



Advisory

To: **COMPOSITE WOOD
PRODUCTS INDUSTRY**

Number 384 – Revised

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LABELING REQUIREMENTS FOR MANUFACTURERS, FABRICATORS, IMPORTERS, DISTRIBUTORS, AND RETAILERS

Introduction

The California Air Resources Board (CARB) approved an Airborne Toxic Control Measure (ATCM) in April 2007 to reduce formaldehyde emissions from composite wood products including hardwood plywood (HWPW), medium density fiberboard (MDF), and particleboard (PB) (Title 17, California Code of Regulations §93120-93120.12). The ATCM applies to manufacturers, distributors, importers, fabricators, retailers, and third party certifiers of composite wood products, and finished goods that contain composite wood products, which are destined for the California market.

Everyone, including the general public, must be able to determine quickly and easily that the goods they are purchasing are low in formaldehyde emissions and comply with the ATCM. Therefore, proper labeling is critical. The intent of this advisory is to clarify the labeling requirements for composite wood products and finished goods containing composite wood products bound for California.

General Labeling Requirements

The first effective date for labeling compliant composite wood products, or finished goods containing composite wood products, is January 1, 2009. It is acceptable to label compliant products before the effective dates as long as all the requirements of the ATCM have been met. Noncompliant products cannot be labeled as compliant. Noncompliant products to be sold during a sell-through period cannot be labeled as compliant. Items not intended for sale in California are not required to be labeled.

The ATCM specifies the minimum information required for a label but does not specify the format, color, size, or font for the label. These choices are left to the manufacturer or fabricator to allow flexibility to meet the needs of individual companies. All required information must be in readable English and not in code. The required information may be on a separate label or incorporated into other existing labels. Individual companies may include any additional information they deem necessary.

Labels should be properly affixed to withstand transportation and normal handling of the item. There should be proper documentation to identify the article and confirm compliance in the event that the label does become separated from the product. Labels may also be stamped or printed directly on to the composite wood product or finished good and should be in a location that is easily accessible.

Labeling Requirements for Manufacturers:

Section 93120.3(e) requires manufacturers of HWPW, PB or MDF to clearly label each panel or bundle destined for sale in California. CARB strongly recommends that each individual panel be labeled to assure the downstream customers that a panel is compliant if it is removed from the original bundle and sold individually. Labels must include, at a minimum, the following information:

1. Manufacturer's name.
2. Product lot number or batch produced.
3. CARB assigned number for the third party certifier. No third party certifier number is required if the products were made using no-added formaldehyde (NAF) and certain ultra-low-emitting formaldehyde (ULEF) based resins.
4. A statement of compliance to denote that the composite wood product complies with the requirements of the ATCM.

The statement of compliance should be clear to a global market due to the worldwide scope of this regulation. Therefore, CARB is recommending that the statement of compliance contain at least the word "California" or CARB, and include section 93120, the applicable compliance Phase (Phase 1, Phase 2) or NAF/ULEF. For example, a statement of compliance may read "California 93120 Phase 2 Compliant for Formaldehyde."

The wood products industry often uses brand names or other means to conceal trade secrets such as which manufacturer makes a certain board type. In recognition of this as an accepted practice, CARB will allow some flexibility in the labeling requirement for "manufacturer name." It is the intention of the ATCM that the "manufacturer name" be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the board. It will be acceptable for a company to replace an original manufacturer's label with a label listing their own company name in place of the "manufacturer name" as long as all of the other required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company who appears on the label as the manufacturer assumes responsibility for the product.

Alternatively, a company may contract with foreign or domestic manufacturers to make panels and label the panels using the company's name in place of the "manufacturer name." All other required information in section 93120.3(e) must also be on the label.

CARB Enforcement recommends that the date of manufacture be included on the labels, although it is not required. The date should include the two digit month, two digit day and four digit year (mm/dd/yyyy).

Example:

Modern Healthy Composite Wood Company
Lot number 3, 01/05/2009
California 93120 compliant for formaldehyde Phase 1
TPC-__ _

Labeling Requirements for Fabricators:

Section 93120.7(d) requires fabricators to clearly label all finished goods containing HWPW, PB, or MDF destined for sale in California. CARB strongly recommends labeling of both the finished good and the box the finished good is contained in. Labels must include, at a minimum, the following information:

1. Fabricator's name.
2. Date the finished good was produced.
3. A statement of compliance to denote that the composite wood product or finished good complies with the ATCM. Finished goods made with NAF/ULEF based resins shall be labeled as such.

The statement of compliance should be clear to a global market due to the worldwide scope of this regulation. Therefore, CARB is recommending that the statement of compliance contain the word "California" or CARB and the section 93120.. For example, a statement of compliance may read "California 93120 Compliant for Formaldehyde."

The ATCM requires that the labels be applied as a stamp, tag, sticker, or bar code. All information specified in section 93120.7(d), and as listed above, must be in readable English even if a bar code system is used. Any additional information may be encoded. The fabrication date must include the month and year.

Components being shipped intra-company do not need to be labeled as long as they are exclusively for use by the fabricator for making finished goods.

The wood products industry often uses brand names or other means to conceal trade secrets such as which fabricator makes a certain type of furniture. In recognition of this as an accepted practice, CARB will allow some flexibility in the labeling requirement for "fabricator name." It is the intention of the ATCM that the "fabricator name" be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the product. It will be acceptable for a company to replace an original fabricator's label with a label listing their own company name in place of the "fabricator name" as long as all of the other original required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company who appears on the label as the fabricator assumes responsibility for the product.

Alternatively, a company may contract with foreign or domestic fabricators to make furniture or other finished goods and label the finished goods using the company's name in place of the "fabricator name." All other required information in section 93120.7(d) must also be on the label.

Some finished goods may contain boards that meet different phases of compliance. The statement of compliance does not need to identify each specific phase of compliance. Enforcement staff will be able to identify which emission phases are required to be met based on the fabrication date found on the label. If all of the composite wood products contained in the finished good are made with NAF or ULEF based resins it must be stated as such.

Example:

Greenday Furniture Company

01/2009

California 93120 compliant for formaldehyde

OR

California 93120 compliant for formaldehyde. Produced with all ULEF-based products.

Distributors and Importers:

No additional labeling is required as long as the composite wood products and/or finished goods are not modified. If modifications are made, the importer or distributor then assumes the role of a fabricator and must label the goods according to section 93120.7(d). A “modification” is any change to a composite wood product that affects formaldehyde emissions. Some examples would include but are not limited to: coating, laminating, gluing, heating or bending of composite wood products subject to the ATCM. A new label would also be required if the original product has been cut or modified to create new products. For example, cutting off an end for trimming would not constitute a modification. Cutting the product to create new items would be considered a modification.

Breaking down bundles of HWPW, PB or MDF for individual sale is not considered a modification. Therefore, no additional labeling requirements are specified in the ATCM. CARB strongly recommends that if bundles are broken down, the smaller units should be labeled with the same information required on the original manufacturer label. Ultimately each panel must be traceable back to the original manufacturer. If the items are not traceable through other means, then the individual panels should be labeled. This will help to assure downstream customers that each composite wood product they are being supplied is compliant. If a panel is not traceable and a violation is found, it may leave importers, distributors and downstream customers more vulnerable to an enforcement action.

The wood products industry often uses brand names or other means to conceal trade secrets such as which manufacturer or fabricator makes a certain product. In recognition of this as an accepted practice, CARB will allow some flexibility in this labeling requirement. It is the intention of the ATCM that the manufacturer name or fabricator name be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the product. Therefore, it will be acceptable for an importer or distributor to replace an original label with a label listing their own company name in place of the manufacturer name or fabricator name as long as all of the other original required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company who appears on the label as the manufacturer or fabricator assumes responsibility for the product.

Alternatively, an importer or distributor may contract with foreign or domestic companies to make composite wood products and label those products using the importer’s or distributor’s name in place of the “manufacturer name” or the “fabricator name.” All other required information in sections 93120.3(e) and 93120.7(d) where applicable, must also be on the label.

Retailers:

Retailers do not have any additional labeling requirements under the ATCM. Existing labels should not be removed from a composite wood product or finished good. Retailers should be aware of composite wood panels that are labeled as a bundle or finished goods containing composite wood products which only have a labeled container. While this fulfills the requirements of the ATCM,

products offered for sale that are not labeled may invite further investigation. Because of this CARB recommends that manufacturers label individual panels of HWPW, PB or MDF. It is also recommended that fabricators label both the finished good and the box the finished good is contained in. The regulation only requires the finished good or the box to be labeled.

The wood products industry often uses brand names or other means to conceal trade secrets such as which manufacturer or fabricator makes a certain product. In recognition of this as an accepted practice, CARB will allow some flexibility in this labeling requirement. It is the intention of the ATCM that the manufacturer name or fabricator name be included on the label to easily identify the party responsible for the formaldehyde emission characteristics of the product. Therefore, it will be acceptable for a retailer to replace an original label with a label listing their own company name in place of the manufacturer name or fabricator name as long as all of the other original required label information is retained on the new label. CARB enforcement will then know who to contact if excess formaldehyde emissions are found. The company who appears on the label as the manufacturer or fabricator assumes responsibility for the product.

Alternatively, retailer may contract with foreign or domestic companies to make composite wood products and label those products using the retailer's name in place of the "manufacturer name" or the "fabricator name." All other required information in sections 93120.3(e) and 93120.7(d) where applicable, must also be on the label.

If you have any questions, please contact Angela Csondes at (916) 445-4448 (acsondes@arb.ca.gov).

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