

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 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 2019, aggregate national emissions of the six criteria air pollutants were reduced over 77 percent, while gross domestic product grew by over 285 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.

Renewable Fuel Standard Program: Standards for 2021, Biomass-Based Diesel Volumes for 2022, 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 2021. 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 intends to propose

volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel that are below the statutory volume targets. We also intend to propose the applicable volume of biomass-based diesel for 2022.

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

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 PM_{2.5} formation. 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.

National Ambient Air Quality Standards Reviews for Ozone, Lead, and PM

Under the CAA Amendments of 1977, the 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 (PM) to provide increased protection for public health. On October 18, 2016, the EPA published a final rule retaining the existing NAAQS for lead concluding that the primary standard provides the requisite protection of public health with an adequate margin of safety, including protection of at-risk populations, and that the current secondary standard is requisite to protect

public welfare from known or anticipated adverse effects. The current reviews included the preparation of an Integrated Review Plan, an Integrated Science Assessment, and a Policy Assessment, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents informed the Administrator's proposed decision to retain the current primary and secondary standards for PM, signed April 14, 2020, and to retain the primary and secondary standards for Ozone, signed on July 13, 2020. On July 7, 2020, the EPA notified the public that it was initiating an update of the Integrated Science Assessment for Lead and invited the public to submit research studies and data that have been published, accepted for publication, or presented at a public scientific meeting since January 1, 2011.

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

This rulemaking will take final action on the June 11, 2020 proposal "Increasing Consistency and Transparency in the Clean Air Act Rulemaking Process" (85 FR 35612). When finalized, this rulemaking will establish procedural requirements governing the development and presentation of benefit-cost analyses (BCA), including risk assessments used in the BCA, for significant rulemakings conducted under the CAA. These requirements would help ensure that the EPA implements its statutory obligations under the CAA, and describes its work in implementing those obligations, in a way that is consistent and transparent. This was in follow up to the June 13, 2018 Advanced Notice of Proposed Rulemaking (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 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.

Aircraft GHG Emissions Standards

Under the CAA, in 2016 the EPA found that emissions of greenhouse gases (GHGs) from engines used in

certain aircraft causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare. These findings triggered a requirement for the EPA to promulgate standards addressing GHG emissions from the engines of affected aircraft. On August 20, 2020, the EPA proposed emissions standards for airplanes used in commercial aviation and large business jets (85 FR 51556). The proposal aligns U.S. standards with the international carbon dioxide (CO₂) emissions standards set by the International Civil Aviation Organization (ICAO), and when finalized, will ensure domestically manufactured aircraft are competitive in the global marketplace.

ETO Sterilizers Technology Review

The EPA has promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for ethylene oxide commercial sterilization and fumigation operations pursuant to CAA section 112. The standards, which were first established in 1994, are based on the Administrator's determination that commercial sterilization and fumigation operations emit ethylene oxide, a pollutant identified in the CAA's list of 189 hazardous air pollutants. The intent of the standards is to protect public health by requiring existing and new major sources to control emissions to the level achievable by the maximum achievable control technology, and by requiring existing and new area sources to control emissions using generally available control technology. On December 12, 2019, the EPA published an Advance Notice of Proposed Rulemaking in the Federal Register (84 FR 67889).

Standards of Performance for Primary Copper Smelters Amendments

The Primary Copper Smelting New Source Performance Standards (NSPS) were promulgated on January 15, 1976, and required new, modified and reconstructed primary copper smelters to limit PM emissions from dryers and sulfur dioxide (SO₂) emissions from roasters, smelting furnaces and copper converters. This action, a review of the 1976 NSPS under the authority of CAA section 111(b), will address GHG emissions from new, modified and reconstructed primary copper smelters. This action would describe and propose the criteria the EPA uses to determine whether the Primary Copper Smelting source category, and the associated pollutant (carbon dioxide equivalent) from that source category, contributes significantly to

national/global GHG emissions, and, therefore, whether or not that pollutant should be regulated under the NSPS. If it is found that GHG emissions from the Primary Copper Smelting source category should be regulated under the NSPS through a significant contribution finding, the EPA expects that this action would also propose standards of performance to limit emissions of GHGs from new, modified and reconstructed primary copper smelters.

Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After 7/23/84

This action would propose limited amendments to the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 (40 CFR part 60, subpart Kb). This proposed action would amend NSPS Kb by incorporating a voluntary alternative standard to allow certain sources subject to NSPS Kb to comply with the National Emission Standards for Storage Vessels (Tanks) — Control Level 2 found at 40 CFR part 63, subpart WW. The primary benefit anticipated from allowing this voluntary alternative is that some NSPS Kb sources can conduct top-side floating roof inspections without the need for emptying and degassing storage tanks, which is a costly process that releases emissions of volatile organic compounds (VOC).

Provide for Clean and Safe Water

The nation's water resources are the lifeblood of our communities, supporting our economy and way of life. 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. The regulatory initiatives described below will help ensure that this important progress continues.

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 incoming wastewater. This proposed regulation will 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, and will also 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.

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 several maritime and environmental policies. Under VIDA, the EPA is responsible for developing national performance standards for discharges from primarily commercial vessels greater than 79 feet in length, and for ballast water from small vessels less than 79 feet and fishing vessels. The proposed rule is intended to implement the EPA statutory requirements under VIDA.

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

The 1996 SDWA Amendments require that every five years the EPA makes determinations of whether to regulate no fewer than five contaminants included on the Contaminant Candidate List (CCL). The EPA is preparing to finalize its 4th regulatory determination. Addressing public health concerns related to per- and polyfluoroalkyl substances (PFAS) is a priority for the EPA. As stated in the PFAS Action Plan, the EPA is committed to making a regulatory determination for two PFAS, perfluorooctanoic acid (PFOA) and

perfluorooctane sulfonate (PFOS), two of the most studied PFAS substances. Finalizing a regulatory determination is the next step in the maximum contaminant level (MCL) rulemaking process under the SDWA.

Increasing Consistency and Transparency in Considering Benefits and Costs in the Safe Drinking Water Act

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 a rule that provides for consistent approaches to costs, benefits and transparency affecting all future EPA regulations across its many programs. As a part of developing such a regulation, the EPA has decided to develop changes to the regulatory development process to improve consistency, reliability, and transparency of its treatment of the Safe Drinking Water Act (SDWA) provisions related to benefits and costs.

Clean Water Act 404 (g) State Assumption

In response to requests from states and tribes, the EPA is seeking to clarify requirements for assumption of the CWA 404(g) permit program, reduce barriers to assumption, and place more states and tribes in the decision-making position on dredge and fill permits. The proposed rule will address the procedures and criteria the EPA will follow in approving, reviewing, and the administration and oversight of state and tribal programs under CWA section 404(g) and EPA's implementing regulations at 40 CFR part 233.

Water Quality Trading under the National Pollutant Discharge Elimination System (NPDES) Program

The EPA strongly supports market-based mechanisms to accomplish its mission to protect human health and the environment. Market-based mechanisms include water quality trading under the CWA, an approach that can promote water quality improvements at lower cost than more traditional regulatory approaches. The Agency has long interpreted the CWA to allow pollutant reductions from water quality trading and offsets to achieve compliance with CWA regulatory requirements. Neither the CWA nor the EPA's implementing

regulations explicitly address water quality trading. In the absence of explicit statutory language or regulations, the EPA has provided guidance for permitting authorities and stakeholders to consider when developing market-based programs, including water quality trading. However, the EPA is aware that despite its efforts to support these types of programs, they have not been implemented to their fullest potential. In response, the Agency is proposing a regulation to clarify that water quality trading and other market-based approaches may be used by NPDES permitting authorities in permits to meet applicable water quality standards.

Updating CWA section 401 Certification Procedures For EPA-Issued National Pollutant Discharge Elimination System (NPDES) Permits

CWA section 401 requires that prior to the EPA issuing a NPDES permit; certification must be obtained from the jurisdiction in which the discharge originates that the discharge will comply with applicable water quality requirements. Regulations implementing CWA section 401 were recently finalized to ensure that section 401 is implemented nationally in an efficient, effective, and transparent manner. The EPA has additional regulations that implement CWA section 401 for NPDES permits where EPA is the permitting authority (currently, Massachusetts, New Hampshire, New Mexico, and the District of Columbia, almost all U.S territories including Puerto Rico, Indian country and select federal facilities). EPA is proposing updates to those regulations, as appropriate, to ensure consistency with the new final rule.

Discharges that are functionally equivalent to a direct discharge and thus subject to NPDES Permitting under section 402 of the Clean Water Act

On April 23, 2020, the Supreme Court issued its opinion in *County of Maui v. Hawai'i Wildlife Fund, No. 18-260*, addressing the question of whether a CWA NPDES permit is required for releases of pollutants from a point source to a jurisdictional water through groundwater. The Court held that an NPDES permit is required when there is a direct discharge from a point source into navigable waters or when there is the “functional equivalent” of a direct discharge. While the Court provided general direction on the legal standard for when a discharge that does not go directly into a navigable water is subject to NPDES permitting, it left many

implementation questions unanswered. The EPA is proposing an advance notice of proposed rulemaking to collect more information to determine whether a rule is needed; if so, what regulation to develop; and to solicit ideas or alternative suggestions for implementing the *Maui* decision.

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 the 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.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Modernization

The NCP is the federal government's blueprint for responding to both oil spills and hazardous substance releases. The EPA is considering updates to modernize the NCP (40 CFR part 300). Revisions to Subpart J, which governs the listing and use of dispersants and other oil spill mitigating substances when responding to oil discharges, are being considered via other rule actions.

Revisions to Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

The EPA is in the process of updating Subpart J of the NCP (40 CFR part 300.900), which governs the use of dispersants, and any other chemical or biological agent to respond to oil discharges. The goal is to encourage the development of safer and more effective spill mitigating products, and to better target the use of these products to reduce the risks to human health and the environment. The NCP Subpart J rulemaking effort is designed to ensure that On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Committees have information to support agent preauthorization or authorization of use decisions. This allows for better assessment of the overall ecological risks for the OSC to consider when authorizing the use of chemical agents. The EPA proposed amendments to Subpart J on January 22, 2015 (80 FR 3380). The EPA is considering finalizing amendments for monitoring requirements for dispersant use in response to major oil discharges and/or certain dispersant use situations.

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities

The 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, initially

issued on April 17, 2015 (80 FR 21302). As a result of implementing the April 2015 final rule, the Agency is addressing issues in the closure of landfills and surface impoundments, specifically procedures for facilities to request approval to use an alternate liner for CCR surface impoundments, as well as a modification to the timeline of closure by removal, the use of CCR in Closure, and requirements for annual closure progress reports. 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. The EPA plans to finalize regulatory amendments to provide a federal CCR permitting program. Finally, the EPA plans to propose a rulemaking that would bring inactive surface impoundments at inactive facilities (legacy surface impoundments) into the regulated universe.

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 (84 FR 36535), December 23, 2019 (84 FR 70467) and February 22, 2020 (85 FR 10128), the EPA published proposed rules on the Electric Power Generation, Transmission, and Distribution Industry, Petroleum and Coal Products Manufacturing Industry, and the Chemical Manufacturing Industry that presented the Agency's findings that the degree and duration of risk posed does not warrant requirements under CERCLA 108(b) for these industries. The Agency intends to issue final rules on these industries.

Increasing Consistency and Transparency in Considering Benefits and Costs in the Resource Conservation and Recovery Act (RCRA) Rulemaking Process

On June 13, 2018, the EPA published an Advanced Notice of Proposed Rulemaking (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 develop proposed regulatory language to improve consistency and transparency of its treatment of costs and benefits related to RCRA regulations. Although cost cannot be considered in the development of RCRA regulations, EPA still provides an analysis of benefits and costs so that the impacts are understood. This action will formalize and provide for transparency of that practice.

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 2021.

Updating Certain Pesticide Exemptions to Reflect Newer Technologies

In 2020, to implement section 4(b) of Executive Order 13874, entitled “Modernizing the Regulatory

Framework for Agricultural Biotechnology Products” (84 FR 27899, June 14, 2019), the EPA proposed 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. The EPA currently regulates all PIPs except those exempted by regulation. The EPA intends to issue the final rule in FY2021.

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

Addressing childhood lead exposure is a priority for the EPA. 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. In June 2020, the EPA proposed associated changes to post-abatement clearance levels in 40 CFR 745, subpart L, and intends to issue a final rule on post-abatement clearance levels for dust-lead in FY2021.

Risk Management Rulemakings under TSCA section 6(a)

As amended in 2016, TSCA requires the EPA to evaluate the safety of existing chemicals via a three-stage process. The three stages of EPA’s process for ensuring the safety of existing chemicals are prioritization, risk evaluation, and risk management. If at the end of the risk evaluation process, the EPA determines that a chemical presents an unreasonable risk to health or the environment, the chemical must immediately move to risk management action under TSCA. The EPA is required to implement, via regulation, regulatory restrictions on the manufacture, processing, distribution, use or disposal of the chemical to eliminate the unreasonable risk. The EPA is given a range of risk management options under TSCA, including labeling,

recordkeeping or notice requirements, and actions to reduce human exposure or environmental release, and a ban of the chemical or of certain uses. In FY2021, the EPA intends to issue the final risk evaluations under TSCA for the remaining first 10 chemicals to undergo risk evaluation under TSCA, and will develop corresponding proposed regulations under TSCA section 6 to address unreasonable risks that the Administrator has determined are presented by the chemical substances under the conditions of use.

Managing Risks Found in the 2020 Final Risk Evaluation for Methylene Chloride

Methylene chloride, also known as dichloromethane and DCM, is a volatile chemical used in a wide range of industrial, commercial, and consumer applications like adhesives, sealants, degreasers, cleaners, and automobile products. In June 2020, the EPA released the final risk evaluation for methylene chloride under amended TSCA. The final risk evaluation for methylene chloride identifies unreasonable risks to workers, occupational non-users, consumers, and bystanders from methylene chloride exposure under 47 out of 53 conditions of use. The EPA did not find any unreasonable risks to the environment from use of this chemical. The next step in the process required by TSCA is addressing these risks. There are several actions the EPA could take to address these risks, including regulations to prohibit or limit the manufacture, processing, distribution in the marketplace, use, or disposal of this chemical substance, as applicable. The EPA is now in the process of developing ways to address the unreasonable risks identified and has up to one year to propose and take public comments on any risk management actions. The EPA intends to propose this regulation in FY2021.

Managing Risks Found in the 2020 Final Risk Evaluation for 1-Bromopropane (1-BP)

1-Bromopropane (1-BP) is used as a solvent in commercial and industrial applications and as a reactant in the manufacturing of other chemical substances. Common uses of 1-BP include adhesives, degreasers, cleaners, and automobile care products. In August 2020, the EPA released the final risk evaluation for 1-BP under amended TSCA. The final risk evaluation for 1-BP shows that there are unreasonable risks to workers, occupational non-users, consumers, and bystanders for 16 out of 25 conditions of use. The EPA did not find unreasonable risks to the environment or to the general population for all conditions of use. The

next step in the process required by TSCA is addressing these risks. There are several actions the EPA could take to address these risks, including regulations to prohibit or limit the manufacture, processing, distribution in the marketplace, use, or disposal of this chemical substance, as applicable. The EPA is now in the process of developing ways to address the unreasonable risks identified and has up to one year to propose and take public comments on any risk management actions. The EPA intends to propose this regulation in FY2021.

Updating Procedures for the TSCA New Chemical Program

The 2016 amendments to TSCA impacted how the EPA reviews and makes determinations on new chemical notices received under TSCA section 5. As a result of the increased responsibilities, it has become more challenging for the EPA to complete reviews within the 90 days set forth in section 5. The EPA is initiating this rulemaking to develop revisions to the new chemical procedural regulations in 40 CFR Part 720 to improve the efficiency of EPA's review process and to align its processes and procedures with the statutory requirements. The EPA intends to consider revisions that will increase the quality of information initially submitted to the Agency in the new chemical notices and improve the Agency's processes to reduce unnecessary rework in the risk assessment and, ultimately, the length of time that new chemical are under review. The EPA intends to issue the proposed rule in FY2021.

Revisions to the Fees Rule under TSCA

The EPA is reviewing the final rule issued in 2018 under TSCA section 26(b) that established the requirements and procedures for setting and collecting fees from chemical manufacturers (including importers) and, in some cases, processors. TSCA section 26(b) directs EPA to collect fees in order to defray some of the Agency's costs related to activities under TSCA sections 4, 5, and 6, and the costs for collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. TSCA section 26(b)(4)(F) requires the EPA to review and adjust the fees established in this rule every three years, and to consult with parties potentially subject to fees when the fees are reviewed and updated to reflect changes in program costs. In

addition to possible revisions resulting from this review, consistent with its announcement in March 2020, the EPA will also consider proposing exemptions to the current Rule's self-identification requirements associated with EPA-initiated risk evaluations for manufacturers that (1) import the chemical substance in an article; (2) produce the chemical substance as a byproduct; and (3) produce or import the chemical substance as an impurity. The EPA intends to issue the proposed rule early in FY2021, followed by the final rule at the end of FY2021.

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. EPA also plans to initiate an action to strengthen and increase transparency in the preparation, identification, and use of scientific information in Clean Air Act rulemakings.

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 2020 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 2021, the EPA is currently planning to finalize at least 18 deregulatory actions and up to 20 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.