



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

January 31, 2022

MEMORANDUM

**SUBJECT:** Updated U.S. EPA Small Business Resources Information Sheet and Reminder to Disseminate the Information Sheet to Small Businesses at the Time of an Enforcement or Other Compliance Assurance Activity

**FROM:** Anthony J. Miller, Acting Director  
Monitoring, Assistance, and Media Programs Division  
Office of Compliance  
Office of Enforcement and Compliance Assurance

**TO:** Regional Enforcement and Compliance Assurance Division Directors  
Regional Counsels  
Regional Enforcement Coordinators  
OECA Office and Division Directors

This memorandum announces the availability of a January 2022 update to the U.S. EPA Small Business Information Sheet. The updated version is available on the internet at <https://www.epa.gov/compliance/small-business-resources-information-sheet>. Updates include changes to the list of current Compliance Assistance Centers and their web addresses. If you haven't done so already, please begin to use the January 2022 Information Sheet in place of any earlier versions.<sup>1</sup>

This memorandum also serves as a reminder to enforcement and compliance staff in headquarters and the regions of the EPA's policy and practice of giving the Information Sheet to every small business at the time EPA has *initial enforcement contact* with a small business.<sup>2</sup>

---

<sup>1</sup> The enclosed updated Information Sheet supersedes all prior versions. In addition, this Memorandum supersedes the June 20, 2017 memorandum on dissemination of the U.S. EPA Small Business Resources Information Sheet, which in turn had superseded all prior versions.

<sup>2</sup> Note that the Information Sheet need not be given out in criminal investigations or actions; SBREFA applies only to civil judicial or administrative actions (see Section 223 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996).

Initial enforcement contact may include, but is not limited to:

- Inspection
- Warning letter
- Reminder notice or letter
- Compliance Audit Program, Incentive letter, or notice
- Information collection request
- Subpoena
- Show cause letter
- Administrative search or other warrant
- Stop sale, use and removal order
- Notice of Violation or other notice letter<sup>3</sup>
- Administrative complaint
- Administrative order or administrative penalty order
- Superfund general or special notice
- Cost recovery demand letter.

In general, the Information Sheet need only be provided once, at the time of the first initial enforcement contact. However, please exercise your discretion regarding the appropriateness of sharing the sheet at other junctures in an enforcement action or in the context of compliance assistance efforts. Please note that any contractor performing activities on behalf of EPA should provide the Information Sheet if they are the first Agency representative to come in contact with a small business at an inspection or in the context of an enforcement or other compliance assurance activity.

The Small Business Administration's (SBA's) criteria for determining whether a business is small, which determines whether an Information Sheet should be provided, varies from industry to industry, and differs from the definition EPA applies for purposes of its Small Business Compliance Policy.<sup>4</sup> Thus, there is no single definition of what constitutes a small business and any definition, as well as the status of an entity as a small business, can change over time. If there is any question about whether a business is small, the Information Sheet should be given to that business. An effective method to ensure that every small business receives a copy is to simply provide the Information Sheet to *all* businesses at the time of any initial enforcement contact, a practice followed by some regions.

As part of EPA's commitment to small businesses, EPA advises small businesses of their right

---

<sup>3</sup> EPA commonly considers the initial enforcement contact under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) to occur at the general notice stage.

<sup>4</sup> Essentially, SBA defines a small business as an independent business that meets certain standards (expressed in either millions of dollars of annual receipts or average number of employees) that are matched to industries described in the North American Industrial Classification System (NAICS). *See* 13 C.F.R. 121. For purposes of the Small Business Compliance Policy, EPA defines a small business as a person, corporation, partnership or other entity that employs 100 or fewer individuals across all facilities and operations owned by the small business. *See* 65 Fed. Reg. 19,630 (April 11, 2000).

under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to comment to the SBA's National Ombudsman about the Agency's regulatory enforcement activities.<sup>5</sup> The EPA has a longstanding practice of using the Information Sheet to notify small businesses of this right and provide important information that may assist small businesses in identifying and complying with environmental requirements.

Additionally, the Information Sheet reminds readers that SBREFA does not relieve a small business of its responsibility to respond in a timely manner to an information request, administrative or civil complaints or other enforcement actions or communications, nor does it create any new rights or defenses under the law. The sheet also explains that SBREFA does not affect the EPA's ability to protect public health or the environment under any of the environmental statutes that the EPA enforces, including the right to take remedial or emergency response action when appropriate.

Please share this information with your enforcement and compliance staff. Thank you for your continued assistance in ensuring that small businesses receive the Information Sheet in a timely manner. If you have any questions or concerns regarding the use of the Information Sheet, please contact Carol Baillie in the Office of Compliance at [baillie.carol@epa.gov](mailto:baillie.carol@epa.gov), or Carol Holmes in the Office of Civil Enforcement at [holmes.carol@epa.gov](mailto:holmes.carol@epa.gov).

#### Attachment

cc: Paula Hoag, Asbestos and Small Business Ombudsman  
John Dombrowski, Director, OC  
Jacqueline Robles Werner, Deputy Director, OC  
Jane Wallace, Acting Associate Director, OC  
Martha Segall, Senior Engineering Advisor, OC  
Elizabeth Vizard, Acting Deputy Director, MAMPD, OC  
Chad Carbone, Director, CPS, MAMPD, OC  
Rosemarie Kelley, Director, OCE  
Karin Koslow, Deputy Director, OCE  
Loren Denton, Associate Director, OCE

---

<sup>5</sup> The SBA's National Ombudsman is charged with administering §222 of SBREFA. This section provides small businesses with the right to comment on federal enforcement actions, which it defines to include audits, on-site inspections, compliance assistance efforts, and other enforcement-related communication or contact by an Agency. The SBA requests that EPA and other federal regulatory agencies assist the SBA Ombudsman in carrying out this legislative mandate by sharing information about SBREFA and the right to comment.