




# **Formaldehyde Emission Standards for Composite Wood Products TSCA Title VI**



American Home Furnishings Alliance  
Regulatory Summit  
February 15, 2023



# Agenda

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# 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 from 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 subject to the hardwood plywood formaldehyde emission standard.

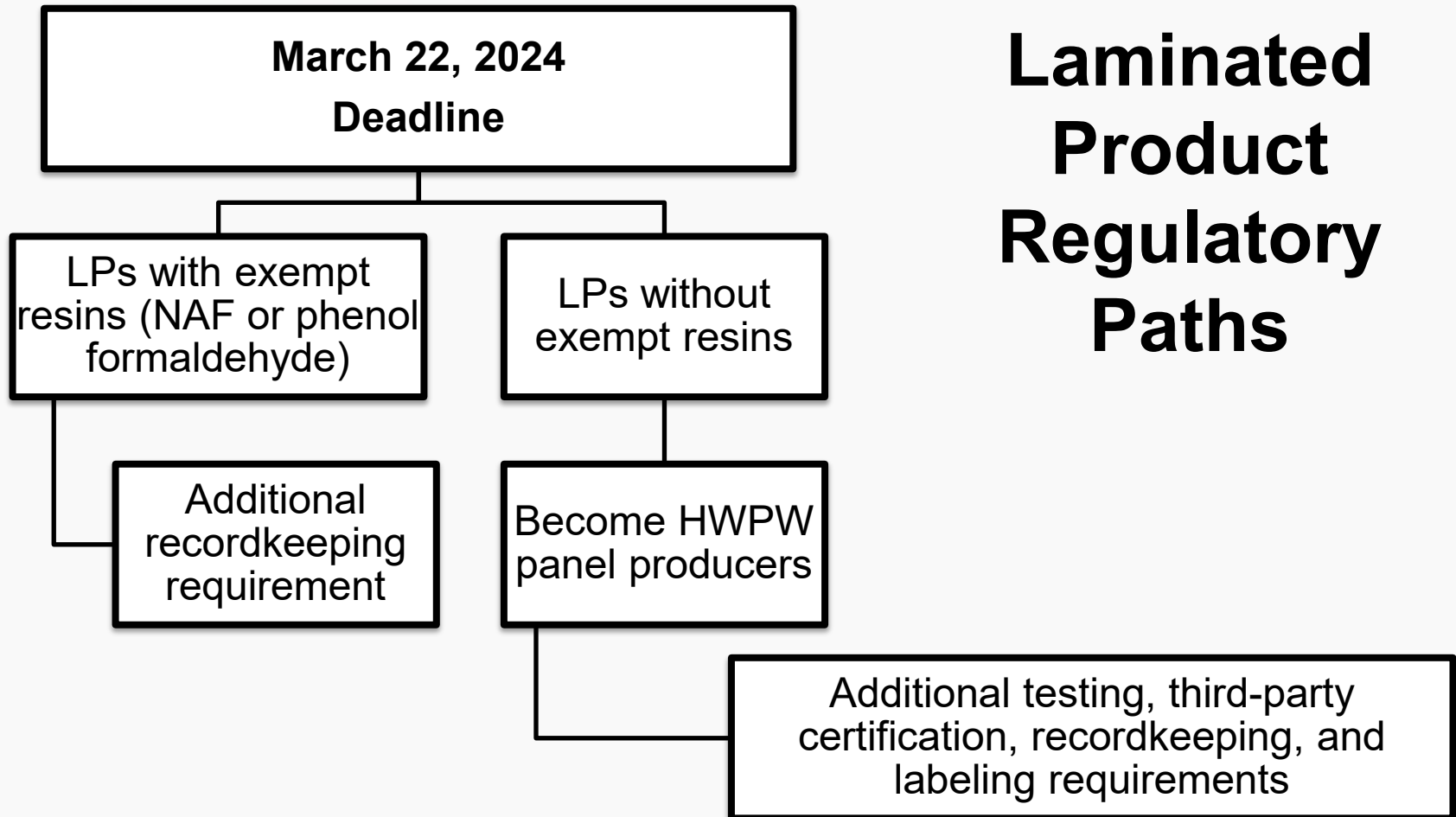


# Laminated Products

- A product in which a wood or woody grass veneer is affixed to a regulated particleboard core or platform, a medium-density fiberboard core or platform, or a veneer core or platform.
  - A component part used in the construction or assembly of a finished good.
  - 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.
- Beginning March 22, 2024, laminated product producers will also be defined as hardwood plywood panel producers and subject to the hardwood plywood panel producer requirements.



# Laminated Product Regulatory Paths





# Laminated Products Exemption

- At the time of the 2016 Formaldehyde rule, EPA provided seven years to provide time for laminated product producers to move to no-added formaldehyde-based or phenol formaldehyde resins.
- EPA's regulations describes laminated products exemptions for certain products:
  - No added formaldehyde (NAF) and phenol formaldehyde resins.
- If exempted, third-party certification and testing is not required, but records must be kept as per 40 CFR 770.40(c).





# Laminated Products: Hardwood Plywood Panel Producer

- Required to acquire an EPA TSCA Title VI recognized Third-Party Certifier to test and certify their products to ensure they comply with the formaldehyde emission standard for hardwood plywood.
- Required to meet the statutory emissions limit for hardwood plywood of 0.05 parts per million (ppm).



# Requirements for Hardwood Plywood Panel Producers - Overview

- To obtain product certification, a panel producer must apply to an EPA TSCA Title VI TPC.
- The EPA TSCA Title VI TPC must act on a panel producer's complete application within 90 calendar days of receipt by reviewing all of the components of the application.
- To maintain certification, the panel producer making the certified product must get inspected by its EPA TSCA Title VI TPC quarterly, as well as meet the testing requirements under [§ 770.20](#).
- If the certified product fails a quarterly test, certification for any product types represented by the sample is suspended until a compliant quarterly test result is obtained in accordance with [§ 770.22](#).



## Requirements for Hardwood Plywood Panel Producers, Cont. - Testing

- All panels must be tested prior to the application of a finishing or topcoat.
  - Testing includes following the proper procedures and specifications including testing conditions, loading ratios, and other specifics as established in the standards used (listed in § 770.99).
- All equipment used in the formaldehyde testing must be calibrated and otherwise maintained and used in accordance with the equipment manufacturer's instructions.
- In addition, there are required supervised quarterly testing by the TPC.



# Requirements for Hardwood Plywood Panel Producers, Cont. - Testing

- Quality Control (QC) Testing:
  - One to four tests per week per product type based on the weekly hardwood plywood.
  - If weekly production of hardwood plywood at the panel producer is 100,000 square feet or less, at least one test per 100,000 square feet for each product type produced; or, if less than 100,000 square feet of a particular product type is produced, one quality control test of that product type every month that it is produced.
- Additional QC testing must also be completed when:
  - The resin formulation is changed so that the formaldehyde to urea ratio is increased;
  - There is an increase by more than 10% in the amount of formaldehyde resin used, by square foot or by panel;
  - There is an increase by more than 20% in the adhesive application rate;
  - There is a decrease in the designated press time by more than 20%; or
  - The quality control manager or quality control employee has reason to believe that the panel being produced may not meet the requirements of the applicable standard.



## Requirements for Hardwood Plywood Panel Producers, Cont.

- In addition to the initial testing, weekly QC testing, and quarterly testing conducted by the TPC, there are recordkeeping, labeling and importing requirements as well.
  - Recordkeeping –
    - Including all weekly QC and quarterly test results for three years.
    - Production records and records of eligibility.
    - Purchaser and transportation information for each composite wood product.



# Requirements for Hardwood Plywood Panel Producers, Cont.

## – Labeling

- Every finished good that is produced or every box or bundle containing finished goods must be labeled.
- If a finished good (including component parts sold separately to end users) is not individually labeled, the importer, distributor, or retailer must retain a copy of the label.

## – Importing

- Comply with the import certification requirements.



# For More Information



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