




Formaldehyde Emission Standards for Composite Wood Products TSCA Title VI



American Home Furnishings Alliance
Regulatory Summit
August 17, 2022



Agenda

- Toxic Substances Control Act (TSCA) Title VI Background
- TSCA Title VI Rulemakings
- Compliance Dates Timeline
- Formaldehyde Risk Evaluation and IRIS Assessment
- Voluntary Consensus Standards Proposed Rule
- Guidance on Petitions to Exempt Laminated Products
- For More Information



TSCA Title VI Background

- Congress passed the Formaldehyde Standards for Composite Wood Products Act or Title VI of the Toxic Substances Control Act (TSCA) in 2010.
- TSCA Title VI requires that composite wood products be tested and certified, ensuring only compliant products enter the product supply chain.
- Composite wood products must be certified to meet formaldehyde emissions standards by an EPA-recognized third-party certifier (i.e., EPA TSCA Title VI TPC). These emission standards are statutorily set and identical to the California Air Resources Board (CARB) Formaldehyde Air Toxics Control Measure emission limits.
- The three types of composite wood products regulated under TSCA Title VI are:
 - Hardwood Plywood
 - Medium-Density Fiberboard (MDF), including thin MDF
 - Particleboard
- The regulation applies to component parts and finished goods fabricated using composite wood products.
- The regulation also includes recordkeeping, reporting, and labeling provisions.



TSCA Title VI Rulemakings

- The TSCA Title VI final rule published in December 2016 and became effective in May 2017.
- The Agency conducted several rulemakings 2017 through 2019 to extend compliance dates, update labeling provisions, and update several Voluntary Consensus Standards incorporated by reference in the 40 CFR part 770.
- The Agency finalized a rule on August 21, 2019, which made several technical corrections to the May 2017 final rule to better align with the California Air Resources Board regulation for composite wood products.
- Proposed Voluntary Consensus Standard Rule (2022)
 - When finalized would update several voluntary consensus standards incorporated by reference in the TSCA Title VI regulation and codify the ability to conduct remote inspections during unsafe working conditions.
 - This rulemaking is routine and will occur periodically to ensure industry is able to utilize the most recent versions of the standards referenced in the TSCA Title VI regulation.



Compliance Dates Timeline

- As of June 1, 2018, composite wood products (manufactured in or imported into the United States) had to be certified as compliant with formaldehyde emission standards by a CARB-approved and EPA-recognized Third-Party Certifier (TPC).
- After March 22, 2019, products must be labeled as TSCA Title VI compliant.
- As of March 22, 2019, TSCA section 13 import certification is required upon import into the customs territory of the United States.
- Beginning March 22, 2024, non-exempt laminated products will be regulated as hardwood plywood and must comply with panel producer requirements.



Formaldehyde Risk Evaluation and IRIS Assessment

TSCA Risk Evaluation

- Formaldehyde was prioritized as a high priority chemical substance under TSCA to undergo a risk evaluation.
- EPA published the draft scope of the risk evaluation in April 2020 and the final scope in August 2020.
- The Agency is currently developing the draft risk evaluation.

Integrated Risk Information System (IRIS) Assessment

- On April 14, 2022, EPA released a draft formaldehyde IRIS assessment for public comment in advance of an external peer review.
- A 60-day public comment period began April 14, 2022 and closed on June 13, 2022.
- The draft IRIS assessment, federal register notice and public comments received are available at: <https://www.regulations.gov/docket/EPA-HQ-ORD-2010-0396>.
- The National Academy of Sciences (NAS) will conduct a peer review of the draft assessment after taking comment on the committee members selected to review the draft. That comment period closes on August 25, 2022.
- More information is available at: <https://www.nationalacademies.org/our-work/review-of-epas-2022-draft-formaldehyde-assessment>



Voluntary Consensus Standards Rule

- Proposed rule published March 29, 2022 and the comment period closed on April 28, 2022.
- The rule updated standards incorporated by reference to reflect current versions used by industry.
- Allows for remote inspections in the event of unsafe conditions.
- Includes a range of technical corrections to align with the CARB requirements.
- EPA is considering two additional standards for the final rule.
 - ANSI A208.1-2022 Particleboard and ANSI A208.2-2022 Medium Density Fiberboard
 - EPA anticipates finalizing the rule before the end of the year.



Guidance on Petitions to Exempt Laminated Products

- Beginning March 22, 2024, laminated product producers will also be defined as hardwood plywood panel producers and subject to the applicable formaldehyde emission standard.
- At the time of the 2016 Formaldehyde rule, EPA provided seven years to provide time for laminated product producers to move toward ultra-low or no-added formaldehyde-based resins.
- EPA's regulations describes laminated products exemptions for certain products:
 - No Added Formaldehyde (NAF) and Ultra-low-emitting formaldehyde (ULEF) resins.
- Stakeholders may petition EPA to exempt additional laminated products from the definition of hardwood plywood in accordance with 40 CFR 770.4(b).



Guidance on Petitions to Exempt Laminated Products (cont.)

- Additional exemptions that consistently emit below the hardwood plywood emission standard of 0.05 parts per million (ppm) should include certain supporting information as described at:
<https://www.epa.gov/formaldehyde/guidance-petitions-exempt-additional-laminated-products-under-formaldehyde-emissions>.
- Petitioners should submit this information as soon as possible before the March 22, 2024 compliance date.
- EPA will review each submitted petition and seek public comment on the Agency's proposed decision prior to finalizing.
- EPA may deny petitions that lack sufficient information or analysis to justify an exemption. The proposed action would include a public comment period of generally 30 days.



For More Information



Robert Cournage
202-566-1081
cournage.robert@epa.gov

Jeffrey Putt
202-564-3703
putt.jeffrey@epa.gov



Visit EPA's website for information and updates:
<http://www.epa.gov/formaldehyde>.

