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EPA's Asbestos and Small Business Ombudsman Program

A MONTHLY NEWSLETTER FOR THE REGULATED SMALL BUSINESS COMMUNITY

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POLICY AND REGULATION

EPA Finalizes Rule to Increase Transparency, Modernize Reporting under Toxic Substance Control Act

On June 1, 2023, EPA issued a final rule to update confidential business information (CBI) requirements under the Toxic Substances Control Act (TSCA) that increases transparency, modernizes the reporting and review procedures for CBI, and aligns with the 2016 amendments to TSCA. The final rule allows EPA to release non-confidential information more quickly, demonstrating EPA's ongoing commitment to transparency and data integrity, and makes the process for submitting and substantiating CBI claims more efficient. The rule takes effect 60 days after publication in the *Federal Register*.

[Read the press release](#)

Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards

This rule finalizes Federal Implementation Plan (FIP) requirements to address 23 states’ obligations to eliminate significant contribution to nonattainment, or interference with maintenance, of the 2015 ozone National Ambient Air Quality Standards (NAAQS) in other states. EPA is taking this action under the “good neighbor” or “interstate transport” provision of the Clean Air Act (CAA). The Agency is defining the amount of ozone-precursor emissions (specifically, nitrogen oxides) that constitute significant contribution to nonattainment and interference with maintenance from these 23 states. With respect to fossil fuel-fired power plants in 22 states, this action will prohibit those emissions by implementing an allowance-based trading program beginning in the 2023 ozone season. With respect to certain other industrial stationary sources in 20 states, this action will prohibit those emissions through emissions limitations and associated requirements beginning in the 2026 ozone season. This final rule is effective on August 4, 2023. [Read the rule in the *Federal Register*](#)

EPA Proposes Ban on All Consumer and Many Commercial Uses of Perchloroethylene to Protect Public Health

On June 8, 2023, EPA announced another action to protect public health under the Toxic Substances Control Act (TSCA), proposing a ban on most uses of [perchloroethylene \(PCE\)](#), a chemical known to cause serious health risks such as neurotoxicity and cancer. The proposal would protect people from these risks by banning all consumer uses while allowing for many industrial/commercial uses to continue only where strict workplace controls could be implemented, including uses related to national security, aviation and other critical infrastructure, and the Agency’s efforts to combat the climate crisis. [Read the press release](#)

Addressing PFAS in the Environment; Extension of Comment Period

EPA is extending the comment period for the advanced notice of proposed rulemaking (ANPRM), “Addressing PFAS in the Environment.” The EPA published the ANPRM in the *Federal Register* on April 13, 2023, and the public comment period was scheduled to end on June 12, 2023. However, the EPA has received several requests for additional time to develop and submit comments on the ANPRM. In response to the request for additional time, the EPA is extending the comment period for an additional 60 days,

through August 11, 2023. Comments must be received on or before August 11, 2023.

[Read the proposed rulemaking in the *Federal Register*](#)

New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule

On May 23, 2023, EPA issued a proposal titled, “New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule”. The EPA is extending the comment period on the proposed rules from July 24, 2023, to August 8, 2023. [Read the proposed rule in the *Federal Register*](#)

EPA Finalizes New Renewable Fuel Standards to Strengthen U.S. Energy Security, Support U.S. Rural Economy, and Expand Production of Low-Carbon Fuels

On June 21, 2023, EPA issued a final rule under the Renewable Fuel Standard (RFS) program that establishes the biofuel volume requirements for 2023 to 2025. This final rule builds on the RFS program’s progress over the previous two years and reflects the Biden-Harris Administration’s commitment to strengthen the nation’s energy independence, advance low-carbon fuels, and support agricultural communities. The final rule also discusses EPA’s intent to monitor the ongoing implementation of the RFS program and its impacts on domestic refineries, which have a critical role to play in our energy security. [Read the press release](#)

Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory Beginning with Reporting Year 2023

EPA is updating the list of chemicals subject to toxic chemical release reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). Specifically, this action updates the regulations to identify nine per- and polyfluoroalkyl substances (PFAS) that must be reported pursuant to the National Defense Authorization Act for Fiscal Year 2020 (FY2020 NDAA) enacted

on December 20, 2019. As this action is being taken to conform the regulations to a Congressional legislative mandate, notice and comment rulemaking is unnecessary. This final rule is effective July 24, 2023. [Read the rule in the *Federal Register*](#)

EPA Announces New Framework to Prevent Unsafe New PFAS from Entering the Market

On June 29, 2023, EPA [announced](#) its framework for addressing new and new uses of per- and poly-fluoroalkyl substances (PFAS). The framework outlines EPA's planned approach when reviewing new PFAS and new uses of PFAS to ensure that, before these chemicals are allowed to enter into commerce, EPA will undertake an extensive evaluation to ensure they pose no harm to human health and the environment. The framework supports the [Biden-Harris Administration's commitment](#) to address the impacts of these forever chemicals and advances [EPA's PFAS Strategic Roadmap](#) to confront the human health and environmental risks of PFAS pollution.

[Read the press release](#)



KEY DATES AND OPPORTUNITIES

\$50 Million Build to Scale (B2S) Program Funding Opportunity Launched to Support Innovators, Entrepreneurs, and Startups Through Regional Technology-Based Economic Development Strategies

The U.S. Economic Development Administration (EDA) is now accepting applications for its \$50 million [Build to Scale \(B2S\) program](#) to support projects that strengthen equitable ecosystems and increase access to capital for innovators, entrepreneurs, and startups. The program strengthens regional economies by supporting scalable startups, as well as helps communities and regions grow technology-driven businesses; create high-skill, high-wage jobs; and build the industries of the future. ([Click here to apply](#)) The deadline to apply is 11:59 p.m. ET on July 28, 2023. [Read more on the program](#)

Climate Pollution Reduction Grants Update

As part of the Administration's commitment to move quickly to implement the Inflation Reduction Act (IRA), EPA is sharing some additional information about initial thinking

and timing on Phase 2 of the Climate Pollution Reduction Grants (CPRG). The Climate Pollution Reduction Grants program is a \$5 billion, two-phase grant program that kicked off on March 1, 2023, when EPA issued the program guidance for the first phase of the program – the \$250 million planning grants phase. Phase 2 will consist of \$4.6 billion in implementation grants that will be awarded through a competitive process.

[Read more on the grants](#)

Biden-Harris Administration Launches \$7 Billion Solar for All Grant Competition to Fund Residential Solar Programs that Lower Energy Costs for Families and Advance Environmental Justice Through Investing in America Agenda

On June 28, 2023, EPA launched a \$7 billion grant competition through President Biden’s Investing in America agenda to increase access to affordable, resilient, and clean solar energy for millions of low-income households. Residential distributed solar energy will lower energy costs for families, create good-quality jobs in communities that have been left behind, advance environmental justice, and tackle the climate crisis. The Solar for All competition, which was created by the Inflation Reduction Act’s Greenhouse Gas Reduction Fund (GGRF), will expand the number of low-income and disadvantaged communities primed for residential solar investment by awarding up to 60 grants to states, territories, Tribal governments, municipalities, and eligible nonprofits to create and expand low-income solar programs that provide financing and technical assistance, such as workforce development, to enable low-income and disadvantaged communities to deploy and benefit from residential solar. [Read the press release](#)



ASK SBEAP

Dear Ask SBEAP:

I hear that EPA is proposing new restrictions on the use of PCE and possibly banning it. Our manufacturing plant uses PCE for cleaning and I know the dry cleaner down the street uses it. What exactly is PCE and what is being proposed?

Patty Perc

Dear Ms. Perc,

You heard correctly! The EPA recently [proposed a ban](#) on all consumer uses and some commercial applications of [perchloroethylene \(PCE\)](#), a chemical known to cause serious health risks such as neurotoxicity and cancer. PCE is a solvent that is widely used for commercial applications such as dry cleaning and in many industrial settings for cleaning and degreasing.

The EPA is proposing a 24-month phase-out that would:

- Eliminate all consumer PCE manufacturing and uses.
- Prohibit most industrial and commercial uses of PCE
- Create strict workplace protections where PCE is used.
- Require new record keeping and notification actions of manufacturers, processors, and distributors.

EPA proposes a 10-year phase-out for the use of PCE in dry cleaning, with compliance dates depending on the type of dry cleaner machine in which PCE is used. This phase-out period would provide dry cleaners, many of which are small businesses, time to transition to an alternative process, and stakeholders have already noted an overall year-to-year decline in the use of PCE in dry cleaning.

In addition, [President Biden's Fiscal Year 2024 budget](#) request proposed funding for new pollution prevention grants that would support small businesses with transitioning to TSCA compliant practices and mitigate economic impacts. If implemented, these grants may be used to support small businesses like dry cleaners in their transition away from PCE.

Learn more about this [proposal here](#) which include links to stakeholder engagement opportunities and resources. The National Small Business Environmental Assistance Program, or National SBEAP, lists state-specific contact programs that can provide free on-site assistance to small businesses who need help understanding environmental compliance requirements. The [National SBEAP](#) website provides a resource for small businesses and provides a dedicated page for [dry cleaners](#). Contact National SBEAP at 800-578-8898 or info@nationalsbeap.org.



SPOTLIGHT

The Asbestos and Small Business Ombuds Program's FY22 Inquiry Stats and Facts

EPA's Asbestos and Small Business Ombuds (ASBO) Program recently published a [Program FY22 Stats and Facts Sheet](#) to highlight program outreach and communication services, as well as to define the volume, topic and type of inquiries received in FY22. The ASBO Program periodically will publish program highlights to provide transparency and awareness on concerns heard from the public, and the subsequent ASBO services provided. For more information go to [EPA's ASBO Program website](#).

Consumers and Businesses Look to WaterSense and Save 7.5 Trillion Gallons of Water

On June 14, 2023, EPA released its 2022 WaterSense Accomplishments Report, noting that consumers using WaterSense labeled products saved more than 1.1 trillion gallons of water in 2022. Since, EPA's WaterSense program was launched in 2006, consumers and businesses have saved more than 7.5 trillion gallons of water by purchasing water-saving plumbing fixtures and irrigation products. [Read the press release](#)



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