

Guidance to CARB-approved Third-party Certifiers for  
Approval of NAF and ULEF Manufacturers

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 by a TPC recognized by U.S. EPA (Code of Federal Regulations, title 40, sections 770.7 (c)(4)(iii), 770.17, and 770.18).

As of August 15, 2023, CARB will no longer review NAF and ULEF applications for approval, renewal, or amendment. Due to the workload of reviewing numerous NAF and ULEF applications, CARB is no longer able to review these applications in a timely manner. CARB encourages all manufacturers that choose to apply for approval, renewal, or amendment as a NAF or ULEF manufacturer to contact a CARB-approved/U.S. EPA recognized TPC.

Although the TSCA and CARB regulations are very similar, there is one important difference: the TSCA regulation requires TPCs to review the resin systems (defined as resin type, such as urea formaldehyde, phenol formaldehyde, or polyvinyl acetate) for each NAF/ULEF application, whereas the CARB regulation requires CARB staff to review the resin formulation for each NAF/ULEF application.

CARB has the following recommendations for TPCs reviewing NAF/ULEF applications for compliance with the TSCA and CARB regulations:

NAF Applications

1. Follow the provisions of CARB's regulation stated in California Code of Regulations, title 17, section 93120.3(c)(1) and (c)(6).
2. CARB recommends that TPCs request a signed statement under penalty of perjury from the composite wood product manufacturer that their resins contain no formaldehyde.
3. To determine if NAF applications comply with CARB's formaldehyde regulation, TPCs will need CARB's list of approved NAF resins (see below regarding obtaining CARB's list). CARB reviewed the formulation of the resins on this list and verified that they comply with CARB's regulatory requirements. The applicant must provide the resin name, manufacturer, and type of resin on their NAF exemption application so the TPC can cross-reference the resin information with the CARB list. In addition:

- a. CARB requests that TPCs include a statement on their approval document to a NAF manufacturer that the approval complies with both TSCA and CARB requirements.
- b. CARB requests that TPCs direct composite wood product manufacturers to maintain records on the resins used for two years as required by California Code of Regulations, title 17, section 93120.3(g). This resin data must be provided to CARB upon request.
- c. The list of approved NAF resins is confidential under California Code of Regulation, title 17, section 93120.12, Appendix 3 (g). Each TPC is responsible for ensuring that:
  - The list of approved NAF resins is not shared outside of their organization, and
  - The list of approved NAF resins is only used to determine whether a composite wood product manufacturer is eligible for a NAF exemption as allowed under California Code of Regulations, title 17, section 93120.3(c).

If a TPC agrees to follow CARB's guidance, the TPC may request the list of approved NAF resins from CARB.

- d. CARB retains ownership of the list of approved NAF resins. Updates to the list will be made by CARB as needed, not by any other organization.
  - e. If a resin associated with a NAF application does not appear on the list of approved NAF resins, the TPC may still proceed with the approval process if the TPC determines that the resin and all other information fulfill the NAF exemption requirements. However, to comply with the CARB requirements so that composite wood products made with this resin will be legal for sale in California, the TPC must direct the manufacturer to have the resin supplier provide the resin formulation information to CARB for review under California Code of Regulations, title 17, section 93120.3(c). After reviewing the resin formulation, CARB will inform the TPC that:
    - The resin formulation was approved and added to the list of approved NAF resins, or
    - The formulation was not approved. The TPC should notify the manufacturer that their product is not legal for sale in California.
4. TPCs will issue approval for NAF applications of renewal or amendment. TPCs will not be renewing CARB's existing Executive Order for the manufacturer. A TPC may want to include CARB's existing Executive Order number in their approval document for historical tracking purposes, although this is not required.

5. CARB requests that TPCs continue to provide us with monthly updates regarding your certified manufacturers. Please include any manufacturers you exempt as a NAF manufacturer, so that we can include those manufacturers on the list of certified manufacturers. TPCs **do not** need to provide CARB with any approval documents or certificates provided to manufacturers. (For many years CARB has maintained a list of certified manufacturers on our Composite Wood Products webpage. This list continues to be helpful to businesses that are looking for certified composite wood products.)

#### ULEF Applications

1. Follow the provisions of CARB's regulation stated in California Code of Regulations, title 17, section 93120.3(d)(1) or (d)(2), whichever is applicable, and (d)(7).
2. CARB understands that the formulation for ULEF resins varies greatly. The same resin may be mixed with different additives, varying by location, season, and composite wood product. However, like the TSCA requirements, the primary concern for a ULEF product under the CARB requirements is that its emissions are below the formaldehyde emissions criteria for an exemption from third-party certification. It is therefore not only possible, but reasonable, for a TPC to make the determination that the resin complies under both TSCA and CARB regulations simply by reviewing information on the resin system, without reviewing the formulation of the resin. In addition:
  - a. CARB requests that TPCs include a statement on their approval document to a ULEF manufacturer that the approval complies with both TSCA and CARB requirements.
  - b. CARB requests that TPCs direct composite wood product manufacturers to maintain records on the resins used for two years as required by California Code of Regulations, title 17, section 93120.3(g). This resin data must be provided to CARB upon request.
3. TPCs will issue approval for ULEF applications of renewal or amendment. TPCs will not be renewing CARB's existing Executive Order for the manufacturer. A TPC may want to include CARB's existing Executive Order number in their approval document for historical tracking purposes, although this is not required.
4. CARB requests that TPCs continue to provide us with monthly updates regarding your certified manufacturers. Please include any manufacturers you exempt as a ULEF manufacturer, so that we can include those manufacturers on the list of certified manufacturers. TPCs **do not** need to provide CARB with any approval documents or certificates provided to manufacturers. (For many years CARB has maintained a list of certified manufacturers on our Composite Wood Products webpage. This list continues to be helpful to businesses that are looking for certified composite wood products.)

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

If you have questions for CARB, please send an email to: [compwood@arb.ca.gov](mailto:compwood@arb.ca.gov).