

An Update on California and Federal Regulation of Formaldehyde Emissions from Composite Wood Products

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What is CPA?

- North American trade association
- Approximately 180 member companies
- Offices in Leesburg, Virginia, and Ottawa, Ontario
- Represents 95% of particleboard, MDF and hardboard manufacturing in North America
- Represents most wood-based decorative surfacing manufacturers in North America
- Also represents many of the largest suppliers, distributors and finished product manufacturers serving the North American market



What is CPA?

- Operates largest and most stringent certification program in North America for panel emissions and physical properties
- Operates the International Testing and Certification Center (ITCC), an independent laboratory accredited by US NIST
- Sponsors industry ANSI standards for particleboard, MDF, hardboard and engineered wood siding and trim



What is CPA?

- Lobbies in US and Canada for industry business interests
- Intervenes in major legislative and regulatory matters, including US EPA's MACT proceedings, federal and state formaldehyde regulations, and fiber and energy initiatives
- Publishes monthly and annual reports on industry economic performance



Today's Topics

- New and Pending Developments
 - California ARB Amendments to 2008 Formaldehyde Regulation
 - US EPA Formaldehyde in Composite Wood Products Rulemaking





California Air Resources Board Composite Wood Airborne Toxic Control Measure

Rule Approved – April 2008
Rulemaking Amendments – Began Summer 2011



CARB's Regulation Development

- In 1992, CARB identified formaldehyde as a toxic air contaminant subject to regulatory action
- In 2001, CARB announced its intention to regulate formaldehyde emissions only from composite wood products
- In early 2002, CPA and other industry stakeholders began working with CARB staff in what would become a 6 year rulemaking process



California Health & Safety Code Requirements

Requires ARB to identify toxic air contaminants and identify minimum threshold level if any

Requires ARB to develop an Air Toxic Control Measure (ATCM) for each

For compounds with no safe threshold level, the Health and Safety Code requires control measures based on best available control technology, or more effective controls in consideration of costs and risk



Key Elements of the ATCM

- Establishes formaldehyde emission ceilings for HWPW, PB, and MDF panels
- Emission ceilings imposed in two phases
- Panel manufacturers must demonstrate compliance through third party testing and certification
- Fabricators must use compliant products in their finished goods



ATCM Applicability

- Applies to products sold, supplied, used, or manufactured for sale in California
- Panel manufacturers
- Distributors
- Importers
- Fabricators
- Retailers



Composite Wood Products Covered Under ATCM

- Hardwood Plywood (HWPW)
 - Veneer core
 - Composite core
- Particleboard (PB)
- Medium Density Fiberboard (MDF)
 - Thickness >8mm
 - Thickness \leq 8mm (Thin MDF)



Phase 1 Standards

Product	Jan 1, 2009	Jul 1, 2009
HWPW-VC	0.08 ppm	-----
HWPW-CC	-----	0.08 ppm
PB	0.18 ppm	-----
MDF	0.21 ppm	-----
Thin MDF	0.21 ppm	-----

Phase 2 Standards

Product	Jan 1, 2010	Jan 1, 2011	Jan 1, 2012	Jul 1, 2012
HWPW- VC	0.05 ppm		-----	-----
HWPW- CC		-----	-----	0.05 ppm
PB		0.09 ppm	-----	-----
MDF		0.11 ppm	-----	-----
Thin MDF		-----	0.13 ppm	-----

CARB Enforcement Program

- Approach similar to consumer products regulation
- Third party testing and certification (TPC) for panel producers
- Chain of custody paperwork for finished goods
- Use of field screening devices
- Development of deconstructive testing protocol for finished goods



Third Party Certification (TPC)

- Credible and global TPC system is the key
- To date, 39 TPCs worldwide are approved by CARB
- List of applicants and approved TPCs are posted on CARB website



Enforcement



- **Fabricators are subject to periodic inspection by ARB**
 - In the course of an inspection, ARB may request to audit records or secure samples for testing...
- **Field-screening**
 - FLEC Chamber / Interscan for panel testing
- **Lab test method for finished goods**
 - Procedure for finished good deconstruction
 - Protocol for preparing materials for testing
- **Products from overseas**
 - Importers will ultimately be held responsible
 - Subject to same testing as domestic goods



Exemptions

- Products not for sale in California
- Products subject to HUD standards
- Construction Graded Panels
 - Softwood Plywood, OSB, Hardboard
 - Standards: PS1, PS2, ANSI 135 series
- Exempt from ongoing Third Party Certification
 - No Added Formaldehyde Panels
 - Ultra Low Emission Formaldehyde Panels



CARB Going Forward

- Since 2009, CARB has issued 4 advisories and 4 guidelines clarifying aspects of the regulation
- The CARB FAQs document addresses 97 items
- Important to keep CARB and federal rule harmonized



CARB Going Forward

- In August 2011 and May 2012 CARB held a public workshops to review their proposed amendments to the California regulation on formaldehyde emissions from wood composites.
- CPA established an Emissions Regulation Task Group to develop comments on the proposed amendments.
- CPA also reestablished the California Wood Industry Coalition (CWIC) who will submit comments separate from CPA's but hopefully very similar.
- CARB is awaiting the release of the proposed Federal Regulation before advancing their amendments in an effort to keep the two regulations harmonized.



CARB Going Forward

- CARB had stated a goal of finalizing amendments during the first quarter of 2013.
- The biggest issue CPA has with the proposed amendments is CARB's proposal that plant QC testing be completed before product is shipped.
- CPA is advocating a refined definition of hardboard products to be exempt from the regulation by product definition.



California Wood Industries Coalition (CWIC)

Members include:

- AHFA
- APA – The Engineered Wood Association
- BIFMA
- CPA
- CRA, California Retailers Association
- HPVA
- IWPA
- KCMA
- NAMM, National Association of Music Merchants



Federal Formaldehyde Regulation



Formaldehyde Standards for Composite Wood Products Act signed into law by President Obama on July 7, 2010



Background

- Formaldehyde increasingly in the news insofar as its use in consumer products and potential health impact
- Hurricane Katrina hits Gulf Coast – August 2005
- Resulting FEMA trailer issue puts national spotlight on formaldehyde and Congressional hearings – July 2007
- Sierra Club submits petition asking EPA to develop a national standard for formaldehyde off-gassing from composite panels – March 2008



Background

- EPA publishes Advanced Notice of Proposed Rulemaking (ANPR) – December 2008
- EPA holds 6 public meetings throughout the US to solicit stakeholder input on need for and scope of a possible rulemaking – Early 2009
- CPA and Sierra Club join to support development of a national standard based on the CARB Rule— with Congress providing the framework and limitations for EPA action
- Coalition of industry, environmental, health, and labor groups join in supporting introduction of bipartisan S.1660 – September 2009



Congressional Action

- CARB did not oppose the legislation, even though it changes some elements of California's approach, as urged by industry
- Senate and House of Representatives pass amended Formaldehyde Standards for Composite Wood Products Act with bipartisan support – Spring 2010
- President Obama signs the Act in July 2010, directing EPA to promulgate implementing regulations by January 1, 2013



EPA Rulemaking Process

- The Act sets formaldehyde emission limits for hardwood plywood, particleboard and medium density fiberboard (MDF) that are identical to the Phase 2 CARB limits and cannot be changed by EPA
- EPA must now put the Act into effect following a rulemaking proceeding addressing specified implementation and definitional issues
- EPA issued a Notice of Proposed Rulemaking in late summer 2011



EPA Rulemaking Process

- EPA has split the rulemaking in to two parts:
 - A Notice of Proposed Rulemaking on third party testing and certification, and panel mill requirements
 - A Notice of Proposed Rulemaking on all other issues
- Each will include opportunities for public comment and refinement of the proposed rule
- Final regulation likely to be decided in first half of 2013, with implementation beginning 180 days after promulgation



EPA Rulemaking vs. CARB Rule

- Issues to be addressed by EPA rulemaking include:
 - Exemption for hardboard products
 - Exemption for laminated products
 - Exemption for *de minimis* use
 - Sell through provisions
 - NAF and ULEF resins
 - Test methods
 - Third party testing and certification criteria
 - Labeling and record keeping and labeling
 - Enforcement



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Additional Resources

CARB

www.arb.ca.gov/toxics/compwood/compwood.htm

US EPA

www.epa.gov/opptintr/chemtest/formaldehyde/

Composite Panel Association

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