

Announcement Regarding the Recently Published Article in the Western Reporter September 2008 Issue – “California’s Composite Wood Products Regulation Effective Next January”

CARB received numerous inquiries over the past few weeks from the readers of the Western Reporter’s September 2008 issue regarding our recently published article on the Composite Wood Products Airborne Toxic Control Measure (ATCM). In the article, titled, “California’s Composite Wood Products Regulation Effective Next January”, the basic regulatory requirements and sell-through provisions were discussed, as well as the necessary steps that home furnishings retailers need to take to ensure they comply with the new regulation. Unfortunately, there has been some misunderstanding with respect to time frames for selling and supplying noncompliant products to California. Therefore, CARB would like to provide additional information to readers and the regulated community.

Originally this article stated that ***“Beginning January 1, 2009 any composite wood product, or finished good containing composite wood products (a.k.a. finished good, such as furniture, cabinets, etc.), intended for the California market, must meet California’s clean air emission standards limiting formaldehyde emissions.”*** While this is a true statement, many readers contend that this first sentence implied that only finished goods made with compliant composite wood products can be sold, supplied, and/or offered for sale to California after January 1, 2009. However, the ATCM does have provisions that allow 18 months for retailers to clear noncompliant inventories of finished goods after January 1, 2009. Under the sell-through provisions, finished goods fabricated from composite wood products that were manufactured before each applicable effective date may legally be sold, supplied, or offered for sale in California for 18 months after the effective date. Thus, for the initial effective date of January 1, 2009, finished goods using composite wood products that were manufactured before January 1, 2009 could be fabricated after January 1, 2009 and sold by the fabricator or retailer until June 30, 2010.

For additional information on the sell-through dates that apply to entities required to comply with the regulation, please refer to the following link at:
http://www.arb.ca.gov/toxics/compwood/implementation/sell_thruadvisory.pdf

California's Composite Wood Products Regulation Effective Next January

Angela Csondes
California Air
Resources Board

Beginning January 1, 2009 any composite wood product, or finished good containing composite wood products (a.k.a. finished good, such as furniture, cabinets, etc.), intended for the California market, must meet California's clean air emission standards limiting formaldehyde emissions. The regulation addresses three types of commonly used composite wood products — hardwood plywood, particleboard and medium-density fiberboard. Responsibility for compliance will run through each link in the commercial chain of control and each will be held liable and subject to enforcement actions.

Formaldehyde was identified by the California Air Resources Board in 1992 as a toxic air contaminant and state law requires that the public's exposure be reduced through the use of best available control technology. Sufficient evidence exists for the California Air Resources Board, the U.S. Environmental Protection Agency, and the International Agency for Research on Cancer to conclude that formaldehyde causes cancer in humans.

In addition to cancer health concerns, exposure to formaldehyde can cause headaches, nausea and fatigue. Moderate levels of formaldehyde can cause a number of adverse health effects including temporary burning or itchy eyes and nose, stuffy nose and sore throat. At higher concentrations formaldehyde can irritate the lung's passageways and cause chest tightness, coughing and wheezing.

It is for these reasons, and the fact that technology currently exists to reduce the health risks, that the California Air Resources Board passed this regulation.

Recognized as the most stringent production-based emission standards in the world, this regulation will be implemented in two phases requiring increasingly stringent emissions reductions. Phase 1 emission standards will be effective on January 1, 2009, and

Phase 2 emission standards will be implemented between 2010 and 2012.

Responsibility for compliance applies through the entire commercial product-distribution

chain. The manufacturers of composite wood products, third party certifiers, fabricators, distributors, importers and retailers of composite wood products and finished goods must collectively assure that the composite wood products and finished goods manufactured for sale in California are compliant in commerce. This will require that each recognizes and clearly understands the California's composite wood product regulation.

Retailers are required to keep records and document their products for California sale to comply with the requirements. At a minimum, records must include the names of suppliers, dates purchased and a description of the "reasonable prudent precautions" taken. Reasonable prudent precautions include instructing suppliers that they must supply goods that comply with California standards and documenting this exchange. Records should be kept in electronic or hard copy form for two years.

California's composite wood product regulation contains sell-through provisions. This allows a period of time to sell existing inventories of composite wood products and finished goods containing composite wood products after the January 1, 2009 effective date. The same set of sell-through periods apply as Phase 2 emission standards become effective between January 2010 and July 2012. For retailers, the sell-through period for composite wood products (particleboard, medium-density fiberboard, and hardwood plywood) is 12 months after the emission standard effective dates. Retailers will also have 18 months, to use, sell, supply and offer for sale finished goods containing composite wood products.

California Air Resources Board enforcement officers and local air pollution officials are authorized to conduct inspections at retail facilities and request documentation proving compliance. Any outlet found with non-complying products will be subject to penalties.

California Air Resources Board staff's outreach efforts indicate that major big box retailers are aware of the regulation and working to be in compliance by January 1, 2009. All North American producers of particleboard, hardwood plywood and medium-density fiberboard are anticipated to be in compliance in advance of the January 1, 2009, implementation date. 

For more information please visit the website at: www.arb.ca.gov/toxics/compwood/compwood.htm, or contact Ms. Angela Csondes at acsondes@arb.ca.gov.

Learn More

Formaldehyde Regulations Webinar

Thursday, September 25
10 a.m. – 11 a.m.

Attend a webinar presented by the California Air Resources Board on the new formaldehyde regulations affecting retailers.

Register today — Call (800) 422-3778 or email sbradley@whfa.org.