

## **EPA REGULATORY AGENDA – October 31, 2005**

### **Potential Impacts on Small Businesses**

Twice each year, EPA publishes the Semi-Annual Regulatory Agenda to update the public about:

- Regulations and major policies currently under development
- Reviews of existing regulations and major policies
- Regulations and major policies completed or canceled since the previous Agenda

Under the Regulatory Flexibility Act (RFA)/Small Business Regulatory Enforcement Fairness Act (SBREFA), EPA must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel on proposed rules, and prepare a Small Entity Compliance Guide on final rules, unless the Agency certifies that a rule will not have a significant economic impact on a substantial number of small entities (SISNOSE). The Semi-Annual Regulatory Agenda lists all rules which will have a SISNOSE and trigger the SBREFA process. It also lists those rules that may affect small entities, but which are not expected to have a SISNOSE and thus do not trigger the SBREFA process.

The October 31, 2005 Agenda lists the following **nine (9) EPA rules** as triggering the SBREFA process:

- Control of Emissions of Hazardous Air Pollutants from Mobile Sources
- Control of Emissions from New Locomotives and New Marine Diesel Engines Less than 30 Liters per Cylinder
- Control of Emissions from Spark Ignition Engines and Fuel Systems from Marine Vessels and Small Equipment
- Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone
- Rulemaking on Section 126 Petition from North Carolina to Reduce Interstate Transport of Fine Particulate Matter and Ozone; FIP to Reduce Transport of Fine PM and O3; Revisions to CAIR Rule; Revisions to Acid Rain Program
- Lead-based Paint Activities; Amendments for Renovation, Repair & Painting
- National Primary Drinking Water Regulations; Groundwater Rule
- National Primary Drinking Water Regulations; Radon
- National Primary Drinking Water Regulations; Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements

The October 31, 2005 Agenda also lists **101 EPA rules** that will **not** trigger the SBREFA process, but which may affect small entities, including 24 NESHAPs. Due to the large number, all are not listed here. **The Small Business Division is currently tracking 76 rules that could impact small businesses.** Below are some of the major rules that we are currently tracking.

- CAA – NESHAPs: Area Source Rules (50); Residual Risk Rules (13); VOC: Architectural Coatings & National Standards for Consumer Products; Clean Air Mercury Rules; Stationary Spark-ignited and Compression-ignited Internal Combustion Engines
- CWA – Definition of Waters of the US; SPCC Rule; National Primary Drinking Water Regulations: Enhanced Surface Water Treatment Rule; Disinfection Byproducts Rule; Aldicarb Rule
- EPCRA – Amendments to EPCRA (Sara Title III); TRI Rules (5)
- FIFRA - Pesticides: 1) Management & Disposal; 2) Data Requirements (several); 4) Registration Review; 5) Registration Requirements
- RCRA – Revision to Definition of Solid Waste; Burden Reduction; Solvent-contaminated Industrial Wipes
- TSCA – Significant New Use Rules (4); Lead-based Sinkers Proposed Ban; Lead-based Paint (several); Testing Agreements (11); Notification of Chemical Exports; Asbestos Model Accreditation Plan Revisions; PCBs

In the December, 2004 issue of the Agenda, **eight rules** were listed for which the Agency is conducting a review as required by the Regulatory Flexibility Act (RFA). **Section 610 of the RFA** requires that the Agency review, after ten years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small businesses. These reviews will be used to decide whether a rule should be continued unchanged, amended, or withdrawn. In the May, 2005 issue of the Agenda no additional rules were listed for 610 review, and **two rules** were listed for which the 610 reviews **had been completed**. In this issue of the Agenda (October 31, 2005), **one additional rule** is listed for 610 review (underlined below). The nine rules currently undergoing 610 review are listed below. The two rules for which 610 reviews have been completed are bolded and italicized.

- Fuels and Fuel Additives Registration Regulations
- Emission Standards for New Nonroad Spark-Ignition Engines at or below 19 Kilowatts
- NESHAPs: 1) Secondary Lead Smelting; 2) Petroleum Refineries
- ***WPS: Pesticide Worker Protection Standard (WPS) Rule (completed)***
- ***Lead Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities (completed)***
- Land Disposal Restrictions Phase III: Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
- Land Disposal Restrictions Phase II: Universal Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes
- Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act Section 112 (r)(7)