



SmallBiz@EPA

EPA's Asbestos and Small Business Ombudsman Program

A monthly newsletter for the regulated small business community

December 2020

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Policy & Regulation

EPA Seeks Small Businesses Input on Risk Management Rulemakings for Carbon Tetrachloride and Trichloroethylene (TCE)

The U.S. Environmental Protection Agency (EPA) is inviting small businesses, governments, and not-for-profits to participate as Small Entity Representatives (SERs) to provide advice and recommendations to two Small Business Advocacy Review (SBAR) panels. There will be one panel for carbon tetrachloride and one panel for trichloroethylene (TCE). Each will focus on the Agency's development of proposed rules to address unreasonable risks identified in EPA's recently completed Toxic Substances Control Act (TSCA) risk evaluations for these chemicals.

Under TSCA, EPA is required to evaluate the risks associated with exposure to existing chemicals in commerce using the best available science then take action to address any unreasonable risks identified. The Agency issued a [final risk evaluation for carbon tetrachloride](#) in November 2020, showing unreasonable risks to workers under certain conditions of use. The Agency also [issued a final risk evaluation for TCE](#) in November 2020, showing unreasonable risks to workers and consumers under certain conditions of use. EPA is now moving to the risk management step in the TSCA process by working to draft regulations to protect public health from the unreasonable risks identified in the final risk evaluations.

The Regulatory Flexibility Act requires agencies to establish an SBAR panel for rules that may have a significant economic impact on a substantial number of small entities. The SBAR panel will include federal representatives from the Small Business Administration (SBA), the Office of Management and Budget (OMB), and EPA.

SERs will be selected by the SBAR Panels to provide comments on behalf of their company, community, or organization and advise the panels on the potential impacts of the proposed rules on small entities. EPA is seeking self-nominations directly from the small entities that may be subject to the rule requirements. Other representatives, such as trade associations that exclusively or at least primarily represent potentially regulated small entities, may also serve as SERs.

SERs provide advice and recommendations to the panels. The SERs participate in consultations with the SBAR Panels via telephone, webinar, or in person in one or two meetings and are given an

opportunity to submit written comments to the Panels. **Self-nominations may be submitted through the link below and must be received by December 14, 2020.**

In addition to engaging with small businesses, EPA is executing a robust outreach effort on risk management that includes formal consultations with state and local governments, tribes, and environmental justice communities. There will also be an open public comment on any draft risk management regulations.

Nominate yourself as a Small Entity Representative to the Carbon Tetrachloride SBAR Panel: <https://www.epa.gov/reg-flex/potential-sbar-panel-carbon-tetrachloride-risk-management-rulemaking-under-toxic-substances>

Nominate yourself as a Small Entity Representative to the TCE SBAR Panel: <https://www.epa.gov/reg-flex/potential-sbar-panel-trichloroethylene-tce-risk-management-rulemaking-under-toxic>

[Read the Press Release.](#)

EPA Seeking Comments on Updated Plant Biostimulants Guidance

In recognition of the growing class of products generally known as plant biostimulants, EPA is accepting comments on an updated [Draft Guidance for Plant Regulators and Claims, Including Plant Biostimulants](#).

“Plant biostimulants are increasingly being used by farmers to increase agriculture productivity,” said EPA Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Alexandra Dapolito Dunn. “When finalized, our Plant Biostimulants Guidance will provide sought-after certainty and transparency for this growing area of the economy.”

Plant biostimulants are a relatively new but growing category of products containing naturally occurring substances and microbes. Their increasing popularity arises from their ability to enhance agricultural productivity through stimulation of natural plant processes using substances and microbes already present in the environment. Plant biostimulants can also reduce the use of synthetic chemical fertilizers, making it an attractive option for sustainable agriculture and integrated pest management programs.

Benefits include:

- Increased plant growth, vigor, yield and production.
- Improved soil health.
- Optimized nutrient use.
- Increased water efficiency.

While many plant biostimulants are not regulated as pesticides, certain mixtures and plant regulators can be pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

The updated draft guidance incorporates diverse and helpful changes made in response to stakeholder feedback received during the draft guidance’s initial comment period in 2019. EPA now will seek input on those changes, including the wording of certain plant and non-plant regulator claim examples.

The public comment period will close on December 30, 2020 in docket EPA-HQ-OPP-2018-0258 at www.regulations.gov. After carefully considering the comments received, EPA anticipates finalizing this guidance in January 2021. [Read the Press Release.](#)

Key Dates and Upcoming Opportunities

Remote Technical Assistance Assessments During COVID and Beyond December 14, 2020, 1:00 PM-2:00 PM Eastern

Register Now

The ability to provide technical assistance, voluntary or regulatory, during this pandemic has been challenging, and remote assessments and assistance are a viable approach when in-person site visits are not feasible or practical. EPA, Massachusetts Office of Technical Assistance (OTA) and Pollution Prevention Resource Center (PPRC) will discuss protocols, best practices, and lessons learned, for conducting remote assessments, along with brief examples of challenges and successes.

Objectives

- Share best practices, resources, and tips for conducting remote technical assessment
- Begin building a networking community of providers
- Discuss what works and what doesn't
- Provide the space for an open dialogue

P2U Chemical Substitution and Green Alternatives for the Metal Finishing Sector December 15, 2020 12:00 PM - 1:30 PM Eastern

Join EPA Region 4 and the National Pollution Prevention Roundtable (NPPR) for the December session of the P2U (Pollution Prevention University) Training Series. This virtual session will focus on technical assistance outreach and P2 solutions.

This session is a collaborative effort with the [NPPR Metal Manufacturing and Fabrication Workgroup](#) which focuses on benchmarking education materials, training, and technical assistance programs for metal finishers; with a special interest to utilize a Green Chemistry approach to source reduction. For event details and registration, visit <https://p2.org/event-4047530>.

Ask SBEAP

Dear SBEAP,

As a small fabricator of metal, we use trichloroethylene, or TCE, as a degreaser on some of our metal parts. I heard from a vendor that the EPA may eventually restrict the use of TCE. Is that true?

Sincerely,
Ava Aero

Ava,

The short answer is that rules regarding TCE will likely change in the next few years. The EPA recently published a final risk evaluation for TCE, meaning it gathered as much data as possible relating to TCE's effects on the environment and health of people who may be exposed, including workers, consumers and bystanders, and determined which uses posed an unreasonable risk to human health or the environment. Next the EPA will begin examining a wide variety of factors to determine the best way to address the unreasonable risks found. The Agency must publish a draft rule within a year and finalize the rule within two years.

We don't know what the final rule will be, but it's likely that use of TCE will be more restricted and could even be banned for some uses. This is a good time to evaluate alternatives to this product as it could give you a head start on complying with future regulations. Minnesota recently banned TCE, so its [TCE Alternatives Project](#) offers a lot of information for facilities across the country looking to replace TCE. The Minnesota Technical Assistance Program presented to the National SBEAP technical subcommittee on this project, and that [presentation is now available to view online](#). The [Toxics Use Reduction Institute](#), or TURI, is also a great resource, as it has helped businesses in several industries identify and test solvents to see what would work for their processes. For help in finding area resources on TCE or other environmental concerns, start by locating your state SBEAP on the [National SBEAP state contact map](#).

Spotlight

EPA, Innovation Center for U.S. Dairy Enter into First-Time MOU to Advance Engagement with Agriculture Community

On November 9, 2020, EPA Administrator Andrew Wheeler signed a first-time [Memorandum of Understanding \(MOU\)](#) with the Innovation Center for U.S. Dairy (Innovation Center), furthering the Trump Administration's focus on engaging with agriculture communities to support better environmental outcomes.

"The EPA is proud of the work it's done to rebuild relationships with the agricultural community during the Trump Administration, and this MOU will help boost cooperation and environmental outcomes for the U.S. dairy industry," said EPA Administrator Andrew Wheeler.

"The Innovation Center for U.S. Dairy is founded on collaboration, and we appreciate EPA's recognition of U.S. dairy's leadership toward building an environmentally sustainable and economically viable future for our industry," said Innovation Center President Barbara O'Brien. "We welcome the voluntary opportunities highlighted in the MOU and look forward to EPA participation as a member of the Dairy Sustainability Alliance."

The MOU between EPA and the Innovation Center for U.S. Dairy signals a commitment to collaborate and coordinate in areas of mutual interest related to environmental stewardship in the dairy industry. Highlights in the MOU include:

- Outreach and education tied to dairy community access to technical, financial and educational support related to adoption of environmentally beneficial practices and technologies across farms of all sizes, regions and designs.
- Contribution of EPA expert input and feedback on Innovation Center initiatives to help advance environmental stewardship.
- EPA membership in the Innovation Center's Dairy Sustainability Alliance.

[Read the Full Press Release.](#)

Nearing Full Implementation, EPA's Lean Management System Delivers Results *Key EPA Air Programs Increase Efficiency and Timeliness*

EPA [recently announced](#) that it has implemented the EPA Lean Management System (ELMS) to 83% of the Agency. EPA's Office of Air and Radiation (OAR) has been a leader in ELMS implementation, supporting the Agency's efforts to protect public health and the environment from air pollution.

“EPA’s Office of Air and Radiation prides itself on the enormous progress the United States has made in reducing air pollution over the past 50 years,” said Principal Deputy Assistant Administrator for EPA’s Office of Air and Radiation Anne L. Austin. “Employing these improvements and efficiencies across our programs helps us deliver meaningful results for America’s health and environment, while making the most of taxpayers’ money.”

ELMS is an Agency-wide systematic approach to continuous process improvement. It is based on lean principles used for years by the private sector and is composed of six components: visual management, standard process, cascading performance measures, problem solving, business reviews & huddles, and leader behaviors. EPA implementation of each of these elements has allowed EPA to make significant improvements to the speed and quality at which it delivers its services to the American people.

EPA’s Office of Continuous Improvement – the team responsible for implementing ELMS – set a goal to deploy this system to 80% of Agency personnel and use it to improve 250 processes by fiscal year 2020. Both goals were successfully met with the Agency reporting over 500 processes improved and 83% of personnel using ELMS.

OAR has used ELMS to improve 37 processes to date. ELMS has allowed teams across the Agency to better measure their effectiveness in delivering the most crucial services. One of EPA’s top priorities is to protect our citizens and environment from air pollution.

For example, using the principles and methods of the management system, OAR met a significant number of tight deadlines to review existing Clean Air Act (CAA) regulations, sped up the development of key air quality monitoring baseline values relied upon for decision making, and simplified the process for power plants to submit required forms to the Agency.

Last year, OAR used ELMS to streamline the work needed to complete a large number of rulemakings with aggressive court-ordered deadlines. These actions fulfill EPA’s CAA responsibilities to complete residual risk and technology reviews of emission standards for hazardous air pollutants. Within eight years of setting maximum achievable control technology (MACT) standards, the CAA directs EPA to assess the remaining health risks from each source category to determine whether the MACT standards adequately protect public health and the environment. In addition, the CAA requires that EPA review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention.

Over the last year, OAR used ELMS to plan, coordinate, and track the development of the rules, resulting in EPA ultimately promulgating 22 final rules covering 28 industry sectors. The ELMS process helped multiple offices to effectively staff the projects, allowed EPA to quickly identify and address issues and delays, and enabled the Agency to complete an unprecedented number of required reviews in a very short time. EPA projects these actions will reduce 2,200 tons per year of toxic air pollution and approximately 17,000 tons per year of volatile organic compounds (VOC).

One of the most critical pieces of information EPA’s air office develops is the annual air quality design values for each monitor across the United States. These values are used for regulatory decisions regarding meeting or maintaining air quality standards to protect public health. Getting those annual values processed as quickly as possible allows for quicker regulatory decisions and more timely reporting to the public. Relying on ELMS principles, EPA successfully reduced the delivery time of

these design values by 45% and had the final values posted within two months after the May 1st certification of the data.

EPA takes pride in working effectively with the regulated community. Under our programs to reduce acid rain and the transport of emissions across state lines, the EPA air office has worked with power plants to achieve dramatic reductions of sulfur dioxide, nitrogen oxides, and toxic emissions – and now have also improved the efficiency of submitting forms required by those programs.

After one year of using ELMS, the Office of Atmospheric Programs improved the efficiency and effectiveness of the forms submission process to minimize the regulated community's wait time in conjunction with processing a variety of forms under programs such as the Acid Rain Program and the Cross-State Air Pollution Rule. Previously, there was considerable lag-time due to paper form mailing time and user errors. By incorporating feedback from stakeholders to perfect online form processing, EPA saved resources and reduced user wait time by 84%. At the same time, Agency recordkeeping has been simplified and staff has more time to address other stakeholder needs.

As part of the new system, the executives in EPA's 23 national programs and regional offices monitor over 800 measures each month. If a measure's target is not met, problem solving is performed and a plan is created for getting back on track. In addition, over 10,000 of EPA's staff on the front line now huddle in small groups for 15 minutes each week to review electronic boards used to track the flow of their team's work and the metrics used to measure process performance.

"I'm extremely proud of this Agency's embrace of lean principles and commitment to continuous improvement," said Henry Darwin, EPA's chief operating officer and visionary behind ELMS. "Setting numeric goals, tracking workflow and performance, and solving problems using data and evidence is how I believe this Agency can better protect human health and the environment. ELMS has given EPA employees a new way to accomplish our mission and the results speak for themselves."

Some of the most notable process improvements that have been made since the system was implemented included reducing the Agency's backlog of Freedom of Information Act requests by almost 45%, increasing the number of inspections reports that are completed on-time and communicated to the regulated entity from around 49% to 82%, and a reduction in the number of backlogged new permit applications by almost 150.

For more information of EPA's continuous improvement efforts, please visit <https://www.epa.gov/aboutepa/about-office-continuous-improvement-oci>.

For more on EPA's 50th Anniversary and how the Agency is protecting America's waters, land and air, please visit: <https://www.epa.gov/50>, or follow the Agency on social media using #EPAat50.

[Read the Press Release.](#)

Share with the small business community through EPA's SmallBiz@EPA Bulletin

Do you have a story, upcoming event, resource, or information that may be beneficial to the small business community? Please email us at ASBO@epa.gov to provide a brief submission with a suggested title, your contact information, and a website link for more information on the topic.



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