



Air Resources Board



Linda S. Adams
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Arnold Schwarzenegger
Governor

July 22, 2009

Dear Sir or Madam:

The purpose of this letter is to request your participation in a survey of distributors which sell composite wood products in the State of California. The survey results will be used to assess the status of existing inventories of noncomplying composite wood products.

In April 2007, the California Air Resources Board (ARB) approved an airborne toxic control measure (Regulation) to reduce formaldehyde emissions from composite wood products and from finished goods that contain composite wood products. Businesses required to comply with the Regulation include manufacturers, importers, distributors, fabricators, and retailers of composite wood products and finished goods. The Phase 1 emission standards are now fully in effect for composite wood products, including hardwood plywood with either veneer core (HWPW-VC) or composite core (HWPW-CC), particleboard (PB), and medium density fiberboard (MDF).

The Regulation contains "sell-through" provisions that allow affected businesses to sell or use noncomplying composite wood products for limited periods of time after the effective dates in the Regulation. However, in light of the downturn in home construction and slower movement of noncomplying inventories, ARB has provided a four-month enforcement grace period for distributors and retailers of HWPW-VC, PB, and MDF panels to allow additional time to sell noncomplying inventories. The grace period allows distributors to sell noncomplying panels through September 30, 2009, and allows retailers to sell noncomplying panels through April 30, 2010. For more information concerning the extension of sell-through dates for distributors and retailers of panels, please refer to our regulatory advisory (Number 09-02) available at: <http://www.arb.ca.gov/toxics/compwood/outreach/advisories.htm>.

As part of our ongoing implementation efforts, ARB is now conducting this survey of panel distributors. The objective of this survey is to monitor the movement of noncomplying composite wood products affected by the regulation (please see Attachment A). This independent evaluation will help us better understand the amount of noncomplying inventories affected, the rate products are moving, and plans for disposition of inventories of noncomplying panels. Please note that you may designate any information you provide as confidential, as described in Attachment B.

Since retailers of panels have different sell-through periods than distributors, a different survey of panel retailers will be conducted later this year.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Dear Sir or Madam
July 22, 2009
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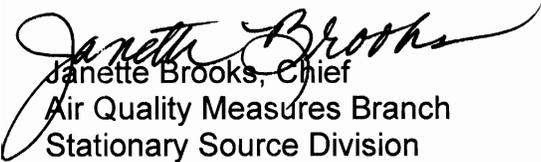
We ask that you please read all instructions carefully. If you have specific questions regarding the survey, please contact either Ms. Angela Csondes at acsondes@arb.ca.gov, or 916-445-4448, or Mr. Lynn Baker at lbaker@arb.ca.gov, or 916-324-6997.

Please follow the enclosed instructions and return Part 1 of the survey by August 7, 2009, and Part 2 of the survey by September 9, 2009. Please e-mail, fax, or send the completed survey to:

**California Air Resources Board
c/o Ms. Susie Chung
Stationary Source Division
1001 I Street, P.O. Box 2815
Sacramento, California 95812
E-mail: schung@arb.ca.gov
Fax: 916-327-5621**

We thank you in advance for your cooperation and assistance.

Sincerely,


Janette Brooks, Chief
Air Quality Measures Branch
Stationary Source Division

Attachments

cc: Jim Aguila, Manager
Substance Evaluation Section

Lynn Baker, Staff Air Pollution Specialist
Substance Evaluation Section

Angela Csondes, Air Pollution Specialist
Substance Evaluation Section

Susie Chung, Air Pollution Specialist
Substance Evaluation Section

ATTACHMENT A

California Panel Distributors Survey of Noncomplying Inventory (July 2009)

Survey Instructions

This survey consists of two parts. CARB staff requests inventory estimates for a baseline time period, as well as a future inventory estimate to show the flow of noncomplying products.

Part 1 – This section of the survey requests inventory data as of May 2009. Please provide an actual or a best-estimated inventory data on or about May 1, 2009. You will need to provide company and contact information. In the table provided, indicate the type(s) of products you distribute (e.g., hardwood plywood, particleboard, medium density fiberboard), total volume and estimated market value. Product volume must be measured or estimated using a consistent method for both Part 1 and Part 2. Please complete and return Part 1 of this survey via fax, e-mail or mail as specified below by August 7, 2009.

Part 2 – This section of the survey requests an actual or a best-estimated inventory data on or about August 15, 2009. In the table provided for product volume and value information, you may enter “0” if you no longer have noncomplying products in stock. Part 2 also asks for your plan for handling any remaining noncomplying products at the end of the sell-through period that ends on September 30, 2009.

Please complete and return Part 2 of the survey no later than September 9, 2009. This will allow ARB to assess the status of noncomplying inventories at panel distributors before the end of the sell-through period on September 30, 2009.

You may fax this form to (916) 327-5621 or e-mail to Ms. Susie Chung at: schung@arb.ca.gov. You may also mail it to:

California Air Resources Board
c/o Ms. Susie Chung
Stationary Source Division
1001 I Street, P.O. Box 2815
Sacramento, California 95812

State of California
CalEPA-CARB Distributor Survey

Please Submit Part 1 by August 7, 2009.

Part 1: Baseline Information

1. Company Information

| | |
|------------------------------|--|
| Company Name | |
| Company Address | |
| Contact Name Phone Number | |

2. Which of the regulated products do you stock?

Hardwood Plywood (HWPW) _____ Particleboard (PB) _____
Medium Density Fiberboard (MDF) _____

3. Inventory Date: _____ (Inventory on or about May 1, 2009.)

4. Indicate product(s) in stock and its volume and value as of the inventory date of Question 3. Each product needs to be reported categorically as either HWPW, PB or MDF. (Please attach separate sheets if necessary.)

| Product | Volume (cu. ft.) (See Note 1) | Value (\$1,000s) |
|------------------|----------------------------------|------------------|
| HWPW-veneer core | | |
| PB | | |
| MDF | | |

Note 1: Estimated or measured in cubic feet., bundle measured by length x width x height in feet.
Inventory must be estimated or measured in consistent manner for both Part 1 and Part 2.

5. How much noncomplying products did you purchase in 2009?

| Product | Volume (cu. ft.) (See Note 1) | Value (\$1,000s) |
|------------------|----------------------------------|------------------|
| HWPW-veneer core | | |
| PB | | |
| MDF | | |

State of California
CalEPA-CARB Distributor Survey

Please Submit Part 2 by September 9, 2009.

Part 2: Inventory Status as of August, 2009

1. Company Information

| | |
|------------------------------|--|
| Company Name | |
| Company Address | |
| Contact Name Phone Number | |

2. Which of the regulated products do you stock?

Hardwood Plywood (HWPW) _____ Particleboard (PB) _____
Medium Density Fiberboard (MDF) _____

3. Inventory Date: _____
(Inventory on or about August 15, 2009.)

4. Please indicate products in stock as well as corresponding volume and value, as of the inventory date of Question 3. Each product needs to be reported categorically as either HWPW, PB or MDF.

| Product | Volume (cu. ft.) (See Note 1) | Value (\$1,000s) |
|------------------|----------------------------------|------------------|
| HWPW-veneer core | | |
| PB | | |
| MDF | | |

Note 1: Estimated or measured in cubic feet., bundle measured by length x width x height in feet.
Inventory must be estimated or measured in consistent manner for both Part 1 and Part 2.

5. What will be the disposition of any remaining noncomplying inventories after the end of the sell-through period? (e.g., sell out of state, write off loss, etc.)

Thank you for your participation.

**ATTACHMENT B
CONFIDENTIAL INFORMATION SUBMITTAL FORM**

If you wish to designate any information contained in your survey data as **CONFIDENTIAL INFORMATION**, please provide the data requested below and return it with your completed survey forms. Attachment A to this survey form explains how the California Air Resources Board handles information designated as confidential.

Company Name: _____
declares that information submitted in response to the California Air Resources Board's information request on the survey are confidential "**trade secret**" information, and requests that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

Name (please print): _____

Signature: _____

Title: _____

Telephone #: _____

E-mail: _____

Company Address: _____

Contact People

If you have any questions, please contact the following staff:

| | | |
|--------------------|----------------|--|
| Ms. Angela Csondes | (916) 445-4448 | acsondes@arb.ca.gov |
| Mr. Lynn Baker | (916) 324-6997 | lbaker@arb.ca.gov |

In accordance with Title 17, California Code of Regulations (CCR), sections 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law; and (2) to the Federal Environmental Protection Agency (EPA), which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation; and (3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade secrets as defined in Government Code Section 6254.7 are not public records and therefore will not be released to the public.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any other provision of law, **it must identify the confidential information as such at the time of submission to the ARB and must provide the name, address, and telephone number of the individual to be consulted**, if the ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential. The ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless the ARB determines, in accordance with the above referenced regulations that the data do not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.