



# Regulatory Guidance

Updated February 2012



## Composite Wood Products ATCM

### **Sell-through Provisions That Apply to Manufacturers, Importers, Distributors, Fabricators, and Retailers of Composite Wood Product Panels and Finished Goods**

*(Note: This guidance document contains a comprehensive listing of the sell-through provisions and dates for all regulated entities involved with the sale of composite wood product panels and finished goods in California. The dates in this document have been revised to reflect Regulatory Advisory 12-01, which extended the sell-through date through December 31, 2012, for retailers of finished goods made with pre-Phase 1 panels, and for distributors and fabricators of finished goods made with Phase 1 panels; and through December 31, 2013, for retailers of finished goods containing Phase 1 panels.)*

#### Introduction

In April 2007, the California Air Resources Board approved an airborne toxic control measure (ATCM) to reduce formaldehyde emissions from composite wood product panels and from finished goods that contain composite wood products. Businesses required to comply with the ATCM include manufacturers, importers, distributors, fabricators, and retailers of composite wood products and finished goods. The ATCM contains “sell-through” provisions that allow affected businesses to sell or use noncomplying composite wood products and finished goods for specified periods of time after the emission standard effective dates in the ATCM. The purpose of this guidance document is to describe these sell-through provisions.

The ATCM is contained in title 17, California Code of Regulations, sections 93120-93120.12. The ATCM applies to panels and finished goods that are sold, offered for sale, supplied, used, or manufactured for sale in California. The ATCM does not apply to panels and finished goods that are sold, offered for sale, or supplied for shipment and use outside of California. A “panel” is any particleboard, medium density fiberboard, or hardwood plywood board, produced for sale, supply, or distribution by a composite wood product manufacturer. Panels are collectively referred to in the ATCM and this Advisory as “composite wood products.” A “finished good” is any good or product (e.g., cabinets, furniture, etc.), other than a panel, that contains at least one of the three types of composite wood products.

The ATCM established formaldehyde emission standards for hardwood plywood, particleboard, and medium density fiberboard. In addition, the ATCM requires fabricators of finished goods to use composite wood products that comply with the emission standards. The Phase 1 emission standards became effective on January 1, 2009, with the more stringent Phase 2 emission standards going into effect between January 2010 and July 2012. Except as provided in the sell-through provisions described below, all composite wood products and finished goods sold, offered for sale, supplied, used, or manufactured for sale in California after January 1, 2009, must comply with the applicable emission standards.

#### Sell-through Provisions of the ATCM

Under the sell-through provisions, composite wood products and finished goods manufactured before each applicable effective date may legally be sold, supplied, or offered for sale in California for specified periods of time after the effective date. Such products and finished goods do not need to comply with labeling requirements specified in the ATCM, unless these products comply with the emission standards in the ATCM. (If a composite wood product was manufactured after an applicable effective date, the product must meet the applicable emission standard and there is no sell-through period.) The

sell-through provisions that apply to finished goods that contain pre-Phase 1 composite wood products, Phase 1 composite wood products, and finished goods that contain Phase 1 composite wood products are summarized below and in the tables on pages 4-8 of this guidance for all regulated entities, subdivided by whether the provisions apply to composite wood product panels or finished goods. **It is no longer legal for importers, distributors, fabricators, or retailers to purchase finished goods that contain pre-Phase 1 (noncomplying) composite wood products for sale in California.** As a reminder, there is no sell-through deadline for Phase 2 composite wood product panels or finished goods that contain Phase 2 composite wood product panels; such panels and finished goods may be sold indefinitely.

Manufacturers:

**Composite wood product panels:** Currently, all panels being sold by manufacturers must be Phase 2 compliant, except the following: Phase 1 compliant thin medium density fiberboard may be sold until March 31, 2012, and Phase 1 compliant hardwood plywood with composite core may be sold until September 30, 2012.

Importers:

**Composite wood product panels:** Currently, all panels being sold by importers must be Phase 2 compliant, except the following: Phase 1 compliant thin medium density fiberboard may be sold until March 31, 2012, and Phase 1 compliant hardwood plywood with composite core may be sold until September 30, 2012.

**Finished goods:** Finished goods that contain pre-Phase 1 (noncomplying) composite wood products are no longer legal for sale by importers in California. Importers may sell, supply, or offer for sale finished goods containing Phase 1 compliant hardwood plywood with veneer core, particleboard, and/or medium density fiberboard through June 30, 2012; through June 30, 2013, for finished goods that contain thin medium density fiberboard; and through December 31, 2013, for finished goods that contain Phase 1 hardwood plywood with composite core.

Distributors:

**Composite wood product panels:** Currently, all panels being sold by distributors must be Phase 2 compliant, except the following: distributors may sell, supply, or offer for sale Phase 1 compliant thin medium density fiberboard through May 31, 2012, and through November 30, 2012, for hardwood plywood with composite core.

**Finished goods:** Finished goods that contain pre-Phase 1 (noncomplying) composite wood products are no longer legal for sale by distributors in California. Distributors may sell, supply, or offer for sale finished goods containing Phase 1 compliant hardwood plywood with veneer core, particleboard, and/or medium density fiberboard through December 31, 2012; finished goods containing thin medium density fiberboard through June 30, 2013; and finished goods containing hardwood plywood with composite core through December 31, 2013.

Fabricators: (A “fabricator” is any person, such as a cabinet or furniture maker, who uses composite wood products to make a finished good.)

**Finished goods:** Finished goods that contain pre-Phase 1 (noncomplying) composite wood products are no longer legal for sale by fabricators in California. Fabricators may sell, supply, or offer for sale finished goods made with Phase 1 compliant hardwood plywood with veneer core, particleboard, and/or medium density fiberboard through December 31, 2012. Fabricators may also use Phase 1 composite wood products, such as material that was in their inventory, to make new finished goods and then sell, supply, or offer for sale those finished goods through December 31, 2012.

Fabricators may sell, supply, or offer for sale finished goods made with Phase 1 compliant thin medium density fiberboard through June 30, 2013; and through

December 31, 2013, for finished goods made with Phase 1 compliant hardwood plywood with composite core.

Retailers:

**Composite wood product panels:** Currently, all panels being sold by retailers must be Phase 2 compliant, except the following: retailers may sell, supply, or offer for sale Phase 1 compliant thin medium density fiberboard through December 31, 2012; and through June 30, 2013, for hardwood plywood with composite core.

**Finished goods:** Retailers may sell, supply, or offer for sale existing inventory of finished goods containing pre-Phase 1 (noncomplying) composite wood products through December 31, 2012. Retailers must have records to document that such finished goods were purchased prior to December 31, 2011. Retailers may also sell finished goods made with Phase 1 compliant hardwood plywood with veneer core, hardwood plywood with composite core, particleboard, medium density fiberboard, and/or thin medium density fiberboard through December 31, 2013.

As noted above, the sell-through periods for importers, distributors, fabricators, and retailers of finished goods made with Phase 1 compliant hardwood plywood with composite core all end on December 31, 2013. Retailers who purchase such finished goods during the sell-through period cannot legally sell these goods in California after December 31, 2013.

View the ATCM at: <http://www.arb.ca.gov/toxics/compwood/compwood.htm>. Additional information about complying with the ATCM, including staff contacts, fact sheets and Frequently Asked Questions, are available at the same web site.

<b>Manufacturer Sell-through Dates: Composite Wood Products ATCM<sup>1</sup></b>					
Action	HWPW- VC <sup>2</sup>	HWPW- CC	PB	MDF	tMDF
<b>Effective date of Phase 1 Standard</b>	<b>1 Jan 2009</b>	<b>1 Jul 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>
<u>Products that Comply with Phase 1 Standard</u>					
<b>Panels:</b> Last day for manufacturing Phase 1	31 Dec 2009	30 Jun 2012	31 Dec 2010	31 Dec 2010	31 Dec 2011
<b>Effective date of Phase 2 Standard</b>	<b>1 Jan 2010</b>	<b>1 Jul 2012</b>	<b>1 Jan 2011</b>	<b>1 Jan 2011</b>	<b>1 Jan 2012</b>
<b>Panels:</b> Last day to sell Phase 1	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
<u>Products that Comply with Phase 2 Standard</u>					
<b>Panels:</b> Required to manufacture Phase 2	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
<b>Panels:</b> Required to sell Phase 2	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<p><sup>(1)</sup> <u>Disclaimer:</u> This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers).</p> <p><sup>(2)</sup> <u>Acronyms:</u>  HWPW-VC: Hardwood Plywood-Veneer Core  HWPW-CC: Hardwood Plywood-Composite Core  PB: Particleboard  MDF: Medium Density Fiberboard  tMDF: Thin Medium Density Fiberboard</p>					

<b>Distributor Sell-through Dates: Composite Wood Products ATCM<sup>1</sup></b>					
Action	HWPW- VC <sup>2</sup>	HWPW- CC	PB	MDF	tMDF
<b>Effective date of Phase 1 Standard</b>	<b>1 Jan 2009</b>	<b>1 Jul 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>
<u>Products that Comply with Phase 1 Standard</u>					
<b>Effective date of Phase 2 Standard</b>	<b>1 Jan 2010</b>	<b>1 Jul 2012</b>	<b>1 Jan 2011</b>	<b>1 Jan 2011</b>	<b>1 Jan 2012</b>
<b>Panels:</b> Last day to buy Phase 1 from manufacturers	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
<b>Panels:</b> Last day to buy Phase 1 from importers	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
<b>Panels:</b> Last day for selling Phase 1	31 Dec 2010	30 Nov 2012	31 Dec 2011	31 Dec 2011	31 May 2012
<b>Finished Goods:</b> Last day for selling Phase 1	<i>31 Dec 2012</i>	<i>31 Dec 2013</i>	<i>31 Dec 2012</i>	<i>31 Dec 2012</i>	<i>30 Jun 2013</i>
<u>Products that Comply with Phase 2 Standard</u>					
<b>Panels:</b> Required to sell Phase 2	1 Jan 2011	1 Dec 2012	1 Jan 2012	1 Jan 2012	1 Jun 2012
<b>Finished Goods:</b> Required to sell Phase 2	<i>1 Jan 2013</i>	<i>1 Jan 2014</i>	<i>1 Jan 2013</i>	<i>1 Jan 2013</i>	<i>1 Jul 2013</i>
<p><sup>(1)</sup> <u>Disclaimer:</u> This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table have been updated to reflect prior extensions to sell-through dates. Dates in this table shown in italics have been updated to reflect Regulatory Advisory 12-01, dated February 2012.</p> <p><sup>(2)</sup> <u>Acronyms:</u>  HWPW-VC: Hardwood Plywood-Veneer Core  HWPW-CC: Hardwood Plywood-Composite Core  PB: Particleboard  MDF: Medium Density Fiberboard  tMDF: Thin Medium Density Fiberboard</p>					

<b>Importer Sell-through Dates: Composite Wood Products ATCM<sup>1</sup></b>					
Action	HWPW-VC <sup>2</sup>	HWPW-CC	PB	MDF	tMDF
<b>Effective date of Phase 1 Standard</b>	<b>1 Jan 2009</b>	<b>1 Jul 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>
<u>Products that Comply with Phase 1 Standard</u>					
<b>Effective date of Phase 2 Standard</b>	<b>1 Jan 2010</b>	<b>1 Jul 2012</b>	<b>1 Jan 2011</b>	<b>1 Jan 2011</b>	<b>1 Jan 2012</b>
<b>Panels:</b> Last day for selling Phase 1	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
<b>Finished Goods:</b> Last day for selling Phase 1	30 Jun 2012	31 Dec 2013	30 Jun 2012	30 Jun 2012	30 Jun 2013
<u>Products that Comply with Phase 2 Standard</u>					
<b>Panels:</b> Required to sell Phase 2	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<b>Finished Goods:</b> Required to sell Phase 2	1 Jul 2012	1 Jan 2014	1 Jul 2012	1 Jul 2012	1 Jul 2013
<p><sup>(1)</sup> <u>Disclaimer:</u> This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table have been updated to reflect prior extensions to sell-through dates.</p> <p><sup>(2)</sup> <u>Acronyms:</u>  HWPW-VC: Hardwood Plywood-Veneer Core  HWPW-CC: Hardwood Plywood-Composite Core  PB: Particleboard  MDF: Medium Density Fiberboard  tMDF: Thin Medium Density Fiberboard</p>					

<b>Fabricator Sell-through Dates: Composite Wood Products ATCM<sup>1</sup></b>					
Action	HWPW- VC <sup>2</sup>	HWPW- CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
<b>Effective date of Phase 1 Standard</b>	<b>1 Jan 2009</b>	<b>1 Jul 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>
<u>Products that Comply with Phase 1 Standard</u>					
<b>Effective date of Phase 2 Standard</b>	<b>1 Jan 2010</b>	<b>1 Jul 2012</b>	<b>1 Jan 2011</b>	<b>1 Jan 2011</b>	<b>1 Jan 2012</b>
<b>Finished Goods:</b> Last day for selling Phase 1	<i>31 Dec 2012</i>	<i>31 Dec 2013</i>	<i>31 Dec 2012</i>	<i>31 Dec 2012</i>	<i>30 Jun 2013</i>
<u>Products that Comply with Phase 2 Standard</u>					
<b>Panels:</b> Required to buy Phase 2 from manufacturers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<b>Panels:</b> Required to buy Phase 2 from importers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<b>Panels:</b> Required to buy Phase 2 from distributors	1 Jan 2011	1 Dec 2012	1 Jan 2012	1 Jan 2012	1 Jun 2012
<b>Finished Goods:</b> Required to sell Phase 2	<i>1 Jan 2013</i>	<i>1 Jan 2014</i>	<i>1 Jan 2013</i>	<i>1 Jan 2013</i>	<i>1 Jul 2013</i>
<p><sup>(1)</sup> <u>Disclaimer:</u> This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table have been updated to reflect prior extensions to sell-through dates. Dates in this table shown in italics have been updated to reflect Regulatory Advisory 12-01, dated February 2012.</p> <p><sup>(2)</sup> <u>Acronyms:</u>  HWPW-VC: Hardwood Plywood-Veneer Core  HWPW-CC: Hardwood Plywood-Composite Core  PB: Particleboard  MDF: Medium Density Fiberboard  tMDF: Thin Medium Density Fiberboard</p>					

<b>Retailer Sell-through Dates: Composite Wood Products ATCM<sup>1</sup></b>					
Action	HWPW-VC <sup>2</sup>	HWPW-CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
<b>Effective date of Phase 1 Standard</b>	<b>1 Jan 2009</b>	<b>1 Jul 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>	<b>1 Jan 2009</b>
<b>Finished Goods:</b> Last day for selling Pre-Phase 1	<i>31 Dec 2012</i>	<i>31 Dec 2012</i>	<i>31 Dec 2012</i>	<i>31 Dec 2012</i>	<i>31 Dec 2012</i>
<u>Products that Comply with Phase 1 Standard</u>					
<b>Effective date of Phase 2 Standard</b>	<b>1 Jan 2010</b>	<b>1 Jul 2012</b>	<b>1 Jan 2011</b>	<b>1 Jan 2011</b>	<b>1 Jan 2012</b>
<b>Panels:</b> Last day for selling Phase 1	31 Dec 2010	30 Jun 2013	31 Dec 2011	31 Dec 2011	31 Dec 2012
<b>Finished Goods:</b> Last day for selling Phase 1	<i>31 Dec 2013</i>	<i>31 Dec 2013</i>	<i>31 Dec 2013</i>	<i>31 Dec 2013</i>	<i>31 Dec 2013</i>
<u>Products that Comply with Phase 2 Standard</u>					
<b>Panels:</b> Required to buy Phase 2 from manufacturers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<b>Panels:</b> Required to buy Phase 2 from importers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<b>Panels:</b> Required to buy Phase 2 from distributors	1 Jan 2011	1 Dec 2012	1 Jan 2012	1 Jan 2012	1 Jun 2012
<b>Panels:</b> Required to sell Phase 2	1 Jan 2011	1 Jul 2013	1 Jan 2012	1 Jan 2012	1 Jan 2013
<b>Finished Goods:</b> Required to sell Phase 2	<i>1 Jan 2014</i>	<i>1 Jan 2014</i>	<i>1 Jan 2014</i>	<i>1 Jan 2014</i>	<i>1 Jan 2014</i>
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