

SMALLBIZ@EPA

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 Modernizes FOIA Regulations to Promote Transparency and Accountability, Make FOIA More Affordable, and Expedite Release of Information for Communities with Environmental Justice Concerns

On September 7, 2023, EPA announced its Phase II Freedom of Information Act (FOIA) final rule updating and modernizing the Agency's FOIA regulations to better serve the American people. The final rule will promote transparency and accountability, make FOIA more affordable, and expedite access to information to communities potentially experiencing disproportionate and adverse human health or environmental effects.

FOIA is a critical tool to promote transparency, accountability, and public trust as we take on the climate crisis, advance environmental justice, ensure scientific integrity, and protect public health. [Read the press release](#)

National Oil and Hazardous Substances Pollution Contingency Plan - National Priorities List

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (NPL) constitutes this list. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule proposes to add four sites to the General Superfund section of the NPL. Comments regarding any of these proposed listings must be submitted (postmarked) on or before November 6, 2023. [Read the proposed rule in the Federal Register](#)

Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act

EPA is proposing to add requirements for sources to reclassify from major source status to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. The requirements of this proposal would apply to all sources that choose to reclassify, including any sources which have reclassified since January 25, 2018. The EPA is proposing that sources reclassifying from major source status to area source status under the NESHAP program must satisfy the following criteria: any permit limitations taken to reclassify from a major source of hazardous air pollutants (HAP) under the Clean Air Act to an area source of HAP must be federally enforceable; any such permit limitations must contain safeguards to prevent emission increases after reclassification beyond the applicable major source NESHAP requirements at time of reclassification; and reclassification will only become effective once a permit has been issued containing enforceable conditions reflecting the requirements proposed in this action and electronic notification has been submitted to the EPA. Additionally, we are proposing clarifications to reporting requirements and updating language regarding submittal of confidential business information.

Comments must be received on or before November 13, 2023. [Read the proposed rule in the Federal Register](#)

EPA Issues Final Rule to Strengthen Water Protections, Support Clear and Timely Reviews of Infrastructure and Development Projects

On September 14, 2023, EPA announced a final rule to restore the fundamental authority granted by Congress to states, territories, and Tribes to protect water resources that are essential to healthy people and thriving communities. The agency's final *Clean Water Act Section 401 Water Quality Certification Improvement Rule* will support clear, efficient, and focused water quality reviews of infrastructure and development projects that are key to economic growth. [Read the press release](#)



KEY DATES AND OPPORTUNITIES

EPA Seeks Applicants for 2023 Environmental Education Grants

On September 14, 2023, EPA announced that up to \$3.6 million in funding for locally focused environmental education grants is now available under the 2023 Environmental Education (EE) Local Grant Program. EPA will award grants in each of EPA's 10 Regions, between \$50,000-\$100,000 each, for a total of 30-40 grants nationwide. The program includes support for projects that reflect the intersection of environmental issues with climate change adaptation and mitigation strategies, preventing future water quality and human health issues, in addition to other environmental topics. Applications are due on November 8, 2023, and the Notice of Funding Opportunities are now posted on www.grants.gov and the [EE Grant Solicitation Notice webpage](#). [Read the press release](#)

Biden-Harris Administration Announces Availability of \$4.6 Billion in Competitive Grants to Cut Climate Pollution as Part of Investing in America Agenda

On September 20, 2023, EPA launched \$4.6 billion in competitive grants to fund state, local, and Tribal programs and policies that cut climate pollution, advance environmental justice, and deploy clean energy solutions across the country. The deadline to apply to the general competition is April 1, 2024. The deadline to apply to the Tribes and territories competition is May 1, 2024. [Read the press release](#)

Heartland Federal Partners' Grant Writing Virtual Workshop Series

The Kansas State Technical Assistance to Brownfields (TAB) Program, in partnership with EPA Region 7, the Department of Housing and Urban Development (HUD), and the U.S. Department of Agriculture – Rural Development (USDA-RD), invites you to attend a

free virtual grant writing workshop series to learn about the fundamentals of applying for federal grants. [Read more on this workshop](#)

Biden-Harris Administration Announces \$100 Million in Grants to Support Manufacturers of Cleaner Construction Materials as Part of Investing in America Agenda

On September 28, 2023, EPA announced the availability of \$100 million in grants to support efforts to report and reduce climate pollution linked to the manufacturing of construction materials and products, which account for 11% of annual global greenhouse gas emissions. The funding through EPA's new Reducing Embodied Greenhouse Gas Emissions for Construction Materials program will help manufacturers disclose environmental impacts across the life of a product and inform institutional purchasers who are prioritizing lower embodied carbon construction materials. Thanks to President Biden's Investing in America agenda, a key pillar of Bidenomics, the new program—created by the Inflation Reduction Act—supports the resurgence of sustainable American manufacturing. The deadline to apply to this grant competition is January 8, 2024. [Read the press release](#)



ASK SBEAP

Dear SBEAP:

I am the owner of a small metal fabrication business located in an industrial area, and my shop specializes in custom metal products. We have been hearing concerns about the presence of something called PFAS in our community's environment. As a responsible business owner, I would like to understand the implications of PFAS contamination and how we can contribute to addressing this issue. Can you shed some light on PFAS and provide guidance on what actions metal fabricators like us can take?

-Stacy Steelworks

Dear Stacy,

We'd be happy to provide you with information about per- and polyfluoroalkyl substances – known as PFAS – and their relevance to metal fabricators. PFAS are commonly referred to as “forever chemicals,” and are a group of synthetic compounds used in a wide range of industrial and consumer products due to their water- and

grease-resistance properties. These chemicals can contaminate soil, groundwater, and surface water, posing risks to human health and the environment. Exposure to PFAS has been linked to various health issues such as cancer and immune system disorders. Consequently, communities near industrial areas are understandably concerned about PFAS contamination. Companies like yours can play a decisive role in addressing this issue by implementing responsible practices, including:

- **Material selection:** Be vigilant about the materials you utilize. Consider alternatives to products containing PFAS. Common applications in metal fabrication include wetting agents, fume suppressants, dispersion products, coating additives, and corrosion inhibitors.
- **Waste management:** Ensure that any waste from your fabrication processes is managed and disposed of in accordance with local regulations.
- **Water management:** If your operations involve water-based processes, monitor and control the discharge of potentially contaminated water. Implement wastewater treatment systems that can effectively remove PFAS before releasing the water.

Check out the [Minnesota Pollution Control Agency's resource on PFAS](#) in the metal plating and finishing industry. Additionally, consider engaging with your state's Small Business Environmental Assistance Program, aka SBEAP. They offer resources and support to help businesses navigate and comply with environmental regulations, including guidance on PFAS-related regulations tailored to your specific needs. Not sure how to contact your state SBEAP? Go to the [state contact list](#) or contact the national SBEAP hotline at 800-578-8898.



SPOTLIGHT

EPA Calls for Nominations for 2024 Green Chemistry Challenge Awards

On September 8, 2023, EPA announced it is now accepting nominations for the 2024 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's efforts to speed the adoption of this revolutionary and diverse discipline have led to significant environmental benefits, innovation, and a strengthened economy. The awards program highlights green chemistry that helps prevent pollution before it is even created, making it a preferred approach for providing solutions to some of the nation's most significant environmental challenges. Nominations are due to EPA by December 8, 2023. [Read the press release](#)

New EPA Report Shows Major Emissions Reductions in Electricity Sector from President Biden’s Inflation Reduction Act

On September 12, 2023, EPA released a new report that finds that President Biden’s Inflation Reduction Act – the largest climate investment ever – spurs major carbon dioxide (CO₂) emission reductions from the U.S. electricity sector and across the economy. The report, “*Electricity Sector Emissions Impacts of the Inflation Reduction Act: Assessment of projected CO₂ emissions reductions from changes in electricity generation and use,*” relies upon results from state-of-the-art models to assess how the Inflation Reduction Act’s investments in clean electricity and other climate solutions across sectors will reduce emissions. [Read the press release](#)

EPA and U.S. Senator Tom Carper Announce Historic Investments Advancing Environmental Justice for Underserved Communities

On September 26, 2023, EPA Regional Administrator Adam Ortiz and U.S. Senator Tom Carper (D-Del.) announced the award of \$12 million to the National Wildlife Federation (NWF), partnering with the University of Maryland (UMD), to help underserved and overburdened communities in the Mid-Atlantic Region access funds from President Biden’s Investing in America agenda, including historic investments to advance environmental justice. [Read the press release](#)

EPA Updates Safer Chemical Ingredients List

On September 28, 2023, EPA added 10 chemicals to the Safer Chemical Ingredients List (SCIL). The SCIL is a living list of chemicals that EPA’s Safer Choice program has evaluated and determined meet [Safer Choice criteria](#). With this update, there are a total of 1,071 chemicals on the SCIL, which are among the safest for their functional use. [Read more about the SCIL](#)



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