

Revisions to EPA Rule Encourage Small Businesses To Recycle

Small businesses will be encouraged to recycle and reclaim their waste under a reformed rule finalized by the EPA in October. As part of the Regulatory Review and Reform (r3) initiative, the Office of Advocacy had named the “definition of solid waste” as one of this year’s Top 10 Rules for Review and Reform.

“EPA has listened to the voice of small business,” said Chief Counsel for Advocacy Thomas M. Sullivan. “By reviewing and reforming the definition of solid waste, EPA is encouraging recycling rather than disposal. Small businesses care about the environment and EPA’s reform will reward businesses that recycle with less paperwork.”

Currently, many useful materials that could otherwise be recycled are required to be handled, trans-

ported, and disposed of as hazardous waste. These requirements are more costly and complex than those for materials recovered for reuse. In reforming the rule, EPA streamlined requirements for certain hazardous secondary materials including:

- Materials generated and legitimately reclaimed under the control of the generator;
- Materials transferred to another company for legitimate reclamation; and
- Materials that the EPA or an authorized state agency determines to be non-waste through a case-by-case petition process.

EPA estimates that about 5,600 facilities handling approximately 1.5 million tons of hazardous secondary materials annually may be affected by this rule. The activities most affected are metals and solvent recycling. The agency further estimates that this action may result in cost savings of approximately \$95 million per year for all affected industry sectors.

In February, Advocacy announced the 2008 Top 10 Rules for Review and Reform. The Top 10 were drawn from over 80 rules nominated by small business owners and their representatives. Advocacy is committed to helping reduce the \$1.1 trillion yearly cost to Americans of complying with all federal regulations. The long-term r3 initiative does this by working with federal agencies and small business owners to review and reform existing rules that are outdated and ineffective.

To learn more, visit Advocacy’s webpage at www.sba.gov/advo/r3.

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Advocacy Blog Goes Live!

This month, the Office of Advocacy has added to its Internet presence with a new blog, The Small Business Watchdog. You can join the conversation and keep up with the latest from Advocacy at <http://weblog.sba.gov/blog-advo>.

We encourage you to check out the Small Business Watchdog and let us know how we are doing by leaving a comment. Be sure to let your friends and co-workers know about our blog, too. We want them to be in on the conversation as well!

Message from the Chief Counsel

After Six Years, A Farewell to Advocacy

by Thomas M. Sullivan, Chief Counsel for Advocacy

Some things never cease to amaze me. The same humbleness that I felt upon my arrival at the Office of Advocacy over six years ago still exists as I say good-bye. I am in awe of the professionals who make up the office and who have supported me as chief counsel. And, I feel blessed to have had the trust, confidence, and support of small businesses throughout the country to advocate on their behalf in state capitals and in Washington, D.C.

My travels brought me to Boise, Newark, San Marcos, New Orleans, Stillwater, and dozens of other cities and towns that owe their economic strength to small business. It has been an honor to have listened to the hopes, dreams, and experiences of entrepreneurs with the hope that their opinions would influence government policies. And people who took the time to tell me about the struggle to succeed on Main Street have made a difference.

The chief counsel's position is similar to any counsel's job: to be a mouthpiece. In my case, the Office of Advocacy was a megaphone. Through research on job creation, innovation, business wealth and survival, and the barriers that impede economic growth, the Office of Advocacy added data and analysis to the stories told by men and women small business owners. Attorneys in the Office of Advocacy added strength to small business concerns by

“Type ‘small business’ and ‘advocacy’ into any search engine and the Office of Advocacy’s involvement covers the computer screen. The ability of so small an office to have such a visible impact is amazing.”

using the Regulatory Flexibility Act and convincing agencies to be careful before imposing new mandates on small business.

Our success in voicing the views of small business through the megaphone that is the Office of Advocacy has always depended on the activism of the small business

community. I know that chambers of commerce, trade and membership organizations, and individual small business owners would not have wasted their time engaging a government office if they were not confident of the results. The Office of Advocacy is famous for its responsiveness, its professionalism, and its ability to take up the small business flag, wave it, and pursue its causes. The greatest compliment was how the Office of Advocacy was continually swamped with requests for involvement. From health care, to taxes, to land-use restrictions, to energy, small businesses sought help from the Office of Advocacy. And the office delivered. Regional advocates carried the stories of local entrepreneurs through the halls of state capitols

and those same stories were with me when I pressed the case for small business at the White House and in Congress.

Type “small business” and “advocacy” into any search engine and the Office of Advocacy’s involvement covers the computer screen. The ability of so small an office to have such a visible impact is amazing. And it has depended entirely on the Office of Advocacy’s ability to amplify the message of over 26 million small businesses through a megaphone.

My job was not always about hard work. There were numerous times when I could not believe how lucky I was to be chief counsel. Throwing



Chief Counsel for Advocacy Tom Sullivan throwing out the first pitch on Small Business Night at Fenway Park.



As chief counsel, Tom Sullivan traveled to each of the federal regions. In 2003, he and New England Regional Advocate Barbara Manning met with Harbor Light Marina owner Leo Martin and consultants Ken Kubic and Mark Deion to discuss regulations that stymied new dock construction.

out the first pitch surrounded by my beloved Red Sox during Small Business Night at Fenway Park was one of those times. And there were many times when the honor of serving on the President's team was emotionally overwhelming. Visiting with Senators Elizabeth Dole and Bob Dole and service-

disabled veterans were among these deeply moving experiences.

The next chief counsel will enjoy fun times and take on tough challenges. There will be new ways to wield the Office of Advocacy's megaphone, and I am humbled to be part of the office's distinguished history.



Tom Sullivan and the four previous chief counsels for advocacy were photographed together in October 2001: front row: Milt Stewart; back row from left, Jere Glover, Tom Sullivan, Tom Kerester, Frank Swain.

Legislative Update

Legislation Aims To Simplify Home Office Business Deduction

by Dillon Taylor, Assistant Chief Counsel

Last year, the Office of Advocacy started the Regulatory Review and Reform (r3) initiative as an annual exercise for the small business community to identify the top 10 federal regulations that should be reviewed and reformed. Members of the small business community identified the home office business deduction as a tax provision that is unduly complex. Tax complexity, combined with the fact that 53 percent of America's small businesses are home-based, prompted Advocacy to call upon the Internal Revenue Service (IRS) to consider implementing a standardized deduction under their existing administrative authority.

While the IRS continues to review the call to simplify the home office business deduction, Congress has introduced several pieces of legislation intended to simplify the deduction by permitting a standard deduction for at-home businesses: the "Home Office Deduction Simplification Act of 2008" (H.R. 6214); the "Home Office Deduction Simplification and Improvement Act of 2008" (S. 3371); and the "Home Office Tax Deduction Simplification and Improvement Act" (H.R. 7074).

These bills are consistent with what small business expressed to Advocacy when we launched the r3 initiative to encourage federal agencies to minimize the regulatory burden on small businesses on a regular basis. Accordingly, Advocacy commends the introduction of this legislation to simplify the home office business deduction. Advocacy looks forward to working with Congress on this issue.

Regulatory News

FCC Exemption Smooths Small Cable Companies' Transition to DTV

by Cheryl Johns, Assistant Chief Counsel

On September 4, the Federal Communications Commission (FCC) released an order that exempts small cable systems from the requirement to carry high definition versions of broadcast signals for three years following the digital television (DTV) transition. This exemption benefits many small cable systems that may have been negatively affected by the "dual carriage" requirement, including those that serve hard-to-reach areas.

The DTV transition requires that all full power broadcast stations in the United States stop broadcasting on analog airwaves and broadcast in digital only beginning on February 17, 2009. Congress mandated this change to better promote advanced broadcasting technology and to enhance television viewing. In order to support this transition, the FCC has promulgated many new rules that will impact small cable systems

and the consumers that they serve. Advocacy has worked closely with the American Cable Association (ACA) on these proposed regulations in order to analyze this impact and work with the Commission to mitigate any unnecessary burdens that these regulations may have on small cable systems.

In particular, the dual carriage requirement would have had a disproportionate economic impact on the smallest cable systems.

Advocacy met with various small

cable representatives in September 2007 to craft alternative methods of achieving the FCC's goal of ensuring a smooth transition while minimizing the potential negative impact that this rule may have on small cable systems. Advocacy filed a public comment letter with the FCC on March 3, 2008, requesting that the FCC adopt an exemption for those cable systems with 5,000 or fewer subscribers and those systems with an activated channel capacity of 552 MHz or less. On September 4, 2008, the FCC released its Fourth Report and Order, which carves out exemptions for small cable systems with certain characteristics. According to the ACA, the exemption will significantly reduce compliance costs on small systems; it will enable these small companies to continue to serve their subscribers while using the money saved to invest in advanced technology.

For More Information

The final order is located here: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-193A1.doc.

More information about the DTV transition can be found here: www.dtv.gov.

Two New Faces at Advocacy

There are two new faces in the Office of Advocacy this fall. Program Assistant Tymillia Robertson joined the Administrative Support Branch in September. Robertson attended Morgan State University in Baltimore, Maryland, and Northern Virginia Community College. She brings several years of administrative and business experience to her position.

Rachel Grant is an intern with Advocacy for the semester. Originally from Pennsylvania, she is now a student in George Washington University's business administration program. She is a member of the GW Women in Business's Corporate Relations Committee, where she networks with other students and is planning an annual trip to New York City.



Tymillia Robertson (left) and Rachel Grant (right).

During high school she founded a tutoring business in her home town. Grant is working with the

Office of Economic Research and the Office of Information during her stay at Advocacy.

What is a small business?

The Office of Advocacy defines a small business for research purposes as an independent business having fewer than 500 employees. Firms wishing to be designated small businesses for government programs such as contracting must meet size standards specified by the U.S. Small Business Administration (SBA) Office of Size Standards. These standards vary by industry; see www.sba.gov/size.

How important are small businesses to the U.S. economy?

Small firms:

- Represent 99.7 percent of all employer firms.
- Employ about half of all private sector employees.
- Pay nearly 45 percent of total U.S. private payroll.
- Have generated 60 to 80 percent of net new jobs annually over the last decade.
- Create more than half of nonfarm private gross domestic product (GDP).
- Hire 40 percent of high tech workers (such as scientists, engineers, and computer workers).
- Are 52 percent home-based and 2 percent franchises.
- Made up 97.3 percent of all identified exporters and produced 28.9 percent of the known export value in FY 2006.
- Produce 13 times more patents per employee than large patenting firms; these patents are twice as likely as large firm patents to be among the one percent most cited.

Source: U.S. Dept. of Commerce, Bureau of the Census and International Trade Administration; Advocacy-funded research by Kathryn Kobe, 2007 (www.sba.gov/advo/research/rs299tot.pdf) and CHI Research, 2003 (www.sba.gov/advo/research/rs225tot.pdf); Federal Procurement Data System; U.S. Dept. of Labor, Bureau of Labor Statistics.

How many new jobs do small firms create?

Since the mid-1990s, small businesses have created 60 to 80 percent of the net new jobs. In the most recent year with data (2005), employer firms with fewer than 500 employees created 979,102 net new jobs, or 78.9 percent. Meanwhile, large firms with 500 or more employees added 262,326 net new jobs or 21.1 percent. For an in-depth look at employment dynamics by firm size from 1989 to 2005, see www.sba.gov/advo/research/data.html#us.

What is small firms' share of employment?

Small businesses employ about half of U.S. workers. Of 116.3 million nonfarm private sector workers in 2005, small firms with fewer than 500 workers employed 58.6 million and large firms employed 57.7 million. Firms with fewer than 20 employees employed 21.3 million. While small firms create 60 to 80 percent of net new jobs, their share of employment remains steady since some firms grow into large firms as they create new jobs.

Source: U.S. Dept. of Commerce, Bureau of the Census.

How many small businesses are there?

In 2007, there were 27.2 million businesses in the United States, according to Office of Advocacy estimates. Census data show that there were 6.0 million firms with employees and 20.4 million without employees in 2005. Small firms with fewer than 500 employees represent 99.9 percent of the 27.2 million businesses (including both employers and nonemployers), as the most recent data show there were slightly more than 17,000 large businesses in 2005.

Source: Office of Advocacy estimates based on data from the U.S. Dept. of Commerce, Bureau of the Census, and U.S. Dept. of Labor, Employment and Training Administration.

How many businesses open and close each year?

The number of nonemployer firms has risen steadily in this decade, from 16.5 million in 2000 to an estimated 21.1 million in 2007. An estimated 637,100 new employer firms began operations in 2007 and 560,300 firms closed that year.

Starts and Closures of Employer Firms, 2003–2007

Category	2003	2004	2005	2006	2007
New Firms	612,296	628,917	644,122	640,800e	637,100e
Closures	540,658	541,047	565,745	587,800e	560,300e
Bankruptcies	35,037	34,317	39,201	19,695	28,322

e = Advocacy estimate. For a discussion of methodology, see Brian Headd, 2005 (www.sba.gov/advo/research/rs258tot.pdf).

Source: U.S. Dept. of Commerce, Bureau of the Census; Administrative Office of the U.S. Courts; U.S. Dept. of Labor, Employment and Training Administration.

What is the survival rate for new firms?

Two-thirds of new employer establishments survive at least two years, 44 percent survive at least four years, and 31 percent survive at least seven years, according to a recent study. These results were constant for different industries. Firms that began in the second quarter of 1998 were tracked for the next 28 quarters to determine their survival rate. Of special interest, the research found that businesses that survive four years have a better chance of surviving long-term. After the fourth year, the rate of firm closings declines considerably.

Earlier research has found that the major factors in a firm's survivability include an ample supply of capital, being large enough to have employees, the owner's education level, and the owner's reason for starting the firm.

Source: "Business Employment Dynamics Data: Survival and Longevity, II," by Amy E. Knaup and Merissa C. Piazza, *Monthly Labor Review*, vol. 30, no. 9 (Sept. 2007), pp. 3-10; "Redefining Business Success: Distinguishing Between Closure and Failure" by Brian Headd, *Small Business Economics*, vol. 21, no. 1 (August 2003), pp. 51-61.

How are small businesses financed?

Commercial banks and other depository institutions are the largest lenders of debt capital to small businesses.

They accounted for almost 65 percent of total traditional credit to small businesses in 2003. (This includes credit lines and loans for nonresidential mortgages, vehicles, equipment, and leases.) Credit cards account for much of the growth in small business lending over the past few years. For more information, see Advocacy's annual publication, *Small Business Lending in the United States* (www.sba.gov/advo/research/lending.html).

How do regulations affect small firms?

Very small firms with fewer than 20 employees annually spend 45 percent more per employee than larger firms to comply with federal regulations. These very small firms spend four and a half times as much per employee to comply with environmental regulations and 67 percent more per employee on tax compliance than their larger counterparts. For data broken out by industry, see www.sba.gov/advo/research/rs264tot.pdf.

Annual Cost of Federal Regulations by Firm Size, All Business Sectors (Dollars)

Type of Regulation	Cost per Employee for Firms with:	
	<20 Employees	500+ Employees
All Federal Regulation	\$7,647	\$5,282
Environmental	3,296	710
Economic	2,127	2,952
Workplace	928	841
Tax Compliance	1,304	780

Source: *The Impact of Federal Regulations on Small Firms*, an Advocacy-funded study by W. Mark Crain, 2005 (www.sba.gov/advo/research/rs264tot.pdf).

Whom do I contact about regulations?

To submit comments on proposed regulations, send email to advocacy@sba.gov or visit Advocacy's regulatory alerts page at www.sba.gov/advo/laws/law_regalerts.html. To inquire about unfair regulatory enforcement, contact SBA's Office of the National Ombudsman at ombudsman@sba.gov.

What is the role of women, minority, and veteran entrepreneurs?

Of the 23 million nonfarm businesses in 2002, women owned 6.5 million businesses. These firms generated \$940.8 billion in revenues, employed 7.1 million workers, and had \$173.7 billion in payroll. In addition, another 2.7 million firms were owned equally by both women and men; these firms added another \$731.4 billion in revenues and employed another 5.7 million workers.

In 2002, minorities owned 4.1 million firms that generated \$694 billion in revenues and employed 4.8 million people. Hispanic Americans owned 6.6 percent of all U.S. businesses; African Americans, 5 percent; Asian Americans, 4.6 percent; American Indians or Alaska Natives, 0.8 percent; and Native Hawaiian or other Pacific Islanders, 0.1 percent.

Male veterans' self-employment rates were higher than those of non-veterans from 1979 to 2004. The rate was 13.7 percent in 2003, compared to 12.2 percent for non-veterans.

According to a study on veteran business ownership, about 22 percent of veterans in the U.S. household population were either purchasing or starting a new business or considering purchasing or starting one in 2004, and almost 72 percent of these new veteran entrepreneurs planned to employ at least one person at the outset of their new venture.

Source: U.S. Dept. of Commerce, Bureau of the Census, Survey of Business Owners; Office of Advocacy: *Women in Business* (www.sba.gov/advo/research/rs280.pdf) and *Minorities in Business* (www.sba.gov/advo/research/rs298.pdf); Advocacy-funded research by Robert Fairlie, 2004 (www.sba.gov/advo/research/rs243.pdf) and Waldman Associates, 2004 (www.sba.gov/advo/research/rs242.pdf).

What research exists on the cost and availability of health insurance?

For many years, the cost and availability of health insurance has been a top small business concern. Aspects of insurance that drive small business concerns are premium increases and administrative costs. Advocacy research shows that: (1) insurers of small health plans have higher administrative expenses than those that insure larger group plans, and (2) employees at small firms are less likely to have coverage than the employees of larger entities.

These results are confirmed by the Kaiser Family Foundation, which also finds that firm size is an important indicator of whether a firm offers health insurance. This survey shows that about half of businesses with fewer than 10 workers offer health benefits to their employees. The ratio grows to about three-fourths for firms with 10–24 employees, to almost 90 percent for firms with 25–49 employees, and to 98 percent for firms with 200 employees or more. Two-thirds of workers in firms of all sizes take health insurance coverage if offered.

Source: National Federation of Independent Business; Kaiser Family Foundation; Advocacy-funded research by Rose C. Chu and Gordon R. Trapnell, 2003 (www.sba.gov/advo/research/rs224tot.pdf); Joel Popkin and Company, 2005 (www.sba.gov/advo/research/rs262tot.pdf); and Econometrica, Inc., 2007 (www.sba.gov/advo/research/rs295tot.pdf).

How can I get more information?

For more detailed information, visit www.sba.gov/advo. Sign up at <http://web.sba.gov/list> for email delivery of Advocacy's newsletter, press, regulatory news, and research. For RSS feeds, visit www.sba.gov/advo/rsslibrary.html. Economic research by the Office of Advocacy can be found at www.sba.gov/advo/research. Specific points of interest include:

- Firm size data (U.S., state, and metropolitan static and dynamic data): www.sba.gov/advo/research/data.html
 - Small firm lending studies (1994–present): www.sba.gov/advo/research/lending.html
 - Small business profiles by state and territory (1995–present): www.sba.gov/advo/research/profiles
 - *The Small Business Advocate* monthly newsletter (2000–present): www.sba.gov/advo/newsletter.html
- Direct questions to (202) 205-6533 or advocacy@sba.gov.

The SBA's Office of Advocacy was created by Congress in 1976 to protect, strengthen, and effectively represent the nation's small businesses within the federal government. As part of this mandate, the office conducts policy studies and economic research on issues of concern to small business and publishes data on small business characteristics and contributions. For small business resources, statistics, and research, visit the Office of Advocacy's home page at www.sba.gov/advo.

Research Notes

The Universe of Smalls Gets Bigger

by Rachel Grant, Office of Advocacy Intern

The number of America's small businesses is growing, yet the businesses within that total are getting even smaller. America's smallest small businesses—nonemployers or businesses without employees—grew by 1.8 percent from 2005 to 2006 according to recently released U.S. Census Bureau data. These nonemployers saw their average receipts grow by a nominal 0.2 percent from year to year, which was well below the 3.2 percent inflation rate for the year.

Nonemployer firms represent two-thirds of America's small businesses. Often, these enterprises do not represent their owner's principal job. Frequently, a nonemployer firm is a side venture to a full-time career, or a testing ground to learn about entrepreneurship. Because nonemployer firms make up such a large part of America's small

businesses, it is important to watch and understand how the number of firms changes from year to year.

In 2005, there were 20.4 million nonemployer firms. By 2006, a net 376,487 more firms had surfaced, resulting in 20.8 million nonemployer firms. These nonemployers produced \$97 billion in receipts in 2006. That was \$19.2 billion more than in 2005.

Although firms and receipts went up in almost every industry, some industries performed better than others. The payroll services industry, Internet publishing, and telephone call centers saw the largest increases in receipts. Payroll firms increased their receipts by 25.1 percent, the highest raise in all industries. Internet publishing went up 22.2 percent in receipts, and telephone call centers went up 21.1 percent. Mining, various types of

food manufacturing, and computer and electronic manufacturing saw their firm numbers grow.

Certain states had a large influx of small business throughout the year as well. Louisiana and Mississippi had the largest percent increases in nonemployer firms and receipts, rising 9.0 percent and 6.9 percent, respectively in number of nonemployers. Although spread among industries, these gains were most likely the result of rebuilding from hurricanes. Construction accounted for 22 percent of Louisiana's increase in nonemployers and 28 percent of Mississippi's. But the information industry had a higher percentage increase than construction in both states.

For more nonemployer statistics, visit www.sba.gov/advo/research/data.html or www.census.gov/epcd/nonemployer.

Three New Working Papers Published

The Office of Advocacy published three new working papers in October.

- *The Importance of Angel Investing in Financing the Growth of Entrepreneurial Ventures*, by Scott Shane, seeks to provide an accurate understanding of the role of angel investing in the entrepreneurial finance system. It finds that the angel capital market is smaller than is generally believed. It is online at www.sba.gov/advo/research/rs331tot.pdf.

- *Looking Ahead: Opportunities and Challenges for Entrepreneurship and Small Business Owners*, is by Chad Moutray, Advocacy's director of economic research. Moutray's paper outlines the most important issues and opportunities faced by

small business owners and entrepreneurs in this election year.

Access it at www.sba.gov/advo/research/rs332tot.pdf.

- A third working paper, also by Dr. Moutray, is titled *Baccalaureate Education and the Employment Decision: Self-Employment and the Class of 1993*. This research utilizes the U.S. Department of Education's Baccalaureate & Beyond data series to delve into the relation of collegiate education to the employment decision. The study shows that one's choice of college major is a major determinant of whether one becomes self-employed or chooses wage-and-salary work. Available at www.sba.gov/advo/research/rs333tot.pdf.

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Nominations for the r3 2009 Top 10 List Due December 31

Do you know of a federal regulation that is in need of review and reform? This is the time to speak up. Recommendations for the Office of Advocacy's 2009 Top 10 List of Rules in Need of Review and Reform are due by December 31, 2008.

What is the process for small business stakeholders to identify rules as candidates for review and reform? The nomination criteria may be found on Advocacy's webpage at www.sba.gov/advo/r3/r3_nomination.html. Stakeholders who want to propose a nomination should provide

- A description of the current rule,
- The reasons why the rule or program should be reformed, and
- Specific recommendations for reform.

After Advocacy receives and evaluates a recommendation for reform, Advocacy staff will work with the stakeholder to develop sufficient information to move forward.

To suggest reviews and reforms, please contact Assistant Chief Counsel Keith Holman at (202) 205-6936 or advocacy@sba.gov.

Small Business Watchdog Sinks Teeth into Blog!

Bark, Growl or Yip, come up to the minute with Advocacy's efforts on behalf of small business—meeting policymakers, uncovering new small business research, listening to you. Drop by Advocacy's new blog and find out more about the office's day-to-day activities and add your own views. The Small Business Watchdog is a place where you can ask questions about small businesses' contributions to the economy, discuss the impact of regulations on your business or industry, and connect with the small business community in



your state or region, or around the country. In other words, the blog is another way of becoming a more effective Small Business Advocate.

The Small Business Watchdog is located at <http://weblog.sba.gov/blog-advo>.

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