

Formaldehyde Emission Standards for Composite Wood Products Final Rule Questions and Answers — Regulated Stakeholders

1. What are the specific composite wood products that are covered by the final rule?

Under Title VI of the Toxic Substances Control Act (TSCA), there are three composite wood products that are regulated: hardwood plywood, medium-density fiberboard (MDF), and particleboard.

Hardwood plywood is defined as a hardwood or decorative panel that is intended for interior use and composed of an assembly of layers or plies of veneer, joined by adhesive with a lumber core (or any other special core or special back).

Medium-density fiberboard is defined as a panel composed of cellulosic fibers made by dry forming and pressing a resonated fiber mat.

Particleboard is defined as a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin.

There are limited testing and certification exemptions for no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins.

2. What specific products are not covered by the final rule?

The following products are not covered by regulation:

- Hardboard.
- Structural plywood.
- Structural panels.
- Structural composite lumber.
- Military-specified plywood.
- Curved plywood.
- Oriented strand board.
- Prefabricated wood I-joists.
- Finger-jointed lumber.
- Wood packaging, such as pallets, crates, spools, and/or dunnage.
- Composite wood products used inside a new vehicle other than a recreational vehicle, such as rail cars, boats, and aircraft.
- Windows that contain composite wood products if the windows contain less than 5% composite wood product by volume.
- Exterior doors and garage doors that contain composite wood products, if the doors are made from composite wood products manufactured with NAF or ULEF resins, or the doors contain less than 3% composite wood product by volume.

3. Who is subject to the final rule requirements?

All entities along the supply chain, from the manufacture to the sale of composite wood products, will be affected by the final rule requirements. This includes importers, distributors, retailers, panel producers, fabricators, third party certifiers, and accreditation bodies. If you are unsure whether or not your business fits into one of these categories, examples of each include (but are not limited to):

Importers, distributors, and retailers

- Furniture stores or merchant wholesalers.
- Lumber, plywood, millwork, and wood panel merchant wholesalers.
- Building material and supplies dealers.
- Manufactured (mobile) home dealers.
- Recreational vehicle (RV) dealers and merchant wholesalers.
- Other construction material merchant wholesalers, or wholesale distributors of manufactured homes and/or prefabricated buildings.

Panel producers

- Veneer product manufacturing.
- Plywood product manufacturing.
- Engineered wood product manufacturing.

Fabricators

- Manufactured (mobile) home manufacturing.
- Prefabricated wood building manufacturing.
- Motor home manufacturing.
- Travel trailer and camper home manufacturing.
- Furniture and related product manufacturing.

Third Party Certifiers

- Laboratories conducting independent third-party formaldehyde emissions testing of regulated composite wood products

Accreditation bodies (ABs)

- Product ABs
- Laboratory ABs

4. Who is required to test formaldehyde emissions from composite wood products?

All panel producers are required to have their products tested by an EPA TSCA Title VI third party certifier (laboratories conducting independent third-party formaldehyde emissions testing of regulated composite wood products) to ensure their products are certified as compliant with the emissions standards. This includes a California Air Resources Board-approved third party certifier that is recognized by EPA during the two-year transition period. Panel producers are required *to conduct quality control tests* on a regular basis to ensure that regulated composite wood products meet emissions standards. These tests can be conducted on-site if the appropriate equipment is available and test methods show a correlation to ASTM E1333-10. They are also required to meet reporting and recordkeeping requirements for quality control. Seven years after the final rule is issued, laminated product producers whose products are not exempted from the definition of hardwood plywood are also required to perform quality control tests on their products.

As part of the overall quality control system, third party certifiers are required to *establish quality control limits* (QCLs) for formaldehyde emissions for all product types, as well as determine a process to ensure panel producers (and laminated product producers) are meeting QCLs. EPA TSCA Title VI third party certifiers or their laboratories must test their panel producers' composite wood products quarterly using test method ASTM E1333-10 or, with a showing of equivalence, test method ASTM D6007-02. On a quarterly basis, they must also inspect panel producers' (and, if applicable, laminated product producers') products and records and verify quality control test results.

5. What are the requirements for composite wood products made with no-added formaldehyde (NAF) and ultra-low emitting formaldehyde (ULEF) in order to receive reduced testing and third-party certification exemption?

Composite wood products made with resins formulated with NAF or ULEF resins are eligible for less frequent testing or a two-year exemption from third-party certification testing and certification.

Composite wood products made with NAF-based resins require at least one test conducted under the supervision of an EPA TSCA Title VI third party certifier pursuant to test method ASTM E1333-10 or ASTM D6007-02. Test results obtained by ASTM D6007-02 must include a showing of equivalence in accordance with test method ASTM E1333-10. Also required are three months of routine quality control tests, including a showing of correlation to test method ASTM E1333-10, totaling not less than five quality control tests.

Composite wood products made with ULEF-based resins, require at least two tests conducted under the supervision of an EPA TSCA Title VI third party certifier pursuant to test method ASTM E1333-10 or ASTM D6007-02. Test results obtained by ASTM D6007-02 must include a showing of equivalence in accordance with test method ASTM E1333-10. Also required are six months of routine quality control tests, including a showing of correlation to test method ASTM E1333-10, totaling not less than ten quality control tests.

6. What are the composite wood product labeling requirements under the final rule?

Composite wood panels

Each raw composite wood panel must be labeled separately, or a bundle of panels may be labeled. The label can be a stamp, tag, or sticker and include the panel producer's (i.e., manufacturer's) name, lot number, the assigned EPA-Recognized TSCA Title VI third party certifier number, and statement that the products are TSCA Title VI compliant.

Finished goods containing regulated composite wood products

Each finished good or every box or bundle containing finished goods must be labeled. If a finished good (including component parts sold separately) is not individually labeled, the importer, distributor, or retailer must retain a copy of the label, be able to identify the products associated with that label, and make the label information available to potential customers upon request. The label may be applied as a stamp, tag, or sticker and must include, at a minimum, the finished good fabricator's name, the date the finished good was produced (in month/year format), and a statement that the finished goods are TSCA Title VI compliant.

Composite Wood Products Made with ULEF and NAF-based Resins

Manufacturers or fabricators of no-added formaldehyde-based or ultra-low emitting formaldehyde (ULEF resins) are not required to, but may label products as being made with these.

Composite Wood Products Not for Sale

Panels imported into or transported across the United States for quarterly or quality control testing purposes must be labeled "For TSCA Title VI testing only, not for sale in the United States." Panels may be re-labeled as TSCA Title VI compliant if test results are below the applicable emission standards.

7. Can a panel producer use a small emissions chamber (ASTM D6007) as a routine quality control test method?

Yes. Approved quality control test methods show a correlation to ASTM E1333-10 (ASTM D6007 being among them). Some other examples include:

- ASTM D5582.
- EN 717-2 (Gas Analysis Method).
- DMC (Dynamic Micro Chamber), 2007 User's Manual.
- DMC (Dynamic Micro Chamber), 2012 GP User's Manual.
- EN 120 (Perforator Method).
- JIS A 1460 (24-hr Desiccator Method).

8. Are imported composite wood products subject to TSCA Section 13 import certification requirements?

Yes. Beginning two years after publication of the final rule, importers of articles that are regulated composite wood products, or articles that contain regulated composite wood products, must comply with the import certification regulations for “Chemical Substances in Bulk and As Part of Mixtures and Articles,” as found at 19 CFR 12.118 through 12.127 or as later promulgated.

9. Are renovators and contractors who install regulated composite wood products subject to the final rule requirements?

No. Under this rule, persons or entities in the construction trades are neither fabricators nor retailers by selling, renovating, or remodeling buildings. TSCA Title VI is intended to regulate goods that move freely through the product supply chain and that are produced through a manufacturing process at a manufacturing facility, not objects like buildings or other structures that are constructed on site and become a permanent addition to real property. By regulating the manufacture of a product, the regulation works to ensure that only compliant composite wood products enter the marketplace.

10. Is there a *de minimis* amount of composite wood that would not be subject to the regulations?

Finished goods, including component parts sold separately to end users, containing only a *de minimis* amount of regulated composite wood product are excluded from the labeling requirements. A finished good, including component parts sold directly to consumers, contains a *de minimis* amount of regulated composite wood product if its regulated composite wood product content does not exceed 144 square inches, based on the surface area of its largest face. The exception does not apply to finished goods or component parts that are designed to be used in combination or in multiples to create larger surfaces, finished goods, or component parts. The underlying composite wood core material contained within a finished good that has a *de minimis* amount of composite wood still must meet the formaldehyde emission standards.

11. Are fabricators or retailers of finished goods required to conduct formaldehyde emissions testing?

No. Formaldehyde emissions testing is required to be conducted by panel producers and third party certifiers. Fabricators and retailers are responsible for ensuring the purchase of only compliant composite wood products, whether they are unfinished panels or incorporated into component parts of finished goods.

12. What are considered laminated products and are they required to be tested for formaldehyde emissions? If so, by when?

Under TSCA Title VI, a laminated product is a product in which a wood or woody grass veneer is affixed to a particleboard core or platform, a medium-density fiberboard core or platform, or a veneer core or platform. A laminated product is a component part used in the construction or assembly of a finished good. In addition, a laminated product is produced by either the fabricator of the finished good in which the product is incorporated or a fabricator who uses the laminated product in the further construction or assembly of a component part.

Seven years after the final rule is issued, laminated product producers whose products are not exempted from the definition of hardwood plywood are required to test their products to ensure they comply with the formaldehyde emission standard for hardwood plywood.

13. Do finished goods require testing and third-party certification?

No, finished goods do not require formaldehyde emissions testing and certification. However, the component parts of the finished good that are considered to be regulated composite wood products must be tested to ensure they comply with the emissions standards. There are recordkeeping requirements for the compliant composite wood products that are component parts of the finished goods that document they are certified as being compliant.

14. Lumber core products are not subject to the California Air Resources Board Air Toxics Control Measure to Control Formaldehyde Emissions from Composite Wood Products. Are they subject to the EPA regulation?

No. The definition of hardwood plywood in the final rule includes a variety of core types, but formaldehyde emissions standards only apply to hardwood plywood made with a veneer core or a composite core. Hardwood plywood made with a lumber core or a hardboard core is not required to comply with the emission standards or the testing and certification.

15. Is structural plywood regulated under the EPA regulation?

No. The definition of hardwood plywood in the final rule does not include structural plywood. Many of the product exemptions under TSCA Title VI, such as **hardboard, oriented strand board, structural plywood, structural panels, and structural composite lumber**, were found to already be made with resins with limited formaldehyde emissions potential.

NOTE: The following three questions apply only to composite wood panels. Panels that have been incorporated into component parts or finished goods are not subject to the requirements discussed in these questions.

16. I am a panel producer. What is my responsibility if a composite wood panel lot is found to be non-compliant?

If a lot is found to be non-compliant, then the panel producer must isolate it from other compliant lots and dispose of or treat and retest the non-compliant lot.

If the lot has been distributed out of the panel producer's custody, then the panel producer is required to notify all downstream entities that have received the non-compliant lot from the panel producer (i.e., fabricators, importers, distributors and retailers) within 72 hours of being made aware of the failing test result. After notification, panel producers can choose to:

- Recall the composite wood products belonging to the non-complying lot and either treat and retest products belonging to the non-complying lot or dispose of them; or
- Treat and retest composite wood products belonging to the non-complying lot while they remain in possession of a fabricator, importer, distributor, or retailer to avoid having to recall the items.

After recalling or treating/retesting the non-compliant lot, panel producers have seven calendar days to tell their Third-Party Certifiers (TPCs) how the non-complying lot was addressed.

17. As a fabricator, distributor, importer, or retailer, what responsibilities do I have if I have been supplied panels that are later determined to have come from a non-complying lot?

If you still have the intact panels in your inventory, then you must work with the panel producer to isolate, treat, and retest the panels, as needed. If you have distributed intact panels further in the supply chain, then you are responsible for notifying the purchaser of the non-complying panel lot within 72 hours of the time you are initially made aware by the panel producer and ensure you communicate the proper management of the materials according to the non-complying lot provisions of the final rule.

18. As a fabricator, distributor, importer, or retailer, what are my responsibilities if I have been supplied panels that are determined to have come from a non-complying lot, but I have already fabricated or incorporated them into a component part or finished good?

The non-complying lots provision in 40 CFR § 770.22 only refers to composite wood products in the form of panels, meaning that only affected panels are subject to the requirements of that section. The non-complying lot provisions do not apply beyond when non-complying panels have been incorporated into component parts or finished goods; thus, in that scenario, there is no requirement for you to notify downstream entities in the supply.