



U.S. Environmental Protection Agency Office of Small Business Programs

Asbestos and Small Business Ombudsman Advocate for Small Business

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Presented by: Joan B. Rogers
Community Involvement Training Conference

What's In a Name?



What is an Ombudsman?

A government official who hears and investigates complaints by private citizens against other officials or government agencies.

What is a Small Business?

Depends.

- ✓ The Small Business Act
- ✓ Regulatory Flexibility Act (RFA)
- ✓ Government programs and contracting, see

www.sba.gov/content/small-business-size-standards

EPA's Asbestos and Small Business Ombudsman (ASBO)

Purpose: Liaison between the Agency and Small Business Community. Designated official to respond to Asbestos complaints.

Mission: To improve the environmental and compliance performance of small businesses and EPA's consideration of small businesses.

Statutory Authorities:

- ✓ 1990 Clean Air Act Amendments (CAAA) Section 507(d)
- ✓ Asbestos Hazard Emergency Response Act (AHERA)
- ✓ Small Business Paperwork Relief Act of 2002
- ✓ Small Business Regulatory Enforcement Fairness Act (SBREFA)

What's So Special About Small Business?

Frequently Asked Questions

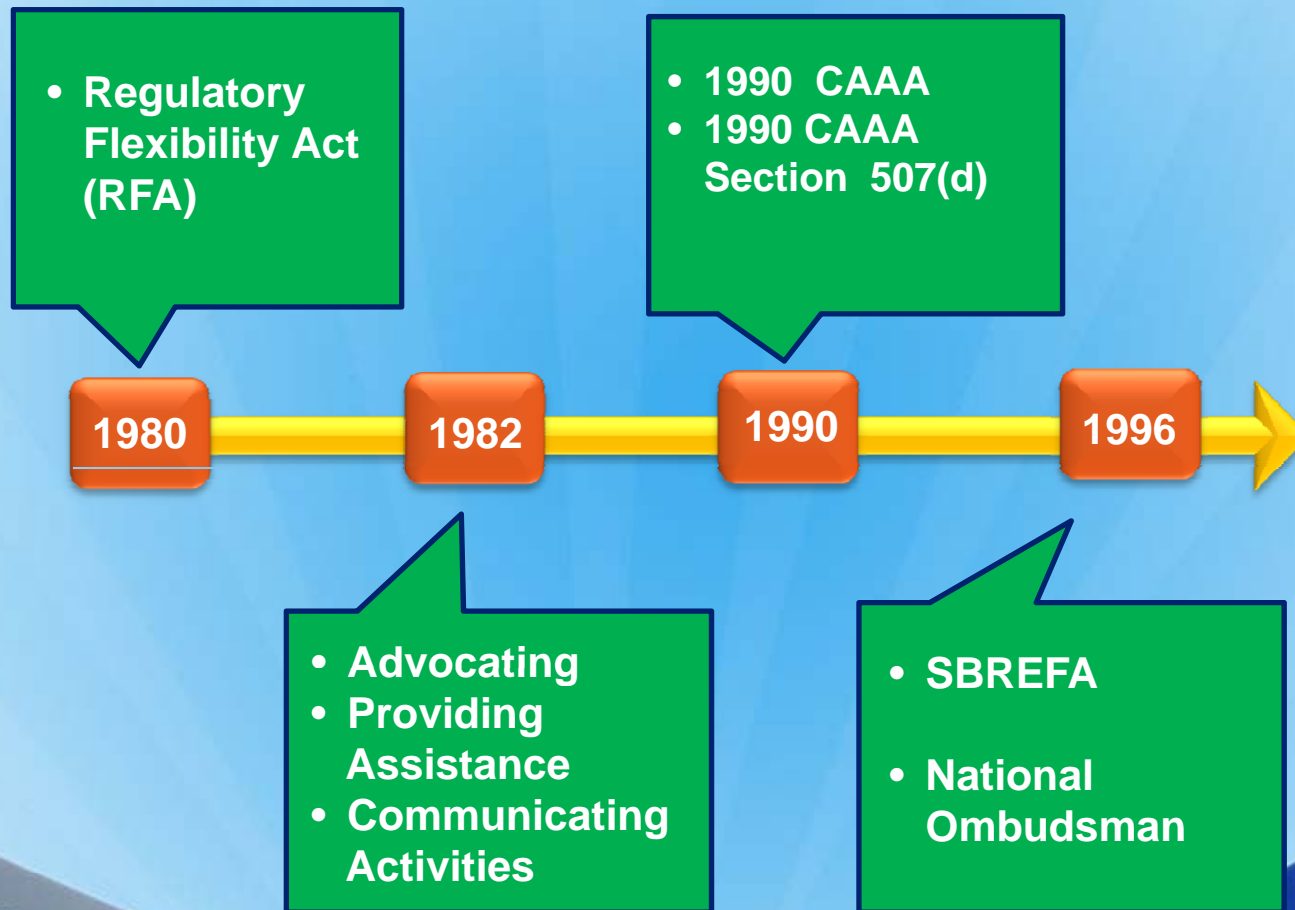
Why do small businesses need a platform?
Why do they need special attention?
Shouldn't all businesses be regulated the same?



Responses

- Not all business are regulated the same.
- Congress intended to level the playing field.
- Small businesses often face greater proportional burdens in their compliance efforts.

Regulatory Climate for Small Business



What Is EPA Doing to Consider Small Business Impacts?

✓ Staffing the ASBO

- ❖ Agency's commitment to ensure small businesses are considered and are not unreasonably burdened

✓ Adhering to Statutory Requirements

- ❖ RFA as Amended by SBREFA
 - ✓ Consider impacts
 - ✓ Provide informal advice and guidance (Section 213)
 - ✓ Develop small entity compliance guides (Section 212)
 - ✓ Means to comment on the enforcement activity (Section 222)
 - ✓ Rights of small entities during enforcement (Section 223)

What Is EPA Doing to Consider Small Business Impacts? (continued)

✓ Honoring Agency Policy

- ❖ Assess impacts to small businesses (beyond statutory requirements)
- ❖ Help advise small business of their rights under the RFA/SBREFA
- ❖ Provide compliance information
- ❖ In certain cases, provide waivers or fine reduction (Audit Policy and Small Business Compliance Policy)

✓ Cultivating Positive Impacts on the Quality of EPA Regulations

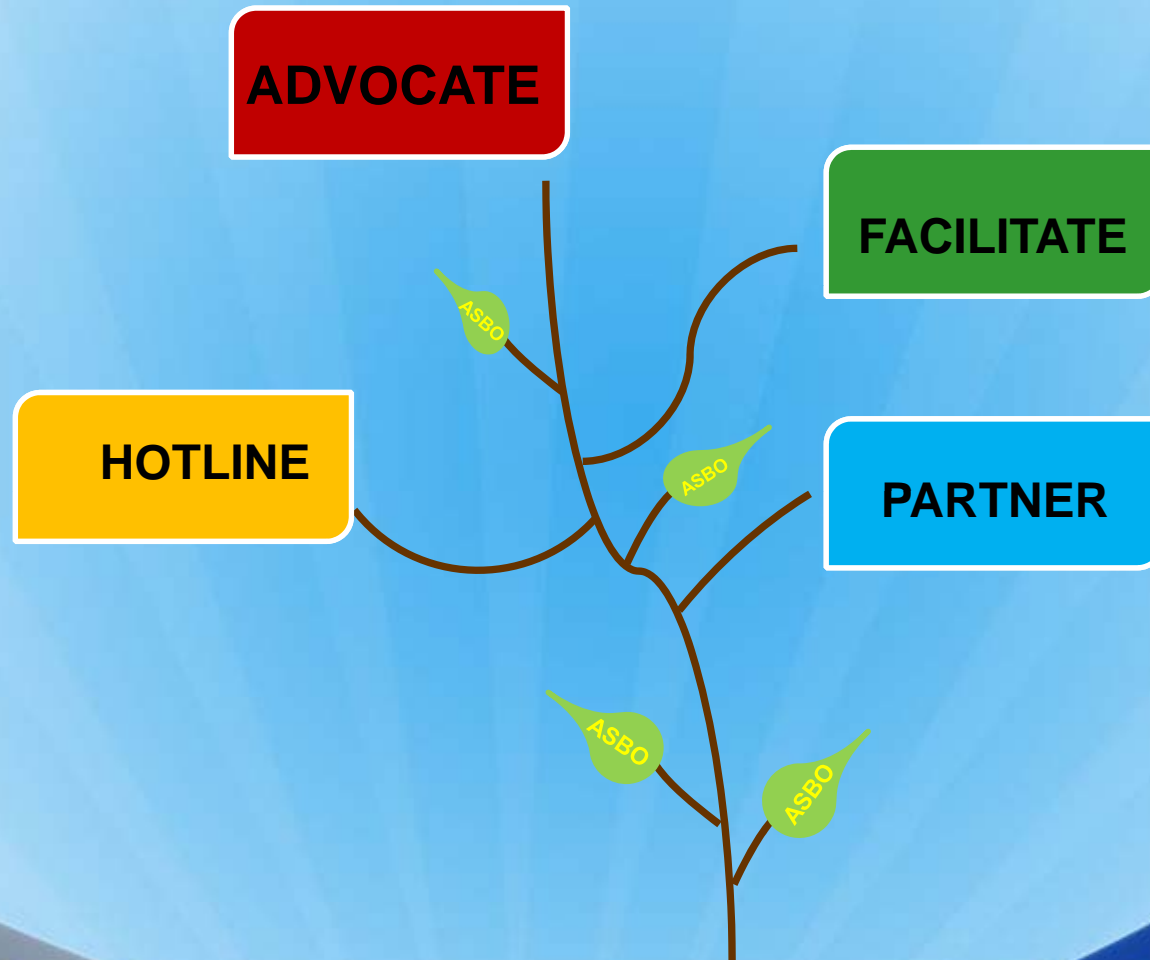
- ❖ Fill gaps in EPA's knowledge and experience to provide alternate, less burdensome regulatory options
- ❖ EPA gains support for the regulatory option ultimately selected

Why Should Small Business Connect with EPA's ASBO?

- ✓ Consistently rank regulatory issues among their highest concerns
- ✓ Cannot invest limited resources to hire attorneys/consultants
- ✓ Must meet obligations in all areas (land, air, water)
- ✓ Plain language is not exactly "plain"
- ✓ Rules seem "schizophrenic"
- ✓ Navigating the regulatory process



Services Provided by ASBO



ASBO Team Activities

❖ Regulatory:

- Ensure EPA programs consider small business impacts, as actions are developed:
 - ✓ Review monthly tiering actions;
 - ✓ Participate on workgroups;
 - ✓ Advise and answer questions about small business impacts;
 - ✓ Assist with the implementation of small entity outreach;
 - ✓ Participate on Small Business Advocacy Review (SBAR) Panels;
 - ✓ Coordinate program and small business consultation, when necessary; and
 - ✓ Distribute regulatory information.

❖ Toll Free Hotline: (800) 368-5888 or (202) 566-1970

- Free, confidential help



ASBO Team Activities (continued)

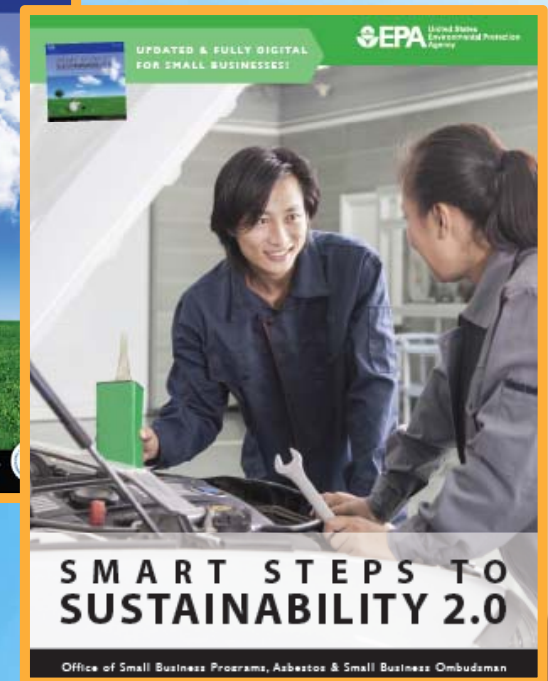
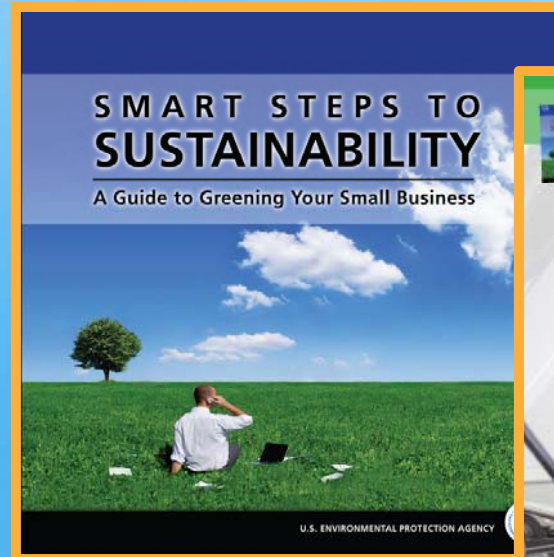
- ❖ Small Business Administration Roundtable Meetings
- ❖ SBO/SBEAP National Conference
- ❖ Small Business Regional Liaison Meeting
- ❖ Deputy Administrator/Trade Association Meeting
- ❖ Publications
 - Audience
 - Community Partners/Small Businesses
 - EPA and other federal agencies
 - Format
 - Electronic/Monthly Distribution
 - Content
 - Current events and news
 - Success stories
 - Regulatory updates
 - Technical updates



ASBO Team Activities (continued)

➤ **Smart Steps will help you:**

- ✓ Understand the impact your business has on the environment.
- ✓ Develop and implement a strategy to minimize this impact.
- ✓ Explore opportunities to become more sustainable.
- ✓ Share your sustainability efforts with your customers.
- ✓ Continually strive for improvement.



- **2.0** provides greening tools and resources about the most recent changes in federal programs and Executive Orders focused on sustainable business practices.

Additional Resources

✓ EPA's RFA Guidance

- ❖ Helps EPA rulewriters and small entities understand how the requirements of the RFA/SBREFEA fit into the EPA's Action Development Process.

✓ Website Resources

- ❖ EPA's Small Business Ombudsman Team - www.epa.gov/sbo
 - ❖ EPA Regional Small Business Liaisons - www.epa.gov/sbo/rsbl.htm
 - ❖ State Small Business Environmental Assistance Providers- www.epa.gov/sbo/507program.htm
- ❖ EPA's Compliance Assistance Homepage - <http://www2.epa.gov/compliance>
- ❖ EPA's RFA/SBREFEA Website - www.epa.gov/sbrefa

Additional Resources (continued)

✓ EPA's Small Business Resources Information Sheet

- ❖ Disseminate at the time of initial enforcement contact (except in criminal investigations or actions)
- ❖ EPA Official Complaint

✓ Office of the National Ombudsman

- ❖ Works on behalf of small businesses that are unfairly burdened by Federal regulation and enforcement.
- ❖ Annually reports to Congress on Agency's treatment of small business.

CONTACT US

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