

Small Entity Compliance for Formaldehyde Standards in Composite Wood Products

Fabricators and Laminated Product Producers

National Program Chemicals Division
Office of Pollution Prevention and Toxics
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Background on TSCA Title VI

- On July 7, 2010, the Formaldehyde Standards for Composite Wood Products Act was signed into law to become Toxic Substances Control Act (TSCA) Title VI.
- TSCA Title VI establishes formaldehyde emission standards identical to the California Air Resources Board (CARB) limits.
- TSCA Title VI directs the implementation of regulations to ensure compliance with formaldehyde emission standards.
- The final rule is available in the Federal Register under 40 CFR Part 770 and posted online at <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0461-0001>.
 - Became effective on May 22, 2017.
 - Beginning June 1, 2018, composite wood products (manufactured in or imported into the U.S.) must be certified as compliant with emission standards by a CARB approved and EPA-recognized Third-Party Certifier (TPC).**
 - Until March 22, 2019, regulated products must be labelled as compliant with the TSCA Title VI or CARB ATCM Phase II emission standards. After March 22, 2019, products must be labeled as TSCA Title VI compliant.**
 - Beginning March 22, 2019, import certification is required.*
 - Beginning March 22, 2024, non-exempt laminated products become hardwood plywood and must comply with panel producer requirements.*

* The final rule extending compliance dates is [available in the Federal Register online](#).

** On March 13, 2018, the U.S. District Court for the Northern District of California, issued an order addressing the litigation over the December 12, 2018 compliance date for the formaldehyde standards for composite wood products. [Read the Federal Register Notice announcing the litigation](#).



Regulation Summary

- TSCA Title VI requires that composite wood products be tested and certified, ensuring only compliant products enter the product supply chain.
- Composite wood products must be certified by an EPA-recognized third-party certifier (TPC), also called an EPA TSCA Title VI TPC.
- Composite wood products affected under TSCA Title VI are:
 1. Hardwood Plywood;
 2. Medium-Density Fiberboard (MDF), including thin MDF; and
 3. Particleboard.

* There are limited testing and certification exemptions for no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins.
- The new regulation includes recordkeeping, reporting, and labeling provisions.
- All applications and notifications submitted to EPA under the final rule must be done through the EPA Central Data Exchange (CDX) at: <https://cdx.epa.gov>.

Product Exemptions

If you produce any other component parts or finished goods that contain *only* exempt products, you are not subject to the new regulation.

Exemptions include the following products:

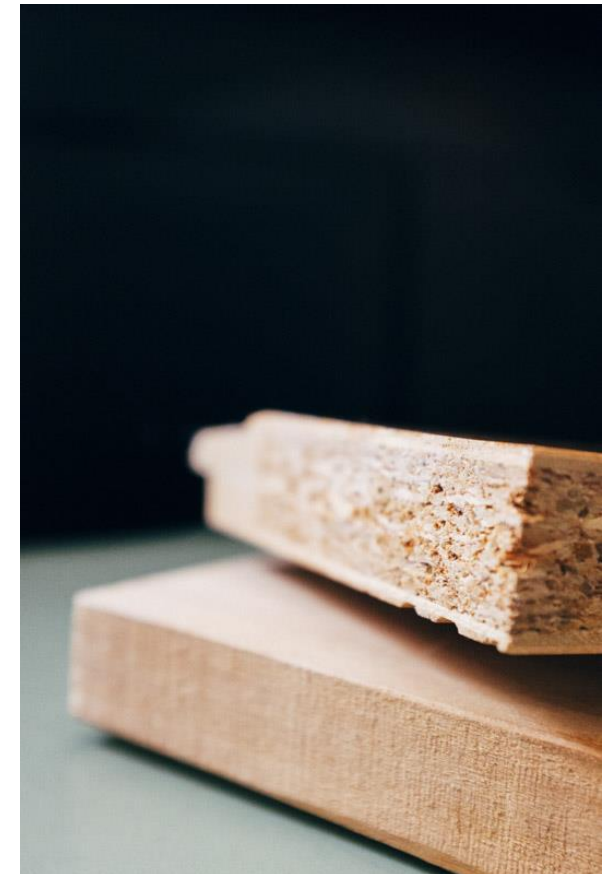
- 1) Hardboard
- 2) Structural plywood
- 3) Structural panels
- 4) Structural composite lumber
- 5) Military-specified plywood
- 6) Curved plywood
- 7) Oriented strand board
- 8) Glued laminated lumber
- 9) Prefabricated wood I-joists
- 10) Finger-jointed lumber
- 11) Wood packaging (e.g., pallets, crates, spools, dunnage)
- 11) Composite wood products used inside a new vehicle other than a recreational vehicle, such as:
 - Rail cars, boats, and aircraft
- 12) Windows that contain composite wood products if the windows contain less than 5% composite wood product by volume
- 13) Exterior doors and garage doors that contain composite wood products, if:
 - The doors are made from composite wood products manufactured with NAF or ULEF resins; or
 - The doors contain less than 3% composite wood product by volume
- 14) Refurbished or antique furniture
- 15) Finished goods previously sold/supplied to an end user who purchased or acquired the finished good in good faith for purposes other than resale are exempt



Emissions Standards

Regulated products must meet the emission standards beginning June 1, 2018:

Product	Emission Standard
Hardwood Plywood – Veneer Core	0.05 ppm of formaldehyde
Hardwood Plywood – Composite Core	0.05 ppm of formaldehyde
Medium-Density Fiberboard (MDF)	0.11 ppm of formaldehyde
Thin MDF	0.13 ppm of formaldehyde
Particleboard	0.09 ppm of formaldehyde

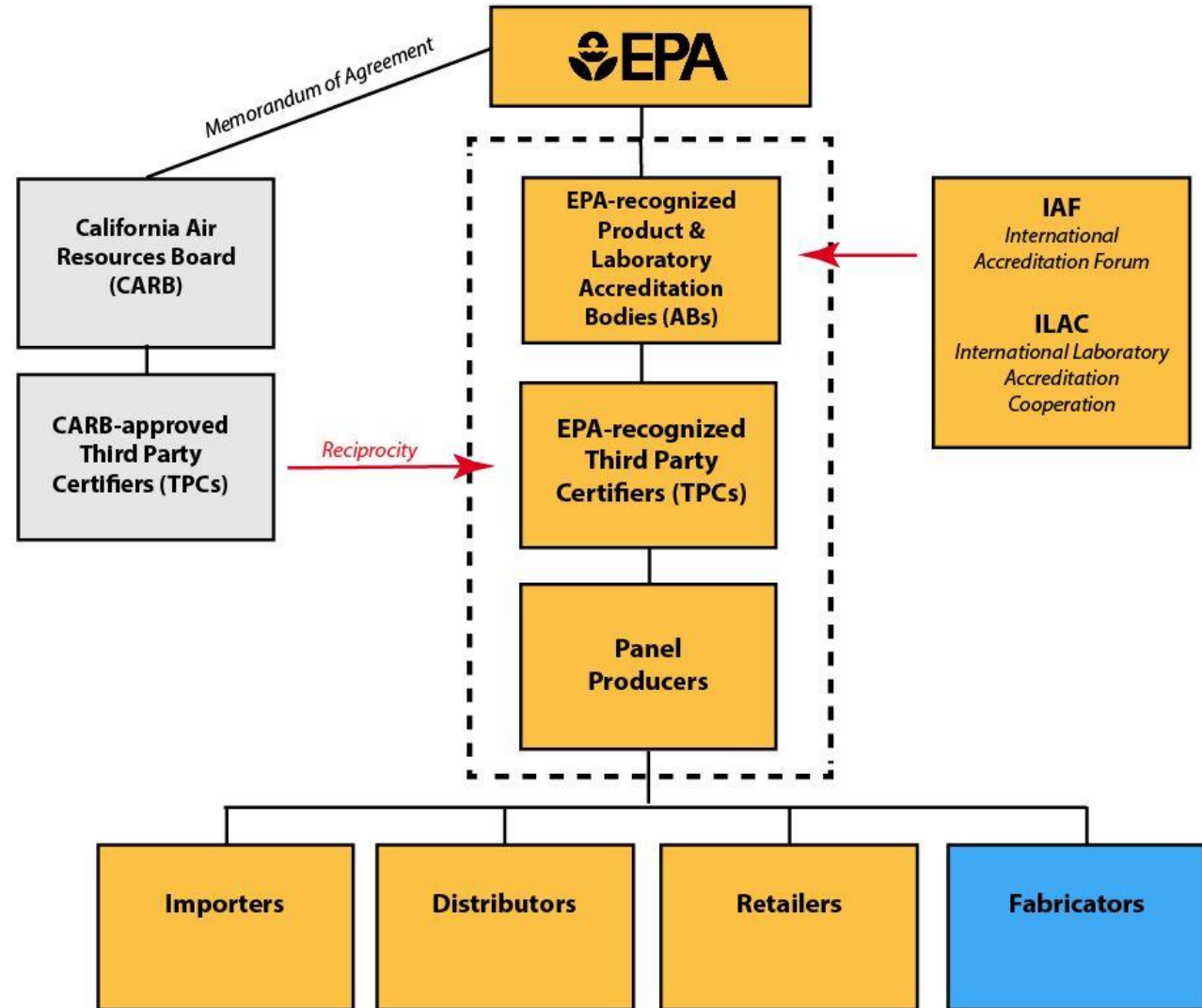




Rule Framework

Each entity must fulfill certain requirements to ensure that only compliant composite wood products enter the supply chain.

The dotted line represents the EPA's third-party certification program.



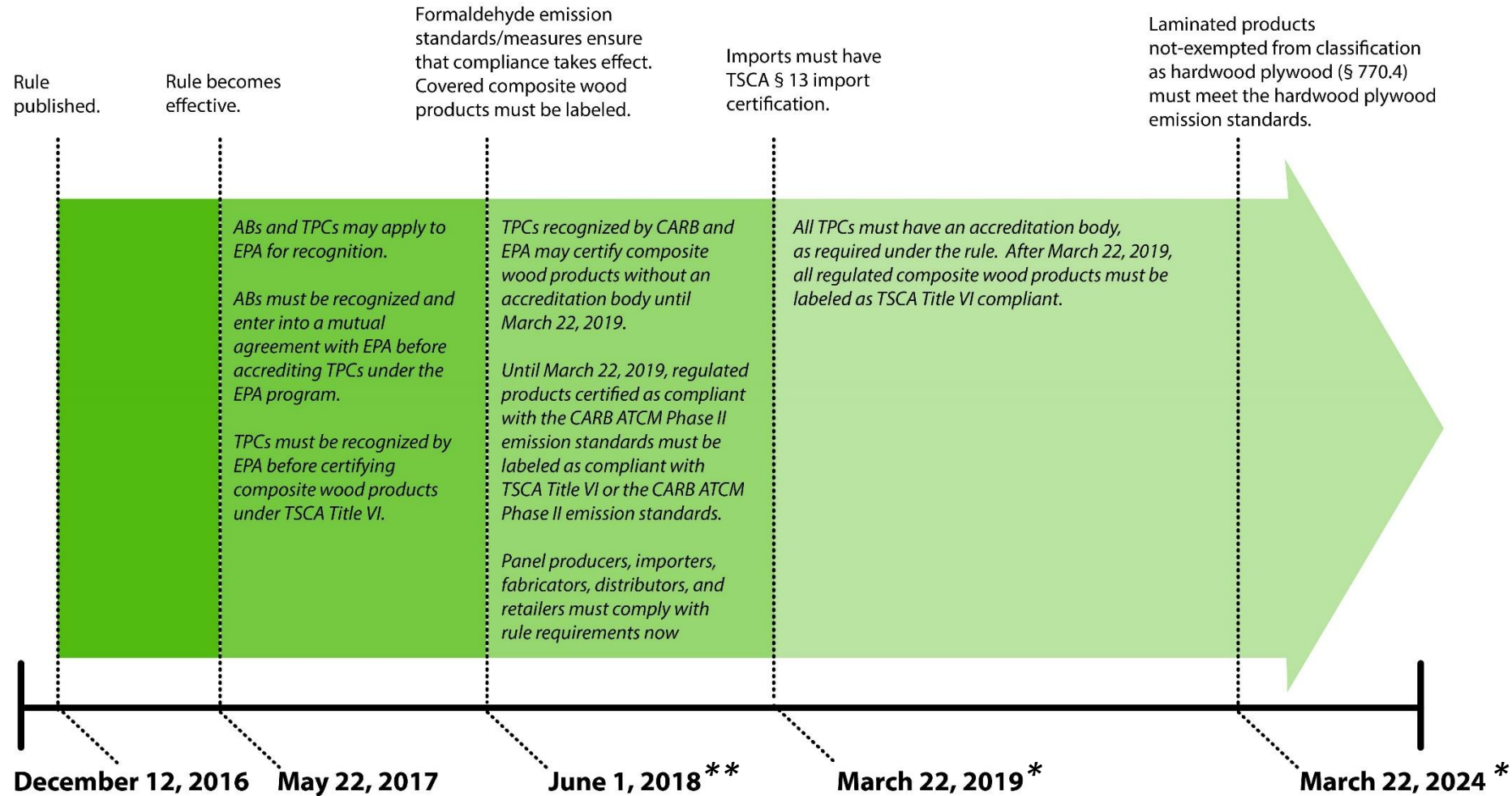


Impacted Entities

Entities in the supply chain:	Businesses likely to be covered under TSCA Title VI as fabricators:
Panel producers	Manufactured home (mobile home) manufacturing
Importers, distributors, and retailers	Prefabricated wood building manufacturing
Third-Party Certifiers and Accreditation Bodies	Motor home manufacturing
Fabricators	Travel trailer and camper manufacturing
	Furniture and related product manufacturing

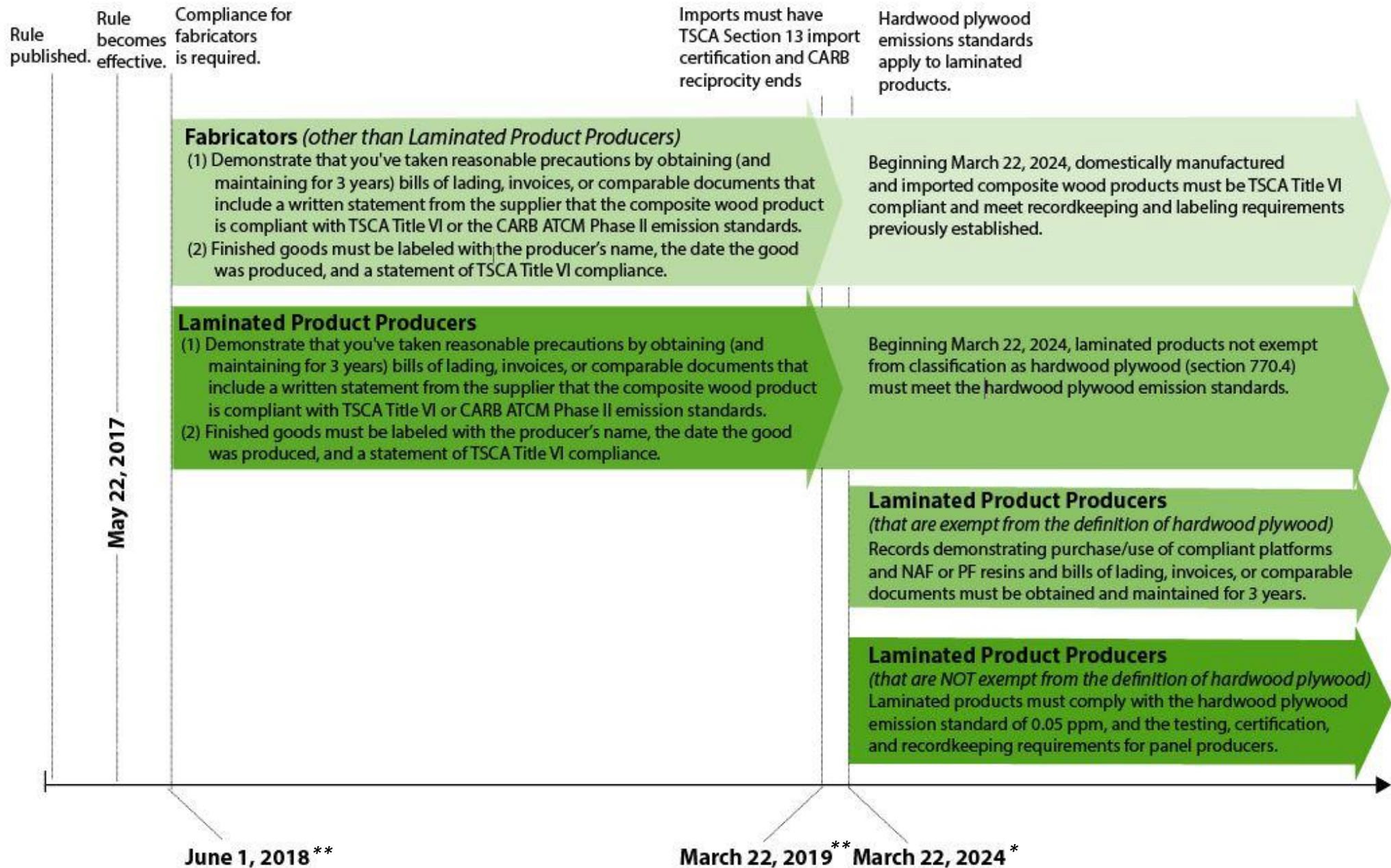
Note that laminated product producers are also fabricators. Laminated product producers must also comply as hardwood plywood panel producers under TSCA Title VI beginning March 22, 2024.

Compliance Timeline



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How to Comply





Your Responsibilities Under TSCA Title VI

Beginning June 1, 2018, you must:

- Ensure you purchase only compliant composite wood products, whether they are unfinished panels or incorporated into component parts or finished goods.
- Keep records (e.g., bills of lading, invoices, or comparable documents with a written statement from the supplier) documenting your sourcing of compliant products.
 - If you are fabricating exempt laminated products, you are required to maintain additional records beginning March 22, 2024.
- Be responsible for labeling any finished goods you produce or every box/bundle containing finished goods you produce.





Stockpiling

- You are not permitted to sell any composite wood products or finished goods containing composite wood products if they have been stockpiled.
- Products are stockpiled if:
 - Between July 7, 2010 and June 12, 2017 you have purchased at least 20% greater than your average rate of purchase during the 2009 calendar year; and
 - You purchased the products at a higher rate specifically to circumvent emission standards.
- Products are not stockpiled when:
 - Composite wood products are manufactured or purchased for legitimate business reasons at a higher rate, because of increased demand, natural disaster, planned business expansion, etc.



Reasonable Precautions & Records

- You must take reasonable precautions to ensure that any composite wood products you sell, supply, offer for sale, or hold for sale (whether in the form of panels, component parts, or finished goods) comply with TSCA Title VI.
- You must demonstrate that you've taken reasonable precautions by obtaining bills of lading, invoices, or comparable documents that include a written statement from the supplier that the composite wood product is compliant with TSCA Title VI.
- These records must be kept on file for a period of three years from the import date or date of the purchases or shipments.



Labels

- You must label all finished goods you produce or all boxes/bundles of finished goods you produce.
- Component parts to be sold directly to consumers must also be labeled as if they were finished goods.
- Labels should include in legible English:
 - Your name;
 - The date of production (month/year format); and
 - A statement that the good is compliant with TSCA Title VI.*
- Labels are *not* required on component parts not sold separately or on finished goods if they contain a *de minimis* amount of composite wood product (i.e., no more than 144 square inches of composite wood products, based on the surface area of the aggregate of all composite wood products largest faces in finished goods).

NOTE: Until March 22, 2019, regulated products certified as compliant with the CARB ATCM Phase II emission standards must be labeled as compliant with TSCA Title VI or CARB ATCM Phase II emission standards (which are set at identical levels).

After March 22, 2019, regulated products manufactured in or imported into the U.S. may not rely on CARB reciprocity (40 CFR 770.15(e)) and must be certified and labeled as TSCA Title VI compliant.



Laminated Product Producers

- A laminated product:
 - Is a component part used in the construction or assembly of a finished good;
 - Has a wood or woody-grass veneer affixed to a particleboard, MDF, or veneer core or platform under TSCA Title VI; and
 - Is produced by either the fabricator of the finished good in which the product is incorporated or a fabricator who uses the laminated product in the further construction or assembly of a component part.
- Laminated Product Producers must:
 - Ensure compliance with all the requirements for hardwood plywood panel producers beginning March 22, 2024; or
 - Under the 40 CFR §770.4 exemption, use a no-added formaldehyde (NAF) or phenol-formaldehyde (PF) resins to attach veneer to composite wood products, and adhere to the recordkeeping requirements starting beginning March 22, 2024.
- Laminated product exemption petition:
 - EPA included a provision in the final rule so that any person may petition the Agency to expand the exemption for laminated products from the definition of the term “hardwood plywood.”
 - EPA will review each submitted petition and, where appropriate, publish a proposed rule in the Federal Register based on the petition with a public comment period of generally 30 days before taking a final action.



Additional Laminator Records

Laminated product producers exempt from the hardwood plywood definition beginning March 22, 2024 must keep records for composite wood products and resins, including those they purchase or produce, such as:

		For Products You Purchase	For Products You Produce
<p>Composite Wood Products</p>		<ul style="list-style-type: none"> • Purchase records. • Panel producer information. • Contact Information. 	<ul style="list-style-type: none"> • Records demonstrating that the panels have been certified by an EPA TSCA Title VI TPC; or • Records showing they were produced under a limited third-party certification exemption for panels made with NAF resins or ULEF resins.
	<p>Resins</p>	<ul style="list-style-type: none"> • Purchase records. • Resin trade name. • Resin manufacturer contact information. • Resin supplier contact information. 	<ul style="list-style-type: none"> • Records demonstrating the production for NAF or PF resins, or eligibility of an additional resin exemption established after petition to EPA.

NOTE: Beginning March 22, 2024, laminated product producers that are not exempt from hardwood plywood are considered to be panel producers and must keep panel producer records.

For More Information



Contact your EPA regional office for specific local requirements.



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Visit EPA's website for updates: <http://www.epa.gov/formaldehyde>.

