cause of work-related asthma. Isocyanates can trigger a severe or fatal attack in a sensitized person, even at very low levels.

EPA, National Institute for Occupational Safety and Health (NIOSH), OSHA and the Consumer Product Safety Commission (CPSC) are working together with the polyurethanes industry to ensure accurate "green" marketing claims, clear hazard awareness and communication, applicator training that integrates health and safety with performance, and best work place practices.

Technical Updates (continued)

An accurate exposure assessment of different spray application conditions and product formulations is critical to provide guidance on a safe re-entry time for building occupants.

For further information, please view slides from the EPA Webinar on this topic on the EPA Design for the Environment web site at: www.epa.gov/dfe.

EPA Provides Information on Polychlorinated Biphenyls (PCBs) in Building Caulk

EPA recently provided information to managers of schools and other buildings aimed at preventing exposure to PCBs in building caulk. In recent years, EPA has learned that caulk containing potentially harmful PCBs was used in many buildings, including schools, from the 1950s through the late 70s. If the caulk is deteriorating, or if the buildings and schools are renovated, there is potential for PCBs to migrate into the air and dust, and for school children and other building occupants to be exposed.

EPA recommends a number of “best practices” to minimize potential exposure to PCBs in caulk. Additional information on testing, interim measures, removal, and disposal and cleanup is posted on the Agency’s website at www.epa.gov/pcbsincaulk/.

Status of State Small Business Compliance Assistance Program Report

Formally known as the “Report to Congress,” the *Status of State Small Business Compliance Assistance Program Report* summary report for 2004-2006 is now available

on the Small Business Environmental Home Page. The 2007-2008 report will soon be released. These reports summarize progress made in the states and territories in fulfilling responsibilities under Section 507 of the 1990 Clean Air Act Amendments. The reports also include background information on the 507 programs, information on the budget and activities of the state programs, and highlights of activities.

You may access these most recent summary reports, as well as reports from previous years at: www.smallbiz-enviroweb.org/AboutUs/reports.aspx.

Green Business



EPA’s Office of Small Business Programs Greening Website

A valuable tool and resource for small businesses and their assistance providers is now available on EPA’s

Office of Small Business Programs website. This new site provides a one-stop location on greening resources specifically for small business and academic institutions. The website includes a link to current federal greening regulations and initiatives, EPA and other federal voluntary partnership programs, going green environmental management styles and attributes, as well as additional greening resources and publications.

To access the Greening Small Business website go to: www.epa.gov/osdbu/greening.htm.

Or for more information contact Paula Zampieri at **202-566-2496** or at zampieri.paula@epa.gov.

Green Business (continued)

EPA Helps Supermarkets Save Money and Reduce Greenhouse Gases

Through the GreenChill Advanced Refrigeration Partnership, the EPA works with supermarkets to reduce the use of ozone-depleting refrigerants. The number of participants in this voluntary program has quadrupled since its launch in November 2007 and now includes more than 6,500 stores in 47 states. In 2008, partners reduced their aggregate total emissions by 8.5%.

Currently, the GreenChill program primarily partners with the larger supermarket industry and stakeholders, but there is a desire to increase the number of smaller food retail businesses in the program. Recently, GreenChill implemented a Store Certification Awards Program to highlight the top-performing participants and recognize retail stores that achieve at least a 50% reduction in refrigerant charge and a 75% reduction in refrigerant emissions. In August 2009, EPA recognized its top performers during the Food Marketing Institute's 2009 Sustainability Summit in San Francisco and in October 2009 awarded its first platinum store certification award.



For more information on EPA's GreenChill Partnership program and certifications: www.epa.gov/ozone/partnerships/greenchill/index.html.

Inquiries and Interviews

Bulletin Interview with Alexander Cristofaro, EPA Small Business Advocacy Chair

What is your role within the Environmental Protection Agency's regulatory process and what are your main responsibilities in that role?

As Director of the Office of Regulatory Policy and Management, I am responsible for managing the regulatory development process for the agency. Among other things, this involves tracking and reporting on rules under development, participating in regulatory workgroups, ensuring compliance with the various regulatory executive orders and statutory requirements, and serving as an Office of Management and Budget (OMB) liaison. My role as EPA Small Business Advocacy Chair is an important part of my broader responsibilities for overseeing EPA's regulatory process.

The Small Business Advocacy Chair is tasked with implementing the Regulatory Flexibility Act. My main responsibility in this role is to convene and chair Small Business Advocacy Review Panels for those rules that significantly affect small entities. I also am involved with analyses to determine the extent of small entity impacts.

Inquiries and Interviews (continued)

How do your role and position activities affect and/or help small business?

My position as Small Business Advocacy Chair ensures that rules developed by the Agency have properly considered the direct adverse economic impacts on small entities. When those impacts are significant and affect a substantial number of small entities, I make certain that the Agency provides small entities an early opportunity to participate in the rulemaking process by convening a Small Business Advocacy Review Panel. Through the Panel process, small entities have a chance to learn about the Agency's plans for the regulation that will affect them. Small entities also have the opportunity to help shape the development of that regulation by offering the Agency insights into the impacts they might experience and making suggestions for mitigating those impacts prior to the action being proposed.

What are some strengths and weakness to EPA's regulatory process? Please list any efforts that have been made (or are going to be made) to improve the process.

EPA works hard to involve various stakeholders in its rulemaking. In the case of small entities, the agency operates under the Regulatory Flexibility Act to provide directly affected small entities an opportunity to be heard early on in the rulemaking process and to have their concerns and suggestions considered as the rulemaking takes place. A big challenge to the Agency is getting the right information to the right group of people in a timely fashion. The Agency is moving to-

wards making the regulatory process more transparent and participatory. In the past year, we have begun using the web to solicit small entity interest in participating in Small Business Advocacy Review Panels. Previous Panels relied on existing program contacts with industries and other affected entities to develop participant lists. Now anticipated Panels are announced via the web and interested small entities can offer to participate.

How can the small businesses community and small business environmental assistance providers best stay abreast and manage new regulatory requirements coming out of EPA?

The semiannual regulatory agenda provides updates, including information about recently completed rules, to the public every six months (www.epa.gov/lawsregs/search/regagenda.html). The public can now use an online search tool to look specifically at the rules that agencies have determined may have impacts on particular groups, including small businesses, small governments, and small non-governmental organizations (www.reginfo.gov/public/do/eAgendaAdvancedSearch).

EPA is considering launching a new website which will act as a portal to information about priority rulemakings. It will focus on some basic information for each rulemaking (e.g., title, abstract, major milestones) and provide special filters to help stakeholders—such as small entities—find information that most relates to their interests. The website will announce a rule at the very beginning of the process—as soon as the Regulatory Policy Officer agrees that EPA can work on it—and then continually update information on a monthly basis.

Contact Lists

Need to find the right person to contact for a comment or question within your state, region, or program?

Go to the ASBO's EPA Small Business Contacts and Projects list:

www.smallbiz-enviroweb.org/contacts.aspx.

The ASBO Team

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