



EPA Issues Formaldehyde Emission Standards for Composite Wood Products

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Title VI of the Toxic Substances Control Act authorizes EPA to reduce formaldehyde exposures from composite wood products, and EPA recently did so by promulgating its long-anticipated Formaldehyde Emission Standards for Composite Wood Products. The final rule establishes formaldehyde emission standards for hardwood plywood made with a composite or veneer core, medium-density fiberboard (MDF), and particleboard, and finished goods containing those products sold in the United States that are manufactured after specified dates. The limits are 0.05 parts per million (ppm) for hardwood plywood made with a composite or veneer core, 0.11 ppm for MDF, 0.13 ppm for Thin MDF, and 0.09 ppm for particleboard. The rule's requirements are consistent with those promulgated by the California Air Resources Board or CARB.

The rule is phased in beginning in December, 2017, with the last compliance date being in December, 2023. While many of the recordkeeping requirements apply beginning December 12, 2017, the date for compliance with the applicable emission standard depends on the type of wood product imported, manufactured, or sold in the United States. Particleboard, hardwood plywood made with either a composition core or a veneer core, and MDF must comply by December 12, 2017. Laminated products must comply by December 12, 2023. Before that date, manufacturers of laminated products must use compliant composite wood product platforms and comply with certain labeling and recordkeeping requirements

The final rule exempts from the definition of hardwood plywood laminated products that are made by attaching a wood or woody grass veneer to a compliant core with a phenol-formaldehyde resin or a resin formulated with no added formaldehyde. Recordkeeping is required to demonstrate eligibility for the exemption.

The final rule establishes a third-party certification (TPC) process to ensure that composite wood panel producers comply with the new emission standards for composite wood products. TPCs must inspect products and certify formaldehyde emission tests. EPA must accredit all TPCs used to demonstrate compliance with the rule.

Finished goods and composite wood products must be labeled as to formaldehyde content. Products

with “de minimis amounts” of composite wood are excluded. De minimis is defined as < 144 in² of product. Imported article products must be certified compliant, even though “articles” are excluded from the scope of the TSCA statute.

The final rule is slightly different than the proposed rule. Among other things, EPA has clarified that it applies only to goods, not objects that are constructed on-site, such as buildings that are part of the real estate. The manufacture-by date for non-exempt laminated products is extended to seven years after publication of the rule. Importers will have two years (not one year as proposed) to certify imports as compliant.

The rule is codified as 40 CFR Part 770. Importers and manufacturers of wood products should audit their operations to confirm applicability and compliance with the new standards.

81 Fed. Reg. 89674 (Dec. 12, 2016).

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