

Public Workshop to Discuss Proposed Amendments to the Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products



*March 18, 2014
Sierra Hearing Room
Cal/EPA Headquarters, Sacramento*

California Environmental Protection Agency



Air Resources Board

Workshop Overview

- Status of U.S. EPA regulation and ARB amendments
- Proposed amendments to the Composite Wood Products ATCM - changes since November 2013 public workshop
- Laminated products discussion
- Next steps
- Open discussion

Status of U.S. EPA Regulation and ARB Amendments

U.S. EPA

- Process of evaluating comments
- Public meeting: Spring 2014
- Revised regulations to be submitted to Office of Management and Budget (OMB): Spring 2014
- Goal for final regulations release: Fall 2014
- Implementation begins: Fall 2015

ARB

- Continue dialogue with U.S. EPA to align the rules to the extent feasible
- Board consideration in late 2014 or early 2015
 - ✓ Will occur after U.S. EPA regulations finalized

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Efforts to Harmonize with U.S. EPA's Proposed Regulations

- Ongoing, productive discussions between U.S. EPA and ARB staff
 - ✓ Close collaboration on identifying path to harmonization
 - ✓ Evaluating reciprocity mechanisms for third party certification and NAF/ULEF approvals
 - ✓ U.S. EPA participation in ARB workshops and discussion sessions
 - ✓ Requesting approval for ARB staff to attend U.S. EPA public meeting

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Proposed Amendments – Changes Since November 2013 Public Workshop

**Title 17, California Code of Regulations,
Section 93120**



Objectives

- Clarify requirements and applicability
- Improve enforceability
- Align ATCM with proposed U.S. EPA regulations to extent practicable
 - ✓ Encourage U.S. EPA to adjust federal proposal where appropriate
- Propose ATCM amendments for ARB consideration after U.S. EPA regulation finalized

Proposed Amendments

Changes Since November 2013 Public Workshop Discussion Topics

- Definitions
- Hardboard
- Hardwood Plywood
- Labeling
- NAF/ULEF
- Third Party Certification
- Laminated products

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Proposed Amendments

Definitions

- Modified format for definitions with references to ANSI standards: MDF, hardboard, HWPW, and PB
- Added definitions for accreditation body, coating, IAF, ILAC, ply, subcontractor, synthetic material
- Added clarification to the definitions for fabricator, finished goods, laminate, laminated product, and platform

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Proposed Amendments

Hardboard

- Additional criteria added to hardboard definition to reflect ANSI standard
 - ✓ Consolidated under heat and pressure in a hot press by (A) a wet process; or (B) a dry process that uses:
 - (1) a phenolic resin, or
 - (2) a resin system in which there is no formaldehyde as part of the resin cross-linking structure; or
 - (C) a wet-formed/dry pressed process
- Hardboard with formaldehyde emissions ≤ 0.06 ppm is exempt. If > 0.06 ppm, then subject to MDF requirements
- Added exemption to 93120(d) to reflect change

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Proposed Amendments

Hardwood Plywood (HWPW)

- Require 2-ply HWPW and HWPW made with lumber core, special core to meet 0.05 ppm standard
 - ✓ Aligns with proposed U.S. EPA regulation
- Require HWPW with bamboo or cork veneer to comply with the HWPW 0.05 ppm standard
- Platform for HWPW required to comply
- Propose added products be subject to emissions limit beginning July 2016



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Proposed Amendments

Labeling Requirements

- No change in labeling requirements for panel manufacturers
- Requirements for panel distributors, importers, and retailers of panels and finished goods
 - ✓ Copy of panel bundle labels must be available upon customer request for sale of partial bundles
 - ✓ If not individually labeled, method of identifying supplier of panel (or finished good) required

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Proposed Amendments

NAF/ULEF Requirements

- QC testing requirement for mills that produce in infrequent intervals
 - ✓ If production < 7 days/month, require minimum of 7 QC tests and one primary or secondary method test.
- For approved NAF/ULEF that have changes (i.e., resin system, addition of products)
 - ✓ Require submittal of one primary or secondary method test and a minimum of 5 QC test results collected over a minimum period of one week
- For NAF HWPW, platform must also comply with NAF requirements

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Proposed Amendments

NAF/ULEF Requirements
(continued)

- Eliminate requirement to provide detailed resin formulation as part of NAF/ULEF applications
 - ✓ Assurance needed that resins and additives are not changed over duration of approval
 - Require resin supplier name and resin name
 - Signed and dated certification statement that the resin formulation and additives will not change

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Proposed Amendments

TPC Program

- Efforts underway to develop reciprocity with U.S. EPA concerning the TPC program
- ARB staff conducted informal survey of TPCs (February 2014) to obtain input on TPC program
- Survey responses shared with U.S. EPA staff

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Proposed Amendments

TPC Program
TPC Survey

- TPC Survey Questions
 - ✓ How many TPCs have or plan to obtain ISO 17065?
 - ✓ Should ARB ATCM be included in the scope of AB's audits?
 - ✓ Should TPC's accreditation scope include conformance with ISO 17020?
 - ✓ AB's willingness to enter into a recognition agreement?
 - ✓ Acceptability of relying on the secondary method evaluation for interlaboratory comparisons?

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Proposed Amendments

TPC Program
TPC Survey Summary Responses

- How many TPCs have or plan to obtain ISO 17065?
 - ✓ *Most TPCs intend to obtain ISO 17065 by the end of 2014,*
 - ✓ *Cost is between \$ 10,000 to 20,000*
- Should ARB ATCM be included in the scope of AB's audits?
 - ✓ *ATCM should be included in the scope of AB audits, but it may be difficult for ABs to audit specifics of ATCM*
 - ✓ *\$ 3,000 to 5,000/audit; many have partial audit annually*
 - ✓ *Most TPCs accept concept of ATCM audit every two years*

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Proposed Amendments

TPC Program
Informal TPC Survey Summary Responses
(continued)

- Should TPCs accreditation scope include conformance with ISO 17020?
 - ✓ *All but one TPC agree that ISO 17065 covers 17020, thus retaining ISO 17020 is not needed*
 - ✓ *Proposing to only require ISO 17020 for TPCs that use subcontractors for inspections*
- AB's willingness to enter into a recognition agreement?
 - ✓ *TPCs questioned whether ABs would be willing to enter into agreement; being members of ILAC or IAF should be sufficient*
 - ✓ *Most willing to share AB info with ARB & U.S. EPA*

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Proposed Amendments

TPC Program
Informal TPC Survey Summary Responses
(continued)

- Acceptability of relying on the secondary method evaluation for interlaboratory comparisons?
 - ✓ *Most TPCs find it an acceptable approach, but several suggest continuing to periodically include large chambers in ILC evaluations*
 - ✓ *One TPC indicated the cost of obtaining a small chamber was too high for a small TPCs (establishing equivalence to primary method)*

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Proposed Amendments

TPC Program

**Discussion Topic: Secondary Test Method
(ASTM D 6007)**

- Should all TPCs and contract laboratories be required to operate secondary method
 - ✓ Most TPCs/labs possess small chambers
 - ✓ After equivalency established, can be used for certification and verification tests
 - ✓ Allows one panel to be sent for ILCs, eases cost, logistics and preparation
- Viable option as long as periodic large chamber testing is conducted in ILCs based on TPC survey



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Proposed Amendments

TPC Program

**Proposed Changes to TPC Program Since
November 2013 Public Workshop**

- Adjustments to accreditation requirements:
 - ✓ Require that accreditations for product certification, inspection procedures, and laboratory operations be issued by ABs that are signatories to IAF or ILAC
 - ✓ Approach is consistent with U.S. EPA proposal

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LAMINATED PRODUCTS



Laminated Products Current ATCM

- Applies to laminated products made by fabricators
 - ✓ Laminate consists of wood veneer or synthetic material
- Requires use of certified platform material



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Laminated Products Current ATCM

(continued)

- Opportunities for additional emission reductions beyond the current ATCM
- Laminated products proposal presented at November 2013 public workshop
- Proposal modified based on stakeholder input
 - ✓ No change to current ATCM requirements for laminated products made with synthetics
 - ✓ Proposal applies to laminated products with wood veneers

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Laminated Products Revised Approach

- Establish new formaldehyde emission performance standard of 0.13 ppm for wood veneer laminated products
 - ✓ Standard would apply to laminated products consisting of unfinished wood veneer (i.e., no coating) affixed to certified platform
- Other requirements would continue (i.e., labeling, use of certified platform)
- Routine quality control testing and third party certification not required
 - ✓ Fabricators determine best way to ensure compliance

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Laminated Products

Revised Approach

(continued)

- Requirements for synthetic laminated products unchanged
 - ✓ Synthetic laminated products still need certified platform
 - ✓ Synthetic material does not include coatings or finishes
 - Added definition of synthetic material to clarify

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Laminated Products

Benefits of Revised Approach

- Achieves additional emission reductions beyond ATCM requirements
- Performance-based
- Minimizes economic burden on small businesses
- Simplifies enforcement
 - ✓ Minimal deconstruction needed to determine compliance with 0.13 ppm standard

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Laminated Products Remaining Issues

- Applicability - Who is subject to the 0.13 ppm laminated products standard?
 - ✓ Fabricators of component parts and finished goods
 - ✓ If wood veneered laminated product being sold to panel distributor or retailer, then considered HWPW and must be third party certified

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Laminated Products Remaining Issues (continued)

- Request for disclosure of panel producer's verification data to fabricators
 - ✓ Propose to rely on fabricators negotiating separate agreement with their suppliers
 - ✓ Fabricators can pursue Public Records Act Request with CARB if supplier uncooperative
 - ✓ CARB will monitor and if is issue, will consider proposing amendments to regulation

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Next Steps

- Evaluate stakeholder input
- Additional collaboration on key issues
- Participate in U.S. EPA public meeting
- Evaluate U.S. EPA's final regulation
- Additional public workshops as needed
- ARB Board consideration (after release of final U.S. EPA federal regulation)

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OPEN DISCUSSION



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Composite Wood Products ATCM Website:
<http://www.arb.ca.gov/toxics/compwood/compwood.htm>