

Congress of the United States  
U.S. House of Representatives  
Committee on Small Business  
2561 Rayburn House Office Building  
Washington, DC 20515-6515

March 13, 2024

The Honorable Michael S. Reagan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Dear Administrator Reagan:

The House Committee on Small Business (the Committee) writes to request further information about the Environmental Protection Agency's (EPA) decision making and practices relating to the Regulatory Flexibility Act (RFA). The Committee has sent a total of five letters requesting communications and other information about the economic impact analyses for certain rules. While the EPA has responded to some of the Committee's requests, to date, the EPA has failed to produce any requested communications.

As you are well aware, the RFA requires agencies to identify and take steps to mitigate any possible significant economic impact on small entities, including the consideration of less impactful alternatives to the rule.<sup>1</sup> However, it appears the Biden Administration has failed this statutory mandate. In fact, the EPA alone has pushed 6.46 million paperwork hours and \$249.7 billion in costs onto American businesses since President Biden took office.<sup>2</sup>

On February 22, 2023, the Committee launched this investigation by sending a letter to the EPA requesting communications and information regarding compliance with the RFA.<sup>3</sup> Since then, the Committee has sent an additional four letters to the EPA requesting communications and information for specific rules. While the EPA has provided the Committee with a briefing and some initial documents, the EPA has failed to produce a single communication in response to any of these letters. Further, the EPA has failed to provide any valid reason for withholding these documents. The lack of transparency and willingness to be forthright with the Committee is unacceptable.

---

<sup>1</sup> See 5 U.S.C. §§ 602-612.

<sup>2</sup> *Explore the Data, Regulation Rodeo*, AM. ACTION FORUM (last visited Mar. 7, 2024), <https://regrodeo.com/?year%5B0%5D=2024&year%5B1%5D=2023&year%5B2%5D=2022&year%5B3%5D=2021&agency%5B0%5D=Environmental%2BProtection%2BAgency>.

<sup>3</sup> See Letter from Roger Williams, Chairman, H. Comm. on Small Bus., to Michael S. Regan, Admin., U.S. Env't Prot. Agency (Feb. 22, 2023).

America's small businesses deserve to have their voices heard and considered. In furtherance of the Committee's investigation into the EPA's decisions in complying with the RFA, the Committee is requesting complete responses to the document requests below, which incorporate and narrow its outstanding documents requests, no later than March 27, 2024.

1. All communications, including but not limited to emails, between and among EPA personnel relating to the RFA, impact analyses, compliance burdens, and the determination of whether there will be a "significant impact on a substantial number of businesses" for the following proposed rules and time periods:
  - a. *Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA)* from June 1, 2022, to June 16, 2023.
  - b. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles* from May 1, 2022, to May 5, 2023.
  - c. *Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels* from August 1, 2022, to August 1, 2023.
  - d. *National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review* from April 1, 2022, to April 13, 2023.
  - e. *Standards of Performance for New, Reconstructed, and Modified Sources and Emissions, Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review* from December 1, 2021, to December 6, 2022.
  - f. *PFAS National Primary Drinking Water Regulation Rulemaking* from March 1, 2022, to March 29, 2023.
  - g. *Reconsideration of the National Ambient Air Quality Standards for Particulate Matter* from January 1, 2022, to January 27, 2023.
  - h. *New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule* from May 1, 2022, to May 23, 2023.

To schedule the delivery of your response or ask any related follow-up questions, please contact the Committee on Small Business Majority Staff at (202) 225-5821. The Committee on Small Business has broad authority to investigate "problems of all types of small business" under House Rule X. Thank you in advance for your cooperation with this inquiry.

The Honorable Michael S. Reagan  
March 13, 2024  
Page 3 of 3

In God We Trust,

A handwritten signature in black ink, appearing to read "Roger Williams". The signature is fluid and cursive, with a large initial "R" and "W".

Roger Williams  
Chairman  
Committee on Small Business

cc: The Honorable Nydia M. Velazquez, Ranking Member  
Committee on Small Business