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
**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

- Regulatory Flexibility Act (RFA)
- 1990 CAAA
- 1990 CAAA Section 507(d)

1980
- Advocating
- Providing Assistance
- Communicating Activities

1990
- SBREFA
- National Ombudsman
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

ADVOCATE

FACILITATE

HOTLINE

PARTNER
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
- Small-Biz @ EPA Bulletin
  - **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.
EPA’s RFA Guidance

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

Website Resources

- EPA’s Small Business Ombudsman Team - [www.epa.gov/sbo](http://www.epa.gov/sbo)
- EPA Regional Small Business Liaisons - [www.epa.gov/sbo/rsbl.htm](http://www.epa.gov/sbo/rsbl.htm)
- State Small Business Environmental Assistance Providers - [www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)
- EPA’s Compliance Assistance Homepage - [http://www2.epa.gov/compliance](http://www2.epa.gov/compliance)
- EPA’s RFA/SBREFA Website - [www.epa.gov/sbrefa](http://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.
THANK YOU

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