

May 20, 2014

VIA REGULATIONS.GOV

Gina McCarthy, Administrator
United States Environmental Protection Agency
OPPT Document Control Office
EPA East Bldg., Room 6428
1201 Constitution Ave, NW
Washington, DC 20460

RE: Comments on EPA's Formaldehyde Emissions Standards for Composite Wood Products; Docket No. EPA-HQ-OPPT-2012-0018.

Dear Administrator McCarthy:

The U.S. Small Business Administration's Office of Advocacy (Advocacy) submits the following comments in response to Environmental Protection Agency's (EPA's) April 8, 2014 notice reopening the comment period on its rulemakings on Formaldehyde Emissions Standards for Composite Wood Products. These comments supplement Advocacy's submission to the docket dated August 21, 2013.¹

The Office of Advocacy

Congress established the Office of Advocacy under Pub. L. No. 94-305 to advocate the views of small entities before federal agencies and Congress. Because Advocacy is an independent body within the U.S. Small Business Administration (SBA), the views expressed by Advocacy do not necessarily reflect the position of the Administration or the SBA.² The Regulatory Flexibility Act (RFA),³ as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),⁴ gives small entities a voice in the federal rulemaking process. For all rules that are expected to have a "significant economic impact on a substantial number of small entities,"⁵ EPA is required by the Regulatory Flexibility Act to conduct a SBREFA panel to assess the impact of the proposed rule on small entities,⁶ and to consider less burdensome alternatives.

¹ See Regulations.gov Document ID EPA-HQ-OPPT-2012-0018-0529

² 15 U.S.C. § 634a, *et. seq.*

³ 5 U.S.C. § 601, *et. seq.*

⁴ Pub. L. 104-121, Title II, 110 Sta. 857 (1996) (codified in various sections of 5 U.S.C. § 601, *et. seq.*).

⁵ See 5 U.S.C. § 609(a), (b).

⁶ Under the RFA, small entities are defined as (1) a "small business" under section 3 of the Small Business Act and under size standards issued by the SBA in 13 C.F.C. § 121.201, or (2) a "small organization" that is a not-for-profit enterprise which is independently owned and operated and is not dominant in its field, or

EPA should follow the recommendations of the SBREFA panel.

Advocacy thanks EPA for reconsidering the issues raised in this notice in light of activity by the California Air Resources Board (CARB). Many small businesses and small business representatives expressed significant concern about the treatment of laminated products in the proposed rule and urged EPA to adopt a significantly less burdensome approach. In its comment letter, Advocacy agreed and urged EPA to adopt an approach more in line with the recommendations of the SBREFA Panel.⁷

Advocacy here reiterates its support for the recommendations of the panel. In particular, Advocacy encourages EPA to adopt regulatory requirements consistent with the CARB Airborne Toxic Control Measure (ATCM) on Composite Wood Products and exempt those laminated products that can be exempted consistent with the direction given in the Toxic Substances Control Act § 601(b)(1). By following these recommendations, as well as the other recommendations made by the panel, Advocacy believes that EPA can “minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes. . . .”⁸

Advocacy looks forward to continuing to work with EPA as this rulemaking progresses and strives to be a resource to the agency for all small business-related concerns. If my office can be of any further assistance, please contact me or Assistant Chief Counsel David Rostker at (202) 205-6966 or david.rostker@sba.gov.

Sincerely,

/s/

Winslow Sargeant, Ph.D.
Chief Counsel for Advocacy

/s/

David Rostker
Assistant Chief Counsel
Office of Advocacy

(3) a “small governmental jurisdiction” that is the government of a city, county, town, township, village, school district or special district with a population of less than 50,000 persons. 5 U.S.C. § 601.

⁷ See Panel Report of the Small Business Advocacy Review Panel on EPA’s Planned Proposed Rule Implementing the Formaldehyde Standards for Composite Wood Products Act (Title VI). U.S. Environmental Protection Agency, Office of Policy, Washington, D.C., Available at http://www.epa.gov/rfa/documents/Report-SBREFApnel_Formaldehyde.pdf.

⁸ 5 U.S.C. § 604(a)(6).

Copy to: The Honorable Howard Shelanski, Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget