



Advisory

To: COMPOSITE WOOD
PRODUCTS INDUSTRY

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LABELING REQUIREMENTS FOR PANEL MANUFACTURERS, FABRICATORS OF FINISHED GOODS, AND IMPORTERS, DISTRIBUTORS, AND RETAILERS OF PANELS AND FINISHED GOODS

Introduction

The California Air Resources Board (CARB) approved an Airborne Toxic Control Measure (ATCM) in April 2007 to reduce formaldehyde emissions from composite wood products (i.e., panels) including hardwood plywood (HWPW), particleboard (PB), and medium density fiberboard (MDF) (Title 17, California Code of Regulations, §93120-93120.12). The ATCM applies to panel manufacturers; finished goods (e.g., furniture, flooring, cabinets, etc.) that contain composite wood products which are destined for the California market; fabricators of finished goods; distributors, importers, and retailers of panels and finished goods; and CARB-approved third party certifiers (TPCs)¹ of panel manufacturers.

Everyone, including the general public, must be able to determine quickly and easily that the goods they are purchasing are low in formaldehyde emissions and comply with the ATCM. Therefore, proper labeling is critical. The intent of this advisory is to clarify the labeling requirements for composite wood products and finished goods containing composite wood products bound for California.

General Labeling Requirements

The ATCM specifies the minimum information required for a label, but does not specify the format, color, size, or font for the label. These choices are left to the panel manufacturer or fabricator of finished goods to allow flexibility to meet the needs of individual companies. CARB recommends that all required information be in readable English and not in code. The required information may be on a separate label or incorporated into other existing labels. Individual companies may include any additional information they deem necessary.

Labels should be properly affixed to withstand transportation and normal handling of the item. There should be proper documentation to identify the article and confirm compliance in the event that the label does become separated from the product. Labels may also be stamped or printed directly onto the composite wood product (panel) or finished good and should be in a location that is easily accessible.

¹ To date, CARB has approved over 40 TPCs to independently verify that panel producers have manufacturing systems that produce panels with formaldehyde emissions at or below the levels required by the ATCM.

Labeling Requirements for Panel Manufacturers

Section 93120.3(e) requires manufacturers of HWPW, PB, or MDF to clearly label each panel or bundle of panels destined for sale in California. CARB recommends that each individual panel be labeled to assure the downstream customers that a panel is compliant if it is removed from the original bundle and sold individually. The regulation requires that labels include, at a minimum, the following information:

1. Manufacturer's name.
2. Product lot number or batch produced.
3. CARB-assigned number for the TPC. No TPC number is required if the products are exempt from third party certification following approval by CARB based on the use of no-added formaldehyde (NAF) and certain ultra-low-emitting formaldehyde (ULEF) resins.
4. A marking to denote that the composite wood product complies with the phase 2 requirements of the ATCM.

CARB recommends that the date of manufacture be included on the labels, although it is not required. The date should include the two-digit month, two-digit day and four-digit year (mm/dd/yyyy).

Example:

Modern Healthy Composite Wood Company
Lot number 3, 02/05/2016
California 93120 Phase 2 Compliant for Formaldehyde
TPC-__

The statement of compliance should be clear to a global market due to the worldwide scope of this regulation. Therefore, CARB is recommending that the statement of compliance contain at least the word "California" or CARB, and include section 93120 and the compliance phase (Phase 2) or NAF/ULEF. For example, a statement of compliance may read "California 93120 Phase 2 Compliant for Formaldehyde."

The wood products industry often uses brand names or other means to avoid revealing the name of a manufacturer of a certain board type. In recognition of this as an accepted practice, CARB will allow some flexibility in the labeling requirement for "manufacturer name." It is the intention of the ATCM that the "manufacturer name" be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the board. It will be acceptable for a company to replace an original manufacturer's label with a label listing their own company name in place of the "manufacturer name" as long as all of the other required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company that appears on the label as the manufacturer assumes responsibility for the product.

Alternatively, a company may contract with foreign or domestic manufacturers to make panels and label the panels using the company's name in place of the "manufacturer name." All other required information in section 93120.3(e) must also be on the label.

Labeling Requirements for Fabricators of Finished Goods

Section 93120.7(d) requires fabricators of finished goods (e.g., furniture, flooring, cabinets, etc.) to clearly label all finished goods containing HWPW, PB, or MDF destined for sale in California. CARB recommends labeling of both the finished good and the box that contains the finished good. The regulation requires that labels include, at a minimum, the following information:

1. Fabricator's name.
2. Date the finished good was produced (e.g., two-digit month and four-digit year).
3. A statement of compliance to denote that the composite wood products contained in a finished good comply with the ATCM. Finished goods made with NAF/ULEF based resins shall be labeled as such.

Example:

Greenday Furniture Company
02/2016
California 93120 Phase 2 Compliant for Formaldehyde

or

California 93120 Compliant for Formaldehyde - Produced with all NAF-based products

or

California 93120 Compliant for Formaldehyde - Produced with all ULEF-based products

Note: Labels for finished goods should not include the number of the TPC associated with the composite wood products contained in the finished good, because this can give the misconception that the TPC verification applies to the finished good. The ATCM does not require third party certification of finished goods and CARB's approval of a TPC does not include verification of finished goods.

The statement of compliance should be clear to a global market due to the worldwide scope of this regulation. Therefore, CARB is recommending that the statement of compliance contain the word "California" or CARB, and include section 93120 and the compliance phase (Phase 2). For example, a statement of compliance may read "California 93120 Phase 2 Compliant for Formaldehyde." If all of the composite wood products contained in a finished good are made with NAF or ULEF-based resins, it must be stated as such.

The ATCM requires that the labels be applied as a stamp, tag, sticker, or bar code on every finished good produced, or on every box containing finished goods. CARB recommends that all required information be in readable English and not in code.

Components being shipped intra-company do not need to be labeled as long as they are exclusively for use by the fabricator for making finished goods.

The wood products industry often uses brand names or other means to avoid revealing the name of a fabricator of a certain type of finished good. In recognition of this as an accepted practice, CARB will allow some flexibility in the labeling requirement for "fabricator name." It is the intention of the ATCM

that the “fabricator name” be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the product. It will be acceptable for a company to replace an original fabricator’s label with a label listing their own company name in place of the “fabricator name” as long as all of the other original required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company that appears on the label as the fabricator assumes responsibility for the product.

Alternatively, a company may contract with foreign or domestic fabricators to make furniture or other finished goods and label the finished goods using the company’s name in place of the “fabricator name.” All other required information in section 93120.7(d) must also be on the label.

Distributors and Importers

No additional labeling is required as long as the composite wood products and/or finished goods are not modified. If modifications are made, the importer or distributor will then be subject to the fabricator provisions outlined in the regulation and must label the goods according to section 93120.7(d). A “modification” is any change to a composite wood product that affects formaldehyde emissions. Some examples would include but are not limited to: coating, laminating, gluing, heating or bending of composite wood products subject to the ATCM. A new label would also be required if the original product has been cut or modified to create new products. For example, cutting off an end for trimming would not constitute a modification. Cutting the product to create new items would be considered a modification.

Breaking down bundles of HWPW, PB, or MDF panels for individual sale is not considered a modification. Therefore, no additional labeling requirements are specified in the ATCM. CARB strongly recommends that if bundles are broken down, the smaller units should be labeled with the same information required on the original manufacturer label. Ultimately each panel must be traceable back to the original manufacturer. If the items are not traceable through other means, then the individual panels should be labeled. This will help to assure downstream customers that each composite wood product they are being supplied is compliant. If a panel is not traceable and a violation is found, importers and distributors may be subject to an enforcement action.

The wood products industry often uses brand names or other means to avoid revealing the name of a manufacturer or fabricator of a certain product. In recognition of this as an accepted practice, CARB will allow some flexibility in this labeling requirement. It is the intention of the ATCM that the name of the panel manufacturer or the name of the finished good fabricator be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the product. Therefore, it will be acceptable for an importer or distributor to replace an original label with a label listing their own company name in place of the manufacturer name or fabricator name as long as all of the other original required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company that appears on the label as the manufacturer or fabricator assumes responsibility for the product.

Alternatively, an importer or distributor may contract with foreign or domestic companies to make composite wood products and label those products using the importer’s or distributor’s name in place of the “manufacturer name” or the “fabricator name.” All other required information in sections 93120.3(e) and 93120.7(d) where applicable, must also be on the label.

Retailers

Retailers do not have any additional labeling requirements under the ATCM. The regulation requires that manufacturers and fabricators label the finished good or packaging containing the finished good. These existing labels should not be removed from a composite wood product or finished good. Retailers should be aware of composite wood panels that are labeled as a bundle or finished goods containing composite wood products which only have a labeled container. While this fulfills the requirements of the ATCM, products offered for sale that are not labeled may invite further investigation. Therefore, CARB recommends that retailers inspect products upon receiving to confirm that they are labeled, and only sell products that are properly labeled.

The wood products industry often uses brand names or other means to avoid revealing the name of a manufacturer or fabricator of a certain product. In recognition of this as an accepted practice, CARB will allow some flexibility in this labeling requirement. It is the intention of the ATCM that the manufacturer name or fabricator name be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the product. Therefore, it will be acceptable for a retailer to replace an original label with a label listing their own company name in place of the manufacturer name or fabricator name as long as all of the other original required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company that appears on the label as the manufacturer or fabricator assumes responsibility for the product.

Alternatively, a retailer may contract with foreign or domestic companies to make composite wood products and label those products using the retailer’s name in place of the “manufacturer name” or the “fabricator name.” All other required information in sections 93120.3(e) and 93120.7(d) where applicable, must also be on the label.

If you have any questions, please contact Mr. Lynn Baker at lynn.baker@arb.ca.gov or (916) 324-6997. For enforcement-related questions, please contact Ms. Virginia Odom at virginia.odom@arb.ca.gov or (916) 229-0340.

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