



Office of Advocacy

November 5, 1996

Thomas E. Kelly (MC-2131)
Small Business Advocacy Chair
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Subject: Amendments to the Definition of Solid Waste, 40 CFR Parts 260, 261, 266 and 267 (Regulation of Recycling Under RCRA); SBREFA Small Business Advisory Panel

Dear Mr. Kelly:

I have received your letter dated October 21, 1996 regarding the proposed rulemaking regarding Amendments to the Definition of Solid Waste, 40 CFR Parts 260, 261, 266 and 267, notifying us of the possibility of convening a Small Business Advocacy Review Panel under section 609(b) of the Regulatory Flexibility Act, as amended by the new Small Business Regulatory Enforcement Fairness Act of 1996. We have reviewed the list of suggested small business representatives.

We have already identified two additional small entity representative for your consideration, Harvey Goldman, President of Conversion Technologies, Inc. (glass recycling), and John Rigby, representing the Antifreeze Coalition. I understand that these two were added to the small business outreach review team (SBORT). We appreciate the advance receipt of some of the materials (e.g. October 29 Working Draft - Options for Redefining RCRA Jurisdiction) to be presented at the SBORT meeting on November 14. EPA will be requesting comments from the SBORT members by December 4.

Next Steps

The agency plans to draft a report containing the views and recommendations of the small entity representatives. We understand that the agency will, at that time, re-evaluate whether the proposal would have a significant economic effect on a substantial number of small entities. If not, a Panel would not be required under SBREFA. If a Panel is convened, a final Panel report would be prepared. We endorse this approach. This is a very effective way to implement the SBREFA requirements.

In addition, if a Panel is warranted, we ask that EPA provide, in advance of the convening of the Panel, supporting materials and possibly a draft regulatory analysis and/or draft rule (see RFA section 609(b)(4)), in order to allow sufficient review time by Panel members. We look forward to working with the agency to implement this important new law.

Sincerely,

Jere W. Glover
Chief Counsel for Advocacy

cc: Art Fraas, OMB
Jim O'Leary, EPA
Anna Duncan, EPA