California's Formaldehyde Regulation – Update for Importers

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Air Resources Board

Overview

- Implementation status
- Importer requirements
- Updated labeling advisory
- Proposed regulatory amendments
- Status of U.S. EPA's regulation
- Status of CARB enforcement
- Emissions testing
- Laminate flooring issue
- Questions



Implementation Status

- CARB began implementation of Composite Wood Products Airborne Toxic Control Measure (ATCM) in 2009
- ATCM established formaldehyde emission standards for hardwood plywood (HWPW), particleboard (PB), & medium density fiberboard (MDF) – Phase 2 standards in effect
- Panel manufacturers must be third party certified
  - Note: Panels produced at certified mills that aren't destined for sale in California aren't required to be compliant
- Applies to products sold, supplied, used, imported for sale, or manufactured for sale in California

Implementation Status
continued

- Requires finished goods (e.g., furniture, flooring, cabinets, etc.) to be made from compliant HWPW, PB, and MDF panels
- Industry sectors affected by ATCM include:
  - Panel manufacturers
  - Fabricators of finished goods
  - Distributors, importers, and retailers of panels & finished goods
- IWPA has been and continues to be a key industry stakeholder

Importer Requirements*

- Import Phase 2 compliant composite wood panels and finished goods made using Phase 2 compliant material for sale in California
- Take reasonable prudent precautions
- Keep records
- Provide statement of compliance on invoice or bill of lading to customers

* Note: Some importers may also be distributors or retailers; IWPA prepared fact sheet summarizing importer requirements

Updated Labeling Advisory

- CARB updating labeling advisory
- Key update is to clarify that labels for finished goods should not include third party certifier (TPC) number
  - Misleads customers that TPC verified emissions of finished good
  - Only panels are required to be TPC verified

Planned Regulatory Amendments

Objectives

- Clarify requirements and applicability
- Align ATCM with proposed U.S. EPA regulations where appropriate
- Explore ways to better ensure compliance of imported products

Planned Amendments
continued

- Scope
  - Panel manufacturers
    - Notify customers regarding non-complying panels
    - Platform for HWPW required to comply
    - HWPW with bamboo or cork veneer required to comply
  - Third party certifiers of panel manufacturers
    - Requirements being clarified and tightened
  - Distributors/retailers of panels
    - Label partial bundles of panels
  - Fabricators
    - Additional requirements for laminated products

Planned Amendments

Next steps

- Upon release, CARB staff will review U.S. EPA regulation
- 5th CARB public workshop
  - Targeting late 2016/early 2017 in Sacramento

Status of U.S. EPA's Regulation

- U.S. EPA developing regulation based on CARB's emission standards
- Numerous discussions between U.S. EPA and CARB staff in effort to harmonize regulations
- U.S. EPA's goal is to finalize regulation by summer 2016
- Regulation will become effective one year after published in Federal Register

Status of CARB Enforcement

- Inspections conducted at panel retailers, distributors, & retailers of finished goods
- Products inspected for compliance with labeling requirements
- Documentation reviewed regarding statement of compliance
- Samples collected for emissions testing
- Several enforcement investigations underway

Emissions Testing

- Purpose is to determine if composite wood panels and composite wood material in finished goods comply with emission standards as part of enforcement
- Sample preparation procedures for panels and finished goods
- Emissions testing using CARB's small chamber test method (ASTM D6007)

Emissions Testing

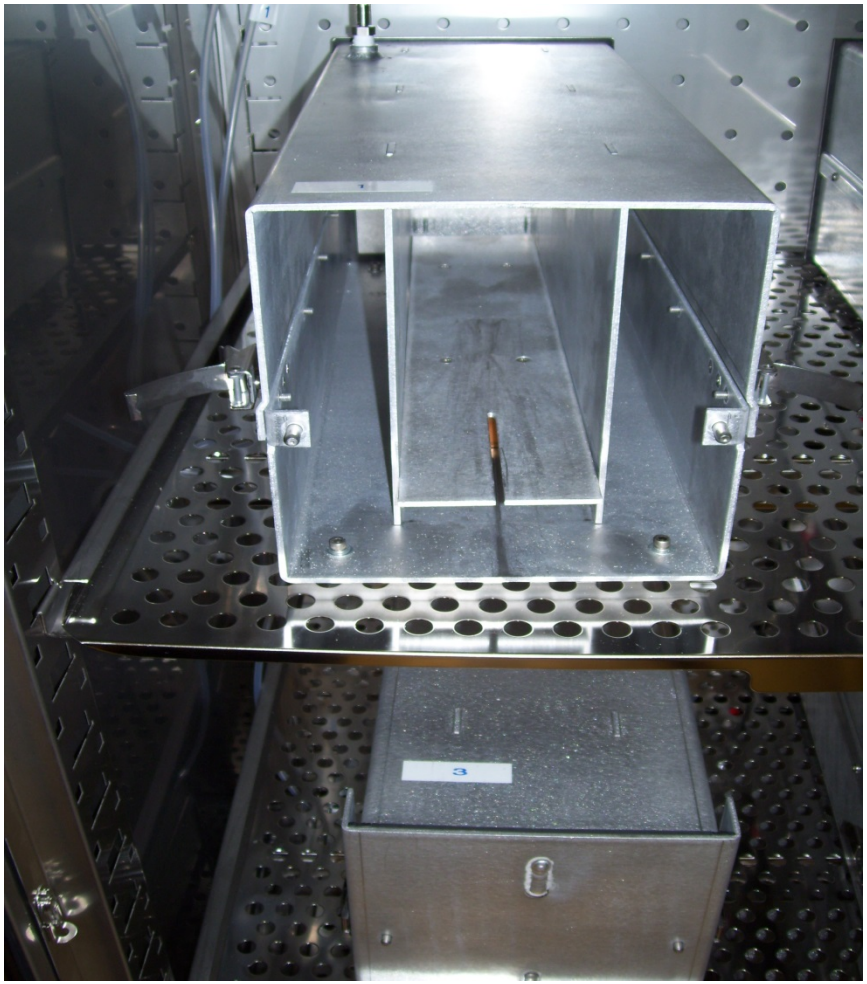
Sample preparation of finished good – sanding off laminate





Emissions Testing

CARB's small testing chamber



Emissions Testing
continued

- Extensive testing conducted to develop sample preparation procedures
  - Procedures finalized in 2013
  - Posted to CARB's composite wood products webpage
- CARB accounts for uncertainty associated with sample preparation & emissions testing when considering whether to take enforcement action
- Only CARB has authority to determine compliance of finished goods

Laminate Flooring Issue

- In March 2015, CARB released flooring fact sheet following “60 Minutes” story
- CARB responded to hundreds of calls and emails from concerned consumers and businesses
- Added FAQs regarding enforcement, testing, and third party certification
- In March 2016, CARB settled case against Lumber Liquidators for $2.5 million

Questions



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