

Advocate • Connect • Serve

**U.S. Environmental Protection Agency
Asbestos and Small Business Ombudsman**

Program Overview and Guide



Table of Contents

A Message from EPA's Asbestos
and Small Business Ombudsman 1

Program Organization 2

Purpose and Mission 3

The ASBO Program..... 4

Program Fundamentals 5

Function and Services 9

Key Partnerships 11

Opportunity for Partnership and Engagement..... 12

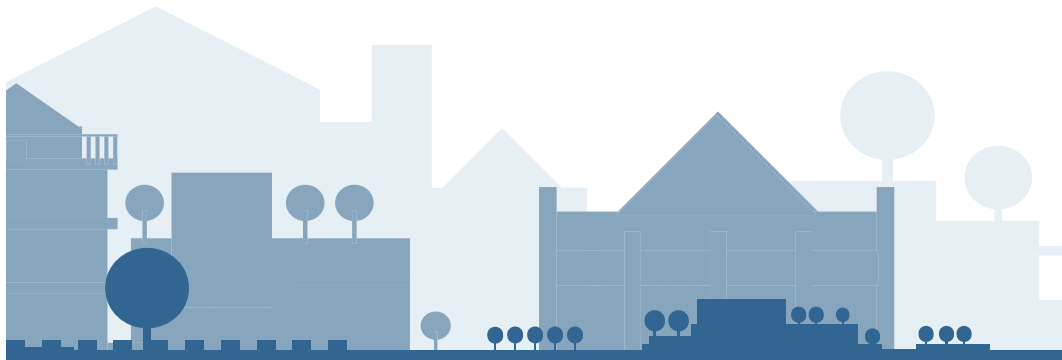
EPA Partnerships 13

State Partnerships 15

Federal and National Partnerships 16

Statutory Authority 17

Contact Information 19



A Message from EPA's Asbestos and Small Business Ombudsman



As part of the mission of the U.S. Environmental Protection Agency (EPA) to protect human health and the environment, the Asbestos and Small Business Ombudsman (ASBO) program is committed to advocating for and partnering with the public and small business community to help improve environmental compliance and outcomes. This guide provides an overview of the Program, while clarifying our role in providing informal guidance and advocacy. We hope you find this guide to be an informative resource and invite you to engage in partnership with us as we look to further small business regulatory compliance and address asbestos-related concerns at EPA.

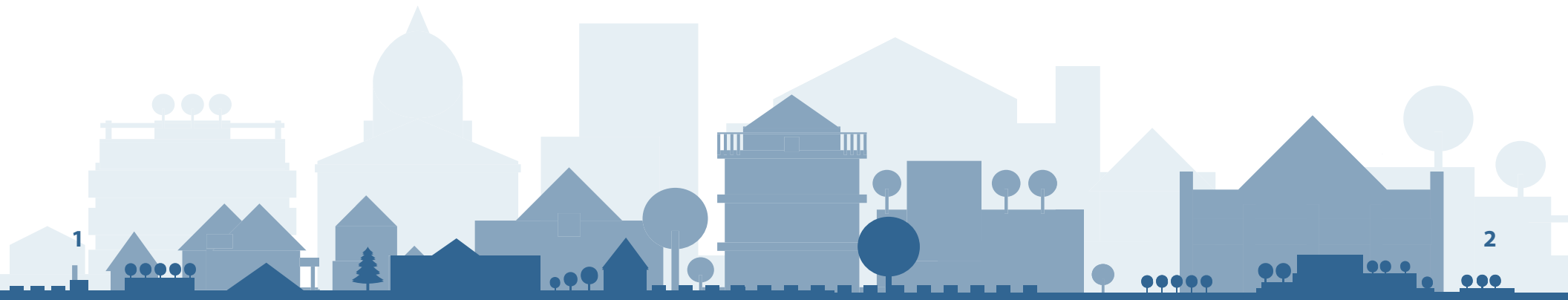
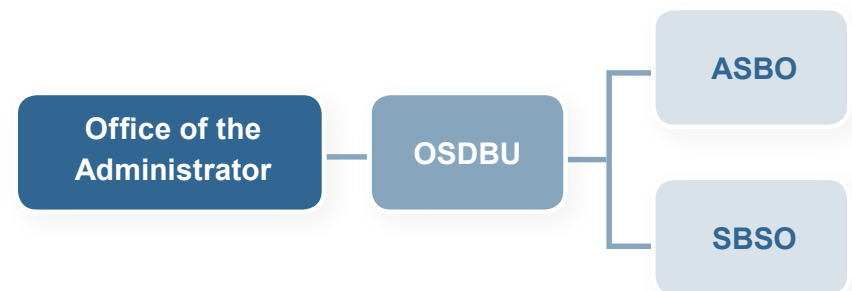
Many thanks for your continued support,

Paula Hoag
Asbestos and Small Business Ombudsman
U.S. Environmental Protection Agency

November 2020

Program Organization

The Asbestos and Small Business Ombudsman (ASBO) program is executed under the Office of Small and Disadvantaged Business Utilization (OSDBU) located within EPA's Office of the Administrator. OSDBU advocates and advances the business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses. OSDBU is also responsible for the implementation of procedures and oversight of small business programs mandated and described under several statutory authorities and Executive Orders. OSDBU manages two corresponding programs: (1) ASBO, which supports the environmental and compliance performance of small businesses, and (2) the Small Business Solutions and Opportunities (SBSO) program, which supports procurement opportunities for small businesses as mandated under the Small Business Act (15 U.S.C. § 644(k)).



Purpose and Mission

Purpose

The Asbestos and Small Business Ombudsman program serves to advocate for and connect with the public and small business community by providing general guidance and assistance for various environmental and Agency resources. The ASBO program handles asbestos-related questions and complaints through a dedicated toll-free hotline and assists the small business community with questions or concerns related to EPA regulatory compliance assistance and enforcement issues.

Mission

The ASBO program supports the protection of human health and the environment by advocating for environmental compliance assistance, as it relates to asbestos and small business, through improving EPA's response to inquiries, and providing access to information on how to comply with environmental regulations.

The ASBO Program

The ASBO program serves two distinct roles: (1) the Asbestos Ombudsman role, and (2) the Small Business Ombudsman role, combined into one, comprehensive program.

One Program, Two Distinct Roles

ASBESTOS OMBUDSMAN

Are you concerned about asbestos in your school or building?
Do you have general questions about asbestos?

We can help you find the answers and resources you need.

SMALL BUSINESS OMBUDSMAN

Are you a small business owner with questions about environmental regulations or compliance?

We can help you navigate the EPA regulatory process and connect you with technical experts.

Providing Three Cross-Cutting Ombudsman Functions



ADVOCATE

We advocate for small business interests during the EPA rulemaking process



CONNECT

We serve as the EPA liaison to connect the public and small businesses to state and local resources



SERVE

We provide hotline assistance and fund a national environmental compliance assistance website



Program Fundamentals

Ombudsman Principles

The ASBO program is committed to advocate for, connect with, and serve the small business community and those who request asbestos-related assistance. Thus, the ASBO observes the following three core standards traditionally expected in an Ombudsman role: Independence, impartiality, and confidentiality.

Ombudsman Core Standards



INDEPENDENCE

EPA's ASBO program is part of the Office of Small and Disadvantaged Business Utilization (OSDBU), which operates independently of the Agency's enforcement and rule-writing program offices and reports directly to EPA's Office of the Administrator.



IMPARTIALITY

The ASBO examines all sides of an issue and ultimately advocates for a fair and equitable process, which may include reaching out to appropriate contacts to elevate an issue; encouraging more transparency of options; and, when necessary, making recommendations on how an individual matter or policy decision may be addressed and improved.

Program Fundamentals

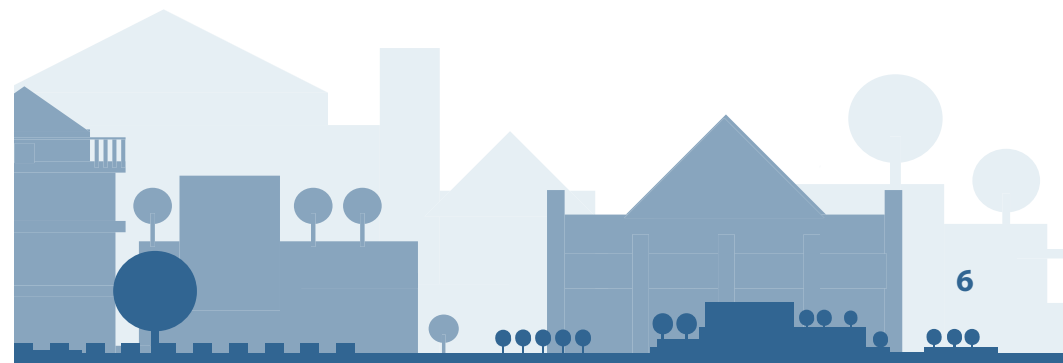


CONFIDENTIALITY

Confidentiality allows small businesses or a member of the public to seek the ASBO's assistance without concern of retaliation or retribution. Unless required by law, the ASBO will not share identifying information.

Ombudsman Objectives

The ASBO program is well situated to meet the main objectives of the Program which include providing guidance, information, resources, and advocacy needed to support the small business community. The following tables illustrate how the ASBO meets the Ombudsman objectives by providing examples of what the ASBO program does and does not do.



The ASBO Program Does...

- ☐ Assist with asbestos questions or regulatory complaints;
- ☐ Discuss options and resources with those requesting assistance;
- ☐ Consult with subject matter experts and provide access to technical resources;
- ☐ Encourage and facilitate more transparent and open channels of communication between the Agency and stakeholders;
- ☐ Act as a sounding board or intermediary; and
- ☐ Make recommendations and/or periodic reports to address an individual or overarching issues regarding small business assistance or asbestos.



The ASBO Program Does Not...

- ☐ Address matters already in litigation;
- ☐ Guarantee the ability to resolve or advocate for a specific small business inquiry;
- ☐ Ensure that EPA program offices are meeting their statutory requirements or delay any statutory, regulatory, or other EPA deadlines;
- ☐ Make decisions, legal determinations for EPA, or provide its own interpretations or legal clarifications of law or policy;
- ☐ Serve as a formal office of legal notice for EPA or address internal human resources matters;
- ☐ Address the merits of matters that are the subject of ongoing administrative proceedings, litigation, or investigations, including but not limited to civil rights, financial assistance disputes, or suspension and debarment. Where the Ombudsman is involved in an Asbestos Hazardous Emergency Response Act (AHERA) or a Clean Air Act (CAA) matter, his/her findings will not substitute for administrative or judicial proceedings;
- ☐ Discuss, research, or decide allegations of discrimination (40 CFR Parts 5 and 7) or make determinations involving financial assistance, including appeals submitted under 2 CFR Part 1500



Function and Services

The ASBO program serves as a liaison for the public, small business community, and EPA by helping to ensure that technical resources on asbestos, environmental regulations, and compliance assistance information are more accessible. The ASBO program addresses asbestos-related inquiries, advocates for small business interests in the Agency's rule development process, and fosters partnerships with state and regional program representatives, trade associations, and federal agencies to address asbestos and small business-related concerns.



ADVOCATE

*Agency
Liaison*

Facilitates small business outreach and engagement to gain small business perspective and insight on rule development and compliance challenges

Fosters partnerships with state and federal governments and trade associations on environmental regulations and guidance

Shares small business perspectives during Agency rule development

Advocate. Connect. Serve.



CONNECT

*Agency
Conduit*

Serves as a point of contact for small businesses and asbestos concerns

Issues a monthly news bulletin highlighting environmental regulation, compliance assistance, resources, and upcoming events

Serves a National Asbestos and Small Business Ombudsman Toll-Free Hotline (1-800-368-5888) and email (asbo@epa.gov) for asbestos and small business-related concerns



SERVE

*Small
Business
National
Oversight*

Monitors and supports the state Small Business Environmental Assistance Program (SBEAP), which provides local, direct assistance to small businesses on environmental compliance and sustainability

Funds and manages a cooperative agreement that supports annual training events and a website (nationalsbeap.org) dedicated to sharing virtual collaboration tools and compliance assistance resources with the small business community

Assists in planning, coordinating, and facilitating quality resources for small businesses

Key Partnerships

Through key partnerships, the ASBO program assists small businesses and the public with environmental compliance by ensuring communication on, and access to, necessary information, training, and networking opportunities that are available and developed in tandem with our various partners and stakeholders.

Partnerships

The ASBO program regularly interfaces with the public, state small business assistance programs, trade associations, and other federal agencies in order to share information and provide opportunities for small entity engagement at EPA.



Opportunity for Partnership and Engagement

Ways to Connect



Call our ASBO hotline for live support and answers to your asbestos or small business questions. **1-800-368-5888**



Email us at asbo@epa.gov



Subscribe to our SmallBiz@EPA newsletter, for environmental updates and compliance assistance activities of interest to the regulated small business community.

Good to Know!

ASBO maintains a list of small business contacts, including federal and state environmental resources, along with various small business trade associations and technical assistance organizations, which provide support in EPA outreach and small business engagement.



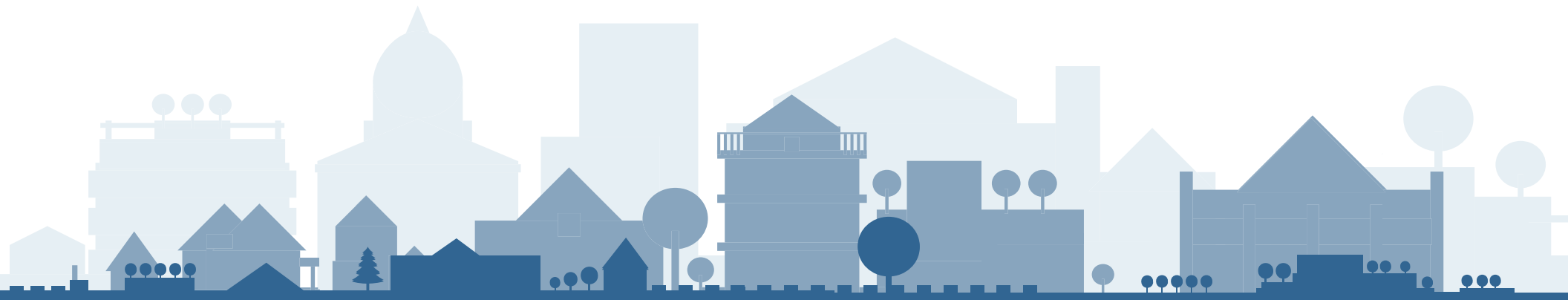
EPA Partnerships

EPA's Office of Enforcement and Compliance Assurance (OECA)

OECA provides sector-specific environmental compliance information and a State Resource Locator website (epa.gov/compliance/compliance-assistance-centers) for business and industry. ASBO communicates and partners with OECA to consider small business compliance and enforcement issues to help ensure that EPA addresses small business compliance assistance concerns, guidance, and enforcement information consistently across the Agency.

EPA's Office of Air Quality Planning and Standards (OAQPS), within the Office of Air and Radiation (OAR)

OAQPS (epa.gov/aboutepa/about-office-air-and-radiation-oar#oaqps) collaborates with ASBO in support of meeting the statutory requirements of [The 1990 Clean Air Act Amendments' 507 program](#). The OAQPS' Engagement Office strives to provide outreach and assistance to various community stakeholders, including small businesses, in understanding and complying with air-related regulations and policies. Through coordination with OAQPS, ASBO remains aware of air regulation activities affecting the small business community and directly supports small business engagement and outreach.



State Partnerships

State Small Business Ombudsmen (SBOs) and Small Business Environmental Assistance Programs (SBEAPs)

SBOs and SBEAPs (also referred to as the Small Business Stationary Source Technical and Compliance Assistance Programs in Section 507 of The 1990 Clean Air Act Amendments) support small businesses in their respective states with technical compliance assistance services, recordkeeping and publications/reporting resources, sharing information about new rules that may affect small businesses, training on environmental rules, and providing site assessments or online interactions to assist in understanding environmental regulations with an emphasis on air regulations. ASBO works closely with SBOs and SBEAPs to monitor and support small business environmental compliance assistance services across the country. Funded by ASBO, the national SBEAP website (nationalsbeap.org) is a key collaborative resource for small businesses and the 507 Program in environmental compliance assistance. The ASBO also partners with the National SBEAP to develop and provide an annual training to states which provides education for state program staff serving in the SBEAPs or SBOs.

State Asbestos Contacts

The ASBO hotline staff frequently refer to asbestos experts at both the regional and state level. State asbestos contacts serve to connect the public with more localized information and services to support them on asbestos-related issues. (epa.gov/asbestos/state-asbestos-contacts).

Federal and National Partnerships

U.S. Small Business Administration (SBA)

ASBO encourages EPA's partnership with two independent offices within SBA: The Office of Advocacy (advocacy.sba.gov) and the Office of the National Ombudsman (sba.gov/about-sba/oversight-advocacy/office-national-ombudsman). The Office of Advocacy is the independent voice for small business within the federal government, the watchdog of the Regulatory Flexibility Act, and a source of small business statistics and research. Advocacy advances the views and concerns of small business before Congress, the White House, federal agencies, federal courts, and state policymakers. The Office of the National Ombudsman assists small businesses, small government entities, and small nonprofits when they experience excessive, unfair federal regulatory enforcement or compliance actions by a federal agency. As an impartial liaison, the National Ombudsman refers comments submitted by a small business to the appropriate federal agency for high-level fairness review and works across the federal government to address those concerns and help small businesses succeed.

ASBO strives for collaboration and ongoing partnerships with SBA in EPA's small business outreach activities, while also relying on SBA's information and events to stay abreast of national small business interests.

Small Business Trade Associations

ASBO supports small business engagement through continued communication and partnership with various trade associations that work directly with their small business members to focus on their industry's regulatory impacts and advocacy within the rule development process.

Statutory Authority

Statutory Authority for the Asbestos Ombudsman

Asbestos Hazardous Emergency Response Act (AHERA), 1986 (as implemented under the Toxic Substances Control Act (TSCA) Title II) [15 U.S.C. § 2641-2656](#)

AHERA directs EPA to promulgate regulations (e.g., the Asbestos-Containing Materials in Schools Rule) requiring local educational agencies to inspect their school buildings for asbestos-containing building material, prepare asbestos management plans, and perform asbestos response actions to prevent or reduce asbestos hazards. AHERA also mandated EPA to develop a model plan for state accreditation of persons conducting asbestos inspections and corrective-action activities at schools. Under Section 2652 of AHERA, EPA shall appoint an Asbestos Ombudsman to aid the public by receiving and rendering assistance with asbestos-related complaints, grievances, and requests for information.

Statutory Authority

Statutory Authority for the Small Business Ombudsman

U.S. Clean Air Act, Title 5, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program [42 U.S.C. § 7661f](#)

Section 507 of The 1990 Clean Air Act Amendments requires each state to adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. Among other requirements, EPA is responsible for monitoring the effectiveness of the state programs through the Agency's Small Business Ombudsman.

Agency Directive/EPA Policy

[EPA's Action Development Process Final Guidance for EPA Rulewriters: Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act \(2006 Guidance Policy\)](#)

EPA's ASBO supports the Agency in providing informal guidance and information assistance to small businesses by serving as an advocate for small entity engagement whenever possible within EPA's rule development process. As the Small Business Ombudsman, the ASBO shares responsibility with other EPA staff in EPA's Section 213 Program, which is intended to support small businesses in accessing EPA's regulatory guidance, technical assistance, and advice regarding environmental regulations and compliance.

Contact Information

Opportunities for Partnership

ASBO encourages collaboration and partnership with all of EPA's program offices to assist and support the Agency in considering small business impacts in their rule development process and support small entity early engagement whenever possible.



Visit the [ASBO website](#), which provides periodic program updates, reports, and our monthly newsletter to help you stay informed and connected with us.



1-800-368-5888



asbo@epa.gov



epa.gov/resources-small-businesses/asbo



**Asbestos and Small
Business Ombudsman**

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