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before the
Subcommittee on
Commerce, Trade, and Consumer Protection
Committee on Energy and Commerce
United States House of Representatives
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Chairman Rush, Ranking Member Whitfield, and members of the Committee, thank you for the opportunity to speak with you today regarding the U.S. Environmental Protection Agency's efforts on formaldehyde and potential legislative action in Congress.

Formaldehyde is a widely-used chemical and may be found both indoors and outdoors. It is used in building materials and household products and can also be produced as a by-product of combustion. In homes, the most significant current sources of formaldehyde are likely to be pressed wood products made using adhesives that contain urea-formaldehyde (UF) resins. Pressed wood products made for indoor use include particleboard, plywood, and fiberboard. [1]

Inhalation of formaldehyde can cause irritation of the eyes, nose, throat, and skin, as well as inflammation and damage to the upper-respiratory tract[2], depending on both the level and length of exposure. Additionally, there is some new evidence that formaldehyde exposure may impact pulmonary function, and increase respiratory symptoms, asthma, and allergic sensitization in children.[3] There is evidence that some people can develop sensitivity to formaldehyde.[4] In 1989, EPA classified formaldehyde as a probable human carcinogen. At that

[1] Formaldehyde Emissions From Pressed Wood Products, Advanced Notice of Proposed Rulemaking 73 FR 73620, at 73622 (December 3, 2008)
[2] ATSDR ToxFAQs, http://www.atsdr.cdc.gov/tfacts111.html; OSHA Safety Fact Sheet, http://www.oshasafety.org/osha_formaldehyde.asp
[3] McGwinn, Gerald. Jr, Jeffrey Liener, and John I Kennedy Jr., Environmental Health Perspectives. Vol 188 (Number 3), March 2010.
[4] Agency for Toxic Substances and Disease Registry. Toxicological Profile for Formaldehyde. 1999.

time, there was "sufficient evidence in animals and limited evidence in humans" from a set of 28 epidemiology studies.[5]

In 2005, the International Agency for Research on Cancer (IARC) concluded that there is sufficient evidence in humans and sufficient evidence in experimental animals for the carcinogenicity of formaldehyde.[6]

EPA recognizes that since 1989 there has been additional research into the health effects of formaldehyde. EPA is currently engaged in a reassessment of the potential cancer and non-cancer risks of formaldehyde that will be entered into the EPA's Integrated Risk Information System (IRIS) program. As part of the IRIS reassessment process, EPA will be reexamining its conclusions regarding the cancer risk of formaldehyde inhalation after considering the currently available scientific information, including human data. EPA will also be evaluating the non-cancer health effects of inhalation of formaldehyde.

At this time, EPA is conducting an interagency science consultation on the draft formaldehyde assessment, as per the IRIS process.[7]. The draft assessment has been provided to other federal agencies for their review. EPA anticipates releasing the draft formaldehyde assessment for independent external peer review and public review and comment in the near future. The independent peer review will be conducted by an expert scientific panel that has been convened by the National Academy of Sciences (NAS). Because EPA is committed to providing a completed health assessment on this important chemical to the American public as quickly as possible, EPA has requested that NAS conduct their peer review and provide their final report to EPA on an expedited schedule. The first meeting of the NAS will likely focus on review of the charge to the panel and to hear presentations on the science, science issues, and

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http://www.atsdr.cdc.gov/toxprofiles/tp111.html

[5] IRIS File for Formaldehyde, http://www.epa.gov/iris/subst/0419.htm

[6] IARC Monographs *on the Evaluation of Carcinogenic Risks to Humans* (see http://monographs.iarc.fr/ENG/Monographs/vol88/index.php and http://monographs.iarc.fr/ENG/Meetings/88-formaldehyde.pdf)

[7] New Process for Development of IRIS Assessments, May 20, 2009 (see http://www.epa.gov/iris/process/)

preliminary conclusions included in the draft assessment. The NAS is being asked to provide advice to EPA on science issues. Per the expedited schedule, the NAS peer review report is expected to be provided to EPA in January or February of 2011.

The recent focus on formaldehyde in the Office of Chemical Safety and Pollution Prevention (formerly the Office of Pollution Prevention and Toxics) resulted in part from a March 2008 petition from 25 organizations and approximately 5,000 individuals to adopt the California state regulation concerning emissions of formaldehyde from three types of composite wood products. The 2007 California regulation requires manufacturers to meet formaldehyde emissions standards for certain pressed wood products, including hardwood plywood, particleboard, and medium density fiberboard. California also requires manufacturers to meet formaldehyde emission standards when these pressed wood products are offered for sale, sold, supplied, or manufactured for use in California. The regulation also requires that compliant products be used in finished goods but does not apply to hardwood plywood and particleboard materials installed in manufactured homes subject to U.S. Department of Housing and Urban Development regulations.

The petitioners asked EPA to assess and reduce the risks posed by formaldehyde emitted from these products by exercising its authority under TSCA section 6 to adopt and apply nationally the California formaldehyde emissions regulation for these composite wood products; and to extend the regulation to include composite wood products used in manufactured homes.

In response, EPA announced on June 24, 2008, that it was partially granting and partially denying the petition. While the Agency denied the specifics of the petition request, EPA announced plans to develop and issue an Advance Notice of Proposed Rulemaking (ANPR) to initiate a proceeding to assist us in obtaining a better understanding of the available control technologies and approaches, industry practices, and the implementation of California's regulation.

The ANPR was issued on December 3, 2008 and describes EPA's initial steps in that investigation and requested comment, information, and data relating to formaldehyde emissions from pressed wood products. The notice also announced a series of public meetings to obtain additional stakeholder input which took place in early 2009. In 2009, the Administration conducted an additional meeting in New Orleans to provide an opportunity for residents of the so-called "FEMA trailers" to offer their views.

In addition, EPA anticipates completing an exposure assessment by the Fall of 2010 which will focus on exposures in communities with environmental justice concerns. In addition, EPA has developed an industry survey to characterize the current industry practices, control technologies and the extent to which the industry has adopted the California standards. EPA anticipates completing this survey in early 2011.

The point of these efforts is to gain a greater scientific understanding of the potential health risks associated with the use of formaldehyde in pressed wood products. In turn, this vital information will inform the regulatory approach EPA will take on formaldehyde, as we consider whether it is appropriate to use our authority under TSCA to ban or restrict the use of formaldehyde in pressed wood products.

As a general matter, the challenge of regulating chemicals under our current TSCA authorities is worth noting. As we have stated in previous hearings, as a result of the legal and procedural requirements TSCA places on EPA prior to collecting data, there are large, troubling gaps in the available data and state of knowledge on many widely used chemicals in commerce. Chemical producers are not required to provide, without further action from EPA, the data necessary to fully assess a chemical's risks. In particular, current TSCA authority has made EPA's efforts to gather formaldehyde information more burdensome.

In the cases where EPA has adequate data on a chemical and wants to protect the public against well-known risks to human health and the environment, there are legal hurdles that prevent quick and effective regulatory action. Meanwhile, the public may be exposed to chemicals for which we have little understanding of the consequences.

As has been frequently cited, after years of study, EPA issued a rule in 1989 phasing out most uses of asbestos – a chemical whose health effects had been exhaustively studied and that had been demonstrated to cause lung cancer, mesothelioma and asbestosis in humans. Yet, a Federal court overturned the rule because EPA failed to clear the hurdles imposed under TSCA before existing chemical risks can be controlled. In regards to formaldehyde, the Agency noted in its 2008 ANPR that,

> On the basis of the significant differences in the legal standards applicable to the California Health and Safety Code (H&SC) and TSCA section 6, and the insufficiency of the information available to EPA for purposes of conducting the TSCA section 6 analysis, EPA is not granting the specific request in the petition to commence a proceeding under TSCA section 6 to impose the CARB formaldehyde ATCM nationwide. Even if the information available to EPA were sufficient to support an evaluation of whether formaldehyde in composite wood products presents or will present an unreasonable risk, petitioners have not provided sufficient information, and EPA does not otherwise have sufficient information, to evaluate whether the CARB ATCM would likely be the least burdensome alternative necessary to protect adequately against such risk.

This finding illustrates the inherent difficulties the Agency faces in regulating chemicals under TSCA.

EPA currently anticipates being able to make a determination on pursuing regulatory action in 2011. If EPA has the information and data necessary to propose a new regulation at that time, a final rule could be anticipated one to three years later, depending on the

comments we receive and the additional analysis and consultations which may be required in order to finalize the final rule.

Restoring confidence in our chemical management system is a top priority for EPA and an environmental priority for the Obama Administration. This Administration's principles for how TSCA should be revised and modernized call for stronger and clearer authority for EPA to collect and act upon critical data regarding chemicals risks. Under a reformed TSCA, EPA should have the necessary authority and tools, such as data call in, to quickly and efficiently require testing or obtain other information from manufacturers that is relevant to determining the safety of chemicals EPA should also have clear authority to establish safety standards that are based on scientific risk assessments and take risk management actions when chemicals do not meet the safety standard, with flexibility to take into account a range of considerations, including children's health, economic costs, social benefits, and equity concerns.

The recent introduction of the TSCA reform legislation in the Senate and release of a discussion draft in the House are major steps forward in this effort to reform TSCA. These two pieces of legislation are both major steps forward in the effort to protect American families and consumers from harmful chemicals. We look forward to working with Congress to reform TSCA.

EPA agrees with this Committee that formaldehyde is a hazardous chemical and supports the goal of legislation in reducing the risks from formaldehyde in pressed wood products. Reducing formaldehyde emissions in pressed wood products should be an important public health goal. California has made a valuable contribution to formaldehyde emissions reductions through its standards and is providing a possible model for addressing this problem. We look forward to working with this Committee as it moves forward to reduce exposure to formaldehyde from these products. It is our hope that Congress will also be able to act on TSCA reform, since the Administration believes it is important to work together to quickly modernize and strengthen the tools available in TSCA.

Thank you for the opportunity to present EPA's views, and I am happy to answer any questions the Subcommittee may have.