

FACT SHEET for RETAILERS of FINISHED GOODS

REDUCING FORMALDEHYDE EMISSIONS FROM

Composite Wood Products

Airborne Toxic Control Regulation Requirements



What are composite wood products?

“Composite wood products” are panels made from pieces, chips, particles, or fibers of wood bonded together with a resin. The California Composite Wood Products Regulation specifically focuses on three products: hardwood plywood with a veneer core or composite core (HWPW), particleboard (PB), and medium density fiberboard (MDF). The regulation requires finished goods made with HWPW, PB, and MDF that comply with the regulatory requirements and to be labeled as such. Composite wood is found in many different types of finished goods such as cabinets, doors, furniture, flooring products, moldings, toys, mirror and photo frames, audio speakers, base boards, shelving, and countertops.

Who is subject to the Composite Wood Products Regulation?

The regulation applies to panel manufacturers, distributors, importers, fabricators, retailers, and third party certifiers of HWPW, PB, MDF. It also applies to retailers and fabricators of finished goods containing those products that are sold or supplied to businesses and consumers in California. This fact sheet discusses the requirements for retailers.

What is a retailer?

Retailers are entities that sell or supply finished goods that contain composite wood products directly to consumers that are intended for use in California. Retailers include small independently owned and operated businesses, as well as large national and international businesses.

What does the Composite Wood Products Regulation require?

The regulation requires manufacturers of composite wood products to produce products that meet increasingly strict emission standards. Fabricators of finished goods are required to take reasonable prudent precautions to ensure products they make comply with the emission limits and to keep records. Retailers need to ensure when ordering finished goods from a fabricator to request only products that meet the regulatory requirements for composite wood products.

What are the emission standards?

As shown in the tables below, the regulation establishes two phases of formaldehyde emission standards, for HWPW with a veneer core (HWPW-VC) and with a composite core (HWPW-CC), PB, MDF, and thin MDF (≤ 8 mm thick). Finished goods must be made with composite wood products that meet these standards. The standards apply to both domestic and imported products.

PHASE 1 FORMALDEHYDE EMISSION STANDARDS (parts per million)*

EFFECTIVE DATE	HWPW-VC	HWPW-CC	PB	MDF	tMDF
JANUARY 2009	0.08	----	0.18	0.21	0.21
JULY 2009	----	0.08	----	----	----

* based on ASTM E 1333-96 (2002)

PHASE 2 FORMALDEHYDE EMISSION STANDARDS (parts per million)*

EFFECTIVE DATE	HWPW-VC	HWPW-CC	PB	MDF	tMDF
JANUARY 2010	0.05	----	----	----	----
JANUARY 2011	----	----	0.09	0.11	----
JANUARY 2012	----	----	----	----	0.13
JULY 2012	----	0.05	----	----	----

* based on ASTM E 1333-96 (2002)

As a retailer, what should I do to comply with the regulation?

- ✓ Make sure you request only compliant goods when ordering from a supplier.
- ✓ Check for a statement of compliance on the invoices or bills of lading for any finished goods that are made with HWPW, PB, or MDF -- the regulation requires suppliers to include such a statement indicating compliance with the regulation.
- ✓ Check to make sure any finished good containing composite wood products is labeled on the box or the item itself by the fabricators to show:
 - Fabricators name
 - Date of fabrication
 - Compliance statement (such as "Complies with CARB 93120")*
- ✓ Keep records, such as invoices, of all regulated finished good purchases. Make sure the records show the date of purchase and the supplier.
- ✓ Keep records for at least two years.

* CARB 93120 is a reference to the regulatory language of the California Code of Regulation, section 93120-93120.12.

Is my business subject to inspections?

Yes. All retail facilities that sell, or offer for sale, finished goods are subject to inspection by Air Resources Board staff. Air Resources Board staff may purchase products for laboratory testing to determine compliance with the emissions standards.

When do I have to comply?

The regulation is implemented in two phases: Phase 1 and more stringent Phase 2 standards. Under the sell-through provision, businesses can sell noncompliant inventories for a period of time.

- Finished goods made with pre-Phase 1 composite wood panels that are not compliant with Phase 1 or Phase 2 standards cannot be sold after December 31, 2012. In most cases, pre-Phase 1 finished goods would have been made prior to January 1, 2009.
- Finished goods made with Phase 1 compliant panels can be sold until December 31, 2013. Phase 2 compliant products can be sold indefinitely.

For additional information on the sell-through provisions, please refer to:
<http://www.arb.ca.gov/toxics/compwood/outreach/regguidance0212.pdf>

What exemptions apply under the Composite Wood Products Regulation?

The regulation does not apply to finished goods sold outside of California or to products subject to federal requirements governing the construction of manufactured homes. The regulation also provides exemptions for certain types of window and door assemblies.

Additional questions and answers for retailers:

- **Where should I look for labels?** The regulation requires that the product label be placed on individual finished goods or on the boxes containing finished goods.
- **Are retailers responsible for labeling finished goods?** No. Fabricators are responsible for labeling the finished goods that are supplied to retailers.
- **Are retailers of consignment, antique and/or used furniture subject to the regulation?** Used and antique furniture are not subject to the regulation.
- **Do displays acquired and used but not sold by a retailer need to be compliant?** Yes. Display items are covered by the "supply" and "use" scope of the regulation.

FOR MORE INFORMATION:

Please visit our website at <http://www.arb.ca.gov/toxics/compwood/compwood.htm>

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