

Change in Approval Process for NAF/ULEF Manufacturers

To all NAF/ULEF manufacturers and CARB-approved third-party certifiers:

The purpose of this update is to inform you of an important change in the implementation of the California Air Resources Board's (CARB) composite wood products regulation. California Code of Regulations, title 17, section 93120.3 allows a composite wood product manufacturer (panel producer) to apply to CARB for a two-year exemption (which may be renewed) from oversight of a third-party certifier (TPC) based on a manufacturer's use of no-added formaldehyde (NAF) or ultra-low-emitting formaldehyde (ULEF) resins. The U.S. EPA TSCA Title VI formaldehyde regulation includes a similar NAF/ULEF exemption provision and allows a manufacturer to be approved by CARB or a TPC recognized by U.S. EPA (Code of Federal Regulations, title 40, sections 770.7 (c)(4)(iii), 770.17, and 770.18). (Note: all CARB-approved TPCs are recognized by U.S. EPA.) To date, CARB has approved of nearly 600 NAF/ULEF manufacturers, which is good for the manufacturers and the consumers that purchase these products.

Unfortunately, due to the large number of new and renewal applications, CARB is no longer able to review these applications in a timely manner. California Code of Regulations, title 17, section 93120.3 allows CARB to extend the normal 90-day review time of an application by way of an agreement with a manufacturer. However, U.S. EPA will not recognize any exemption extension that goes beyond the two-year exemption period. Any manufacturer considering applying to CARB for a NAF/ULEF approval, renewal, or amendment should be aware of this, since the extended exemption would only be valid under CARB's regulation.

CARB will review and process all complete applications received prior to July 14, 2023, within the existing regulatory timeframe. Starting on this date, CARB encourages all manufacturers that choose to apply for approval, renewal, or amendment as a NAF/ULEF manufacturer to contact a CARB-approved/ U.S. EPA recognized TPC. A list of TPCs recognized under the U.S. EPA TSCA Title VI regulation may be found through the U.S. EPA's website (see link below). Approvals, renewals, or amendments obtained by a manufacturer working with a TPC will be valid for both U.S. EPA and CARB.

U.S. EPA TSCA Title VI TPCs: <https://www.epa.gov/formaldehyde/recognized-third-party-certifiers-under-formaldehyde-emission-standards-composite-wood>

If you have questions for U.S. EPA, please send an email to: TSCATitleVI-AB@epa.gov.

If you have questions for CARB, please send an email to: compwood@arb.ca.gov.