

## Table A2 Status Report on FY 2008 Top Ten Rules for Review and Reform

Visit [www.sba.gov/advo/r3/r3\\_status.html#advo](http://www.sba.gov/advo/r3/r3_status.html#advo)

Rule for Reform	Agency	Current Status
<p><b>Update Air Monitoring Rules for Dry Cleaners to Reflect Current Technology.</b> EPA should revise outdated or inaccurate testing requirements so that modern dry cleaners can have a valid method for demonstrating compliance.</p> <p>Contact: Keith Holman <a href="mailto:keith.holman@sba.gov">keith.holman@sba.gov</a></p>	EPA	<p>Revising the New Source Performance Standard (NSPS) for petroleum dry cleaning equipment is a priority for EPA. When implemented, the NSPS revision will update emission testing requirements to work with modern dry cleaning machines.</p>
<p><b>Flexibility for Community Drinking Water Systems.</b> EPA should consider expanding the ways for small communities to qualify to meet alternative drinking water standards, provided that the alternative standards are protective of human health and are approved by state authorities.</p> <p>Contact: Kevin Bromberg <a href="mailto:kevin.bromberg@sba.gov">kevin.bromberg@sba.gov</a></p>	EPA	<p>On March 2, 2006, EPA announced a review of the affordability criteria for small systems (<a href="http://edocket.access.gpo.gov/2006/pdf/06-1917.pdf">http://edocket.access.gpo.gov/2006/pdf/06-1917.pdf</a>, 71 <i>Federal Register</i> 10671). EPA has not announced when its review will be completed.</p>
<p><b>Simplify the Rules for Recycling Solid Wastes.</b> EPA should simplify the rules for recycling useful materials that, because of their current classification, must be handled, transported, and disposed of as hazardous wastes.</p> <p>Contact: Kevin Bromberg <a href="mailto:kevin.bromberg@sba.gov">kevin.bromberg@sba.gov</a></p>	EPA	<p>On October 28, 2003, EPA issued a proposal to revise the definition of solid waste (<a href="http://www.epa.gov/fedrstr/EPA-WASTE/2003/October/Day-28/f26754.pdf">www.epa.gov/fedrstr/EPA-WASTE/2003/October/Day-28/f26754.pdf</a>). The agency issued a supplemental proposal on March 26, 2007 (<a href="http://www.epa.gov/fedrgstr/EPA-WASTE/2007/March/Day-26/f5159.pdf">www.epa.gov/fedrgstr/EPA-WASTE/2007/March/Day-26/f5159.pdf</a>). On October 7, 2008, EPA issued the final rule implementing this reform, Revisions to the Definition of Solid Waste, 73 <i>Federal Register</i> 64668 (October 30, 2008) (<a href="http://www.epa.gov/EPA-WASTE/2008/October/Day-30/f24399a.htm">www.epa.gov/EPA-WASTE/2008/October/Day-30/f24399a.htm</a>).</p>
<p><b>EPA Should Clearly Define “Oil” in Oil Spill Rules.</b> EPA should clarify the definition of “oil” in its oil spill program, so that small facilities that store nonpetroleum-based products are not unintentionally captured by spill prevention program requirements.</p> <p>Contact: Kevin Bromberg <a href="mailto:kevin.bromberg@sba.gov">kevin.bromberg@sba.gov</a></p>	EPA	<p>On May 30, 2008, EPA and representatives of the U.S. Coast Guard met with small business stakeholders. EPA has not formally announced its intention to review its definition of oil in its oil spill program.</p>
<p><b>Update Flight Rules for Washington, D.C. Regional Area.</b> FAA and other agencies should review the flight restriction rule for the region surrounding Washington, D.C., to determine whether the rules could be revised to avoid harming small airports within the region.</p> <p>Contact: Bruce Lundegren <a href="mailto:bruce.lundegren@sba.gov">bruce.lundegren@sba.gov</a></p>	DOT/ FAA	<p>On March 19, 2008, the FAA notified Advocacy by letter (<a href="http://www.sba.gov/advo/r3/faa08_0319.pdf">www.sba.gov/advo/r3/faa08_0319.pdf</a>) that it expects to finalize the flight restriction rules by January 2009. FAA indicated in the letter that the agency would work with Advocacy to ensure a transparent review of the rules’ impact on small entities.</p>

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<p><b>Eliminate Duplicative Financial Requirements for Architect-Engineering Services Firms in Government Contracting.</b> The duplicative retainage requirement should be removed or reduced in architect-engineering services contracts, as has been done for other services.</p> <p>Contact: Major Clark <a href="mailto:major.clark@sba.gov">major.clark@sba.gov</a></p>	<p>FAR Council</p>	<p>The Office of Federal Procurement Policy (OFPP) submitted Advocacy's r3 retainage proposal to the FAR Council. The FAR case number assigned to this issue is 2008-015. The FAR case is being reviewed by the FAR finance team, which anticipated completing a committee report by September 30, 2008. The report was to indicate the council's next steps regarding the proposed FAR change. (<a href="http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&amp;sid=af578f0605dcf172475b4fe29b115955&amp;rgn=div6&amp;view=text&amp;node=48:1.0.1.1.1.5&amp;idno=48">http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&amp;sid=af578f0605dcf172475b4fe29b115955&amp;rgn=div6&amp;view=text&amp;node=48:1.0.1.1.1.5&amp;idno=48</a>)</p>
<p><b>Simplify the Home Office Business Deduction.</b> The IRS should revise their rules to permit a standard deduction for home-based businesses, which constitute 53 percent of all small businesses.</p> <p>Contact: Dillon Taylor <a href="mailto:dillon.taylor@sba.gov">dillon.taylor@sba.gov</a></p>	<p>IRS</p>	<p>On March 14, 2008, the IRS informed Advocacy that this issue has been assigned to IRS attorneys for review (<a href="http://www.sba.gov/advo/r3/irs08_0314.pdf">www.sba.gov/advo/r3/irs08_0314.pdf</a>). On July 30, 2008, the deputy commissioner of the IRS's Small Business/Self-Employed Division testified on this issue before the House Small Business Subcommittee on Regulations, Healthcare, and Trade (<a href="http://www.house.gov/smbiz/hearings/hearing-7-30-08-regulatory/IRS.pdf">www.house.gov/smbiz/hearings/hearing-7-30-08-regulatory/IRS.pdf</a>). The IRS is continuing to review this issue, including exploring opportunities to simplify the rules and make Form 8829, Expenses for Business Use of Your Home (<a href="http://www.irs.gov/pub/irs-pdf/f8829.pdf">www.irs.gov/pub/irs-pdf/f8829.pdf</a>), easier to use.</p>
<p><b>Update MSHA Rules on Use of Explosives in Mines to Reflect Modern Industry Standards.</b> MSHA should update its current rules to be consistent with modern mining industry explosives standards.</p> <p>Contact: Bruce Lundegren <a href="mailto:bruce.lundegren@sba.gov">bruce.lundegren@sba.gov</a></p>	<p>DOL/MSHA</p>	<p>MSHA has not formally announced its intention to update explosives standards. The group that nominated this issue testified before the House Small Business Subcommittee on Regulations, Healthcare and Trade on July 30, 2008 (<a href="http://www.house.gov/smbiz/hearings/hearing-7-30-08-regulatory/Santis.pdf">www.house.gov/smbiz/hearings/hearing-7-30-08-regulatory/Santis.pdf</a>).</p>
<p><b>Update OSHA's Medical/Laboratory Worker Rule.</b> The current rule should be reviewed to determine whether it can be made more flexible in situations where workers do not have potential exposure to bloodborne pathogens.</p> <p>Contact: Bruce Lundegren <a href="mailto:bruce.lundegren@sba.gov">bruce.lundegren@sba.gov</a></p>	<p>DOL/OSHA</p>	<p>OSHA has not formally announced its intention to review rules governing exposure to bloodborne pathogens.</p>

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<p><b>Update Reverse Auction Techniques for Online Procurement of Commercial Items.</b> The current reverse auction techniques should be reviewed to determine whether a government-wide rule is necessary to create a more consistent and predictable online process.</p> <p>Contact: Major Clark <a href="mailto:major.clark@sba.gov">major.clark@sba.gov</a></p>	OFPP	<p>On October 4, 2006, the Office of Federal Procurement Policy (OFPP) announced to the acquisition community that this action item is under review to determine the appropriate course of action for this acquisition tool (<a href="http://www.sba.gov/advo/r3/ofpp06_1004.pdf">www.sba.gov/advo/r3/ofpp06_1004.pdf</a>). OFPP has completed surveys of vendors (<a href="http://edocket.access.gpo.gov/2007/pdf/07-1967.pdf">http://edocket.access.gpo.gov/2007/pdf/07-1967.pdf</a>) and users (<a href="http://edocket.access.gpo.gov/2007/pdf/07-4065.pdf">http://edocket.access.gpo.gov/2007/pdf/07-4065.pdf</a>). The surveys were targeted for government buyers who have never done a procurement using a reverse auction (<a href="http://www.dau.mil/performance_support/mdcsurvey/pros/pros.htm">http://www.dau.mil/performance_support/mdcsurvey/pros/pros.htm</a>), and government buyers with significant experience using reverse auctions (<a href="http://www.dau.mil/performance_support/mdcsurvey/govtexp/govtexp.htm">http://www.dau.mil/performance_support/mdcsurvey/govtexp/govtexp.htm</a>). The outcome of this review should be a FAR reverse auction regulation establishing conditions of applicability. This regulatory framework will be supplemented by a detailed “best practice” guide for the acquisition community.</p>