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Windows / Doors / Millwork

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VIA ELECTRONIC AND U.S. MAIL

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Proposed Airborne Toxic Control Measure ("ATCM") to Reduce Formaldehyde Emissions from Composite Wood Products

Dear Air Resources Board:

Thank you for this opportunity to comment on the proposed ATCM.

JELD-WEN, inc., headquartered just 20 miles north of the California border in Klamath Falls, Oregon, is the world's largest window and door manufacturer. We have five manufacturing facilities throughout California and employ hundreds of Californians. This proposed ATCM will have a tremendous impact on JELD-WEN, inc. and the window and door industry as a whole.

With this letter, we have included an outline of our specific proposed changes to the current draft of the ATCM. Aside from those proposed changes, however, JELD-WEN has two fundamental concerns with the proposed regulation.

First, the draft ATCM is not reasonably calculated to lead to decreased formaldehyde emission levels throughout the State of California. This ATCM, in being prescriptive rather than performance-based, regulates only certain composite wood product components which, in many cases, are encapsulated within consumer goods. Regulation of only the composite wood components may not have any impact on any particular finished product's formaldehyde emission levels. For example, a consumer product with compliant composite wood products could be assembled with a high-emitting formaldehyde-based adhesive, which is not regulated. For this reason, and to the extent formaldehyde emission levels are regulated, JELD-WEN advocates an ATCM that regulates the formaldehyde emission levels for a finished product. Such a performance-based regulation for finished products would ease the testing, compliance and enforcement burdens on the state, while also having a measurable impact on air quality in California.

JELD-WEN's second fundamental concern with the proposed ATCM is that the regulation, and specifically the provisions setting forth a manufacturer's quality control requirements, constitutes an improper interference with commerce. Rather than simply

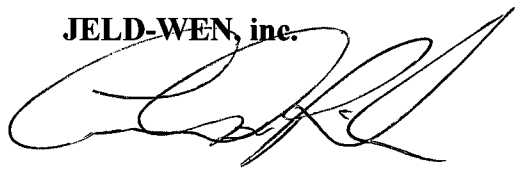
setting forth the emission limits for particular products, the proposed regulation dictates compliance methods and mandates certain employment functions within manufacturing facilities. The current draft even dictates the chain-of-command within the manufacturing facility. To the extent the ATCM is adopted, each manufacturer should be able to determine the means of compliance with the established emission levels. Also, the proposed ATCM sets forth an unnecessarily arduous and costly testing schedule. The current draft requires that quality control tests be done every eight hours for each product line of each product type. Because of current standardized manufacturing processes, the compliance testing should only be required when there are changes to the manufacturing process or components.

As a leader in the window and door industry and as a good corporate citizen, JELD-WEN is fully supportive of sound environmental stewardship. We cannot, however, endorse a regulation that does so little to meet the stated goal of reducing formaldehyde emissions at such a tremendous expense.

Thank you again for your consideration and please let me know if JELD-WEN can provide any additional information as you are considering this proposed ATCM.

Very truly yours,

JELD-WEN, inc.



Andrew M. Rink
Corporate Counsel

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Enclosure (1)

93120.1 Definitions

(a) For the purposes of this section, the following definitions shall apply:

(16) "Hardboard" means a composite panel composed of cellulosic fibers made by dry or wet forming and hot pressing of a fiber mat with or without resin. The ANSI standards for hardboard are ANSI/AHA A135.4-1995 (basic hardboard), ANSI/AHA A135.5-1995 (prefinished hardboard paneling), and AHSI/AHA A135.6-1995 (hardboard siding). Only "No-added formaldehyde based resins" may be utilized in the manufacturing of Hardboard in order to be exempted from this regulation.

The definition of "Hardboard" was listed in the definition section of the June 20, 2006 draft. This definition should be included in the most recent draft, along with an explanation that if formaldehyde based resins are used then the composite product will not be exempted. This clarification is necessary to ensure that MDF is simply not referred to as "Hardboard".

(24) "No-added formaldehyde based resins" means resins formulated with no-added formaldehyde as part of the resin cross linking structure for making hardwood plywood, particleboard, or medium density fiberboard. These include**, but are not limited to,** resins made from: soy, polyvinyl acetate, or methylene diisocyanate. **These do not include resins such as phenol formaldehyde, urea formaldehyde or melamine formaldehyde.**

The examples of resins commonly used to make composite products that do not meet the "No-added formaldehyde" definition should be included to clarify the definition.

(e) Record Keeping Requirements for Manufacturers of Hardwood Plywood (HWPW), Particleboard (PB), and Medium Density Fiberboard (MDF).

(1) Records must be maintained after January 1, 2009 for manufacturers of HWPW-VC, PB, MDF and thin MDF and July 1, 2009 for manufacturers of HWPW-CC pertaining to quality assurance emissions test data for each product complying with section 93120.2(a), or documentation demonstrating approval to use no-added formaldehyde based resins. Records must be kept for a period of two years, **and may be kept in either hard copy or electronic format**.

93120.7 Requirements for Fabricators that use Hardwood Plywood (HWPW), Particleboard (PB), Medium Density Fiberboard (MDF), and Finished Goods Containing Those Materials.

(b) Exemptions. Finished **exterior fenestration products including** windows **and exterior doors are** exempt from section 93120.7 if the **exterior fenestration product** contains less than five volume percent of HWPW, PB, or MDF combined in relation to the total volume of the finished **exterior fenestration** product. **Garage doors are exempt from section 93120.7.**

Appendix 2. Quality Assurance Requirements for Manufacturing of Composite Wood Products.

(d) Quality Control Facilities

At each manufacturing plant**, or single location designated by manufacturers with more than one manufacturing plant**, laboratory facilities and equipment shall be provided and properly maintained for conducting such tests as required by Appendix 2.

(e) Quality Control Personnel.

(1) Quality Control Manager

Each plant shall have a fully qualified person primarily responsible for formaldehyde emission quality control. This person shall be identified to the third party certifier and the third party certifier shall be informed in writing within ten days of any change in his or her identity. The quality control manager shall review and initial all reports of routine small scale testing conducted on the plant's production **in the production plant. If a manufacturer with more than one manufacturing plant utilizes a single testing location to test production samples, the quality control manager will be responsible for ensuring the samples are collected, packaged and shipped according to the procedure in the Quality Manual. The plant quality control manager will be responsible for working with the company's single testing location to monitor results. The plant quality control manager** shall immediately inform the third party certifier by telephone, **email,** or FAX and by letter of any changes in production requiring re-inspections as set forth in section 93120.12, Appendix 3.

(2) Quality Control Employee

Appropriate quality control employees shall be fully qualified to conduct accurate chemical quantitative analytical tests. The Quality Control Manager shall identify each person conducting routine small scale tests to the third party certifier. All appropriate quality control employees must be certified annually by a representative of the third party certifier. **The quality control employee must be at the location conducting the testing, whether it is the production plant and/or single testing facility for manufacturers with more than one production facility.**

Appendix 2

(g) Small Scale Quality Control Tests

Each manufacturer shall conduct small scale quality control tests for each product type and production line to ascertain that its certified panels do not exceed the applicable emission standard. Unless prior notice is given, all lots of each product type being validated for compliance will be tested.

(4) Basic Testing Frequency

(A) PB and MDF

Manufacturers of PB and MDF must **collect, in compliance with the quality control manual,** routine small scale quality control **samples** at least once per shift (**eg. 8 – 12 hours of production**) for each production line for each product type. **Those samples must be tested within 6 business days in compliance with section (2), above.** In addition, quality control tests must be performed whenever one of the following occurs:

(i) The resin formulation is changed so that the formaldehyde ratio is increased;

(ii) an increase by more than ten percent in the amount of resin used;

(iii) a decrease in the designated press time by more than 20 percent; or

(iv) when the Quality Control Manager or qualified Quality Control Employee has reason to believe that the product being produced may not meet the requirements of the applicable standards.