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**November 27, 2020**

Please see the update from the SBA Office of Advocacy.  You can stay up-to-date on our office by reading our comment letters and reviewing our research. As always, we are seeking your input on current regulatory alerts and your participation in our regulatory roundtables. Please be in touch directly with the listed Advocacy contact for any questions or comments on these topics. Feel free to contact me with other questions or concerns.

- Les Davies

Region 5 Advocate

# COVID-19 SMALL BUSINESS RESOURCES

[The Office of Advocacy is sharing any resources that may be helpful from Federal agencies on our website here.](https://advocacy.sba.gov/2020/04/07/resources-for-small-businesses-in-response-to-the-novel-coronavirus-pandemic/)

# RECENT ADVOCACY COMMENT LETTERS

[Advocacy Submits Comment Letter To Recommend That DOL Extend the Comment Period for Implementation Of IFR Increasing Wages For H-1B Visas](https://advocacy.sba.gov/2020/11/10/advocacy-submits-comment-letter-to-recommend-that-dol-delay-implementation-of-ifr-increasing-wages-for-h-1b-visas/)

[Advocacy Submits Comment Letter To Army Corps To Extend Public Comment Period For “Proposal To Reissue And Modify Nationwide Permits”](https://advocacy.sba.gov/2020/11/06/advocacy-submits-comment-letter-to-army-corps-to-extend-public-comment-period-for-proposal-to-reissue-and-modify-nationwide-permits/)

# UPCOMING ADVOCACY AGENCY ROUNDTABLES

[Small Business Virtual Tax Roundtable – December 4, 2020](https://advocacy.sba.gov/2020/11/17/small-business-virtual-tax-roundtable-december-4-2020/)

# ADVOCACY NEWS UPDATES

[October Small Business Advocate](https://advocacy.sba.gov/2020/10/28/october-small-business-advocate/)

# OFFICE OF ECONOMIC RESEARCH NEWS

[Frequently Asked Questions About Small Business, 2020](https://advocacy.sba.gov/2020/10/22/frequently-asked-questions-about-small-business-2020/)

[“What’s New With Small Business” Infographic, 2020](https://advocacy.sba.gov/2020/10/22/whats-new-with-small-business-infographic-2020/)

[Small Business Facts: Pandemic Pressures City Businesses](https://advocacy.sba.gov/2020/11/04/small-business-facts-pandemic-pressures-city-businesses/)

[Contributions Of Small Business Indirect Exports To U.S. International Trade](https://advocacy.sba.gov/2020/11/12/contributions-of-small-business-indirect-exports-to-u-s-international-trade/)

# OPEN COMMENT PERIODS

## United States Department of Agriculture

**USDA Seeks Comments On A Request For Information Collection On Domestic Hemp Production**

On October 16, 2020, the United States Department of Agriculture’s Agricultural Marketing Service published a notice of a request for approval for an information and data collection pertaining to hemp production using a producer survey. The survey will request data on production location, acreage, production costs and practices, and types of hemp. The survey will also include questions about demographics, contracting, and marketing. The agency is seeking comments on whether this information collection is necessary, ways to enhance the utility and clarity of the information collected, ways to minimize the burden of collection, and other such topics. Written comments on the notice are due by December 15, 2020.

* Read the *Federal Register* notice and submit comments [here.](https://www.federalregister.gov/documents/2020/10/16/2020-22924/domestic-hemp-production-program-request-for-approval-of-a-new-information-collection)
* Advocacy contact: [Prianka Sharma](mailto:prianka.sharma@sba.gov) at (202) 205-6938.

## Consumer Product Safety Commission

**CPSC Seeks Comments On Safety Standards For Crib Mattresses**

On October 26, 2020 the U.S. Consumer Product Safety Commission published a proposed rule to update safety standards for crib mattresses. The Commission is proposing a safety standard for full-size and non-full-size crib mattresses, and after-market mattresses for play-yards and non-full-size cribs. The Commission is also proposing registration requirements to identify crib mattresses as durable infant or toddler products. The Commission would incorporate certain ASTM voluntary standards with additional modifications to make them more stringent. Such modifications include a cyclic test for coil or spring lacerations, tests for compression from fitted sheets, mattress firmness tests and several additional requirements. Written comments on the proposed rule are due by January 11, 2021.

* Read the *Federal Register* notice and submit comments [here.](https://www.federalregister.gov/documents/2020/10/26/2020-22558/safety-standard-for-crib-mattresses)
* Advocacy contact: [Prianka Sharma](mailto:prianka.sharma@sba.gov) at (202) 205-6938.

## Department of Defense

**DOD Issues Interim Final Rule Assessing Contractor Implementation Of Cybersecurity Requirements**

On September 29, 2020, the Defense Acquisition Regulations System issued an interim final rule to implement the DoD’s Cybersecurity Maturity Model Certification. The interim final rule seeks to assess contractor implementation of cybersecurity procedures requirements to further strengthen protection of classified materials throughout the supply chain. The rule allows for a five-year phase-in with different levels of certification requirements for DoD contracts. Additionally, the rule requires some contractors who want medium- or high-level work to open themselves up to a DoD review.

The new rule also requires that contractors undergo a third-party audit. The rule is written in such a way that most of the auditing will be done by third parties, but some might be done by the Cybersecurity Maturity Model Certification Audit Board itself.

Comments on the interim final rule are due November 30, 2020.

* Read the *Federal Register*notice [here](https://www.federalregister.gov/documents/2020/09/29/2020-21123/defense-federal-acquisition-regulation-supplement-assessing-contractor-implementation-of).
* Submit comments [here](https://www.regulations.gov/comment?D=DARS-2020-0034-0001).

Advocacy Contact: [Major Clark III](mailto:major.clark@sba.gov)

## Environmental Protection Agency

**EPA Seeks Small Businesses That Use Or Are Exposed To HBCD For SBREFA Panel**

EPA recently published its final risk evaluation for the third of its 10 high-priority chemicals under the amended Toxic Substance Control Act (TSCA).  In September 2020, EPA published a risk evaluation for [HBCD](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fassessing-and-managing-chemicals-under-tsca%2Ffinal-risk-evaluation-cyclic-aliphatic-bromide-cluster%23documents&data=04%7C01%7CLeslie.Davies%40sba.gov%7Ca848f2dc254f4a5977e908d893042dc6%7C3c89fd8a7f684667aa1541ebf2208961%7C1%7C0%7C637420993445962573%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=1OZcZ6YfsPkE0317xwpd7GIQsRvuFgyDghxoyFFgQOs%3D&reserved=0), finalizing determinations of unreasonable risk for 6 out of 12 evaluated conditions of uses. EPA found the import, processing, recycling, commercial use, consumer use, and disposal of HBCD present unreasonable risks to the environment and the use of HBCD in building and construction materials and exposure through demolition present an unreasonable risk to workers and occupational non-users. A final determination that a condition of use presents an unreasonable risk of injury to health or the environment means that the agency will have to regulate those risks, which can include use-restrictions or bans, among other options.

EPA is now seeking small businesses and their representatives to serve as Small Entity Representatives for a SBREFA panel in anticipation of this rulemaking.

* Nominate small businesses and/or their representatives to participate in the SBREFA panel.
  + Visit the EPA SBREFA website for information and instructions: [https://www.epa.gov/reg-flex/potential-sbar-panel-cyclic-aliphatic-bromide-cluster-hbcd-risk-management-rulemaking-under](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Freg-flex%2Fpotential-sbar-panel-cyclic-aliphatic-bromide-cluster-hbcd-risk-management-rulemaking-under&data=04%7C01%7CLeslie.Davies%40sba.gov%7Ca848f2dc254f4a5977e908d893042dc6%7C3c89fd8a7f684667aa1541ebf2208961%7C1%7C0%7C637420993445972526%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Q1o%2B2V%2BNj0vPByvdJ%2BC1qHDRHNj7rqszH2ZFNbTbwWk%3D&reserved=0)
  + Copy Assistant Chief Counsel Dave Rostker ([David.rostker@sba.gov](mailto:David.rostker@sba.gov)) on your nominations.
* Nominations are due by November 23, 2020.
* For additional information, contact Assistant Chief Counsel Dave Rostker, [David.rostker@sba.gov](mailto:David.rostker@sba.gov), 202-285-6860 (m).

## Food and Drug Administration

**FDA Announces FSMA Food Traceability Proposed Rule**

On September 21, 2020, the U.S. Food and Drug Administration (FDA) announced a [proposed rule](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDAsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA5MjEuMjc0NzgwNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mZGEuZ292L2Zvb2QvZm9vZC1zYWZldHktbW9kZXJuaXphdGlvbi1hY3QtZnNtYS9mc21hLXByb3Bvc2VkLXJ1bGUtZm9vZC10cmFjZWFiaWxpdHk_dXRtX21lZGl1bT1lbWFpbCZ1dG1fc291cmNlPWdvdmRlbGl2ZXJ5In0.sirMKFK16s8gOv4BeiGaebFLZIEa5-ddRhoWoX2Jnhg/s/1256141210/br/85710083615-l) to establish additional traceability recordkeeping requirements for certain foods. The FDA also published a draft “[Food Traceability List](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDEsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA5MjEuMjc0NzgwNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mZGEuZ292L2Zvb2QvZm9vZC1zYWZldHktbW9kZXJuaXphdGlvbi1hY3QtZnNtYS9mb29kLXRyYWNlYWJpbGl0eS1saXN0P3V0bV9tZWRpdW09ZW1haWwmdXRtX3NvdXJjZT1nb3ZkZWxpdmVyeSJ9.FcW8NecCnxkzWrYbERHIdA4cSVZfWZ0D43MFywLg18M/s/1256141210/br/85710083615-l),” which describes the foods that would be subject to the proposed requirements. The list includes leafy greens, fresh cut fruits and vegetables, some types of fish, shell eggs, nut butters, and more.  If finalized, the proposal would standardize the data elements and information firms must establish and maintain, and the information they would need to send to the next entity in the supply chain to facilitate rapid and accurate traceability. While limited to only certain foods, this proposal lays the foundation for a standardized approach to traceability recordkeeping, paving the way for industry to adopt more digital traceability systems in the future.

The proposed rule requires those who manufacture, process, pack, or hold a food on the [Food Traceability List (FTL)](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDQsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA5MjEuMjc0NzgwNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mZGEuZ292L2Zvb2QvZm9vZC1zYWZldHktbW9kZXJuaXphdGlvbi1hY3QtZnNtYS9mb29kLXRyYWNlYWJpbGl0eS1saXN0P3V0bV9tZWRpdW09ZW1haWwmdXRtX3NvdXJjZT1nb3ZkZWxpdmVyeSJ9.KbMNF1Lp38D3ZOBKQMj3TlBtqypqbqs0UbSGwzWDr_g/s/1256141210/br/85710083615-l) to establish and maintain records associated with specific Critical Tracking Events (CTEs): growing, receiving, transforming, creating, and shipping. In addition, those subject to the rule would also be required to create and maintain records related to their internal traceability program, which would help regulators better understand a firm’s recordkeeping practices and traceability operations.  The proposed rule would require records to be maintained as either electronic, original paper records, or true copies. Also, the proposal states that in the event of a foodborne illness outbreak, a product recall, or other threat to public health, the FDA could require that firms submit, within 24 hours, an electronic sortable spreadsheet containing relevant traceability information for specific foods and date ranges.  The requirements of the proposed rule would only apply to foods that are on the FTL, which includes foods that have listed foods as ingredients. The proposed rule includes several exemptions.

The proposed rule and draft Food Traceability List are available for public comment until January 21, 2021.

* [Federal Register Announcing the Proposed Rule](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDUsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA5MjEuMjc0NzgwNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mZWRlcmFscmVnaXN0ZXIuZ292L2RvY3VtZW50cy8yMDIwLzA5LzIzLzIwMjAtMjAxMDAvcmVxdWlyZW1lbnRzLWZvci1hZGRpdGlvbmFsLXRyYWNlYWJpbGl0eS1yZWNvcmRzLWZvci1jZXJ0YWluLWZvb2RzP3V0bV9tZWRpdW09ZW1haWwmdXRtX3NvdXJjZT1nb3ZkZWxpdmVyeSJ9.26CKHX4DsabxVBCv7WRPHhiayn-4i8kPVYZG3q7OVeQ/s/1256141210/br/85710083615-l)
* [Tracking and Tracing of Food](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDYsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA5MjEuMjc0NzgwNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mZGEuZ292L2Zvb2QvbmV3LWVyYS1zbWFydGVyLWZvb2Qtc2FmZXR5L3RyYWNraW5nLWFuZC10cmFjaW5nLWZvb2Q_dXRtX21lZGl1bT1lbWFpbCZ1dG1fc291cmNlPWdvdmRlbGl2ZXJ5In0.lskvIox57GkSWgmG5ilcPoKQq4UEfBqXxnbxOR-9Y-A/s/1256141210/br/85710083615-l)
* Advocacy Contact: [Linwood Rayford](mailto:linwood.rayford@sba.gov) or call 202-205-6533.

## Department of Interior

**DOI Seeks Comments On A Proposed Rule To Streamline Evaluation Criteria For Financial Assurances For Grant Holders**

On October 16, 2020, the United States Department of the Interior’s Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement issued a notice of proposed rulemaking to regulate risk management, financial assurance and loss prevention for various grant holders. The rule streamlines evaluation criteria for determining whether oil, gas and sulfur lessees, rights of use easements, and pipeline right of way grant holders would be subject to bonds or other financial security requirements under the Outer Continental Shelf Lands Act. The rule also removes restrictions for third-party guarantees and decommissioning accounts. Finally, the rule establishes the order in which the agencies will order predecessor lessees to perform decommissioning obligations for existing projects. Written comments on the notice are due by December 15, 2020.

* Read the Federal Register notice and submit comments [here.](https://www.federalregister.gov/documents/2020/10/16/2020-20827/risk-management-financial-assurance-and-loss-prevention)
* Advocacy contact: [Prianka Sharma](mailto:prianka.sharma@sba.gov) at (202) 205-6938.

## Department of Treasury

**TTB Requests Comments On Proposed Information Collections**

On November 3, 2020, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published *Proposed Information Collections; Comment Request (No. 81)***,**requesting comments on information collections (forms, recordkeeping and labeling requirements, and surveys) including:

* Application for Amended Basic Permit under the Federal Alcohol Administration Act ([TTB F 5100.18](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDYsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDExMDYuMzAwMDA5MTEiLCJ1cmwiOiJodHRwczovL3d3dy50dGIuZ292L2ltYWdlcy9wZGZzL2Zvcm1zL2Y1MTAwMTgucGRmIn0.F7hgeTnceDXoAbY8kReJN3Kc1EgbzrEmwFN7D2nHgGs/s/1098309715/br/88082975714-l)),
* Application for an Industrial Alcohol User Permit ([TTB F 5150.22](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDcsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDExMDYuMzAwMDA5MTEiLCJ1cmwiOiJodHRwczovL3d3dy50dGIuZ292L2ltYWdlcy9wZGZzL2Zvcm1zL2Y1MTUwMjIucGRmIn0.LuEKtmrFFmyV9Yh04iFYaIvGyuPIntIvz2nhnDfPYag/s/1098309715/br/88082975714-l)),
* Report–Manufacturer of Tobacco Products or Cigarette Papers and Tubes ([TTB F 5210.5](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDgsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDExMDYuMzAwMDA5MTEiLCJ1cmwiOiJodHRwczovL3d3dy50dGIuZ292L2ltYWdlcy9wZGZzL2Zvcm1zL2Y1MjEwNS5wZGYifQ.cwbQx0gw3CDd2lLwGrDjbYXoApnMQgMvsL2avcuxphU/s/1098309715/br/88082975714-l)),
* Report­–Manufacturer of Processed Tobacco ([TTB F 5250.1](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDksInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDExMDYuMzAwMDA5MTEiLCJ1cmwiOiJodHRwczovL3d3dy50dGIuZ292L2ltYWdlcy9wZGZzL2Zvcm1zL2Y1MjUwMS5wZGYifQ.12gi-1YRwK8LSbwRVH04YQOMqaFLi3w7STZSdqqrRPw/s/1098309715/br/88082975714-l)),
* Importer’s Record and Reports (TTB REC 5170/1), and
* Labeling of Major Food Allergens and Petitions for Exemption.

Specifically, the TTB is requesting comments on:

* whether an information collection is necessary for the proper performance of the agency’s functions, including whether the information has practical utility;
* the accuracy of the agency’s estimate of the information collection’s burden;
* ways to enhance the quality, utility, and clarity of the information collected;
* ways to minimize the information collection’s burden on respondents, including using automated collection techniques or other forms of information technology; and
* estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Comments are due by January 4, 2021.

* Read the notice and request for comments and submit comments [here](https://www.federalregister.gov/documents/2020/11/03/2020-24199/proposed-information-collections-comment-request-no-81).
* Advocacy contact: Assistant Chief Counsel [Charles Jeane](mailto:charles.jeane@sba.gov) at 202.205.7168.

# CONTACT

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