

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

OVERVIEW

The U.S. Environmental Protection Agency (EPA) administers the laws enacted by Congress and signed by the President to protect people's health and the environment. In carrying out these statutory mandates, the EPA works to ensure that all Americans are protected from significant risks to human health and the environment where they live, learn and work; that national efforts to reduce environmental risk are based on the best available scientific information; that Federal laws protecting human health and the environment are enforced fairly and effectively; that environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental progress; that all parts of society—communities, individuals, businesses, and State, local and tribal governments have access to accurate information sufficient to effectively manage human health and environmental risks; that environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and that the United States plays a leadership role in working with other nations to protect the global environment.

To accomplish its goals in the coming year, the EPA will use regulatory authorities, along with grant- and incentive-based programs, guidance, technical and compliance assistance and tools, and research and educational initiatives to address its statutory responsibilities. All of this work will be undertaken with a strong commitment to science, law and transparency.

HIGHLIGHTS OF EPA'S REGULATORY PLAN

The EPA's nearly fifty years of protecting public health and the environment demonstrates our nation's commitment to reducing pollution that can threaten the air we breathe, the water we use, and the communities we live in. Our nation has made great progress in making rivers and lakes safer for swimming and boating, reducing the smog that clouds city skies, cleaning up lands that were once used

as hidden chemical dumps and providing Americans greater access to information on chemical safety. To achieve continued positive environmental results, we must foster and maintain a sense of shared accountability between states, tribes and the federal government. This Regulatory Plan contains information on some of our most important upcoming regulatory and deregulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum of the EPA's upcoming regulatory actions.

Improve Air Quality

As part of its mission to protect human health and the environment, the EPA is dedicated to improving the quality of the nation's air. From 1970 to 2017, aggregate national emissions of the six criteria air pollutants were reduced over 70 percent, while gross domestic product grew by over 260 percent. The EPA's work to control emissions of air pollutants is critical to continued progress in reducing public health risks and improving the quality of the environment. The Agency will continue to deploy existing regulatory tools where appropriate and warranted. Using the Clean Air Act (CAA), the EPA will work with States and tribes to accurately measure air quality and ensure that more Americans are living and working in areas that meet air quality standards. The EPA will continue to develop standards, as directed by the CAA, for both mobile and stationary sources, to reduce emissions of sulfur dioxide, particulate matter, nitrogen oxides, toxics, and other pollutants.

NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units--Reconsideration of Supplemental Cost Finding and Residual Risk and Technology Review

This rulemaking will take final action on two of the three distinct actions included in the EPA's February 7, 2019 proposal (84 FR 2670) regarding the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (commonly referred to as the Mercury and Air Toxics Standards (MATS)), 40 CFR 63, subpart UUUUU. First, the EPA proposed a revised response to the U.S. Supreme Court decision in *Michigan v. EPA* which held that EPA erred by not considering cost in its determination that regulation of hazardous air pollutant emissions from coal- and oil-fired electric utility steam generating units is appropriate and necessary under CAA Section 112(n). Second, the EPA

proposed the results of the residual risk and technology review (RTR) of MATS as required by CAA Section 112. The results from the RTR show that emissions of air toxics have been reduced such that residual risk is at acceptable levels and that there are no developments in HAP emissions controls to achieve further cost-effective reductions beyond the current standards.

Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act

This rulemaking will take final action on the proposed amendments to the General Provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 CFR 63, subpart A) included in the EPA's proposal, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act" (see 84 FR 36304, July 26, 2019). The amendments allow a major source to become an area source at any time by taking enforceable limits on its potential to emit hazardous air emissions, and, thus, become not subject to NESHAP for major sources under CAA Section 112. The amendments would implement the EPA's plain language reading of the CAA Section 112 definitions of "major" and "area" sources as discussed in the January 2018 William Wehrum memorandum titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act." (See 83 FR 5543, February 8, 2018.)

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR):

Project Emissions Accounting

Under the NSR pre-construction permitting program, sources undergoing modifications need to determine whether their modification is considered a major modification and thus subject to NSR pre-construction permitting. A source owner determines if its source is undergoing a major modification under NSR using a two-step applicability test. The first step is to determine if there is a "significant emission increase" of a regulated NSR pollutant from the proposed modification (Step 1) and the second step is to determine if there is a "significant net emission increase" of that pollutant (Step 2). In this action, we are proposing the consideration of emissions increases and decreases from a modification in Step 1 of the NSR major modification applicability test for all unit types (i.e., new, existing, and hybrid units).

Renewable Fuel Standard Program: Standards for 2020, Biomass-Based Diesel Volumes for 2021, and Other Changes

Under CAA Section 211, the EPA is required to set renewable fuel percentage standards every year. This action establishes the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in the year 2020. Relying on statutory waiver authority that is available when the projected cellulosic biofuel production volume is less than the applicable volume specified in the statute, the EPA is intends to finalize the proposed volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel that are below the statutory volume targets. We are also intending to finalize the applicable volume of biomass-based diesel for 2021. This rule also addresses the 2016 total renewable fuel volume obligation (RVO), which was remanded to the EPA for further consideration by the D.C. Circuit court after the court vacated the EPA's use of the general waiver authority in 2016. Finally, this rulemaking, once finalized, will include several regulatory amendments designed to provide clarity and increase opportunities for renewable fuel production.

Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards

Heavy-duty engines have been subject to emission standards for particulate matter (PM), hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NOx) for nearly half a century; however, current data suggest that the existing standards do not ensure full in-use emission control. In particular, in-use engine NOx emission levels from heavy-duty vehicles can be significantly higher than implied by their certified values under certain conditions. NOx emissions are major precursors of ozone and significant contributors to secondary PM2.5 formation. Ozone and ambient PM2.5 concentrations continue to be a nationwide health and air quality issue. Reducing NOx emissions from on-highway heavy-duty trucks and buses is an important component of improving air quality nationwide and reducing public health and welfare effects associated with these pollutants, especially for vulnerable populations and in highly impacted regions. This action will evaluate data on current NOx emissions from heavy-duty vehicles and

engines, and options available to improve control of all criteria pollutant emissions, to inform a proposal for revised emissions standards.

Renewable Fuel Standard Program: Modification of Statutory Volume Targets

Under the statutory provisions governing the Renewable Fuel Standard (RFS) program, the EPA is required to modify, or “reset”, the applicable annual volume targets specified in the statute for future years if waivers of those volumes in past years met certain specified thresholds. Those thresholds have been met. As a result, the EPA is proposing a rulemaking that will propose modifying the applicable volumes targets for cellulosic biofuel, advanced biofuel, and total renewable fuel for the years 2020 - 2022.

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review

On June 3, 2016, the EPA published a final rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule.” Following promulgation of the final rule, the Administrator received petitions for reconsideration on several provisions in the rule. The EPA proposed those specific reconsideration issues on October 15, 2016. A number of states and industry associations sought judicial review of the 2016 rule, and the litigation is currently being held in abeyance. On March 28, 2017, newly elected President Donald Trump issued Executive Order 13783 titled “Promoting Energy Independence and Economic Growth,” which directs agencies to review existing regulations that potentially burden the development of domestic energy resources, and appropriately suspend, revise or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. In 2017, the EPA provided notice to initiate the review of the 2016 rule and stated that, if appropriate, will initiate proceedings to suspend, revise or rescind the rule. Subsequently, in a notice dated June 5, 2017, the EPA further committed to look broadly at the entire 2016 rule. The purpose of this action is to propose and finalize amendments to address key policy issues, such as the regulation of greenhouse gases, in this sector.

National Ambient Air Quality Standards Reviews for Ozone and PM

Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 26, 2015, EPA published a final rule revising the NAAQS for ozone to provide increased protection for public health and welfare. On January 13, 2013, the EPA published a final rule revising the NAAQS for particulate matter to provide increased protection for public health. The current reviews will include the preparation of an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the current standards.

Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process

On June 13, 2018 the EPA published an Advanced Notice of Proposed Rulemaking in the Federal Register (83 FR 27524), which solicited comments on whether and how the EPA should promulgate regulations that provide a consistent and transparent interpretation relating to the consideration of weighing costs and benefits in making regulatory decisions in a manner consistent with applicable authorizing statutes. As part of a process to develop Agency-wide consistency, the EPA has decided to first develop proposed changes to the regulatory development process to improve consistency and transparency of its treatment of CAA provisions related to benefits and costs. This action will provide the public with a better understanding on how EPA is evaluating benefits and costs when developing CAA regulatory actions and allow the public to provide better feedback to EPA on potential future proposed rules.

Provide for Clean and Safe Water

The nation's water resources are the lifeblood of our communities, supporting our economy and way of life. Across the country we depend upon reliable sources of clean and safe water. Just a few decades ago, many of the nation's rivers, lakes, and estuaries were grossly polluted, wastewater sources received

little or no treatment, and drinking water systems provided very limited treatment to water coming through the tap. Since the enactment of the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA), tremendous progress has been made toward ensuring that Americans have safe water to drink and improving the quality of the Nation's waters. While much progress has been made, many of the EPA's regulatory programs are outdated or lack sufficient clarity to enable full and effective implementation by our regulatory partners and the regulated community. Several regulatory initiatives are underway to modernize the EPA's regulatory programs through targeted rulemaking and related efforts.

Updating Regulations on Water Quality Certification

CWA section 401 requires that any applicant for a Federal license or permit to conduct an activity which may result in a discharge to navigable waters obtain, from the state in which the discharge would originate, certification that the discharge will comply with the state's applicable water quality requirements, including effluent limitations, water quality standards and toxic and pretreatment effluent standards. The current regulations were promulgated in May 1971. They pre-date the passage of the CWA in 1972 and were based on section 401's predecessor, section 21(b) of the Water Quality Improvement Acts of 1970. In accordance with Executive Order 13868, "Promoting Energy Infrastructure and Economic Growth," the EPA updated its CWA 401 guidance in June 2019 and issued a proposed rule in August 2019 seeking to clarify and update its current water quality certification regulations to improve the efficiency of the CWA section 401 certification processes and increase regulatory certainty.

Peak Flows Management

Wet weather events (e.g., rain, snowmelt) can affect operations at publicly owned treatment works (POTWs) when excess water enters the wastewater collection system. Large wet weather events can exceed the POTW treatment plant's capacity to provide the same type of treatment for all of the incoming wastewater. This update to the regulations will seek to clarify permitting procedures under 40 CFR part 122 to provide POTWs with separate sanitary sewer systems flexibility in how they manage and treat peak flows under wet weather conditions. These updates will also seek to ensure a consistent national

approach for permitting POTWs that allows efficient treatment plant operation while protecting the public from potential adverse health effects of inadequately treated wastewater.

Revised Definition of 'Waters of the United States' (Step 2)

In 2015, the EPA and the Department of the Army (“the agencies”) published the “Clean Water Rule: Definition of ‘Waters of the United States’” (80 FR 37054, June 29, 2015). On February 28, 2017, the President issued an Executive Order 13778 titled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule” which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. On July 27, 2017, the agencies published a proposed rule as the first in a two-step process. On February 14, 2019, the agencies published a Federal Register notice proposing to revise the definition of “waters of the United States” consistent with Executive Order 13778; the 60-day comment period closed on April 15, 2019. In this second step, the agencies are conducting a substantive re-evaluation and revision of the definition of “waters of the United States” in accordance with the Executive Order. The agencies plan to finalize the revised definition after reviewing public comments on the proposal.

National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions

The current Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, there are significant challenges in the implementation of the current rule, including the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases, may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. The EPA intends to modernize and strengthen implementation of the LCR, strengthen its public

health protections, and clarify its implementation requirements to make it more effective and more readily enforceable.

Vessel Incidental Discharge Act of 2018 – Development of National Performance Standards for Marine Pollution Control Devices for Discharges Incidental to the Normal Operation of Commercial Vessels

On December 4, 2018, President Trump signed into law the Vessel Incidental Discharge Act (VIDA), establishing a new framework for the regulation of discharges incidental to the normal operation of vessels. VIDA is part of Title IX of the Frank LoBiondo Coast Guard Reauthorization Act of 2018, which addresses a number of maritime and environmental policies. Under VIDA, the EPA is responsible for developing national performance standards for approximately 30 different categories of discharges from commercial vessels greater than 79 feet in length, and for ballast water from commercial vessels of all sizes. Generally, VIDA requires the EPA to establish discharge performance standards at least as stringent as the 2013 National Pollutant Discharge Elimination System Vessel General Permit. This proposed rule is intended to implement VIDA.

Regulatory Determinations for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS)

The Safe Drinking Water Act (SDWA) requires the U.S. Environmental Protection Agency (EPA) to make regulatory determinations on at least five contaminants on the Contaminant Candidate List (CCL). The CCL is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations, but are known or anticipated to occur in public water systems. The fourth CCL (CCL 4), published in November 2016, includes 97 chemicals and 12 microbial contaminants. It includes, among others, chemicals used in commerce, pesticides, biological toxins, disinfection byproducts, pharmaceuticals and waterborne pathogens. Two contaminants included on CCL 4 are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). The EPA intends to make preliminary regulatory determinations for PFOA and PFOS and other CCL4 contaminants by the end of 2019. Proposing a regulatory determination is the next step in the maximum contaminant level (MCL)

rulemaking process under the Safe Drinking Water Act; it enables the EPA to propose and solicit comment on information critical to regulatory decision making towards protecting public health and communities across the nation.

Clean Water Act Section 404(c) Regulatory Revision

Section 404 of the Clean Water Act (CWA) authorizes the Army Corps or an approved State or Tribe to issue permits for discharges of dredged or fill material at specified sites in waters of the United States.

Section 404(c) of the Clean Water Act authorizes the Administrator “to prohibit the specification (including withdrawal of the specification) of any defined area as a disposal site” as well as to “deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site . . . whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.” The current regulations at 40 CFR 231 include four steps for when EPA takes an action under 404(c): 1) the Regional Administrator (RA) informs the Corps and 404 permit applicant that the EPA is initiating the 404(c) process to prohibit, restrict, deny or withdraw a specification or the use of an area for discharge of dredged or fill material in waters of the United States; 2) the RA requests public comment on the EPA’s proposed determination to take the specified action related to the discharge at the defined site(s); 3) the RA provides a recommended determination to the EPA Administrator; and 4) the EPA Administrator prepares a final determination and communicates the findings to the Corps and applicant. This rulemaking will consider changes to the EPA’s Section 404(c) review process that would govern the future use of the EPA’s Section 404(c) authority.

Revitalize Land and Prevent Contamination

The EPA works to improve the health and livelihood of all Americans by cleaning up and returning land to productive use, preventing contamination, and responding to emergencies. The EPA collaborates with other federal agencies, industry, states, tribes, and local communities to enhance the livability and economic vitality of neighborhoods. Challenging and complex environmental problems persist at many contaminated properties, including contaminated soil, sediment, surface water, and groundwater that can

cause human health concerns. The EPA's regulatory program recognizes the progress made in cleaning up and returning land to productive use, preventing contamination, and responding to emergencies, and works to incorporate new technologies and approaches that allow us to provide for an environmentally sustainable future more efficiently and effectively.

Designation of Perfluorooctanoic and Perfluorooctanesulfonic Acids as Hazardous Substances

On May 23, 2018, the EPA's Administrator held a two-day National Leadership Summit on per- and polyfluoroalkyl substances (PFAS). The Administrator announced a PFAS Action Plan on February 14, 2019. This Plan responds to extensive public interest and input the Agency has received, especially since the National Leadership Summit, and represents the first time EPA has built a multi-media, multi-program, national communication and research plan to address an emerging environmental challenge like PFAS.

The Administrator announced that EPA will begin the steps necessary to propose designating perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as hazardous substances through one of the available statutory mechanisms in Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The proposed designation of PFOA and PFOS as CERCLA hazardous substances would result in reporting of releases of PFOA and PFOS that meet or exceed the reportable proposed quantity assigned to these substances. This would enable federal, state, tribal and local authorities to collect information regarding the location and extent of releases, which could potentially result in subsequent site-specific decisions to investigate the release to avoid or reduce human exposure. **Reconsideration of the Accidental Release Prevention Regulations under the Clean Air**

Act (CAA)

Both EPA and the Occupational Safety & Health Administration (OSHA) issued regulations, as required by the CAA Amendments of 1990, in response to a number of catastrophic chemical accidents occurring worldwide that had resulted in public and worker fatalities and injuries, environmental damage, and other community impacts. OSHA published the Process Safety Management (PSM) standard (29 CFR part 1910.119) in 1992. EPA modeled the Risk Management Program (RMP) regulation after OSHA's PSM standard and published the RMP rule in two stages: (1) a list of regulated substances and threshold

quantities in 1994 and (2) the RMP final regulation, containing risk management requirements, in 1996. Both the OSHA PSM standard and the EPA RMP regulation aim to prevent, or minimize the consequences of, accidental chemical releases to workers and the community.

On January 13, 2017, in an effort to mitigate the effects of accidents, EPA amended the RMP regulations to (1) reduce the likelihood and severity of accidental releases, (2) improve emergency response when those releases occur, and (3) enhance state and local emergency preparedness and response.

EPA received three petitions for reconsideration under CAA Section 307(d)(7)(B). Having considered the objections to the RMP Amendments rule raised in these petitions, EPA published proposed changes to the final rule and sought public comment on other related issues. **Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Response to Court Decisions and Legislation**

EPA is planning to amend the existing regulations in 40 CFR part 257 on the disposal of Coal Combustion Residuals (CCR) under subtitle D of the Resource Conservation and Recovery Act, that was issued on April 17, 2015 (80 FR 21302). As a result of court decisions on both the April 2015 final rule and a subsequent regulatory amendment promulgated in July 2018, the Agency is addressing, through several rulemaking efforts, specific technical issues remanded and vacated by the court. In addition, the Water Infrastructure Improvements for the Nation Act of 2016 established new statutory provisions applicable to CCR units and authorized the EPA, if provided specific appropriations, to develop a federal permit program in nonparticipating states for CCR units. EPA is proceeding with proposal of regulatory amendments to create a federal CCR permitting program.

CERCLA Financial Responsibility

CERCLA section 108(b) directs the EPA to develop requirements that classes of industries establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances at their facilities. Section 108(b) directs that the level of financial responsibility shall be initially established, and,

when necessary, adjusted to protect against the level of risk that the EPA in its discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction.

On January 11, 2017, the EPA published a proposed rule to establish CERCLA 108(b) requirements for the hardrock mining industry (82 FR 3388). On February 21, 2018, the EPA published a final action announcing its decision not to issue the proposed regulations (83 FR 7556). Then, on July 29, 2019, the EPA published a proposed rule on the Electric Power Generation, Transmission, and Distribution Industry that presented the Agency's finding that there was not enough risk, based on the payment experience of the Fund, commercial insurers, court settlements and judgments, and voluntary claims satisfaction, to justify imposing financial responsibility requirements under CERCLA 108(b) for this industry (84 FR 36535). The Agency intends to finalize a rule on the Electric Power Generation, Transmission, and Distribution Industry, as well as publish notices on our findings for the Petroleum and Coal Products Manufacturing Industry and the Chemical Manufacturing Industry.

Ensure Safety of Chemicals in the Marketplace

Chemicals and pesticides released into the environment as a result of their manufacture, processing, use, or disposal can threaten human health and the environment. The EPA gathers and assesses information about the risks associated with chemicals and pesticides and acts to minimize risks and prevent unreasonable risks to individuals, families, and the environment. The EPA acts under several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA), the Emergency Planning and Community Right-to-Know-Act (EPCRA), and the Pollution Prevention Act (PPA). Using best available science, the Agency will continue to satisfy its overall directives under these authorities and highlights the following efforts underway in FY 2020.

Perfluorooctanoic and Perfluorooctanesulfonic Acids (PFAS)

As part of the actions identified in the PFAS Action Plan that the EPA Administrator announced on February 14, 2019, the Agency is considering whether to add certain PFAS chemicals to the list of chemicals required to report to the Toxics Release Inventory (TRI) Program under EPCRA section 313. TRI information may be helpful to inform decision-making by communities, government agencies, companies and others. Currently, no PFAS chemicals are included on the list of chemicals required to report to TRI. In considering listing, the EPA will determine whether data and information are available to fulfill the statutory listing criteria and the extent and utility of the data that would be gathered. The process for listing includes notice-and-comment rulemaking and the EPA intends to initiate that rulemaking with the issuance of an advance notice of proposed rulemaking in the first quarter of FY2020, followed by a proposal later in FY2020.

Also identified in the 2019 PFAS Action Plan, the Agency is working to finalize a significant new use rule (SNUR) under TSCA section 5(a) for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances, and for perfluorooctanoic acid (PFOA) or its salts. A SNUR applies to new uses of a chemical substance (i.e., the uses must not be ongoing at the time of the SNUR) and requires anyone intending to initiate the manufacture or processing of a significant new use identified in the SNUR to first notify the EPA at least 90 days before commencing such activity. The required notification initiates the EPA evaluation of the intended use within the applicable review period. Manufacture and processing for the significant new use would be unable to commence until EPA has conducted a review of the submitted notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination. EPA is also developing a supplemental proposal for the LCPFAC SNUR amendments to be responsive to the article consideration provision in TSCA section 5(a)(5), that was added with the 2016 amendments to TSCA and which states that articles can be subject to notification requirements as a significant new use provided that EPA makes an affirmative finding in a rule that there is reasonable potential for exposure to a chemical from an article or category of articles. EPA intends to issue the supplemental proposal in the first quarter of FY2020, followed by the final rule later in FY2020.

Updating Certain Pesticide Exemptions to Reflect Newer Technologies

To fulfill the requirement in section 4(b) of Executive Order 13874, entitled “Modernizing the Regulatory Framework for Agricultural Biotechnology Products” (84 FR 27899, June 14, 2019), the EPA intends to propose updates to the existing exemptions from regulation under FIFRA and FFDCa for certain plant incorporated protectant (PIP) products to reflect newer technologies, i.e., the exemptions are from the requirements to obtain a pesticide registration under FIFRA and establish a tolerance or tolerance exemption for residues in or on food commodities under FFDCa. EPA regulations define a PIP as a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant or produce thereof. EPA currently regulates all PIPs except those exempted by regulation. EPA intends to issue the proposal in the second quarter of FY2020, followed by the final rule later in FY2020.

Review of Dust-Lead Post-Abatement Clearance Levels under TSCA

In June 2019, the EPA strengthened the dust-lead hazard standards on floors and window sills. These standards apply to most pre-1978 housing and child-occupied facilities, such as day care centers and kindergarten facilities. The EPA has also initiated action to consider associated changes to post-abatement clearance levels in 40 CFR 745, subpart L, and to this end is conducting related health, exposure, and economic analyses. The EPA expects to issue a proposed rule on post-abatement clearance levels for dust-lead.

Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone

Requirements

The EPA is proposing changes to the requirements in the Agricultural Worker Protection Standard (WPS) to simplify the application exclusion zone (AEZ). The proposed changes to the AEZ is the only change the EPA is currently planning to make to the WPS provisions that are now in effect. .

Strengthen Transparency of EPA’s Regulatory Science

The best available science must serve as the foundation of EPA's regulatory actions. Enhancing the transparency and validity of the scientific information relied upon by EPA strengthens the integrity of EPA's regulatory actions and its obligation to ensure the Agency is not arbitrary in its conclusions. By better informing the public, the Agency is enhancing the public's ability to understand and meaningfully participate in the regulatory process. EPA's Strengthening Transparency in Regulatory Science rulemaking is designed to increase transparency in the preparation, identification, and use of scientific information in rulemaking.

Annual Regulatory Costs

Section 3 of Executive Order 13771 (82 FR 9339, February 3, 2017) calls on agencies to "identify for each regulation that increases incremental cost, the offsetting regulations...and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation." Each action in the EPA's Fall 2019 Regulatory Plan and Semiannual Regulatory Agenda contains information about whether an action is anticipated to be "regulatory" or "deregulatory" in fulfilling this executive directive. Based on current schedules and expectations regarding whether or not regulatory actions are subject to Executive Order 12866 and hence Executive Order 13771, in fiscal year 2020, the EPA is planning on finalizing approximately 28 deregulatory actions and approximately 12 regulatory actions.

Rules Expected to Affect Small Entities

By better coordinating small business activities, the EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on the EPA's Regulatory Flexibility Web site (<https://www.epa.gov/reg-flex>) at any time.