



North American Wholesale Lumber Association

**Professionalism Integrity Honesty Innovation**

## **Formaldehyde Legislation Introduced in US Senate Particleboard, MDF and Hardwood Plywood Affected**

After nine months of development and coalition-building among industry and environmental groups, landmark legislation calling for a national standard on formaldehyde emissions from composite wood products was introduced in the U.S. Senate on September 11th.

Co-sponsored by Sen. Amy Klobuchar (D-MN) and Sen. Mike Crapo (R-ID), S.1660, The Formaldehyde Standards for Composite Wood Products Act, establishes the first ever national standard for product emission ceilings. It also directs the U.S. Environmental Protection Agency (EPA) to implement regulations on testing, certification, recordkeeping and enforcement to give American consumers the highest level of confidence in composite wood products purchased for their homes and offices.

The legislation is based on the regulation promulgated last year by the California Air Resources Board (CARB), and would add a new section to the federal Toxic Substances Control Act (TSCA) and require EPA to enact a national rule by 2011. Senators Klobuchar and Crapo sit on the Environment and Public Works Committee as well as the relevant subcommittee that oversees TSCA. "This a great day for American consumers and industry alike," said Tom Julia, President of the Composite Panel Association (CPA), which joined with the Sierra Club in first proposing the legislation.

"AF&PA supports creating a single, nationwide standard for formaldehyde emissions from composite wood panel products. The leadership from Sen. Klobuchar and Sen. Crapo on this issue is welcome and appreciated" says AF&PA CEO Donna Harman.

"Using California's existing technology-based standard as a basis for this legislation's new

national standard is a good approach that promotes green jobs and product stewardship. It also helps level the playing field for manufacturers by ensuring that those who are willing to meet rigorous standards do not also face a competitive disadvantage" Harman commented.

Last year after EPA was petitioned by the Sierra Club and others to develop a national regulation for formaldehyde emissions from composite wood, the agency published an Advanced Notice of Proposed Rulemaking. "The Notice included a range of regulatory options, all of which could lead to a complex and divisive rulemaking process that would require many years to complete," said Julia. "We knew right away there had to be a better way and began working with other industry groups and the environmental community, as well as with regulators in California and at EPA", he continued.

EPA also took public comments at six forums around the country, including New Orleans, where formaldehyde emissions from FEMA-issued emergency trailers were the focus. California has provided a starting point, and that the bill now before Congress represents a rare bipartisan opportunity to serve the American public.

The legislation does not copy the CARB rule but instead extracts its core components and writes them into TSCA, including the following:

- Applies to particleboard, medium density fiberboard (MDF) and hardwood plywood manufactured or sold in the U.S, as well as finished products containing them;
- Sets emission ceilings identical to the CARB rule;
- Requires EPA to establish implementing regulations based on California's rule, including third party testing and certification of quality control measures in composite panel manufacturing facilities, and the ability to track and verify the use of compliant products through their distribution and use in finished products such as furniture, cabinets, flooring doors, etc.;
- Requires EPA to recognize and incentivize the use of ultra low emitting formaldehyde (ULEF) and no-added formaldehyde (NAF) adhesives in composite wood products; and
- Requires EPA to work with other federal agencies to provide for equally robust compliance verification of imported products as well as those manufactured in the U.S., and corresponding enforcement.

North American manufacturers of composite wood products have put in place rigorous programs to meet the California rule, and nearly 100% of U.S. production is already California compliant.

Other organizations besides the Composite Panel Association and the Sierra Club supporting the legislation and participating in its development include the American Forest & Paper Association, Alliance for Healthy Homes, APA-The Engineered Wood Association, Business and Institutional Furniture Manufacturers Association, Hardwood Plywood & Veneer Association, National Center for Healthy Housing, National Environmental Health Association, and United Steelworkers Union.

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[www.pbmdf.com](http://www.pbmdf.com)

**NAWLA**  
**3601 Algonquin Road, Ste. 400**  
**Rolling Meadows, IL 60008**  
**Phone: 847-870-7470 or 800-527-8258**