



Regulatory Advisory

February 2010



Composite Wood Products ATCM Advisory: 09-03 (REVISED)

Sell-through Provisions That Apply to Manufacturers, Importers, Distributors, Fabricators, and Retailers of Composite Wood Products and Finished Goods

(Note: This advisory has been revised to reflect Regulatory Advisory 09-04, dated November 2009, which extended the sell-through dates through December 31, 2010, for distributors and retailers of pre-Phase 1 composite wood product panels manufactured before January 1, 2009, for distributors, importers, fabricators, and retailers of finished goods made with pre-Phase 1 panels, and for distributors of Phase 1 hardwood plywood with veneer core. Please see [Regulatory Advisory 09-04](#) for more details.)

Introduction

In April 2007, the California Air Resources Board approved an airborne toxic control measure (ATCM) to reduce formaldehyde emissions from composite wood products and from finished goods that contain composite wood products. Businesses required to comply with the ATCM include manufacturers, importers, distributors, fabricators, and retailers of composite wood products. The ATCM contains “sell-through” provisions that allow affected businesses to sell or use noncomplying composite wood products for specified periods of time after the effective dates in the ATCM. The purpose of this advisory is to describe these sell-through provisions.

The ATCM is contained in title 17, California Code of Regulations, sections 93120-93120.12. The ATCM applies to panels and finished goods that are sold, offered for sale, supplied, used, or manufactured for sale in California. The ATCM does not apply to panels and finished goods that are manufactured, distributed, fabricated, imported, sold, offered for sale, or supplied for shipment and use outside of California. A “panel” is any particleboard, medium density fiberboard, or hardwood plywood board, produced for sale, supply, or distribution by a composite wood product manufacturer. Panels are collectively referred to in the ATCM and this Advisory as “composite wood products.” A “finished good” is any good or product (e.g., cabinets, furniture, etc.), other than a panel, that contains at least one of the three types of composite wood products.

The ATCM established formaldehyde emission standards for hardwood plywood, particleboard, and medium density fiberboard. In addition, the ATCM requires fabricators of finished goods to use composite wood products that comply with the emission standards. The first emission standards became effective on January 1, 2009. Except as provided in the sell-through provisions described below, all composite wood products and finished goods sold, offered for sale, supplied, used, or manufactured for sale in California after January 1, 2009, must comply with the applicable emission standards.

Sell-through Provisions of the ATCM

Appendix 1 of section 93120.12 contains the sell-through provisions that apply to entities required to comply with the regulation. The sell-through dates in this Advisory have been updated to reflect Regulatory Advisory 09-04. Under the sell-through provisions, composite wood products and finished goods manufactured before each applicable effective date may legally be sold, supplied, or offered for sale in California for specified periods of time after the effective date. Such products and finished goods do not need to comply with labeling requirements specified in the ATCM, unless these products comply with the emission standards in the ATCM. (If a composite wood product was manufactured after an applicable effective date, the product must meet the applicable emission standard and there is no sell-through period.) As explained below, the sell-through provisions are different for composite wood products and finished goods:

Manufacturers:

Composite wood products: Manufacturers may sell, supply, or offer for sale noncomplying composite wood products manufactured before the effective date of an applicable emission standard, for up to three months after the effective date.

Importers:

Composite wood products: Importers may sell, supply, or offer for sale noncomplying composite wood products for up to three months after the applicable effective date of the emission standard.

Finished goods: Importers may sell, supply, or offer for sale finished goods containing pre-Phase 1 noncomplying composite wood products through December 31, 2010; and finished goods containing Phase 1 compliant composite wood products for up to eighteen months after the applicable Phase 2 emission standards.

Distributors:

Composite wood products: Distributors may sell, supply, or offer for sale pre-Phase 1 noncomplying composite wood products and Phase 1 compliant hardwood plywood with veneer core through December 31, 2010; and Phase 1 compliant particleboard, medium density fiberboard, and hardwood plywood with composite core for up to five months after the effective dates of the applicable Phase 2 emission standards.

Finished goods: Distributors may sell, supply, or offer for sale finished goods containing pre-Phase 1 noncomplying composite wood products through December 31, 2010; and finished goods containing Phase 1 compliant composite wood products for up to eighteen months after the applicable Phase 2 emission standards.

Fabricators: (A "fabricator" is any person, such as a cabinet or furniture maker, who uses composite wood products to make a finished good.)

Finished goods: Fabricators may sell, supply, or offer for sale finished goods made before the applicable effective date of the Phase 1 emission standards through December 31, 2010. Fabricators may also use pre-Phase 1 noncomplying composite wood products, such as material that was on-site in storage or acquired during a sell-through period from a manufacturer, distributor, or importer, to make new finished goods and then sell, supply, or offer for sale those finished goods through December 31, 2010. Such finished goods do not need to comply with labeling requirements specified in the ATCM, unless these products comply with the emission standards in the ATCM.

Similarly, fabricators may sell, supply, or offer for sale finished goods made with Phase 1 compliant composite wood products for up to eighteen months after the applicable effective date of the Phase 2 emission standards.

Note: A fabricator may not purchase for use in finished goods any pre-Phase 1 noncomplying composite wood products manufactured before an applicable effective date, unless it is purchased from a manufacturer or importer during their three month sell-through period for pre-Phase 1 noncomplying composite wood products; or from a distributor on or before December 31, 2010. As explained previously, the revised sell-through provisions apply only to composite wood products manufactured before the applicable Phase 1 effective dates. It is not legal for a fabricator to purchase pre-Phase 1 noncomplying composite wood products manufactured after an applicable effective date; there is no sell-through period for such products.

Retailers:

Composite wood products: Retailers may sell, supply, or offer for sale pre-Phase 1 noncomplying composite wood products through December 31, 2010; and Phase 1 compliant composite wood products for up to twelve months after the effective date of the applicable Phase 2 emission standards.

Finished goods: Retailers may sell, supply, or offer for sale finished goods containing pre-Phase 1 noncomplying composite wood products through December 31, 2010; and finished goods containing Phase 1 compliant composite wood products for up to eighteen months after the effective date of the applicable Phase 2 emission standards.

As noted above, the sell-through periods for fabricators of finished goods and retailers of finished goods containing Phase 1 compliant composite wood products are both eighteen months beyond the applicable effective dates. These time periods are not additive. In other words, a retailer who purchases finished goods from a fabricator during the eighteen month sell-through period cannot legally sell these goods in California after the end of the eighteen month period.

View the ATCM at: <http://www.arb.ca.gov/toxics/compwood/compwood.htm>. Additional information about complying with the ATCM, including staff contacts, fact sheets and Frequently Asked Questions, are available at the same web site.

Manufacturer Sell-through Dates: Composite Wood Products ATCM ¹					
Action	HWPW- VC ²	HWPW- CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
Panels: Last day to manufacture Pre-Phase 1	31 Dec 2008	30 Jun 2009	31 Dec 2008	31 Dec 2008	31 Dec 2008
Effective date of Phase 1 Standard	1 Jan 2009	1 Jul 2009	1 Jan 2009	1 Jan 2009	1 Jan 2009
Panels: Last day to sell Pre-Phase 1	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
<u>Phase 1 Compliant Products</u>					
Panels: Required to begin manufacturing Phase 1	1 Jan 2009	1 Jul 2009	1 Jan 2009	1 Jan 2009	1 Jan 2009
Panels: Required to begin selling Phase 1	1 Apr 2009	1 Oct 2009	1 Apr 2009	1 Apr 2009	1 Apr 2009
Panels: Last day for manufacturing Phase 1	31 Dec 2009	30 Jun 2012	31 Dec 2010	31 Dec 2010	31 Dec 2011
Effective date of Phase 2 Standard	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
Panels: Last day to sell Phase 1	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
<u>Phase 2 Compliant Products</u>					
Panels: Required to begin manufacturing Phase 2	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
Panels: Required to begin selling Phase 2	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
<p>⁽¹⁾ <u>Disclaimer</u>: This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers).</p> <p>⁽²⁾ <u>Acronyms</u>: HWPW-VC: Hardwood Plywood-Veneer Core HWPW-CC: Hardwood Plywood-Composite Core PB: Particleboard MDF: Medium Density Fiberboard tMDF: Thin Medium Density Fiberboard</p>					

Distributor Sell-through Dates: Composite Wood Products ATCM ¹					
Action	HWPW-VC ²	HWPW-CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
Effective date of Phase 1 Standard	1 Jan 2009	1 Jul 2009	1 Jan 2009	1 Jan 2009	1 Jan 2009
Panels: Last day to buy Pre-Phase 1 from manufacturers	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Panels: Last day to buy Pre-Phase 1 from importers	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Panels: Last day for selling Pre-Phase 1	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
Finished Goods: Last day for selling Pre-Phase 1	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
<u>Phase 1 Compliant Products</u>					
Panels: Required to begin selling Phase 1	<i>NA³</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>
Effective date of Phase 2 Standard	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
Panels: Last day to buy Phase 1 from manufacturers	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
Panels: Last day to buy Phase 1 from importers	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
Panels: Last day for selling Phase 1	<i>31 Dec 2010</i>	<i>30 Nov 2012</i>	<i>31 May 2011</i>	<i>31 May 2011</i>	<i>31 May 2012</i>
Finished Goods: Required to begin selling Phase 1	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>
Finished Goods: Last day for selling Phase 1	30 Jun 2011	31 Dec 2013	30 Jun 2012	30 Jun 2012	30 Jun 2013
<u>Phase 2 Compliant Products</u>					
Panels: Required to begin selling Phase 2	<i>1 Jan 2011</i>	<i>1 Dec 2012</i>	<i>1 Jun 2011</i>	<i>1 Jun 2011</i>	<i>1 Jun 2012</i>
Finished Goods: Required to begin selling Phase 2	<i>1 Jul 2011</i>	<i>1 Jan 2014</i>	<i>1 Jul 2012</i>	<i>1 Jul 2012</i>	<i>1 Jul 2013</i>
<p>(¹) <u>Disclaimer</u>: This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table shown in italics have been updated to reflect Regulatory Advisory 09-04, dated November 2009.</p> <p>(²) <u>Acronyms</u>: HWPW-VC: Hardwood Plywood-Veneer Core HWPW-CC: Hardwood Plywood-Composite Core PB: Particleboard MDF: Medium Density Fiberboard tMDF: Thin Medium Density Fiberboard</p> <p>(³) May sell pre-Phase 1 HWPW-VC through 31 Dec 2010.</p>					

Importer Sell-through Dates: Composite Wood Products ATCM ¹					
Action	HWPW-VC ²	HWPW-CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
Effective date of Phase 1 Standard	1 Jan 2009	1 Jul 2009	1 Jan 2009	1 Jan 2009	1 Jan 2009
Panels: Last day to buy or sell Pre-Phase 1	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Finished Goods: Last day for selling Pre-Phase 1	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
<u>Phase 1 Compliant Products</u>					
Panels: Required to begin selling Phase 1	1 Apr 2009	1 Oct 2009	1 Apr 2009	1 Apr 2009	1 Apr 2009
Effective date of Phase 2 Standard	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
Panels: Last day for selling Phase 1	31 Mar 2010	30 Sep 2012	31 Mar 2011	31 Mar 2011	31 Mar 2012
Finished Goods: Required to begin selling Phase 1	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>
Finished Goods: Last day for selling Phase 1	30 Jun 2011	31 Dec 2013	30 Jun 2012	30 Jun 2012	30 Jun 2013
<u>Phase 2 Compliant Products</u>					
Panels: Required to begin selling Phase 2	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
Finished Goods: Required to begin selling Phase 2	<i>1 July 2011</i>	<i>1 Jan 2014</i>	<i>1 Jul 2012</i>	<i>1 Jul 2012</i>	<i>1 Jul 2013</i>
<p>⁽¹⁾ <u>Disclaimer</u>: This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table shown in italics have been updated to reflect Regulatory Advisory 09-04, dated November 2009.</p> <p>⁽²⁾ <u>Acronyms</u>: HWPW-VC: Hardwood Plywood-Veneer Core HWPW-CC: Hardwood Plywood-Composite Core PB: Particleboard MDF: Medium Density Fiberboard tMDF: Thin Medium Density Fiberboard</p>					

Fabricator Sell-through Dates: Composite Wood Products ATCM ¹					
Action	HWPW-VC ²	HWPW-CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
Effective date of Phase 1 Standard	1 Jan 2009	1 Jul 2009	1 Jan 2009	1 Jan 2009	1 Jan 2009
Panels: Last day to buy Pre-Phase 1 from manufacturers	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Panels: Last day to buy Pre-Phase 1 from importers	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Panels: Last day to buy Pre-Phase 1 from distributors	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
Finished Goods: Last day for selling Pre-Phase 1	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
<u>Phase 1 Compliant Products</u>					
Panels: Required to buy Phase 1 from manufacturers	1 Apr 2009	1 Oct 2009	1 Apr 2009	1 Apr 2009	1 Apr 2009
Panels: Required to buy Phase 1 from importers	1 Apr 2009	1 Oct 2009	1 Apr 2009	1 Apr 2009	1 Apr 2009
Panels: Required to buy Phase 1 from distributors	<i>NA³</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>
Effective date of Phase 2 Standard	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
Finished Goods: Required to begin selling Phase 1	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>
Finished Goods: Last day for selling Phase 1	30 Jun 2011	31 Dec 2013	30 Jun 2012	30 Jun 2012	30 Jun 2013
<u>Phase 2 Compliant Products</u>					
Panels: Required to buy Phase 2 from manufacturers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
Panels: Required to buy Phase 2 from importers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
Panels: Required to buy Phase 2 from distributors	1 Jan 2011	1 Dec 2012	1 Jun 2011	1 Jun 2011	1 Jun 2012
Finished Goods: Required to sell Phase 2	1 Jul 2011	1 Jan 2014	1 Jul 2012	1 Jul 2012	1 Jul 2013
<p>⁽¹⁾ Disclaimer: This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table shown in italics have been updated to reflect Regulatory Advisory 09-04, dated November 2009.</p> <p>⁽²⁾ Acronyms: HWPW-VC: Hardwood Plywood-Veneer Core MDF: Medium Density Fiberboard HWPW-CC: Hardwood Plywood-Composite Core tMDF: Thin Medium Density Fiberboard PB: Particleboard</p> <p>⁽³⁾ May buy pre-Phase 1 HWPW-VC through 31 Dec 2010.</p>					

Retailer Sell-through Dates: Composite Wood Products ATCM ¹					
Action	HWPW-VC ²	HWPW-CC	PB	MDF	tMDF
<u>Pre-Phase 1 Products</u>					
Effective date of Phase 1 Standard	1 Jan 2009	1 Jul 2009	1 Jan 2009	1 Jan 2009	1 Jan 2009
Panels: Last day to buy Pre-Phase 1 from manufacturers	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Panels: Last day to buy Pre-Phase 1 from importers	31 Mar 2009	30 Sep 2009	31 Mar 2009	31 Mar 2009	31 Mar 2009
Panels: Last day to buy Pre-Phase 1 from distributors	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
Panels: Last day for selling Pre-Phase 1	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
Finished Goods: Last day for selling Pre-Phase 1	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>	<i>31 Dec 2010</i>
<u>Phase 1 Compliant Products</u>					
Panels: Required to buy Phase 1 from manufacturers	1 Apr 2009	1 Oct 2009	1 Apr 2009	1 Apr 2009	1 Apr 2009
Panels: Required to buy Phase 1 from importers	1 Apr 2009	1 Oct 2009	1 Apr 2009	1 Apr 2009	1 Apr 2009
Panels: Required to buy Phase 1 from distributors	<i>NA³</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>	<i>1 Jan 2011</i>
Effective date of Phase 2 Standard	1 Jan 2010	1 Jul 2012	1 Jan 2011	1 Jan 2011	1 Jan 2012
Panels: Last day for selling Phase 1	31 Dec 2010	30 Jun 2013	31 Dec 2011	31 Dec 2011	31 Dec 2012
Finished Goods: Last day for selling Phase 1	30 Jun 2011	31 Dec 2013	30 Jun 2012	30 Jun 2012	30 Jun 2013
<u>Phase 2 Compliant Products</u>					
Panels: Required to buy Phase 2 from manufacturers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
Panels: Required to buy Phase 2 from importers	1 Apr 2010	1 Oct 2012	1 Apr 2011	1 Apr 2011	1 Apr 2012
Panels: Required to buy Phase 2 from distributors	1 Jan 2011	1 Dec 2012	1 Jun 2011	1 Jun 2011	1 Jun 2012
Panels: Required to sell Phase 2	1 Jan 2011	1 Jul 2013	1 Jan 2012	1 Jan 2012	1 Jan 2013
Finished Goods: Required to sell Phase 2	1 Jul 2011	1 Jan 2014	1 Jul 2012	1 Jul 2012	1 Jul 2013
<p>⁽¹⁾ <u>Disclaimer</u>: This table is an informative digest of the text in title 17, California Code of Regulations, section 93120.12, Appendix 1 (Sell-through Provisions and Dates that Apply to Manufacturers, Distributors, Importers, Fabricators, and Retailers). Dates in this table shown in italics have been updated to reflect Regulatory Advisory 09-04, dated November 2009.</p> <p>⁽²⁾ <u>Acronyms</u>: HWPW-VC: Hardwood Plywood-Veneer Core MDF: Medium Density Fiberboard HWPW-CC: Hardwood Plywood-Composite Core tMDF: Thin Medium Density Fiberboard PB: Particleboard</p> <p>⁽³⁾ May buy pre-Phase 1 HWPW-VC through 31 Dec 2010.</p>					

