

CARB / EPA

Key requirements for regulatory compliance

FORMALDEHYDE REGULATIONS

The purpose of the regulation is to reduce formaldehyde emissions from regulated composite wood products, which will reduce exposures to formaldehyde, resulting in benefits for human health.

TSCA Title VI and CARB establishes formaldehyde emission standards for MDF (including thin MDF), and particleboard.

TSCA TITLE VI

TSCA Title VI formaldehyde emission standards are identical to the emission standards currently in place in California under the California Air Resources Board Air Toxics Control Measure for formaldehyde (CARB).

Particleboard = 0.09 ppm;

MDF = 0.11 ppm;

Thin MDF = 0.13 ppm;

ppm - parts per million.

TSCA Title VI requires that regulated composite wood products be tested and certified by an EPA-recognized third-party certifier (TPC) to ensure compliance with the formaldehyde emission standards. EPA maintains a listing of recognized TPCs on its publicly available formaldehyde webpage.

Fabricators and laminated product producers are required to purchase and use compliant composite wood products and component parts and can only sell compliant component parts and finished goods that contain such products.

The regulation also contains recordkeeping, reporting, and labeling requirements for fabricators and laminated product producers.

WHO MUST COMPLY?

Are subject to 40 CFR part 770 the fabricator or laminator of component parts or finished goods that contain hardwood plywood, MDF or particleboard. If the company fabricate component parts or finished goods that contain only exempt products, the rule does not apply. From Sonae Arauco portfolio, the following products are exempt:

- Oriented strand board;
- Wood packaging (pallets, crates, spools, dunnage).

WHAT IS NEEDED?

As a fabricator the company do not need to conduct formaldehyde emissions testing or comply with third-party certification requirements; however, must take reasonable precautions to ensure that purchase only composite wood products, or component parts containing composite wood products, that have been produced in compliance with TSCA Title VI. This means that must specify TSCA Title VI compliant products when ordering or purchasing from suppliers.

The company must ensure that purchase only compliant composite wood products after June 1, 2018, whether they are unfinished panels or incorporated into component parts or finished goods, and must keep records to demonstrate that have done so for three years from the date of import or purchase of the composite wood product. These records would include bills of lading, invoices, or a comparable document with a written statement certifying that the purchased composite wood product is Title VI compliant.

If the company purchase directly from a composite wood product mill, are entitled to request a copy of the quarterly formaldehyde emissions test results that represent the panels purchased and that document whether or not the panels comply with the required emissions standard. The test results are solely for information; the company are not required to keep them as part of it recordkeeping obligations. Also are not required to pass them along to the downstream purchasers.

KEY REQUIREMENTS OF CARB AND U.S. EPA REGULATIONS TO REDUCE FORMALDEHYDE EMISSIONS FROM COMPOSITE WOOD PRODUCTS

ELEMENT/ REQUIREMENT	CARB ATCM	U.S. EPA TSCA TITLE VI
Effective date	<p>Introduced in two phases between 2009 and 2013, with initial emission standards (Phase 1) followed by more stringent emission standards (Phase 2);</p> <p>As of January 2014, only Phase 2 compliant products are legal for sale in California.</p>	<p>TSCA Title VI regulation became effective on May 22, 2017; compliance date (manufacture-by date) for emission standards is June 1, 2018.</p> <ul style="list-style-type: none"> • Until March 22, 2019, CARB Phase 2 composite wood products (i.e., panels) and finished goods (e.g., flooring, cabinets, furniture) that contain CARB Phase 2 composite wood material produced by a panel producer certified by a CARB-approved third-party certifier (TPC) that has been recognized by U.S. EPA will be considered as TSCA Title VI compliant. • Composite wood panels produced domestically or imported into the U.S. prior to June 1, 2018, may be sold or used to make finished goods until supplies are depleted.
Authority for regulation	California Health & Safety Code (Title 17, sections 93120 – 93120.12).	Federal Toxic Substances Control Act, 15 U.S.C., Sec. 2697 (TSCA Title VI).
Emission standards	<p>Formaldehyde emission standards for: hardwood plywood (HWPW), particleboard (PB), medium density fiberboard (including thin MDF).</p> <ul style="list-style-type: none"> • Requires use of composite wood products that comply with emission standards in all finished goods. 	Same as CARB.
Affected businesses	Manufacturers (i.e., panel producers); fabricators of finished goods; and distributors, importers, and retailers of panels and finished goods.	Same as CARB.
Recordkeeping	Two years.	More stringent than CARB - three years.

ELEMENT/ REQUIREMENT	CARB ATCM	U.S. EPA TSCA TITLE VI
Product labeling	<p>Requires panels (or bundles of panels) and finished goods (or boxes that contain finished goods) to be labeled as compliant with CARB's Phase 2 formaldehyde emission standards.</p> <p>Finished goods - Information required for label on finished good (or box that contains finished good):</p> <ul style="list-style-type: none"> • Fabricator name; • Production date (month/year); • Compliance level (Phase 2 or NAF/ULEF). 	<p>Beginning June 1, 2018, panels (or bundles of panels) and finished goods (or boxes that contain finished goods) may be labeled as complying with TSCA Title VI, CARB Phase 2, or both, whichever is true for the product.</p> <p>Early labeling is allowed once composite wood products are certified.</p> <p>Finished goods - Information required for label on finished good (or box that contains finished good):</p> <ul style="list-style-type: none"> • Fabricator name; • Production date (month/year); • Compliance level [TSCA Title VI; label may also note if made with NAF/ULEF products (or made with combination of TSCA Title VI and NAF/ULEF products)].
Identification of unlabeled panels and finished goods	Individual panels and finished goods are not required to be labeled (when bundles of panels or boxes of multiple finished goods are labeled).	More stringent than CARB - Requires importers, distributors, fabricators, and retailers to have method (e.g., color-coded edge marking) to identify supplier of each compliant panel and finished good.
Labeling requirement	More stringent than EPA - All finished goods must be labeled as containing Phase 2 compliant composite wood material, regardless of amount of composite wood material contained in the finished good.	Labeling of a finished good is not required if the composite wood product content does not exceed 144 square inches ($\approx 0,09\text{m}^2$), based on the surface area of the largest face (e.g., small picture frame); however, the composite wood material must still be compliant.
Reasonable prudent precautions	Fabricators, importers, distributors, and retailers are required to take reasonable prudent precautions (e.g., obtaining statements of compliance from suppliers) to ensure purchase and sale of compliant products.	Same as CARB.
Fabricators of wood- veneered laminated products (e.g., table tops, cabinet doors)	Requires use of CARB Phase 2 compliant platform (core) material.	Requires use of TSCA Title VI compliant platform (core) material.