

## New EPA Regulations Set Formaldehyde Emissions Standards for Wood Products

Industries that manufacture or import wood products made of plywood, medium density fiberboard and particle board may need to upgrade their internal policies and procedures to comply with new EPA regulations that include formaldehyde emissions standards. These types of products are often manufactured using urea-formaldehyde resins that continue to emit formaldehyde after manufacture, creating a health risk for consumers. In addition to acting as respiratory irritant, formaldehyde has been determined to be carcinogenic by the International Agency for Research on Cancer. As a result, it was designated a toxic air contaminant by the state of California in 1992 leading the California Air Resources Board (CARB) to create airborne toxic control measures for formaldehyde emissions in 2007.

In 2010 the Formaldehyde Emission Standards for Composite Wood Products Act was passed by Congress, and this legislation added Title VI to the already existing Toxic Substances Control Act (TSCA). Since then, the EPA has been working to create standards that largely mirror those already established by CARB. The EPA's "Final Rule" was published in the Federal Register on December 12<sup>th</sup>, 2016, and though enforcement of many provisions was delayed, the most significant sections have now gone into effect.

Products subject to rules and regulations under Title VI must undergo quarterly testing by a CARB or EPA approved third party certifier (TCP) to certify them as compliant with emissions standards. After 3/22/19 the certification will have to be performed by an EPA approved TCP.

Beginning June 1<sup>st</sup>, 2018, composite wood products manufactured or sold in the U.S., or imported into the country, must be labeled as compliant with either California's CARB ATCM Phase II or with the EPA's TSCA Title VI. In addition to sheets or panels of hardwood plywood, MDF, or particle board, the regulations affect household and other finished articles that contain these products. Until March 22<sup>nd</sup>, 2019 the labeling certification can refer to either the CARB or TSCA regulations. After that date CARB reciprocity will end, and all composite wood products will need to be certified and labeled as compliant with TSCA Title VI. The label for finished goods must include the fabricator/manufacturer name, the date of production, and the words "TSCA Title VI".

The EPA Final Rule also covers recordkeeping requirements, which include records pertaining to production, testing, and non-complying lots. Importers must retain bills of lading, invoices, or comparable documents bearing a statement of TSCA Title VI compliance from the supplier. Importers must also be prepared to provide records that identify the panel producer, date of production, panel supplier, and date of purchase within 30 days of an EPA request. All records must be kept for a period of 3 years.

Many laminated composite wood products, such as furniture, will be affected by the new regulations since testing has shown that formaldehyde emissions can still be high depending on the resins used in manufacture. The EPA Final Rule describes exemptions for products that use different resins to affix the veneer to the core, (such as phenol-formaldehyde resins, or resins made with no added formaldehyde); but the manufacturer or importer must maintain records to substantiate their eligibility for the exemption. When no exemption applies, laminated products must comply with the hardwood plywood emission standard of 0.05 ppm, and this goes into effect on 3/22/24. However, even before that date, laminated product producers must incorporate "compliant composite wood product platforms" into the laminated product, and must comply with recordkeeping and labeling requirements.

The following link is for the EPA webpage "Formaldehyde Emission Standards for Composite Wood Products". Within this web page is a link to the much longer EPA Final Rule. Importers of composite wood products will need to read through the Final Rule to fully understand their responsibilities in regard to product testing, labeling, and recordkeeping.

<https://www.epa.gov/formaldehyde/formaldehyde-emission-standards-composite-wood-products#additional-resources>

A list of EPA approved third party certifiers for product testing can be found at:

<https://www.epa.gov/formaldehyde/recognized-third-party-certifiers-under-formaldehyde-emission-standards-composite-wood>