

Advocacy Files Public Comment on EPA Preliminary Determination about Small Business Size Standard under the Frank R. Lautenberg Chemical Safety for the 21st Century Act

On January 11, 2017, the Office of Advocacy filed public comments on an EPA notice regarding its small business size standard for exemptions under the reporting requirements of the Toxic Substances Control Act (TSCA). The Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amends TSCA, requires EPA to “review the adequacy of the standards . . . and[,] after providing public notice and an opportunity for comment, make a determination as to whether revision of the standards is warranted.” EPA published this notice in the Federal Register on December 15, 2016.

Advocacy agrees with EPA’s preliminary determination that a revision to the size standard is warranted but believes that EPA is not considering the full range of factors necessary to make this determination or to set an appropriate size standard in future actions. Advocacy believes that EPA should be focused on developing the size standard through a rigorous and transparent methodology that evaluates the current state of regulated entities. Advocacy recommends that EPA use as a model the factors and methods adopted by the SBA Office of Size Standards. In addition, Advocacy recommends EPA convene a SBREFA panel in support of its future rulemaking to establish a new size standard to provide for a robust consultation with Advocacy, the SBA Office of Size Standards, the Office of Management and Budget, and the regulated community.

For more information, visit Advocacy’s webpage at <http://www.sba.gov/advocacy>, or contact Assistant Chief Counsel Tabby Waqar by email at twaqar@sba.gov or by phone at (202) 205-6790.